

SAN BERNARDINO COUNTY INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APN:	0539-223-04	USGS Quad:	HARVARD HILL
Applicant:	Newberry Springs Land Development, LLC	T, R, Section:	T10N R3E Sec. 14 & 11
Community:	Newberry Springs	Planning Area:	N/A
Project No:	P201500299/CUP	LUZD:	RURAL COMMERCIAL (CR)
Staff:	Reuben J. Arceo		
Rep:	Raymond Stadler, P.E.		
Proposal:	CONDITIONAL USE PERMIT TO CONSTRUCT AND OPERATE A GAS STATION WITH TWELVE (12) AUTOMOBILE FUEL DISPENSING PUMPS, TWO (2) TRACTOR TRAILER FUEL DISPENSING PUMPS AND A 4,341 SQUARE-FOOT CONVENIENCE STORE ON A PORTION OF 3.78-ACRES IN THE COMMUNITY OF NEWBERRY SPRINGS.	Overlays:	AIRPORT SAFETY 4 (AR4) BIOLOGICAL RESORUCES (BR)

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department – Planning Division
15900 Smoke Tree Street, Suite 131
Hesperia, CA 92345

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Fax No: (909) 387-3249

Project Sponsor: Raymond Stadler
2504 Airfield Court
Kingman, AZ

PROJECT DESCRIPTION:

The proposed project is a Conditional Use Permit (CUP) to construct and operate a 4,341 square-foot convenience store with twelve (12) gasoline pumps and two diesel dispensing units for tractor-trailers on a portion of 3.78-acres in the community of Newberry Springs as noted in Exhibit 1. The Project will also include a paved parking lot with 30 parking-spaces, of which 27 are regular striped parking stalls (9'x19') one (1) Van accessible disabled stall, one (1) disabled parking stall (14'x19') and one loading zone stall. Part of the lot coverage includes the installation of landscaping and signage, and the construction of two storm water detention basins as shown in Exhibit 2. The project will involve approximately 2,311 cubic yards of cut and 704 cubic yards of fill, the construction of the convenience store, the installation of above ground fuel storage tanks, the installation of one (1) above ground water storage tank, and the installation of a septic system. Off-site improvements will consist of street improvements, including curb, gutter and sidewalks along the property frontage of Harvard Road and street improvements, including, curb gutter and sidewalks along the property frontage of Hacienda Road. The project site is located on the southeast corner of Harvard Road and Hacienda Road. The County's General Plan designates the project area as Rural Commercial (CR). The site is regulated by the Airport Safety 4 (AR4) Overlay, and the Biological Resources (BR) Overlay.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project site is vacant undeveloped and cleared of native vegetation. As cited in Table 1 below, the properties to the east and west are vacant undisturbed and the property to the north has previously been occupied by a manufactured home but is currently vacant. It currently acts as an unofficial rest stop for travelers along Interstate 15 and is subject to disturbances associated with those activities. The existing circulation is Interstate 15, Harvard Road and Hacienda Road. The property to the west is currently vacant but was once occupied by a gas station and tire shop. The zoning districts surrounding the project site are zoned Rural Commercial (CR) as noted in Table 1.

Table 1: Surrounding Land Use Zoning Districts

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	OVERLAYS
Site	Vacant	CR	AR4, BR
North	Vacant/Residential	CR	AR4, BR
South	Interstate 15	CR	AR4, BR
East	Vacant	CR	AR4, BR
West	Vacant	CR	AR4, BR

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

Federal: Fish & Wildlife

State of California: Lahontan Regional Water Quality Control Board, Fish & Wildlife, Mojave Desert Air Quality Management District, Caltrans

County of San Bernardino: Land Use Services Department – Building and Safety Division, Land Development Division; Department of Public Health – Environmental Health Services Division; Department of Public Works – Surveyor, Traffic; and County Fire

Local: N/A

EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on 18 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. Therefore, no impacts are identified or anticipated and no mitigation measures are required.
2. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. 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 mitigation measures)
4. Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (Listing the impacts requiring analysis within the EIR).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

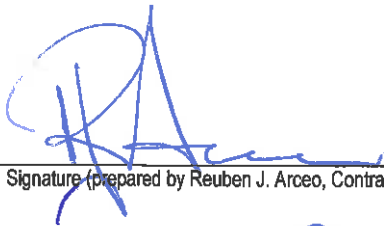
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: (To be completed by the Lead Agency)

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

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



Signature (prepared by Reuben J. Arceo, Contract Planner):

Nov 1, 2016
Date



Signature: Heidi Duron, Supervising Planner

10/1/2016
Date

Exhibit 1 Vicinity Map



Exhibit 2
 Site Plan

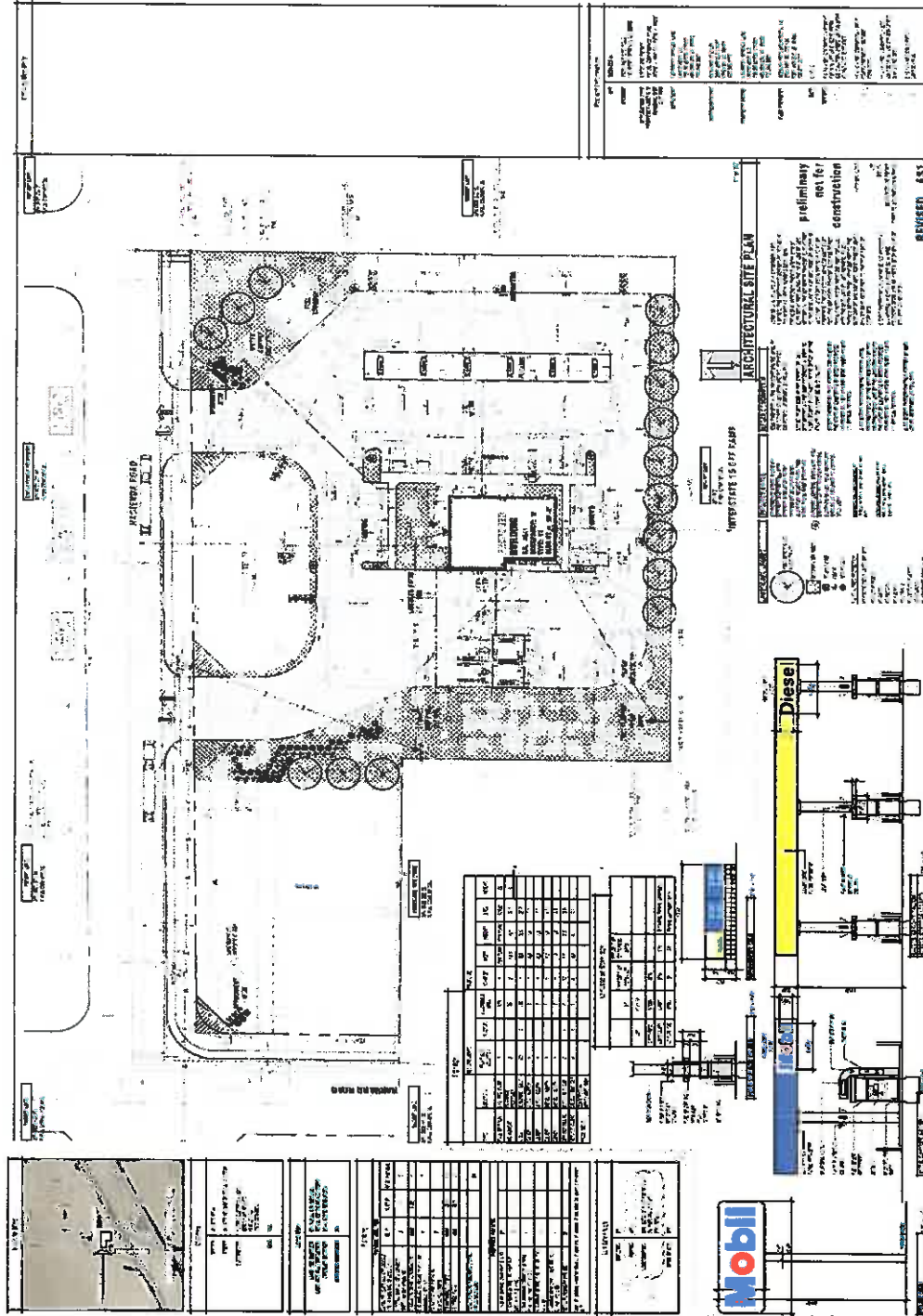
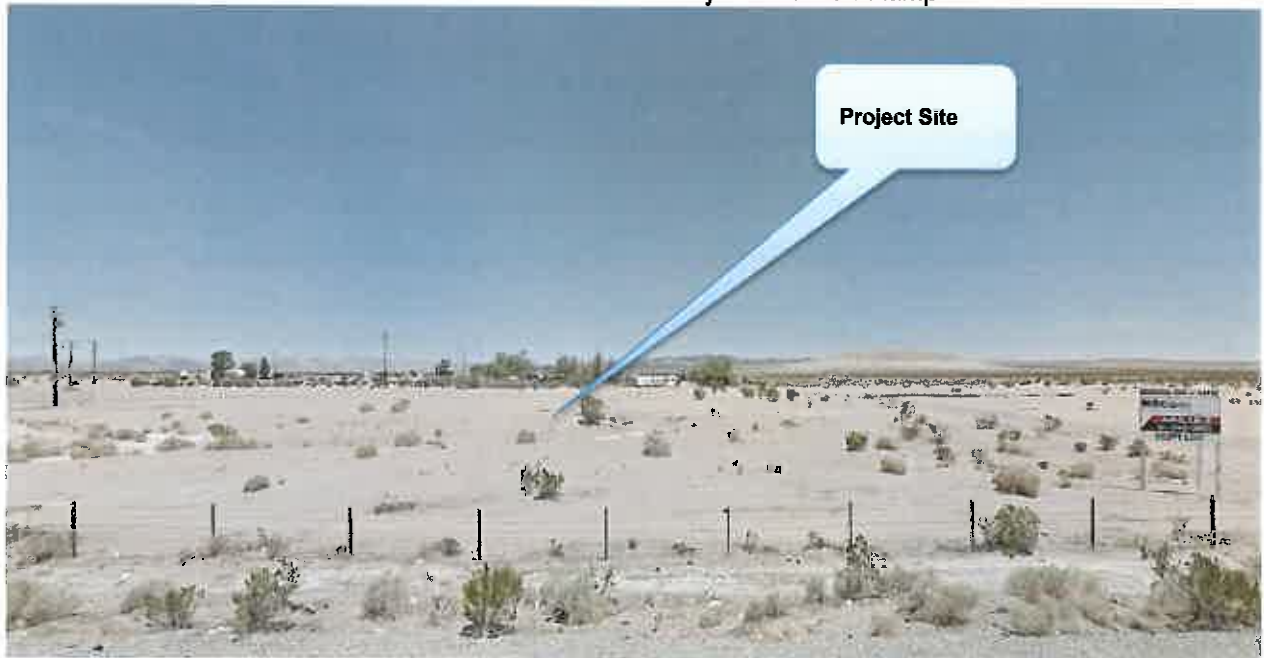


Exhibit 3
Photos

Easterly View from Harvard Road



Northview from Interstate 15 Fwy Exit 206 Off Ramp



Northwesterly View of Project Site from 15 Fwy 206 Off Ramp



Southeasterly View of Project Site from Harvard Road



Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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I. AESTHETICS - Would the project

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

- I a) **Less Than Significant with Mitigation Incorporated.** General Plan Open Space Element Policy OS 5.1. states that a feature or vista can be considered scenic if it:
- A roadway, vista point, or area that provides a vista of undisturbed natural areas,
 - Includes a unique or unusual feature that comprises an important or dominant portion of the view shed, or
 - Offers a distant vista that provides relief from less attractive views of nearby features (such as views of mountain backdrops from urban areas).

The Project site is located in the community of Newberry Springs, which consists largely of rural residential development and vacant land. Surrounding land uses are vacant, with single-family residences located west of the project site within the site's general vicinity. The Project site itself does not provide a vista of undisturbed natural areas as demonstrated in the photos in Exhibit 3. The property directly to the north operates as an unofficial rest stop for travelers. Interstate 15 and the freeway off-ramps are directly to the south. The overall general terrain in the vicinity is sparsely vegetated.

There are no unique or unusual features on the site that could comprise an important or dominate position in the view shed because the Project site lacks any unusual or unique feature. The Project site has been heavily disturbed and graded at some point. There are no unique geologic or natural features present.

Finally, the Project site does not offer distant vistas that provide relief from less attractive nearby features. The proposed project would alter the existing vacant and undeveloped condition of the property as there are relatively few commercial structures that are similar in scale, size and function. While the Project will introduce structural elements that will be seen from roadways and the freeway, such as the construction of the 20 foot high convenience store building, 17 foot high gas station canopy, 16 foot high water storage tank and 25-foot high pole sign; the distant view of mountain backdrops will not be affected due to the relatively low building height of the fueling station canopy.

The County's General Plan Open Space Element Policy OS 5.3 includes a list of designated scenic corridors. Development within 200-feet on either side of the ultimate road right-of-way of a designated scenic corridor is required to demonstrate through visual analysis that the proposed improvements are compatible with the scenic qualities present. Interstate 15 is defined in the General Plan as a scenic corridor, the visual simulations as shown from vantage points along Interstate 15 demonstrate the proposed Project will be compatible with the visual backdrop by incorporating neutral colors. The pole sign proposed will also not exceed the 25-foot maximum height as allowed in the CR zone for onsite Freeway Oriented Signs. In order to ensure that the proposed development is an aesthetic enhancement and is compatible with the surrounding area, the applicant will be required to submit architectural elevations of the proposed development for review and approval by the Planning Division prior to the issuance of building permits. **[Mitigation Measure I a-1]**

- b) **No Impact.** The proposed project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the project site. The nearest state scenic highway is Highway 38, approximately 55-miles to the southeast of the project site.
- c) **Less Than Significant with Mitigation Incorporated.** The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings because the existing project site has been heavily disturbed and graded with sparse vegetation. The siting of the building and on-site improvements will meet all setback and adhere to the Development Code requirements to ensure the building is consistent with the planned visual character of the area and will incorporate native landscaping. As discussed in Section I a, the proposed Project's visual simulations demonstrate the Project will blend with the natural environment and setting. To ensure appropriate and compatible design is achieved, the applicant will be required to comply with Mitigation Measure 1 a-1 described in Section 1 a, of this document. **[Mitigation Measure I a-1]**
- d) **Less Than Significant.** The proposed project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area because the onsite parking lot lighting is required to be fully shielded to prevent light trespass. The standards listed in Chapter 83.07 - Glare and Outdoor Lighting of the Development Code ensure that any impact caused by outdoor lighting and glare is reduced to a level below significance. A lighting plan will be required as a condition of project approval to ensure the standards are met.

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:

[Mitigation Measure I a-1]

Prior to the issuance of building permits, the following shall be completed:

Building Elevations. The developer shall obtain approval from County Planning for exterior elevations on all four sides of the proposed building and any proposed walls or fences. The elevations shall demonstrate horizontal and vertical elements (e.g. trim design, architectural elements, windows, etc.). All sides of the building, except loading dock areas shall have landscape planters adjacent to the building walls. The building shall be a neutral or earth tone color and shall include elements of design that are typical of the desert region (e.g. stucco, and natural wood etc.). The use of trellis and arbors are encouraged for the patio. Where possible, all new proposed structures and their related elements shall be painted, or treated to blend in with the natural environment and the proposed building structure. All roof mounted mechanical equipment shall be screened from view and shall be painted to match the roof color. All above

ground storage tanks shall be painted a neutral or earth-tone color. The pole for the proposed pylon sign shall be painted a neutral or earth-tone color.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<p>ii. AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department 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:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

ii a-e) **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the maps prepared, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are currently no agricultural uses on the site. The site is not under a Williamson Act land conservation contract. The project site will not conflict with existing zoning or cause rezoning of

forest land because the project site is not zoned forest land and is not timberland as defined by Public Resources Code section 4562, or timberland zoned Timberland Production. The site will not result in the loss of forest land or the conversion of forest land to non-forest use because the subject property is not forest land, the nearest forest is the San Bernardino National Forest located nearly (55) miles to the south.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<p>III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
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) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION (Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):

III a) **Less Than Significant.** The project will not conflict with or obstruct implementation of the Mojave Desert Air Quality Management Plan (MDAQMP). The MDAQMP for the Mojave Desert Basin, the identified air basin for the project site, sets forth a comprehensive program that will lead the Basin into compliance with all federal and state air quality standards. The Mojave Desert Basin is in a non-attainment for ozone (O₃), inhalable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}). A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly induced in the applicable plan). The MDAQMP control measures and related emission reduction estimates are based on emission projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. The *MDAQMD CEQA Guidelines* state, "conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast". The project is located in the County's Rural Commercial (CR) Land Use Zoning District. The CR zone is intended to accommodate sites for retail trade and personal services, recreation and entertainment services, transportation services, and similar and compatible uses, including convenience and support service stations subject to the approval of a Minor Use Permit. Since the project involves the establishment of a convenience and support service station, the use is consistent with the County's General Plan, and therefore conforms to the MDAQMP projections for development and population and is not anticipated to conflict with the applicable MDAQMP.

III b) **Less Than Significant.** The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation. The MDAQMD identifies projects that exceed emissions thresholds (listed in Table 3 below) as violating air quality standards and therefore having a significant impact on the environment. According to CalEEMod (Table 2 & Table 3) the construction and operational air quality impact is projected to be well below the daily and annual thresholds set by the MDAQMD listed in Table 3. The MDAQMD is in non-attainment for ozone (O₃) and particulate matter (PM₁₀ and PM_{2.5}) as listed below in Table 4. Construction, unpaved road travel, open fires and/or agricultural practices affect PM₁₀ and PM_{2.5}. Therefore, in order to limit the production of fugitive dust during implementation of the proposed Project, construction activities will be conducted in accordance with MDAQMD Rule 403 – *Fugitive Dust* and 403.2 – *Fugitive Dust Control for the Mojave Desert Planning Area*. This includes using periodic watering for short-term stabilization of Disturbed Surface Area to minimize visible fugitive dust emissions, covering loaded haul vehicles, stabilizing graded sites, preventing project-related Trackout onto paved surfaces, cleanup project-related Trackout or spills within twenty-four (24) hours and reduce non-essential Earth-Moving Activity under High Wind conditions. Conditions of approval will require the Project proponent to agree to implement these measures.

The operational and construction estimated emissions for pollutants in which the basin is in non-attainment is well below the annual and daily thresholds of significance set by the MDAQMD according to CalEEMod.

Table 1. MDAQMD Significance Thresholds

Criteria Pollutant	Annual Threshold (tons)	Daily Threshold (pounds)
Carbon Monoxide (CO)	100	548
Oxides of Nitrogen	25	137
Volatile Organic Compounds (VOC)	25	137
Oxides of Sulfur (SO _x)	25	137
Particulate Matter (PM ₁₀)	15	82
Particulate Matter (PM _{2.5})	15	82
Hydrogen Sulfide (H ₂ S)	10	54
Lead (Pb)	0.6	3

Table 2. Annual Construction Activity Emissions (tons/yr)

Activity	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Unmitigated	0.09	0.69	0.48	6.9E-03	0.05	0.04
MDAQMD Threshold	25	25	100	25	15	15
Exceed Threshold	No	No	No	No	No	No

Table 3. Annual Operational Activity Emissions (tons/yr)

Activity	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Unmitigated	3.87	5.22	37.56	0.02	1.20	0.35
MDAQMD Threshold	25	25	100	25	15	15
Exceed Threshold	No	No	No	No	No	No

Table 4. Non-attainment Designation and Classification Status

Ambient Air Quality Standard	MDAQMD
Eight-hour Ozone (Federal 84 ppb)	Non-attainment; classified Severe-17 (portion of MDAQMD outside of Western Mojave Desert Ozone Non-attainment Area is unclassified/attainment)
Eight-hour Ozone (Federal 75 ppb)	Non-attainment (expected)
Ozone (State)	Non-attainment; classified Moderate
PM ₁₀ (Federal)	Non-attainment; classified Moderate (portion of MDAQMD in Riverside County is unclassified, and the portion in the Searles Valley is in attainment)
PM _{2.5} (State)	Non-attainment (portion of MDAQMD outside of Western Mojave Desert Ozone Non-attainment Area is unclassified/attainment)
PM ₁₀ (State)	Non-attainment
Hydrogen Sulfide (State)	Unclassified (Searles Valley Planning Area is non-attainment)

- III c) **Less Than Significant.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). In evaluating the cumulative effects of the project, Section 21100(e) of CEQA states, "previously approved land use documents including, but not limited to, general plans, specific plans and local coastal plans, may be used in cumulative impacts analysis". In addressing cumulative effects for air quality, the MDAQMP utilizes approved general plans and therefore, is the most appropriate document to use to evaluate cumulative impacts of the subject project. The MDAQMP evaluated air quality emissions for the entire Mojave Air Basin using a future development scenario based on population projections and set forth a comprehensive attainment program that would lead the basin into compliance with all federal and state air quality standards. Since the project is consistent with the approved Land Use Plan (as discussed in Section III b) used to create the MDAQMP and the project does not exceed any of the quantitative thresholds for ozone precursors, according to CalEEMod. As discussed in Section III b, a conditions of approval will require the project proponent to implement MDAQMD Rule 403 to reduce fugitive dust. For these reasons, the project will not have a cumulatively considerable net increase of any criteria pollutant listed in Table 3.
- III d) **No Impact.** The project will not expose any sensitive receptors to substantial pollutant concentrations, because there are no known sensitive receptors within 300-feet of the project site. The Mojave Desert Air Quality Management District defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned sensitive receptor must not expose sensitive receptors to substantial pollutant concentrations. Any industrial project within 1,000 feet, a distribution center (40 or more trucks per day) within 1,000 feet, a major transportation project (50,000 or more vehicles per day) within 1,000 feet, a dry cleaner using perchloroethylene within 500 feet or a gasoline dispensing facility within 300 feet.

There are no planned residences, schools, daycare centers, playgrounds and medical facilities within 300-feet to the proposed project and the nearest single-family residence is 367-feet to the north at 39374 Mohave Avenue.

- III e) **No Impact.** The project will not create odors affecting a substantial number of people because there are no identified potential uses that will result in the production of objectionable odors. In accordance with the CEQA Air Quality Handbook developed by the South Coast Air Quality Management District, and used as guide for projects

in the Mohave Air Basin, land uses associated with odor complaints include agriculture operations, wastewater treatment plants, landfills, and certain industrial operations. The proposed gas station and minimart is not proposing any of the uses listed that may produce objectionable odors.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

The information contained in this section is based in part on *General Biological Resources Assessment And Special-status Species Habitat Assessment* prepared by ECORP Consulting, Inc. dated April 2015.

IV a) **Less Than Significant with Mitigation Incorporated.** The project will not 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 because mitigation measures have been agreed to by the Project applicant as a condition of approval to reduce any impact to a level below significant.

A literature search was conducted prior to the biological reconnaissance survey, ECORP biologists performed the literature search to determine the special-status species that have been documented in the Harvard Hill and surrounding USGS 7.5-minute topographic quadrangles. The literature search included the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB; CDFW 2015a) and the

California Native Plant Society's (CNPS) Electronic Inventory (CNPSEI; CNPS 2015). Additional information was gathered from federal and state inventories, research documents and manuals, and online sources. Using this information and observations in the field, a list of special-status plant and animal species that may have the potential to occur on the Property was generated. The reconnaissance survey consisted of driving existing access roads and walking to vantage points so that 100 percent visual coverage of the property and surrounding vicinity was achieved. A buffer area of 500 feet surrounding the Property was also surveyed. During the survey, the habitat on the Property was assessed for its potential to provide suitable habitat for the special-status species identified during the literature search. ECORP biologist Wendy Turner conducted the biological reconnaissance field survey on March 25, 2015.

The literature search documented thirteen (13) special-status plant species in the Project vicinity. None of the 13 special-status plant species were discovered during the field reconnaissance survey. All 13 species are ranked based on level of concern as part of the CNPS Rare Plant Program (CNPS 2015) and none of them are federally or state listed. All 13 species were presumed absent from the Property based on a lack of suitable habitat, soils, or appropriate elevation. Table 5 presents an abbreviated list of the 13 plant species that were researched during the literature search and an assessment of their potential to occur on the Property. The full list of plant species is presented in the ECORP Consulting, Inc. General Biological Resources Assessment and Special-Status Species Habitat Assessment, dated April 2015, attached as Appendix A.

The literature search documented 15 special-status wildlife species in the Project vicinity. None of the 15 special-status species were discovered during the field reconnaissance survey. One species was determined to have moderate potential to occur on the Property, burrowing owl (*Athene cucularia*). The burrowing owl is considered a California Species of Special Concern by CDFW. Seven species were determined to have a low potential to occur on the Property: desert tortoise (*Gopheris agassizii*), golden eagle (*Aquila chrysaetos*), loggerhead shrike (*Lanius ludovicianus*), pallid bat (*Antrozous pallidus*), Townsend's big ear bat (*Corynorhinus townsendii*), American badger (*Taxidea pallidus*), and desert kit fox (*Vulpes macrotis arsipus*). The desert tortoise is federally and state listed as threatened; Townsend's big eared bat is a candidate for state listing as threatened; the golden eagle is classified as a Fully Protected species by CDFW; the loggerhead shrike, pallid bat and American badger are California SSC; and the desert kit fox is protected as a fur-bearing mammal in the state of California. The remaining eight (8) species were presumed to be absent from the Property due to lack of suitable habitat. Table 6 presents a number of the wildlife species researched during the literature search and an assessment of their potential to occur on the Property. The full list of wildlife is presented in the ECORP Consulting, Inc. General Biological Resources Assessment and Special-Status Species Habitat Assessment, dated April 2015 attached as Appendix A.

Desert tortoises were neither observed nor detected on or adjacent to the site and there was no sign of previous desert tortoise use (scat, burrows, carcasses, etc.) observed during the assessment. The property itself does not support any suitable desert tortoise habitat as the entire site is unvegetated, graded and comprises soils that are very compacted. The surrounding areas within the creosote bush scrub vegetation community support low quality habitat for tortoises; however, the amount of disturbances due to trash dumping, off-road vehicle use, and human activity further reduce the suitability of these areas for tortoise presence and no documented desert tortoise occurrences were recorded within five (5) miles of the Project site. The U.S. Fish & Wildlife Service, during informal consultation, reviewed the results of the survey and concurred with the biologist's recommendation.

Although burrowing owls or suitably sized burrows were not observed during the survey, it was determined that the Property contained suitable foraging habitat for burrowing owl, thus, the potential for owls is considered moderate. As a result, pre-construction surveys for borrowing owls will be required a maximum of 14-days prior

to construction, regardless of time of year, in accordance with the most recent CDFW Protocol (CDFW 2012. Mitigation. **[Mitigation Measure IV a-1 & Mitigation Measure IV a-2]**

The Property is also considered suitable habitat for nesting birds and raptors. If construction is to occur during the nesting bird season (generally February 1 through August 31), then a pre-construction survey for nesting birds will need to be conducted in order to avoid impacts to bird species and their eggs, fledglings, and nestlings that are protected by the federal MBTA. If active nests are found on or immediately adjacent to the Property, then additional mitigation measures may need to be implemented to reduce or eliminate impacts to the active nests. **[Mitigation Measure IV a-3]**

- IV b) **Less Than Significant.** This project will not 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.

Although the Project site is within designated critical habitat for desert tortoise the Project site does not contain the key characteristics (primary constituent elements) that are necessary for desert tortoise survival. The Superior-Cronese Desert Wildlife Management Area (DWMA), located within the Western Mojave Recovery Unit, was designated as desert tortoise critical habitat in 1994 by USFWS and is roughly located east of U.S. 395, north of State Route 58, and north and west of I-15 in the area north of the City of Barstow. Some areas within the designated DWMA were not considered suitable desert tortoise habitat (USFWS 1994; USFWS 2011) due to development, lack of habitat, or other human related disturbances. The Project site can be classified as one of those areas located within designated critical habitat that does not contain key characteristics (or primary constituent elements) that are necessary for tortoise survival. The property does not have any vegetation present and the soils are very compact, both of which do not afford much opportunity for desert tortoises to burrow, shelter, forage or reproduce on site. The areas surrounding the Project site provide low quality habitat for desert tortoise, but the lack of suitable burrows, firm soils, sparse vegetation, and prevalence of human-related disturbances are likely to preclude desert tortoise presence.

The property itself was classified as disturbed with developed areas and creosote bush scrub located in the adjacent areas. Because the Project site is not suitable desert tortoise habitat, the Project is not anticipated to have a substantial adverse effect.

- IV c) **No Impact.** This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The Project site does not have any federally protected wetlands as defined by Section 404 of the Clean Water Act present.
- IV d) **Less Than Significant.** This project will 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. Given the Project site's small size, its proximity to I-15, and the amount of previous disturbances in the vicinity, the Project site would not be considered a major wildlife movement corridor that would need to be preserved in order to allow wildlife to move between important natural habitat areas. The Project site also does not provide a linkage between conserved natural areas. The open expanses of land in the surrounding area will provide similar movement opportunities and will provide wildlife with multiple options when moving about their home ranges.
- IV e) **No Impact.** The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The County's Plant Protection and Management Ordinance requires a Tree

& Plant Removal Permit for the removal of any Native Desert Plant listed in Chapter 88.01.060(c) of the Development Code or listed in Food and Agriculture Code Section 80001 et sq. None of the species listed in Chapter 88.01.060(c) or in Food and Agriculture Code Section 80001 et seq. were identified on site during the Biological Resource Assessment.

- IV f) **No Impact.** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site.

Table 5: Plant Species

Scientific Name Common Name	Status		Typical Flowering Period Elevation (meters)	Habitat	Potential for Occurrence	Justification
<i>Androstephium breviflorum</i> Small-flowered androstephium	Fed: CA: CNPS:	none none 2B.2	March - April 220 - 800	Desert dunes, Mojavean desert scrub.	Presumed Absent	Suitable sand dune habitat is not present on the Property or surrounding areas.
<i>Castela emoryi</i> Emory's crucifixion- thorn	Fed: CA: CNPS:	none none 2B.2	June - July 90-725	Mojavean and Sonoran desert scrub in alkali playas, washes, or in areas with gravelly soils	Presumed Absent	Suitable wash, playa, and gravelly soil habitat is not present on the Property or surrounding areas.
<i>Cryptantha Clokeyi</i> Clokey's cryptantha	Fed: CA: CNPS:	none none 1B.2	April 725 - 1365	Mojavean desert scrub with gravelly or sandy soils	Presumed Absent	Suitable sandy or gravelly soils are not present on the Property.
<i>Cymopterus multinervatus</i> Purple-nerve cymopterus	Fed: CA: CNPS:	none none 2B.2	March - April 790 - 1800	Sandy and gravelly soils in pinyon and juniper woodland or Mojavean desert scrub,	Presumed Absent	Suitable habitat is not present on the Property.

Table 6: Mammal Species

<i>Scientific Name</i> Common Name	Status	Habitat Preferences	Potential for Occurrence	Justification
MAMMALS				
<i>Antrozous pallidus</i> pallid bat	Fed: none CA: SSC	Inhabits grasslands, deserts, forests, woodlands, and shrublands with rocky areas for roosting.	Low	The Property does not support suitable habitat for this species, but the closest documented occurrences of this species are at Camp Cady Wildlife Area, between 2 and 3 miles south of the Property (CDFW 2015a).
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	Fed: none CA: THR (Can)	Inhabits various habitats, typically in or around permanent water sources. Roosts in the open and will use anthropogenic structures (e.g., buildings) for roosting.	Low	No suitable habitat is present on the Property. The abandoned building located south and west of the Property may provide marginal roosting habitat; however, there are no permanent water sources in or immediately adjacent to the Property. The closest documented occurrence is at the Camp Cady Wildlife Area, located approximately 2 miles south of the Property (CDFW 2015a).
<i>Ovis Canadensis nelsoni</i> desert bighorn sheep	Fed: none CA: FP	Inhabits open, rocky, steep areas.	Presumed Absent	No suitable rocky habitat is present on the Property and the closest recorded observation is approximately 16 miles southeast of the Property (CDFW 2015a).
<i>Taxidea taxus</i> American badger	Fed: none CA: SSC	Inhabits arid, open areas with friable soils for digging. This species is found in desert, shrub, forest, and herbaceous habitats.	Low	There is no suitable habitat on the Property and no records of this species are located in the area; however, the surrounding areas may provide suitable habitat.
<i>Xerospermophilus mohavensis</i> Mohave ground squirrel	Fed: none CA: THR	Inhabits area of open desert scrub and Joshua tree woodlands.	Presumed Absent	The Property is located outside (east) of the historic range for the Mohave ground squirrel.

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:

[Mitigation Measure IV a-1]

The following condition of approval will be required prior to the issuance of Grading and/or Building Permits:

Burrowing Owl Mitigation – Pre-Construction Survey. Within fourteen (14) days prior to ground disturbance a pre-construction survey for burrowing owl and their active burrows shall be completed by a qualified biologist according to the latest adopted California Department of Fish and Wildlife (CDFW) protocol. The results of the survey, including graphics showing locations of any active burrows detected and any avoidance measures required will be furnished to the County Planning Division and CDFW within 14-days following completion of the surveys. If active burrows are detected, the following avoidance measures will be implemented:

- If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).
- If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.
- Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active on-site burrow at this season.

[Mitigation Measure IV a-2]

Burrowing Owl Mitigation – Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl will be developed, only if burrowing owl(s) is/are discovered during the preconstruction survey. The plan will include provisions for protecting foraging habitat and replacing any active burrows from which owls may be passively evicted as allowed by Mitigation Measure IV a-1. At a minimum, the plan will include the following elements:

- If occupied burrows are to be removed, the plan will contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations that would compensate for the burrows removed.

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- All active on-site burrows excavated as described in Mitigation Measure IV a-1 will be replaced with suitable natural or artificial burrows within the preservation areas approved by the County of San Bernardino.
 - Measures prohibiting the use of rodenticides during the construction process if any active on-site burrows are identified.
 - The plan will ensure that adequate suitable burrowing owl foraging habitat is provided in proximity to natural or artificial burrows within off-site mitigation areas.

The Burrowing Owl Management Plan will be submitted to the County of San Bernardino and the California Department of Fish and Wildlife for review and approval prior to issuance of a grading permit for the Project.

[Mitigation Measure IV a-3]

Nesting Bird Mitigation – Pre-Construction Surveys. Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 100 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

V. CULTURAL RESOURCES - Would the project

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Information contained in this section is based in part on the *Phase I Historical/Archaeological Resources Survey for Harvard Road Project* prepared by CRM Tech, dated January 22, 2016

- V a) **Less Than Significant.** This project will not impact nor cause a substantial adverse change in the significance of an historical resource because the project site is not located on or near any known historical resource, as defined in §15064.5 and verified by the Phase I Historical and Archeological Resources Survey conducted by CRM TECH dated January 22, 2016.

Historical background research for the study completed by CRM TECH was conducted by principle investigator/historian Bai "Tom" Tang. In addition to published literature in local and regional history, sources consulted during the research included U.S. General Land Office (GLO) land survey plat map dated 1856, U.S. Geological Survey (USGS) topographic map dated 1977-1993, and aerial photographs taken in 1995-2012. The historic maps are collected at the Science Library of the University of California, Riverside, and the California Desert District of the U.S. Bureau of Land Management, located in Moreno Valley. The aerial photographs are available at the NETR Online website.

Historical maps and aerial photographs consulted for this study suggests that the project area is relatively low in sensitivity for cultural resources from the historic period. In the 1850s, when the U.S. government conducted the first systematic land survey in the Mojave Desert, no man-made features of any kind were observed at or near the Project location. By the 1970s, I-15 and Harvard Road had become the most prominent man-made features in the project vicinity, but there was no evidence of any settlement or development activities within the project area. The commercial building on the adjacent parcel evidently dates to sometime between 1976 and 1995, and the project area, meanwhile has remained undeveloped to the present time.

The field survey of the project area yielded negative results for potential historical resources and no buildings, structures, objects, features, or artifacts of prehistoric or historic origin were encountered. In the unlikely event previously unknown historical resources are discovered as a result of earth moving activities a condition of approval will require the Project applicant and contractor to submit an agreement on Cultural Resources. The agreement will state that if any historical resources are discovered all work in the vicinity of the find shall cease, a qualified expert hired to assess the find and recommend any mitigation measures if necessary.

- V b) **Less Than Significant.** This project will not cause a substantial adverse change to any archaeological resource because no resources have been identified on the site or within the vicinity of the project site as verified by the Phase I Historical/Archaeological Resources Survey conducted by CRM Tech dated January 22, 2016.

On November 23, 2015, CRM TECH archeologist Nina Gallardo completed the records search at the South Central Coastal Information Center (SCCIC), California State University, Fullerton, which is the State of California's official cultural resource records repository for the County of San Bernardino. According to SCCIC records, the project area was included in a large-scale archaeological survey of the Manix Lake and eastern Calico Mountains area, all of them conducted and published in the 1950s-1960s. Prior to the study conducted by CRM TECH the site had not been surveyed systematically for cultural resources under the current environmental regulatory framework. SCCIC records further indicate that no cultural resources were previously recorded within or adjacent to the project boundaries. Outside the Project area but within a one-mile radius, SCCIC records show 13 additional studies on various tracts of land and linear features. As a result, six historical/archeological sites and two isolates – i.e., localities with fewer than three artifacts – have been recorded within the one-mile radius. Of these eight resources, three of the sites and both of the isolates are of prehistoric – i.e. Native American – origin. All of them appeared to represent remnants of lithic tool production, and were located in and near the rolling hills to the north and west of the project area. The other three sites dated to the historic period and included possible habitation debris and infrastructure features. None of these isolates were found in the immediate vicinity of the project area.

CRM TECH commissioned a Sacred Lands File (SLF) records search through the Native American Heritage Commission (NAHC), which is the State's trustee agency for the protection and preservation of American Indian cultural resources. The SLF search did not indicate the presence of American Indian or prehistoric cultural resources (including properties, places or archeological sites) in the vicinity of the Project site.

An SLF is not an exhaustive inventory of sacred places; thus, NAHC provides a list of culturally affiliated tribes and individuals that may have knowledge of the religious and cultural significance of the properties in the American Indian or prehistoric cultural resources area. In compliance with State and federal mandates, CRM TECH initiated consultation with the 7 listed tribes and interested American Indian consulting parties by requesting information regarding American Indian or prehistoric resources (archaeological sites, sacred lands, or artifacts) that may be affected by the proposed project. As of January 22, 2016, CRM TECH had received two response from the American Indian community. Leslie Mouriquand of the San Manuel Band of Mission Indians responded via email on December 29, 2015, finds the project location to be within the tribe's ancestral territory and an area sensitive for prehistoric lithic resources and requests that the County provides a copy of the Phase I report for review. The report was sent to San Manuel via email on January 28, 2016. A consultation meeting held on February 23, 2016 with San Manuel resulted in no further comment or concern about the project, and no mitigation measures or further studies were required. An email dated December 28, 2015, Dr. Jay Cravath of the Chemehuevi Indian Tribe states that the tribe has no comments regarding this project beyond requesting that all work be halted, the tribe be contacted immediately, if any Native American cultural remains are unearthed during construction. A condition of approval will be incorporated into the document to this effect.

The field survey of the project area yielded negative results for potential historical resources and no buildings, structures, objects, features, or artifacts of prehistoric or historic origin were encountered. Therefore, CRM TECH recommends that no further cultural resource investigation is necessary and if buried cultural materials are discovered during earth moving operations associated with the Project, all work in the area shall be halted or diverted until a qualified archeologist can evaluate the nature and significance of the finds. A condition to this effect will be placed in the Project approval documents.

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- V c) **Less Than Significant.** The project has a low likelihood of disturbing any human remains, including those interred outside of formal cemeteries, because no such burials grounds were identified on the project site. A standard condition of approval in compliance with state law will require the following condition to be met: "If human remains are encountered during any earthmoving activities, all work shall cease until the San Bernardino County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. State law requires the Native American Heritage Commission (NAHC) be notified in the event the remains are determined to be prehistoric. The NAHC shall determine and notify a Most Likely Descendant (MLD) who may inspect the site of the discovery within 48-hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials".

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

Potentially Significant Impact Less than Significant with Mitigation Incorporated Less than Significant No Impact

VI. TRIBAL CULTURAL RESOURCES - Would the project

- a) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resource Code §21074?

SUBSTANTIATION (Check if the project is located in the traditional and cultural affiliated geographic area of a California Native American Tribe): San Manuel Band of Mission Indians, Morongo Band of Mission Indians

- VI a) **Less than Significant.** The Project will not cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resource Code §21074 because no tribal resources have been identified on site. AB 52, passed on September 25, 2014 and implemented July 1, 2015, added new requirements regarding cultural tribal resources. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources.

The Public Resource Code establishes that "(a) project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Pub. Resources Code §21084.2). To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. The consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration or environmental impact report is required for a project.

Public Resource Code §21074, defines Tribal Resources as either, "Sites features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either, (A) included or determined to be eligible for inclusion in the California Register of Historical Resources or, (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1 for the purpose of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe".

At the time environmental review under CEQA was initiated and in accordance with Public Resource Code §21080.3.1, the San Manuel Band of Mission Indians and Morongo Band of Mission Indians have indicated that they are traditionally and culturally affiliated with the geographic area of the proposed project and have requested notification for consultation. Notification was sent on November 18, 2015 via certified mail to both Tribes. The Morongo Band of Mission Indians did not respond during the 30-day consultation request period. The San Manuel Band of Mission Indians responded via email on November 24, 2015 indicating the project is within the Tribes ancestral territory, but that they do not have any concerns with the project location. However, as requested in the Phase I Survey email response to CRM TECH, the results of the Phase I study were forwarded to San Manuel's' CRM department for review. The study was forwarded to San Manuel for review and comment. San Manuel stated, "We have no concerns about this project" and did not request any further consultation.

The results of the Phase I Archeological and Historical Survey determined that there were no resources determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register. All California Native American Tribes contacted indicated that the location did not have Tribal Cultural Resources present of significance and the Project site itself was not a Tribal Cultural Resource. Therefore, the Project would not cause a substantial adverse change to the significance of a Tribal Cultural Resource as none were identified.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
VII. PALEONTOLOGICAL RESOURCES - Would the project				
a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

VII a) **Less Than Significant.** This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no resources have been identified on the site. A condition of approval will require all activities to cease and a County approved paleontologist to be present if unknown paleontological resources are discovered during land disturbance or building construction.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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VIII. GEOLOGY AND SOILS - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of on-site wastewater treatment tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

VIII a) **Less Than Significant.** The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving; i) rupture of a known earthquake fault, ii) strong seismic ground shaking, iii) seismic related ground failure, including liquefaction or iv) landslides. The nearest earthquake fault zone is the Newberry fracture zone approximately 4.25 miles to the southeast and the project site is not located in any area known to be susceptible to liquefaction or landslide. Most of southern California is susceptible to strong earthquakes and ground shaking; however, California Building Code standards are meant to protect buildings and individuals from loss of life and property related to earthquakes. Any new development will be required to meet the latest adopted California Building Code prior to the issuance of building permits for new construction and materials. Therefore, impacts from proximity to fault zones are considered less than significant. The County has mapped areas of possible landslides, seismic related ground failure and known faults within the Geologic Hazard Overlay. The Project site is not within the mapped overlay.

- VIII b) **Less Than Significant.** The project will not result in substantial soil erosion or the loss of topsoil because standard enforcement of sediment and erosion control measures will be implemented into the Project. At the time ground disturbance occurs, on-site erosion and sediment control measures will be in place as required by the County Development Code and the Building and Safety Division. As discussed in Section III b) of this document, the MDAQMD requires measures be in place during grading and land disturbance activities to minimize fugitive dust. Grading plans, an approved grading permit, and erosion and sediment control plan is required prior to any land disturbance from the Building and Safety Division. In addition, an erosion and sediment control plan must be approved and implemented during grading activity with regular inspections by the County's Land Development Division. A condition of approval from the Building and Safety Division will state, "An Erosion and Sediment Control plan must be submitted and approved by the Building official prior to any land disturbance". The County's Landscape & Irrigation design element of the Development Code will require at a minimum landscaping on disturbed portions of the Project site and 20% of the total disturbed site.
- VIII c) **No Impact.** The Project is not 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. The County of San Bernardino has mapped Geologic Hazards as part of the adoption of the General Plan and Development Code. The Geologic Hazard Overlay includes any areas of adverse soil conditions, such as those underlain by hydro-collapsible, expansive, and/or corrosive soils. The project site is not within the mapped Geologic Hazard Overlay. Any new construction will be required to meet the latest adopted California Building Code and all measures required by the County's Geologist.
- VIII d) **No Impact.** The Project is not located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994) creating substantial risks to life or property. As mention in Section VII c above, the project site is not within the County's mapped Geologic Hazard Overlay, including areas as having expansive soils. Any future construction on the newly created parcels must meet the requirements of the latest adopted California Building Code and any requirements set forth by the County's Geologist.
- VIII e) **Less Than Significant.** The Project will require an Environmental Health Services approved wastewater treatment device since no public sewer is available. The County's Environmental Health Services Department reviewed the subject project and has approved the site for on-site wastewater treatment subject to an approved percolation report.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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IX. GREENHOUSE GAS EMISSIONS – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

IX a,b) **Less Than Significant.** On December 6, 2011, the San Bernardino County Board of Supervisors adopted the County Greenhouse Gas (GHG) Emissions Reduction Plan. The GHG Plan establishes a GHG emissions reduction target for the year 2020 that is fifteen (15) percent below 2007 emissions. The plan is consistent with AB 32 and sets the County on a path to achieve more substantial long-term reductions in the post-2020 period. Achieving this level of emissions will ensure that the contribution to greenhouse gas emissions from activities covered by the GHG plan will not be cumulatively considerable.

CEQA Guidelines provide that the environmental analysis of specific projects may be tiered from a programmatic GHG plan that substantially lessens the cumulative effect of GHG emissions. If a public agency adopts such a programmatic GHG Plan, the environmental review of subsequent projects may be streamlined. A project's incremental contribution of GHG emissions will not be considered cumulatively significant if the project is consistent with the adopted GHG Plan.

As part of the GHG Plan, sample project sizes that exceed the 3000 MTCO_{2e} level were established. Projects that exceed the 3000 MTCO_{2e} are considered to have a potentially significant impact on the implementation of the County's and the States GHG reduction plan. Gas stations with convenience services in excess of 5,700 square-feet are anticipated to exceed the GHG threshold. The Project is projected to create 63.14 MTCO_{2e} during construction and the yearly operational emissions for the Project are anticipated to create 1,651.12 MTCO_{2e}. For this reason, it is unlikely that this project would impede the state's ability to meet the reduction targets of AB32 or conflict with the County's adopted GHG reduction plan.

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

	Potentially Significant Impact	Less than Significant with Mitigation incorporated	Less than Significant	No Impact
X. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) 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"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

X a) **Less Than Significant.** The proposed Project could result in a significant hazard to the public if the Project includes the routine transport, use, or disposal of hazardous materials or places housing near a facility which routinely transports, uses, or disposes of hazardous materials. The proposed Project Site is located within an area that has vacant land to the west, south and east and a manufactured home over 500-feet to the north. The Project does not propose any new housing and therefore would not place housing near any hazardous materials facilities. The routine use, transport, or disposal of hazardous materials is primarily associated with industrial uses that require such materials for manufacturing operations or produce hazardous wastes as by-products of production

applications. The proposed Project does not propose or facilitate any activity involving significant use or disposal of hazardous substances as part of the commercial use. Furthermore, the proposed Project is not located near any listed facilities that emit toxic air containments, utilize toxic or hazardous substances or produce hazardous waste.

Construction activity would result in minor transport, use and disposal of hazardous materials and waste that are typically associated with construction projects. This includes fuels and lubricants for construction equipment and products used in coating buildings. Existing laws and regulations on the storage of these products, the disposal of waste and the procedures to prevent accidental release and cleanup is sufficient to bring any effect to a level below significant.

The operational activity of the Project would involve products commonly found at a gas station convenience store such as, oil and lubricants, cleaning products, and other automotive products. The transport and use of gasoline will also occur. There are existing federal and state laws governing the handling and transport of gasoline to gas stations, and the requirements for gasoline storage tanks, and pumps. The Project will require a permit from the San Bernardino County Fire Department Hazardous Materials Division for the installation of the gasoline storage tanks and a hazardous materials handler permit. The existing regulatory framework governing gas stations, trucks that transport gasoline, and the fueling pumps, ensure that any potential health risk to the community is not significant.

- X b) **Less Than Significant.** The project will not 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.

Construction activities may produce hazardous waste associated with the use of construction materials. The use and handling of hazardous construction material will not be unusually high for the proposed Project. All hazardous material are required to be utilized and transported in accordance with their labeling instructions as required by federal and state law. Existing laws and regulations governing the response to accidental release of hazardous material is sufficient in ensuring that any potential accident is not harmful to people or the environment.

The Project will be required to obtain a Hazardous Materials Handler Permit from the Hazardous Materials Division of the County Fire Department. In addition, the operator will be required to submit a hazardous materials business plan using the California Environmental Reporting System (CERS) in compliance with the California Environmental Protection Agency. Cal EPA ensures compliance through permitting and reporting requirements that gasoline-dispensing stations will not pose a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions. With adherence to existing regulations and laws governing gas stations the proposed Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions.

- X c) **Less than Significant.** The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 1/4 mile of an existing or proposed school, because the project does not propose the use of hazardous materials and all existing and proposed schools are more than 1/4 mile away from the project site.
- X d) **No Impact.** The project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5 and therefore, will not create a significant hazard to the public or environment.

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- X e) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a public airport. The nearest public airport is the County Bar/Dagget Airport, which is located approximately 10 miles southeast of the project site. The project site was verified to not be within an Airport Noise Overlay.
 - X f) **No Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip. The nearest private airstrip is over 20 miles away.
 - X g) **No Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two or more directions via Harvard and Hacienda Road and has been reviewed for adherence with the San Bernardino County Fire Departments regulations for emergency access.
 - X h) **No Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with lands because the Project site is not within a wildland urban interface boundary. The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. The Project site is not within the mapped overlay.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XI. HYDROLOGY AND WATER QUALITY - Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 (e.g., the production rate of pre-existing nearby wells would drop to a level, which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structure, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

The information contained in this section is based in part from information obtained from Civil Land Engineers, *Preliminary Hydrology Report for Newberry Springs Gas Station and Mini Mart*.

- XI a) **Less Than Significant.** A project may have a significant impact on water quality standards or waste water discharge requirements if the project will create pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code (CWC), or cause regulatory standards to be violated as defined in the applicable National Pollutant Discharge Elimination System (NPDES) storm water permit or Water Quality Control Plan. A project may have a significant impact if the project will discharge water that does not meet the quality standards of the agencies, which regulate surface water quality and water discharge into storm water drainage systems. The Lahontan Regional Water Quality Control Board (LRWQCB) implements and enforces the NPDES and regulates water quality standards for wastewater discharge.

The Project will require an NPDES permit to be obtained from the Lahontan Regional Water Quality Control Board and a regional board permit letter because the Project entails the disturbance of over an acre. The requirement of these permits will ensure that no source point pollution leaves the job site and enters surface or ground water sources.

Nonpoint sources of pollution are generally defined as sources that are diffuse and/or not subjected to regulation under the federal NPDES permit. Nonpoint sources include agriculture, grazing, silviculture, abandoned mines, construction, storm water runoff etc. The Project will require the implementation of erosion and sediment control as a condition of approval by the Building & Safety Division. The erosion and sediment control plan and permit will carry out the policies and objectives of the RWQCB. Best Management Practices (BMPs) during construction are to prevent nonpoint sources of pollution from leaving the Project site, such as sediment and soil erosion.

Surface runoff from developed areas is a leading source of non-point source water pollution in California. As roofs and pavement cover natural landscapes, rain no longer soaks into the ground. Instead, storm drains carry large amounts of runoff directly to streams and other water bodies. Runoff from roofs and pavement also flushes sediment, oil, grease, pesticides, nutrients, bacteria, trash and heavy metals into streams, lakes, estuaries, and the ocean. Projects that replace previously undeveloped land with new impervious surfaces, may contribute to such water quality impacts individually and cumulatively with other development. The operational characteristic of the proposed Project will greatly increase the amount of impervious surface area. Sixty-one percent (61%) of the Project site will be covered with non-impervious surfaces, including building roof area, sidewalks, and paving. To help reduce the amount of contaminants leaving the Project site, a series of control measures will be required as a condition of operation, these include the covering of waste receptacle areas, the prompt cleanup of any accidental release of gasoline, oils or other automotive lubricants, and the removal of any trash or debris into approved receptacles. Twenty percent (20%) of the disturbed area of the Project site is required to have a landscaping installed, the runoff from the imperious areas of the Project will be able to enter into planter areas, helping reduce the potential for contaminants to leave the Project site by absorbing into the soil. The Project is also proposing the installation of two storm water retention basins on site. These basins will also allow a natural infiltration of water into the soil and will help naturally dispose of contaminants from storm water runoff generated on site. The Project site is not within an area required to have a Water Quality Management Plan (WQMP), and therefore, these measures are adequate to ensure that the amount of surface water contaminants leaving the job site are below a level of significance.

The Project will include the installation of an on-site wastewater treatment device, permitted by the County's Environmental Health Services Division. The permit from the EHS for the on-site wastewater treatment system is only issued if the system is shown to meet the regulations of the RWQCB. The septic system will be designed and used in compliance with federal state and regional law.

- XI b) **Less Than Significant.** The project will not likely 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. The Project is located within the Baja Subarea, an adjudicated ground water

basin. The Watermaster is the Mojave Water Agency who is responsible for insuring that sufficient groundwater supplies exist to meet current demand and is the authority authorized to enforce ground water recharge requirements for specific users. The Mojave Water Agency (MWA) has three basic management strategies for reducing overdraft of the ground water basin, water conservation, water supply enhancement and water allocation. The Watermaster has determined that any person or entity producing more than 10-acre feet of water per year within the adjudicated basin is bound by the terms of the judgment. The Mojave Water Agency has an Integrated Regional Water Management Plan to prevent further overdraft conditions of the ground water supply. Any Producer using less than 10-acre feet per year complies with the adopted plan. If an entity is producing more than 10-acre feet of water per year, the MWA assigns a Base Annual Production (BAP) rights to each producer. Each producer is then assigned a variable Free Production Allowance (FPA), which is a uniform percentage of BAP set for each subarea each year by the Watermaster. Any water user that pumps more than their FPA must purchase replenishment water from the Watermaster equal to the amount of production in excess of the FPA or transfer unused FPA from another party within the subarea. The Project will require the installation of one well and one above ground 30,000 gallon water storage tank used for Fire suppression purposes. The water demand from the convenience store and native landscaping will not produce more than 10-acre feet of water per year and therefore is not likely to have a significant effect on groundwater recharge.

- XI c) **Less Than Significant.** The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off-site.

The impacts of urban development on streams, lakes, estuaries, and the ocean are well documented through years of research and study. As roofs and pavement cover natural landscapes, rain no longer soaks into the ground. Instead, storm drains carry large amounts of runoff directly to streams and other water bodies. Increased flow may cause stream beds and banks to erode, damaging or eliminating stream habitat and carrying sediment downstream.

The Project will result in 61% of the site being covered by an impervious surface as opposed to the existing uncovered site conditions. An increase in impervious surface area results in an increase in the quantity and velocity of flows from the Project site. Increase velocity of off-site flows into existing drainage may result in an increase in off-site streambed erosion and siltation. In order to ensure that the drainage leaving the site is at a concentration that will not result in substantial erosion, the Project's engineer has developed a preliminary drainage study that demonstrates the velocity and concentration of the drainage will not be increased off-site because all concentrations will be kept on site. The Project will include two storm water retention basins. The purpose of the storm water retention basins are to hold the run-off generated from the Project on-site and slowly infiltrate the water into the ground water supply. A condition of approval will require a registered civil engineer to fully design storm water drainage and retention areas and complete drainage profiles prior to the issuance of a grading permit. The drainage improvements are required to be fully installed and certified by a registered civil engineer prior to obtaining occupancy.

- XI d) **Less Than Significant.** The Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off-site. As discussed in Section XI c, the Project includes two retention basins to ensure the run off from the Project is kept on site. The Project proponent is required to have a Registered Civil Engineer investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. The drainage improvements are required to be fully installed and certified by a registered civil engineer prior to the Project obtaining occupancy.

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- XI e) **Less Than Significant.** The Project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems. As discussed in Section XI c, the inclusion of two on-site retention areas will ensure the runoff from the site will not exceed the capacity of existing or planned storm water drainage systems because all runoff will be kept on site.
- XI f) **Less Than Significant.** The project will not otherwise substantially degrade water quality, as discussed in Section XI c of this document.
- XI g, h) **No Impact.** The project will not place unprotected housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map because the Project is in FEMA Flood Zone D according to FEMA Panel Number 4000H dated 8/28/2008. Flood Zone D means Flood Hazards are undetermined in this area but possible.
- XI i) **No Impact.** The project will not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, because the project site is not within any identified path of a potential inundation flow that might result in the event of a dam or levee failure according to the County's Flood Hazard overlay map.
- XI j) **No Impact.** The project will not be impacted by inundation by seiche, tsunami, or mudflow. The project is not adjacent to any body of water that has the potential of seiche or tsunami or is the project site in the path of any potential mudflow according to the County's Flood Hazard Overlay map.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XII. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- XII a) **No Impact.** The project will not physically divide an established community, because the project is a logical and orderly extension of the planned land uses and development that are established within the surrounding area. The proposed Project will meet all the development standards of the County Code and meet the goals and policies of the General Plan. The Project is not proposing the relocation or removal of any existing or planned street.
- XII b) **No Impact.** The Project will 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. The project is consistent with all applicable land use policies and regulations of the County Code, General Plan, and the plans, policies, laws and regulations of responsible agencies. The Project complies with all hazard protection, resource preservation and land use modifying Overlay District regulations.
- XII c) **No Impact.** The Project will not conflict with any applicable habitat conservation plan or natural community conservation plan, because there is no habitat conservation plan or natural community conservation plan on the project site or within the area surrounding the project site and no habitat conservation lands are required to be purchased as mitigation for the proposed project.

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

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

SUBSTANTIATION (Check if project is located within the Mineral Resource Zone Overlay): MRZ-3a/MRZ-3a

XIII a) **Less Than Significant.** The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The Project site contains known mineral occurrences of undetermined mineral resource significance and the site has known concrete aggregate deposits, but of undetermined mineral resource significance. The project site is within the MRZ-3a overlay for concrete aggregate resources, identified by the *Mineral Land Classification of Concrete Aggregate Resources in the Barstow-Victorville Area* report as being an area containing known mineral deposits of undetermined mineral resource significance. MRZ-3a areas are considered to have a moderate potential for the discovery of economic mineral resources; however, further investigation is required to determine what if any mineral resources are present and their economic value. Most of the alluvial areas of the high desert are within the MRZ-3a classification area, providing an abundant area for potential concrete aggregate resource mining operations in more suitable locations. Given the small project area, the site is of little importance or value for concrete aggregate mining and would be incompatible with surrounding uses for mining operations.

The project site is also located in the MRZ-3a overlay for metallic mineral resources as indicated in the *Mineral Land Classification of a Part of Southwestern San Bernardino County: the Barstow-Newberry Springs Area* report. The MRZ-3a overlay is defined as an area that contains known mineral occurrences of undetermined mineral resource significance. The *Guidelines for Classification and Designation of Mineral Lands*, classifies any area within the MRZ-2a or MRZ-2b overlay as having the potential for significant mineral resources that are of economic value to the region and the residents of the state, and/or "the site must be actively mined under a valid permit or meet certain criteria of marketability and threshold value". The project site is not currently mined, is not mapped as an area for a potential future mining operation and has no known mineral resources of significance or value.

XIII b) **No Impact.** The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because the project site is not identified as a resource recovery site on the general plan, specific plan or other land use plan. Therefore, no impact is anticipated in this area.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIV. NOISE - Would the project:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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"/>
f) For a project within the vicinity of a private airstrip, 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):

XIV a) **Less Than Significant.** The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The Project construction and operational activity is required to comply with the noise standards of the County Development Code and noise exceeding these standards is not anticipated to be generated by the allowed uses on site. The Project's construction and operational noise level will not exceed 60 dB(A) on site and the noise level being received by the nearest residential use will not exceed 45 dB(A). The noise level for the interior of the convenience store will not exceed 55 dB(A). The convenience store is required by the Environmental Health Services Division to provide an acoustical sheet demonstrating this noise level is not exceeded. The building shall be sound attenuated against all combined input of all present and projected exterior noise to not exceed this criteria.

XIV b) **Less Than Significant.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels. The project location is not in the surrounding area of any industries or activities that generate excessive ground borne vibration. Temporary construction activity may result in ground borne vibration through the use of grading and construction equipment. However, this short term vibration activity is exempt from the vibration standards of the County code between 7am-7pm except Sundays and Holidays. The operational characteristics of the Project will not result in excessive ground borne vibration above the standard listed in Chapter 83.01.090 of the Development Code.

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- XIV c) **Less Than Significant.** The Project will not generate a substantial permanent increase in ambient noise levels in the project vicinity above levels existing or allowed without the Project. The noise standards listed in Section XIV a, are required to be maintained through the duration of the Project's operational life. Any noncompliance will result in Code enforcement action and noise abatement procedures through the use of noise attuning devices. The Project is not anticipated to result in a substantial increase in ambient noise levels that are in excess of the County's standard.
- XIV d) **Less Than Significant.** The project will not generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. There will be a slight increase in temporary or periodic ambient noise levels in the Project vicinity caused by an increase in truck and automobile traffic. However; the surrounding properties are vacant and undeveloped, at the time future development occurs noise standards are required to be met for interior noise levels. The project noise level caused by the Project's construction and operational activity will not exceed any noise standard of the Development Code.
- XIV e) **No Impact.** As stated in section X e), the project is not located within an airport land-use plan area or within two miles of a public/public use airport.
- XIV f) **No Impact.** As stated in section X f), the project is not within the vicinity of a private airstrip.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XV. POPULATION AND HOUSING - Would the project:				
a) Induce substantial 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 housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

- XV a) **Less Than Significant.** The project will not induce substantial population growth in an area either directly or indirectly. The proposed Project is consistent with the County's General Plan for the underlying zone. The County's General Plan has anticipated and planned for this level of development on the project site. The proposed project may have an indirect impact on population growth because the Project is required to install street improvements that will widen existing roads and provide curb, gutter and sidewalk. However, the Project will not be installing other public improvements that typically result in an increase in substantial growth such as creation of new roads or the installation or extension of public sewer or water as none are located within the vicinity of the Project site.
- XV b) **No Impact.** The proposed use will not displace any housing units, necessitating the construction of replacement housing because no housing units are proposed to be demolished as a result of this proposal and the subject site is vacant.
- XV c) **No Impact.** The proposed use will not displace any people necessitating the construction of replacement housing elsewhere, because the project will not displace any existing housing or existing residents because the subject site is vacant.

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

Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
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XVI. PUBLIC SERVICES

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

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

SUBSTANTIATION

XVI a) **No Impact.** The proposed project will 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, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks, or other public facilities. The Fire Department, Police, School District, Public Works and Special Districts Departments were consulted in the review process and indicated that the project would not warrant any new or expanded facilities.

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

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

SUBSTANTIATION

- XVII a) **No Impact.** This project will 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. The County's General Plan requires new residential development to provide a local park and recreation facilities at a rate of not less than 3 acres per 1,000 residents. The proposed Project is not a residential development, therefore, no impact.
- XVII b) **No Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. No development of new parkland is required per the County General Plan because the proposed Project is not a residential development.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XVIII. TRANSPORTATION/TRAFFIC - Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a 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"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

Information contained in this section is derived from the *Newberry Springs Service Station Traffic Impact Analysis (TIA)* by Kunzman Associates dated February 15, 2016

XVIII a) **Less Than Significant.** The proposed Project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit. A Traffic Impact Analysis was conducted for the proposed Project, factoring the number and distribution of trips caused by the new service station. The study was reviewed and approved by the County's Traffic Division and has been found to be accurate for both existing conditions, existing plus Project conditions and projections on opening year and horizon year (2035) scenarios. The San Bernardino County General Plan Circulation Element states that peak hour intersection operations of Level of Service C or better are generally acceptable in the Desert Region. Therefore, any intersection operating at a Level of Service D to F will be considered deficient. In addition, a traffic impact is considered significant if the Project both: i) contributes measureable traffic to and ii) substantially and adversely changes the Level of Service at any off-site location projected to experience deficient operations under foreseeable cumulative conditions, where feasible improvements consistent with the County of San Bernardino General Plan cannot be constructed.

The Project is projected to generate approximately 2,279 daily vehicle trips. Trip generation rates were determined for daily traffic and Friday evening peak hour inbound and outbound traffic, and Sunday mid-day peak hour inbound and outbound traffic for the proposed land use. The development was estimated to generate 190 trips during the Friday evening peak hour and 190 of which will occur during the Sunday mid-day peak hour. The distribution of the project tips were based on existing travel patterns calculated using existing traffic counts. It should be noted that for the service station land use, a portion of trips would come from pass-by trips, trips that are currently on the roadway system. However, the traffic study did not adjust the traffic volumes for the Project as a result of pass-by-trips. The existing Level of Service (LOS) at all studied intersections were found to be operating at a LOS of C or better. The existing plus Project intersection delay and LOS shows that none of the intersections analyzed would fall below a LOS C for opening year or horizon year (2035). The results of the Traffic Study have shown that no additional traffic improvements or mitigation measures are required beyond the standard requirement for roadway improvements along Harvard and Hacienda Road. The County's General Plan and Development Code requires roadway improvements to the fullest half width as identified in the County's General Plan, therefore any traffic impact is anticipated to below a level of significance.

- XVIII b) **Less Than Significant.** The project will not conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. The Congestion Management Program (CMP) in San Bernardino County was created in June 1990 as a provision of Proposition 111. Under this proposition, urbanized areas with populations of more than 50,000 would be required to undertake a congestion management program that was adopted by a designated Congestion Management Agency (CMA). San Bernardino Association of Governments (SANBAG) was designated as the CMA by the County Board of Supervisors. The CMP's level of service (LOS) standard requires all CMP segments to operate at LOS E or better, with the exception of certain facilities identified in the plan that have been designated as LOS F.

The procedures in the 2000 Highway Capacity Manual (HCM) were adopted as the LOS procedures to be utilized in analyzing CMP facilities. Through the use of traffic impact analysis (TIA) reports and Comprehensive Transportation Plan (CTP) model forecasts, the CMP evaluates proposed land use decisions to ensure adequate transportation network improvements are developed to accommodate future growth in population. If a CMP facility is found to fall below the level of service standard, either under existing or future conditions, a deficiency plan must be prepared, adopted and implemented by local jurisdictions that contribute to such situations. Annual monitoring activities provide a method of accountability for those local jurisdictions required to mitigate a network facility with substandard LOS.

The Traffic Impact Analysis (TIA) analyzed traffic impacts for conformance with the County's CMP. The analysis determined that the proposed Project would not have a significant impact on the LOS of Interstate 15 and would not necessitate any improvements to the Interstate because the Project does not contribute greater than the freeway threshold volume of 100 two-way peak hour trips.

- XVIII c) **No Impact.** The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks, because there are no airports in the vicinity of the project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed use.
- XVIII d) **No Impact.** The project will not substantially increase hazards due to a design feature or incompatible uses because the project site is adjacent to an established road that is accessed at points with good site distance and

properly controlled intersections. There are no incompatible uses proposed by the project that will impact surrounding land uses.

- XVIII e) **No Impact.** The project will not result in inadequate emergency access because there are a minimum of two access points and a condition of approval by the County's Land Development Division Road Section has determined that adequate curb radii and adequate road right-of-way has been granted to the County through highway and roadway dedication and improvements
- XVIII f) **No Impact.** The project will not conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Street improvements including sidewalks are required as a condition of project approval. The remote nature of the project and its service to the traveling public along Interstate 15 does warrant the need for improvements related to public transit.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new, or expanded, entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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"/>
f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

- XIX a) **Less Than Significant.** The proposed project will not exceed the treatment requirements of the Lahontan Regional Water Quality Control Board. The regulations of the regional control board are carried out through the septic system permitting process of the County's Environmental Health Services Division.
- XIX b) **No Impact.** The proposed Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. There is no wastewater treatment provider serving the project area.
- XIX c) **Less Than Significant.** The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects. The County Land Development Division has determined that there is sufficient capacity in the existing storm water system to absorb any additional stormwater drainage caused by the project. The on-site drainage improvements and the drainage improvements included with the street improvements have been evaluated for their potential impacts. The Biological Assessment discussed in Section IV of this document included the potential impacts caused by the Project's off-site construction.
- XIX d) **No Impact.** The proposed project will have sufficient water supplies available to serve the project from existing entitlements and resources. As discussed in Section XI b, of this document the Project site will not be producing in excess of 10-acre-feet of water per year and therefore has sufficient water supplies available to serve the Project,

including the requirement for water storage as required for fire suppression purposes. No new or expanded facilities are required.

- XIX e) **No Impact.** The Project will not 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. A wastewater treatment provider does not serve the Project site.
- XIX f) **Less Than Significant.** The Victorville Sanitary Landfill via the Phelan/Sheep Creek transfer station, which has sufficient permitted capacity to accommodate the proposed project's future solid waste disposal needs. The Solid Waste Management Division has reviewed the Project and has set conditions to ensure compliance with all state laws in regards to recycling, and organic's recycling including construction recycling and waste.
- XIX g) **Less Than Significant.** The proposed project is required to comply with federal, state, and local statutes and regulations related to solid waste. The Solid Waste Management Division has reviewed the Project and has required Conditions of Approval be incorporated that will carry out all existing federal, state and local statutes and regulations.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XX. MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to 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, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

XX a) **Less Than Significant Impact with Mitigation Incorporated.** The project does not appear to 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 or 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 no identified historic or prehistoric resources identified on this site. No archaeological or paleontological resources have been identified in the project area.

The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings because the Project will be designed and painted to be low profile and blend predominantly with the desert background.

A Biological Survey has been completed for this project. Conclusions of the survey state that desert tortoise does not occupy the project site. The report notes that vegetation known to support the burrowing owl, were found on the property and in the immediate vicinity and that preconstruction surveys should be required. This requirement has been added as a condition of project approval prior to grading or ground disturbance and has been made a mitigation measure. **[Mitigation Measure IV a-1, a-2 & a-3]**

XX b) **Less Than Significant.** The project does not have impacts that are individually limited, but cumulatively considerable. Less than significant cumulative impacts to air quality, traffic, and hydrology have been identified. These impacts have been adequately addressed through conditions of approval required to construct and operate the Project. The project site is consistent with the development standards of the County's Development Code and is consistent with the General Plan, any cumulative impacts have been addressed by the County's General Plan

and certified Environmental Impact Report used in evaluating and mitigating the cumulative effects of the adoption of the General Plan.

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

Only minor increases in traffic, emissions and noise will be created by implementation of the proposed project. These potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further insure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

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.

XX. MITIGATION MEASURES

(Any mitigation measures, which are not 'self-monitoring', shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval)

SELF MONITORING MITIGATION MEASURES: (Condition compliance will be verified by existing procedure):

[Mitigation Measure IV a-1]

The following condition of approval will be required prior to the issuance of Grading and/or Building Permits:

Burrowing Owl Mitigation – Pre-Construction Survey. Within fourteen (14) days prior to ground disturbance a pre-construction survey for burrowing owl and their active burrows shall be completed by a qualified biologist according to the latest adopted California Department of Fish and Wildlife (CDFW) protocol. The results of the survey, including graphics showing locations of any active burrows detected and any avoidance measures required will be furnished to the County Planning Division and CDFW within 14-days following completion of the surveys. If active burrows are detected, the following avoidance measures will be implemented:

- **If burrowing owls are observed using burrows on-site during the non-breeding season (September through January, unless determined otherwise by a qualified biologist based on field observations in the region), occupied burrows will be left undisturbed, and no construction activity will take place within 300 feet of the burrow where feasible (see below).**
- **If avoiding disturbance of owls and owl burrows on-site is infeasible, owls will be excluded from all active burrows through the use of exclusion devices placed in occupied burrows in accordance with protocols established in CDFW's Staff Report on Burrowing Owl Mitigation (2012). Specifically, exclusion devices, utilizing one-way doors, will be installed in the entrance of all active burrows. The devices will be left in the burrows for at least 48 hours to ensure that all owls have been excluded from the burrows. Each of the burrows will then be excavated by hand and/or mechanically and refilled to prevent reoccupation. Exclusion will continue until the owls have been successfully excluded from the disturbance area, as determined by a qualified biologist.**

- Any active burrowing owl burrows detected on-site during the breeding season (February through August, unless determined otherwise by a qualified biologist based on field observations in the region), will not be disturbed. Construction activities will not be conducted within 300 feet of an active on-site burrow at this season.

[Mitigation Measure IV a-2]

Burrowing Owl Mitigation – Management Plan. Prior to issuance of a grading permit, a habitat management plan for the burrowing owl will be developed, only if burrowing owl(s) is/are discovered during the preconstruction survey. The plan will include provisions for protecting foraging habitat and replacing any active burrows from which owls may be passively evicted as allowed by Mitigation Measure IV a-1. At a minimum, the plan will include the following elements:

- If occupied burrows are to be removed, the plan will contain schematic diagrams of artificial burrow designs and a map of potential artificial burrow locations that would compensate for the burrows removed.
- All active on-site burrows excavated as described in Mitigation Measure IV a-1 will be replaced with suitable natural or artificial burrows within the preservation areas approved by the County of San Bernardino.
- Measures prohibiting the use of rodenticides during the construction process if any active on-site burrows are identified.
- The plan will ensure that adequate suitable burrowing owl foraging habitat is provided in proximity to natural or artificial burrows within off-site mitigation areas.

The Burrowing Owl Management Plan will be submitted to the County of San Bernardino and the California Department of Fish and Wildlife for review and approval prior to issuance of a grading permit for the Project.

[Mitigation Measure IV a-3]

Nesting Bird Mitigation – Pre-Construction Surveys. Within 30 days prior to vegetation clearing or ground disturbance associated with construction or grading that would occur during the nesting/breeding season (February through August, unless determined otherwise by a qualified biologist based on observations in the region), the Applicant will retain a qualified biologist to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present within or adjacent to the disturbance zone or within 100 feet (300 feet for raptors) of the disturbance zone. The surveys will be conducted no more than seven days prior to initiation of disturbance work within active project areas. If ground disturbance activities are delayed, then additional pre-disturbance surveys will be conducted such that no more than seven days will have elapsed between the survey and ground disturbance activities. If ground disturbance will be phased across the project site, pre-disturbance surveys may also be phased to conform to the development schedule.

If active nests are found, clearing and construction within 100 feet of the nest (or a lesser distance if approved by the U.S. Fish & Wildlife Service) will be postponed or halted, until the nest is vacated and juveniles have fledged, as determined by the biologist. Avoidance buffers will be established in the field with highly visible construction fencing or flagging, and construction personnel will be instructed on the sensitivity of nest areas. A qualified biologist will serve as a construction monitor during those periods when construction activities will occur near active nests to ensure that no inadvertent impacts on these nests occur.

The results of pre-construction nesting bird surveys, including graphics showing the locations of any nests detected, and documentation of any avoidance measures taken, will be submitted to the County of San Bernardino and California Department of Fish & Wildlife within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable state and federal laws pertaining to the protection of native birds.

GENERAL REFERENCES

Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)

Bryant, W. and E. Hart. 2007. *Special Publication 42: Fault-Rupture Hazard Zones in California*. California Geological Survey. Sacramento, California. <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>

California Department of Conservation 2012/2013. *San Bernardino County Important Farmland, Sheet 2 of 2*. ftp://ftp.consrv.ca.gov/pub/dlrp/wa/sanbernardino_no_12_13_WA.pdf

California Department of Conservation. *California Surface Mining and Reclamation Policies and Procedures*

California Department of Conservation. *Mineral Land Classification of Concrete Aggregate Resources in the Barstow-Victorville Area. San Bernardino County: The Barstow-Victorville Area, California*

California Department of Conservation. *Mineral Land Classification of a Part of Southwestern San Bernardino County: the Barstow-Victorville Area, California*

California Department of Transportation. *Caltrans Scenic Highway Corridor Map*. http://www.dot.ca.gov/hq/LandArch/scenic_highways/sberna.htm

California Department of Water Resources, California's Ground Water Bulletin #118 Update, 2003

California Environmental Protection Agency – State Resources Control Board. *GeoTracker* <http://geotracker.waterboards.ca.gov/>

California Natural Diversity Database. <http://www.dfg.ca.gov/biogeodata/cnddb/>

California State University, Fullerton, South Central Coastal Information Center.

CEQA Guidelines, Appendix G.

County of San Bernardino, Circulation and Infrastructure Background Report, February 21, 2006

County of San Bernardino, Countywide Integrated Waste Management Plan, 2007 Fire-Year Review Report, December 2007

County of San Bernardino. 2007. *County of San Bernardino 2007 Development Code*. <http://cms.sbcounty.gov/lus/Planning/DevelopmentCode.aspx>

County of San Bernardino. 2007. *County of San Bernardino 2007 General Plan*. <http://cms.sbcounty.gov/lus/Planning/GeneralPlan.aspx>

County of San Bernardino Hazard Overlay Map EI02B. <http://cms.sbcounty.gov/lus/Planning/ZoningOverlayMaps/HazardMaps.aspx>

County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*, May 1, 2012.

County of San Bernardino Road Planning and Design Standards, http://www.co.san-bernardino.ca.us/dpw/transportation/tr_standards.asp

Environmental Impact Report, San Bernardino County General Plan, 2007

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

Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, August 2011

Mojave Desert Air Quality Management District, *Mojave Desert Planning Area – Federal Particulate Matter (PM₁₀) Attainment Plan*, July 1995

Mojave Desert Air Quality Management District, *Rule 403-2 Fugitive Dust Control for the Mojave Desert Planning Area*. 1996. <http://www.arb.ca.gov/DRDB/MOJ/CURHTML/R403-2.HTM>

Mojave Desert Air Quality Management District, *2004 Ozone Attainment Plan*

PROJECT SPECIFIC REFERENCES

CalEEMod, *Newberry Land Development Mobile*. February 2, 2016

Civil Land Engineers, *Preliminary Hydrology Report for Newberry Springs Gas Station and Mini Mart*.

CRM TECH, *Phase I Historical/Archaeological Resources Survey Assessor's Parcel Number 0539-223-04 Harvard Road Project Newberry Springs Area*. January 22, 2016

ECORP Consulting, Inc. *General Biological Resources Assessment and Special-status Species Habitat Assessment for the Newberry Springs Gas Station and Mini Mart Project*. April 2015.

Kunzman Associates, Inc. *Newberry Springs Service Station Traffic Impact Analysis*. February 15, 2016