

**RECIRCULATED PORTIONS
OF LAZER BROADCASTING FACILITY
ENVIRONMENTAL IMPACT REPORT
(SCH No. 2008041082)**

**Responding to Superior Court of California
County of San Bernardino's
January 10, 2020 Judgment**

Prepared for:

**County of San Bernardino
Land Use Services Department – Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187**

Prepared by:

**Lilburn Corporation
1905 Business Center Drive
San Bernardino, California 92408**

NOVEMBER 23, 2020



Land Use Services Department Planning

Terri Rahhal
Director

November 24, 2020

Dear Reader:

The enclosed "Recirculated Portions of Lazer Broadcasting Facility EIR" has been prepared for the project known as Lazer Broadcasting Facility. The Applicant, Lazer Broadcasting Corporation, has proposed construction and operation of a FM radio broadcast facility on a 38.12- acre site located near Wildwood Canyon and Oak Glen Road, west of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County, and within the Oak Glen Community Plan area. The Proposed Project consists of one free-standing, 43-foot tall monopole with attached antenna, and one 10-foot by 10-foot single-story (nine-feet tall) equipment building on the 38.12 acre Project Site. The Proposed Project will also include the installation of approximately 6,700 lineal feet (LF) of underground electrical conduit in Pisgah Peak Road to bring power to the site and approximately 650LF of underground electrical line connecting the equipment building and monopole. Approximately 38 acres of the Project Site will be permanently preserved as non-developable, passive open space via a deed restriction.

On November 9, 2017, the San Bernardino County Planning Commission conducted a Public Hearing and approved a Conditional Use Permit, certified the Project's 2016 Final EIR, and approved the Project. On November 17, 2017 an Appeal of the Planning Commission's decision to certify the Final EIR was filed with the San Bernardino County Board of Supervisors by Citizens for the Preservation of Rural Living (CPRL). The Board of Supervisors conducted a Public Hearing on the Appeal on February 13, 2018. A second hearing was conducted on May 1, 2018 at which time the Board of Supervisors denied the Appeal, certified the 2016 Final EIR, and approved the Project.

Following the preparation and certification of the Final EIR and approval of the Project by the Board of Supervisors, a lawsuit was filed challenging the County's EIR and approvals. The Superior Court of the County of San Bernardino upheld portions of the County's CEQA process, but gave the County direction to take certain corrective actions through a July 31, 2019 Ruling on Petition for Writ of Mandate, a November 13, 2019 Determination re Peremptory Writ Remedies and Clarification of Ruling, and January 10, 2020 Judgment (collectively, "2020 Judgment").

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Specifically, these Recirculated Portions of the EIR summarize the factual-basis for the County's conclusions regarding the Proposed Project's potential environmental effects on 11 resource areas: (1) Agricultural and Forestry Resources; (2) Air Quality; (3) Cultural Resources; (4) Greenhouse Gases; (5) Hydrology and Water Quality; (6) Mineral Resources; (7) Noise; (8) Population/Housing; (9) Public Services; (10) Transportation/Traffic; and (11) Utilities and Service Systems. As set forth in the Recirculated Portions of the EIR, the Proposed Project is not anticipated to have potentially significant impacts to any of these 11 resource areas.

Chapter 1 of the Recirculated Portions of the EIR provides analyses of each of the 11 Issues, provides supplemental information in response to public comments related to cultural resources, and also clarifies prior language regarding the mitigation measures from the previously adopted Mitigated Negative Declaration being incorporated into and imposed upon the Project as part of the County's EIR process.

The County requests that reviewers limit their comments to only those issues presented in the Recirculated Portions of the EIR, as permitted by State CEQA Guidelines 15088.5(f). Prior comments and responses remain a part of the administrative record.

Please note that portions of the text presented in the 2016 Draft EIR (which is made a part of the 2017 Final EIR) have been revised in the Recirculated Portions of the EIR responding specifically to the 2020 Judgment. Text that is deleted is shown as strike out (~~EXAMPLE~~) and text that is added is shown as double-underline (EXAMPLE). The exception to this is the new analysis provided for the 11 Issues evaluated in response to the 2020 Judgment; for easier reading, a description of the new replacement text following the strike-out text is provided.

Sincerely,



Heidi Duron, Planning Director

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1.0 EXECUTIVE SUMMARY/INTRODUCTION

This Environmental Impact Report (EIR), State Clearinghouse No. 2008041082, has been prepared for the Lazer Broadcasting Facility Project. Lazer Broadcasting Corporation is proposing the construction and operation of a radio broadcast facility to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment building on a 38.12-acre site. The Project Site is located near Wildwood Canyon and Oak Glen Roads, west of Pisgah Peak Road in an unincorporated area of San Bernardino County, and within the Oak Glen Community Plan area.

Introduction

Lazer Broadcasting Corporation (“Lazer”) proposed the construction and operation of a radio broadcast facility that includes a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment building on a 38.12-acre site that is owned by Lazer, and the installation of approximately 6,700 lineal feet of underground electrical conduit in Pisgah Peak Road and approximately 650-lineal feet (LF) of underground electrical line connecting the equipment building and monopole to bring power to the site via Pisgah Peak Road. The Project Site is located near Wildwood Canyon and Oak Glen Roads, west of Pisgah Peak Road in an unincorporated area of San Bernardino County, and within the Oak Glen Community Plan area. Approximately 38 acres of the Project Site will be permanently preserved as non-developable, passive open space via a deed restriction. The Project is intended to bring radio programming to the under-served Spanish-speaking community, to improve Lazer’s geographic coverage in the area, and to provide an additional means of reaching both English and Spanish-speaking local communities with announcements via the emergency broadcast system.

Following the preparation and certification of a Final Environmental Impact Report under the California Environmental Quality Act (“CEQA”) and the approval of the Project by the County Board of Supervisors on May 1, 2018, a lawsuit was filed challenging the County’s EIR and approvals. The Superior Court for the County of San Bernardino upheld portions of the County’s CEQA process, but gave the County direction to take certain corrective actions through a July 2019 Ruling on Petition for Writ of Mandate, a November 2019 Determination re Peremptory Writ Remedies and Clarification of Ruling, and January 10, 2020 Judgment (collectively, “2020 Judgment”).

In response to those rulings, the County of San Bernardino (“County”), as lead agency under CEQA, is recirculating for review and comment, limited portions of the Lazer Broadcasting Facility Project Environmental Impact Report (“EIR”), State Clearinghouse No. 2008041082. Specifically, the Court directed the County to recirculate for public review and comment the portions of the EIR related to: (1) Agricultural and Forestry Resources, (2) Air Quality, (3) Cultural Resources, (4) Greenhouse Gases, (5) Hydrology and Water Quality, (6) Mineral Resources, (7) Noise, (8) Population/Housing, (9) Public Services, (10) Transportation/Traffic, (11) Utilities and Service Systems. Additionally, this Recirculated EIR provides supplemental information (as part of its cultural resources analysis) in response to previously public comments, and also clarifies how the mitigation measures from the previously adopted MND were incorporated into and imposed upon the Project as part of the County’s EIR process.

SUMMARY OF ENVIRONMENTAL ANALYSES

~~Impacts Previously Reviewed Under Mitigated Negative Declaration~~

~~Certain environmental factors required to be considered under CEQA were previously reviewed in the October 26, 2011 Mitigated Negative Declaration (MND) approved by the County of San Bernardino Board of Supervisors on November 27, 2012. Since the adequacy of the analysis for these environmental were not challenged as part of the December 21, 2012 petition for writ of mandate filed by CPRL, they are not being further evaluated within this EIR. These environmental factors include: Agricultural and Forestry Resources, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gases, Hydrology and Water Quality, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems. Since no substantial changes have occurred to the Proposed Project as previously reviewed, mitigation measures contained with the October 26, 2011 MND are still applicable and will be incorporated as part of the Project's Conditions of Approval should it be approved. A discussion of the Lead Agency's determination that no further evaluation is required is presented herein.~~

ENVIRONMENTAL ANALYSES OF CERTAIN IMPACTS FOUND TO BE LESS THAN SIGNIFICANT

~~Impacts Previously Reviewed Under Mitigated Negative Declaration~~

By way of background, certain environmental factors required to be considered under CEQA were previously found to be less than significant by the County of San Bernardino Board of . These environmental factors included: Agricultural and Forestry Resources, Air Quality, Cultural Resources, Geology and Soils, Greenhouse Gases, Hydrology and Water Quality, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems.

Consistent with Public Resources Code section 21100(c) and State CEQA Guidelines section 15063(c)(3), the County's analysis in this Recirculated EIR – together with other substantial evidence in the record – confirms that potential impacts to these resources are less than significant, such that these 11 issues do not require further analysis. This is consistent with the directive of Public Resources Code section 21002.1(e), which provides that lead agencies shall “focus the discussion in the environmental impact report on those potential effects on the environment of a proposed project which the lead agency has determined are or may be significant. Lead agencies may limit discussion on other effects to a brief explanation as to why those effects are not potentially significant.” (See also State CEQA Guidelines, §§ 15006(d), 15063(a), 15063(c)(3), 15143 [allowing agencies to focus an EIR on the detailed analysis of impacts that are potentially significant].) Similarly, it is consistent with State CEQA Guidelines section 15128, which states that “an EIR shall contain a statement briefly indicating the reasons that various possible significant impacts of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” Ultimately, the County wishes to make clear the factual basis for its less than significance findings for these eleven environmental issues and to provide them for public review. A more detailed discussion of the Lead Agency's determination that no further evaluation of these 11 environmental issues is required is presented herein.

As presented below, each of the above 11 topics sets forth replacement text that more fully explains the factual basis for the County's conclusions that impacts to each of these impact areas is less than significant.

Agricultural and Forestry Resources

~~The Project Site is situated in the steep foothills of the San Bernardino Mountains between the City of Yucaipa and the community of Oak Glen. The site is located on a west facing slope below the ridgeline, and is currently vacant; a demonstration pole was previously installed to identify the location of the monopole and represent the pole height. The demonstration pole and has since been removed. The site elevation varies from 3,850 feet above mean sea level (amsl) to 4,500 feet amsl. The entire parcel consists of steep slopes greater than 30 percent and is dominated by dense mixed chaparral.~~

~~The Project Site is located west of Pisgah Peak Road approximately 1.5 miles north of its intersection with Wildwood Canyon within an unincorporated portion of San Bernardino County and in the Oak Glen Planning area. The Project Site is approximately 1.5 miles south of the San Bernardino National Forest.~~

~~The Proposed Project would not convert prime farmland, unique farmland or farmland of Statewide importance as show on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use, since the Proposed Project is not designated as such. There are no agricultural uses onsite; and therefore no significant adverse impacts would result.~~

~~Similarly, since there is not an existing agricultural use or Williamson Act contract on the site, the Proposed Project and its location would not impact any agricultural land use or Williamson Act land conservation contract. No impacts to Williamson Act contracts or conversion of Farmland to non-agricultural use would result.~~

~~The Project Site does not occur within forest land and would not require rezoning of forest land. No loss of forest land would result from the Proposed Project. The Project Site is designated Rural Living by the County of San Bernardino. 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 would not be impacted by the Proposed Project as no rezoning from timberland to a non-timberland designation would result.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. Presented below is discussion of potential agricultural and forestry resources that currently exist in the area of the Project Site and any potential impacts that could result with implementation of the Proposed Project. Information about existing conditions was derived from Important Farmland by the Farmland Mapping and Monitoring Program (FMMP) of the California Department of Conservation (DOC) and California Land Conservation Act of 1965 (Williamson Act) contract

lands, 2016, the San Bernardino County General Plan¹, the San Bernardino Development Code, and the San Bernardino County Zoning Overlay.

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project's potential to result in agricultural and forestry resources.

Would the project:

- a. *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.*
- b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract.*
- 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)).*
- d. *Result in loss of forest land or conversion of forest land to non-forest use.*
- 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.*

The Project Site is designated as grazing land by the California Department of Conservation Farmland Mapping and Monitoring Program Map, 2016. Grazing land is defined as land on which the existing vegetation is suited to the grazing of livestock. This category is used only in California and was developed in cooperation with the California Cattlemen's Association, University of California Cooperative Extension, and other groups interested in the extent of grazing activities. According to the Farmland Mapping and Monitoring Program Map, no prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or in its vicinity. Implementation of the Proposed Project would therefore not convert prime farmland, unique farmland or farmland of statewide importance to a non-agricultural use. In addition, according to the San Bernardino County NR-5 Agricultural Resources interactive map, no land under Williamson Act Contract occurs at the Project Site. The Project would not conflict with existing agriculture, potential agricultural use, zoning for agricultural use, or a Williamson Act contract. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Project Site is located northeast of the San Bernardino National Forest. No portion of the Proposed Project would occur within designated forest land or would result in the loss of forest land or convert forest land to a non-forest use. Although the site is forested, implementation of the Proposed Project will not require removal of any trees; there are no trees within the footprint of the Proposed Project. No rezoning of the Project Site would be required as the proposed radio broadcast facility is conditionally permitted within the current zoning designation of OG/RL-20

¹ The 2007 San Bernardino County General Plan was in effect at the time the EIR Notice of Preparation was circulated and is therefore the version of the General Plan as well as the Development Code, Zoning Overlay, and Oak Glen Community Plan used for these Recirculated Portions of the EIR.

(Rural Living). **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

In addition to land use plan policies, and building guidelines provided for in the County of San Bernardino General Plan, Development Code, and the Oak Glen Community Plan limiting the area surrounding the Proposed Project from being developed with additional broadcast towers, the steep terrain and limited access from Pisgah Peak Road is also a substantial development-limiting factor. In addition, State Park Lands (Wildwood Canyon State Park encompassing approximately 900 acres of land in the cumulative impact analysis area) would likely be precluded from development of additional broadcast towers². Additionally, National Forest Lands within the cumulative impact area encompass an additional approximate 300 acres and development is subject to the USFS Land Management Plan allows for broadcast facilities only in certain areas³. None of these areas are within the cumulative project sites area shown on Figure 5-1 of the Draft EIR.

The Cumulative Project Sites identified in the Draft EIR are not in close proximity to either the Proposed Project or other developments that include agricultural and/or forestry resources and would not cumulatively increase impacts to these resource areas. In addition, project specific mitigation measures for any other proposed development within the vicinity would ensure that impacts to agricultural and forestry resources are mitigated. Therefore, cumulative impacts would not be considered significant.

Air Quality

~~The County determined that the Proposed Project would not conflict with or obstruct implementation of the South Coast Air Quality Management Plan. Additionally, the Proposed Project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation, as the proposed project would not exceed South Coast Air Quality Management District (SCAQMD) thresholds.~~

~~Short term impacts to air quality would occur during construction of the Proposed Project from soil disturbance and equipment exhaust. The Proposed Project would not exceed SCAQMD thresholds due to the relatively small size of the Proposed Project, and the minimal amount of grading (less than 25 cubic yards) required. The Proposed Project would be constructed within 25 days over an 8-week period. A helicopter may be utilized to deliver the proposed tower and to set the pier foundations and pour cement for the tower, equipment building and single parking space. The use of the helicopter, if needed, would occur over three construction days and would not cause a substantial increase in air emissions.~~

~~The Proposed Project proposes to underground utilities within the existing roadway (Pisgah Peak Road) which is unpaved. Implementation of Conditions of Approval would ensure PM₁₀ emissions are reduced to a less than significant level.~~

² The California Department of Parks and Recreation establishes general plans to direct the long-range development and management of State parks by providing broad policy and program guidance. No General Plan however currently exists for the Wildwood Canyon State Park. https://www.parks.ca.gov/?page_id=21299.

³ United States Department of Agriculture Land Management Plan, Part 2 San Bernardino National Forest Strategy, September 2005, p. 16.

~~The operational emissions of the proposed radio tower are considered negligible because the primary source of emissions would be from maintenance vehicles visiting the site.~~

~~The Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment. The project would contribute criteria pollutants in the area during the short-term project construction period. None of activities associated with the Proposed Project would create a substantial permanent increase in the emissions of criteria pollutants. In addition, the Proposed Project would not create objectionable odors due to the nature of proposed operations.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss the existing ambient air quality in the area of the Project Site and any potential impacts that could result with implementation of the Proposed Project related to the generation of air quality emissions contributing to levels of criteria pollutants. The analysis also addresses any potential project conflicts with applicable air quality plans. Information about existing conditions was derived from the South Coast Air Quality Management District (SCAQMD).

Applicable Plans, Policies, and Regulations

The following goals and policies as provided in the General Plan and Oak Glen Community Plan are relevant to the Proposed Project and analysis provided within the Recirculated Portions of the EIR.

Based upon applicable plans, policies, and guidelines contained in the General Plan and Oak Glen Community Plan, the goals and policies that pertain to the Proposed Project and analysis are listed below.

General Plan

GOAL CO 4. The County will ensure good air quality for its residents, businesses, and visitors to reduce impacts on human health and the economy.

Policy CO 4.1 Because developments can add to the wind hazard (due to increased dust, the removal of wind breaks, and other factors), the County will require either as mitigation measures in the appropriate environmental analysis required by the County for the development proposal or as conditions of approval if no environmental document is required, that developments in areas identified as susceptible to wind hazards to address site-specific analysis of: a. Grading restrictions and/or controls on the basis of soil types, topography or season. b. Landscaping methods, plant varieties, and scheduling to maximize successful revegetation. c. Dust-control measures during grading, heavy truck travel, and other dust generating activities.

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project's potential to result in air quality emissions.

Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan.*
- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation.*
- 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).*
- d) Expose sensitive receptors to substantial pollutant concentrations.*
- e) Create objectionable odors affecting a substantial number of people.*

Air quality within a region is affected by the amount of air pollution generated from stationary, mobile, area, and natural sources located within that region. Examples of stationary sources are factories, industrial facilities, and power plants. Mobile sources include cars, trucks, airplanes, and off-road vehicles including trains, construction equipment, and recreational vehicles. Area-wide sources are small emission sources, such as dry cleaners, restaurants, aerosols, consumer products, residential water heaters, and automotive shops located in a general vicinity of each other. Natural sources include forest fires, pollens, and wind-blown dust.

The Project Site is currently undeveloped and does not generate air quality emissions. The Project Site occurs in the South Coast Air Basin (SCAB), which is bound by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto mountains to the north and east, and includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, in addition to the San Gorgonio Pass area in Riverside County. The South Coast Air Quality Management District (SCAQMD) is the designated air quality control agency in the SCAB.

Under state law, the SCAQMD is required to prepare a plan for air quality improvement for pollutants for which the District is in nonattainment. Every three years, the SCAQMD prepares a new Air Quality Management Plan (AQMP), which updates the previous plan and has a 20-year horizon. The SCAQMD's latest AQMP, the 2016 AQMP, was adopted on March 3, 2017. The 2016 AQMP incorporates new scientific data and notable regulatory actions that have occurred since adoption of the 2012 AQMP, including the approval of the new federal 8-hour ozone standard of 0.070 ppm finalized in 2015 (SCAQMD 2017). The 2016 AQMP incorporates the latest Southern California Association of Government's (SCAG) forecasts for population, housing, and employment growth for managing Basin air quality SCAG estimates that the population of unincorporated San Bernardino County will increase to 344,100 by 2040 (SCAG 2015).

The Proposed Project is conditionally permitted within the OG/RL-20 (Oak Glen/Rural Living – 20-acre minimum lot size)/Rural Living District. The Proposed Project does not provide for any housing and therefore would not cause the population of unincorporated San Bernardino County to exceed SCAG population forecasts that have been incorporated into the 2016 AQMP. Therefore, the Proposed Project would not conflict with or obstruct implementation of the 2016 AQMP. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Proposed Project includes the construction and operation of a FM radio broadcast facility to include a 43-foot monopole with attached antenna, a 100 square-foot equipment building, a 200 square-foot parking space/turnaround, and the installation of 6,700 linear feet of underground electric conduit in Pisgah Peak Road and approximately 650-linear feet (LF) of underground electrical conduit connecting the equipment building and monopole to bring power to the site via Pisgah Peak Road.

Construction Emissions

The extension of electricity would occur within the existing unpaved roadway (Pisgah Peak Road), and minimal grading (less than 25 cubic feet) would be required for the construction of the 100 square-foot equipment shed and parking space. On-site construction is anticipated to take approximately 25 days over an 8-week period. Due to the minimal earthwork and no use of heavy construction equipment, construction activities would not result in significant emissions. The Project would require the use of a helicopter for the delivery of the monopole and related equipment (i.e., backup battery, and equipment shed materials). A single helicopter would be required on approximately three of the 25 construction days; however, emissions associated with its use were modeled for 25 days to represent a worst-case scenario.

The emission calculations for the construction phase of the Proposed Project included impacts from worker vehicles and the use of the helicopter. Construction worker trips were calculated using SCAQMD On-Road Passenger Vehicles Source Emission Factors⁴ for the year 2020. Helicopter emissions were calculated using Federal Office of Civil Aviation, Guidance on the Determination of Helicopter Emissions^{5,6}. The emissions are based on activities per day⁷. The proposed construction activities will include implementation of the “best available fugitive dust control requirements” and the developer will comply with SCAQMD rules and regulations (particularly Rule 403) that require controls for fugitive dust. Dust suppression techniques may include non-toxic stabilizers and covering any temporary storage piles. These standard conditions will reduce emissions to the lowest amounts feasible and ensure that the Proposed Project complies with the goals and policies identified for air quality impacts in these Recirculated Portions of the EIR.

Construction emissions were screened and quantified to document the effectiveness of control measures. Construction emissions associated with the Proposed Project are summarized in Table 1 below and output data is provided in Appendix B.

⁴ Emission Source: SCAQMD On Road Passenger Vehicles - Mobile Source Emission Factors 2020

⁵ Emission Source: Helicopter, FOCA Guidance on Determination of Helicopter Emissions

<https://www.bazl.admin.ch/bazl/en/home/specialists/regulations-and-guidelines/environment/pollutant-emissions/aircraft-engine-emissions/guidance-on-the-determination-of-helicopter-emissions.html>

⁶ 25-day construction period, Light Duty Helicopter: 317HP, 32 gallons of fuel per hour (FOCA Guidance) Federal Office of Civil Aviation FOCA

⁷ GHG Emission Factors: California Climate Action Registry General Reporting Protocol

**Table 1
Construction Emissions
(Pounds Per Day)**

Source/Phase	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Construction Worker Vehicles	0.01	0.00	0.04	0.00	0.00	0.00
Helicopter Activities	0.00	4.40	10.60	0.00	0.20	0.20
Total (lbs/day)	0.01	4.40	10.64	0.00	0.20	0.20
SCAQMD Threshold	75	100	550	150	150	55
Significant	No	No	No	No	No	No

As shown in the table above, construction emissions would not exceed SCAQMD thresholds and therefore would not expose sensitive receptors (the nearest of which are single-family residences located over one mile from the Project Site to substantial pollutant concentrations).

Operational Emissions

Operational emissions are categorized as *area* (operational use of the project), *energy* (generation and distribution of energy to the end use), and *mobile* (vehicle trips). Project operation emissions would be limited to vehicular emissions (three street legal trucks operating 8 hours per day-worst case assumption as one trip a week is anticipated) and a backup generator operating 8 hours per day, 365 days a year (worst case assumption as generators emit the highest concentration of pollutants), in the event of a power outage. No other operational emissions are anticipated. Operational emissions for the Proposed Project's mobile equipment were estimated utilizing South Coast AQMD On-Road Passenger Vehicles and Delivery Trucks and South Coast AQMD Off-Road Source Emission Factors for the 2020 operational year. Operational emissions associated with the Proposed Project is listed in Table 2. As shown in Table 2 Operational Emissions are anticipated to be less than significant.

**Table 2
Operational Emissions
(Pounds per Day)**

Source	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Vehicle Emissions ¹	0.01	0.01	0.11	0.00	0.00	0.00
Backup Generator ²	0.32	2.59	2.19	0.00	0.12	0.12
Totals (lbs/day)	0.33	2.6	2.29	0.00	0.12	0.12
SCAQMD Threshold	55	55	550	150	150	55
Significant	No	No	No	No	No	No

Source: ¹South Coast AQMD On-Road Passenger Vehicles and Delivery Trucks, 2020

²South Coast AQMD Off-Road Source Emission Factors for the 2020

Therefore, no significant impacts are anticipated and no mitigation measures are proposed.

By its very nature, air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development. Future attainment of State and Federal ambient air quality standards is a function of successful implementation of the SCAQMD's

attainment plans. Consequently, the SCAQMD's application of thresholds of significance for criteria pollutants is relevant to the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

A Lead Agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program, including but not limited to an air quality attainment or maintenance plan that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located (CCR §15064(h)(3)).

Thus, if Project emissions (i.e. change from Baseline) exceed thresholds for NO_x, ROG, PM₁₀ or PM_{2.5}, then the Project would result in a cumulatively considerable net increase of a criteria pollutant for which the SCAQMD is in non-attainment under applicable Federal or State ambient air quality standards. This means that if the project impact is less than those significance criteria, it cannot be cumulatively significant.

The Proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under any applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

Potential odor generation associated with the Proposed Project will be limited to construction sources such as vehicle exhaust and dust that would be temporary and not substantial. No significant odor impacts related to project implementation are anticipated due to the nature and short-term extent of potential sources. The nearest residences to the Project Site are located over one mile to the east, west, and south. Implementation of the Proposed Project would not create objectionable odors that would affect any substantial number of people due to the locations of the nearest sensitive receptors. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

As demonstrated, the Proposed Project would not result in any direct or indirect impact to air quality and therefore, no cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under any applicable federal or state ambient air quality standard. In addition, occasional routine maintenance and repairs of the facility will have no direct, indirect, or cumulative considerable impact on the emissions of criteria pollutants. Further, project specific mitigation measures for any other future proposed development within the vicinity would ensure that impacts to air quality would be mitigated. **Therefore, cumulative impacts would not be considered significant.**

Cultural Resources

In 2014, the lead agency determined that the Proposed Project would not result in a substantial adverse impact to historical, archaeological, or paleontological resources. These Recirculated Portions of the EIR discuss potential cultural, historical, or archaeological resources that currently exist in the area of the Project Site and any potential impacts that could result with implementation

of the Proposed Project. Information about existing conditions and used in the impact evaluation was derived from the 2007 San Bernardino County General Plan; the Final EIR and Appendices for the County General Plan dated February 2007; Phase I Archaeological Study for the Proposed Lazer Broadcasting Radio Tower in Yucaipa, California prepared by Rincon Consultants, Inc., January 8, 2018, an updated Phase I Cultural Resources Study, dated October 14, 2020, prepared by Rincon Consultants, Inc.; comment letters from San Manuel Band of Mission Indians dated April 14, November 9, and December 11, 2017; Mirau, Edwards, Cannon, Lewin & Tooke on behalf of their client Citizens for the Preservation of Rural Living dated April 17, 2017; Chatten-Brown & Carstens on behalf of their client Citizens for the Preservation of Rural Living dated September 27, 2017; Cahuilla Band of Indians dated January 26, 2018; the Morongo Band of Mission Indians dated January 31, 2018; the Sycuan Band of the Kumeyaay Nation dated February 8, 2018; and Rincon Band of Luiseño Indians dated February 9, 2018, and the December 1, 2016 Preliminary Report on Wildwood Canyon Region Ethnographic Research, David D. Earle. The analysis prepared for these Recirculated Portions of the EIR also responds to those comments.

In response to the 2020 Judgment, an updated cultural resources investigation was undertaken. The report, prepared by Rincon Consultants Inc. is summarized below and included as Appendix C. The report also considers the comment letters referenced above.

Applicable Plans, Policies, and Regulations

Assembly Bill 52 (“AB 52”) went into effect on July 1, 2015. AB 52 imposes certain consultation and analysis requirements pertaining to “Tribal Cultural Resources,” a set of resources traditionally analyzed as part of the broader category of cultural resources. However, AB 52’s requirements apply to projects for which a lead agency has issued a notice of preparation of an environmental impact report (“NOP”) *on or after July 1, 2015*. The NOP for the Project’s EIR was issued by the County on October 24, 2014. AB 52 and its requirements pertaining to Tribal Cultural Resources, therefore, does not apply. Moreover, the Court in its 2020 Judgment ordered that “preparation of a new CEQA Notice of Preparation of an EIR [is] not required.” (2020 Judgment, p. 3.)

The following goals and policies as provided in the General Plan and Oak Glen Community Plan are relevant to the Proposed Project and analysis provided within these Recirculated Portions of the EIR.

Based upon applicable plans, policies, and guidelines contained in the General Plan and Oak Glen Community Plan, the following policies that pertain to the Proposed Project and analysis are listed below.

General Plan

Goals

CO 3. The County will preserve and promote its historic and prehistoric cultural heritage.

Policies

CO 3.1 Identify and protect important archaeological and historic cultural resources in areas of the County that have been determined to have known cultural resource sensitivity.

CO 3.2 Identify and protect important archaeological and historic cultural resources in all lands that involves disturbance of previously undisturbed ground.

Oak Glen Community Plan

Goals

OG/CO 5 Preserve the significant historical sites and structures which contribute to the unique character of the Oak Glen Community Plan area.

Policies

OG/CO 5.1 Identify and inventory local historic sites and structures. In doing so, they shall seek input from the local historical society and local committees.

OG/CO 5.2 Establish funding mechanisms for historic preservation through State and Federal grant programs, private trusts, local tours and publications which explain the history of these facilities.

Project Impact Analysis and Mitigation Measures

As demonstrated in the following analysis, implementation of the Project would not result in a direct conflict of goals and policies pertaining to cultural resources as identified in either the General Plan or Oak Glen Community Plan, as project-related construction activities would adhere to requirements in the Development Code. The Project Site is not within a Cultural Resources Overlay of the County General Plan.⁸

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project's potential to cultural, historical, or archaeological resources.

Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5.
- b. Cause a substantial adverse change in the significance of an archeological resource pursuant to § 15064.5.
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- d. Disturb any human remains, including those interred outside of formal cemeteries.

⁸ 2007 County General Plan CD Map, adopted concurrently with General Plan, Cultural Resources Sensitivity Overlay Maps

An updated Phase I Cultural Resources Study, dated October 14, 2020, was prepared for the Proposed Project by Rincon and is attached as Appendix C to these Recirculated Portions of the EIR. The report findings are summarized herein. The scope of work included an update to the 2018 Phase I Archaeological Study prepared by Rincon. The study included a review of the updated search of the California Historical Resources Information System (CHRIS), updated search results of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF), a summary review of comments voiced during public review of the EIR, and background ethnographic research related to thematic elements of the public comments.

On January 3, 2018, Rincon completed a search of the CHRIS at the South Central Coastal Information Center (SCCIC), at California State University, Fullerton. The records search was conducted to identify previous cultural resources studies and previously recorded cultural resources within a half-mile radius of the Project Site.

The 2018 SCCIC records search identified 12 previous studies within a half-mile radius of the Project Site. Of these studies, four are adjacent to the Project Site (SB-1864, SB-2060, SB-2274, SB-3376), three are outside the Project Site (SB-2427, SB-3378, and SB-3379), and five are considered overview reports that encompass the entirety of the Forest Falls Quadrangle (SB-0447, SB-1115, SB-1300, SB- 2261, SB-498). As part of the current update, Rincon sent a cultural resources records search request to the SCCIC on August 24, 2020. Updated SCCIC results were sent to Rincon on October 9, 2020 and included no new data.

The 2018 records search identified four previously recorded historic-era cultural resources within a half-mile search radius of the project site (Table 2). These resources consist of a house with associated outbuildings, a ranch complex, an earthen check dam, and remnants of a cast iron horse-drawn lawn mower. No previously recorded prehistoric resources were identified by the 2018 or 2020 SCCIC records searches.

Sacred Lands File Searches

Rincon requested a search of the Sacred Lands File (SLF) with the Native American Heritage Commission (NAHC) on December 8, 2017. On December 20, 2017, Rincon received a response from the NAHC stating that the search results were negative.

As part of the updated background research, Rincon requested a follow-up search of the SLF with the NAHC on August 24, 2020, to collect additional background information regarding the presence of cultural resources within or near the Project Site. On August 25, 2020 Rincon received a response from the NAHC stating that the search results were negative. However, as stated in the response letter, "the absence of site-specific information in the SLF does not indicate the absence of cultural resources in any project area."

Ethnographic Research Review

An April 14, 2017 letter from Jerry Paresa of the San Manuel Band of Mission Indians (of the *Yuhaaviatam* Clan of Serrano) addressed to Robert Lovingood, Chairman of the San Bernardino County Board of Supervisors, states that the Wildwood Canyon area is a Serrano cultural landscape

with numerous Serrano cultural sites and resources of importance to the tribe. More specifically, Paresa argues:

“The noted linguist and ethnologist J.P. Harrington's interviews with Santos Manuel in 1918 detail the following facts: (1) Yucaipa is named after a Serrano village (Yucai'piat, Yucaipat) in this area; and (2) Wildwood Canyon was a Serrano cultural landscape and traditional use area largely inhabited and used by the *Pavi'kajam* clan. This landscape is punctuated with springs, trails, places of spiritual significance, habitation sites, and hunting/gathering locations all well known to Santos Manuel and the larger Serrano community both long before and at the turn of the 20th century.”

Between December 11, 2017 and February 9, 2018, letters were also sent to the Chairman from other members of the San Manuel Band of Mission Indians, the Rincon Band of Luiseno Indians, the Cahuilla Band of Indians, the Morongo Band of Mission Indians, and the Sycuan Band of the Kumeyaay Nation, stating the cultural significance of the Wildwood Canyon area and voicing opposition to the proposed project.

In September 2020, Rincon reviewed accessible notes from J.P. Harrington's 1918 interviews with Santos Manuel (Harrington 1918) and confirmed that Yucaipa is discussed as a traditional use area of the Serrano, however a discussion of the spiritual significance of the area was not found during the review. A portion of nearly 1,000 pages of Harrington's notes on the Serrano are only accessible in an original handwritten format. As such, this level of in-depth research into Harrington's notes were outside of the scope of work for the updated Cultural Resources Study and therefore, were unable to verify whether the spiritual significance of the Wildwood Canyon area was discussed elsewhere in the notes.

Funded by a 2001 National Science Foundation grant awarded to the Department of Native American Studies at the University of California at Davis (UC Davis), a digital archival database of Harrington's notes was built although it is no longer accessible to the general public. Inquiries sent via email and left through voicemail by Rincon on September 17, 2020, with the Department of Native of American Studies at UC Davis pertaining to database access have yet to receive responses.

One previous cultural resources study identified in the 2018 SCCIC results, a 1981 report titled SB-01115: Native American Places in the San Bernardino National Forest, seems particularly relevant to issues related to the cultural and tribal significance of Wildwood Canyon and the surrounding area. This report was not previously obtained by Rincon and attempts to find it online via academic search engines were unsuccessful. On September 17, 2020, Rincon contacted SCCIC staff to request a copy of the report in the updated records search results. SCCIC staff responded on September 18, 2020, stating the report is not digitized and thus is not currently available due to the ongoing office closure due to COVID-19.

Neither of the two reports (SB-02060: Archaeological Survey Report: Lands of Pisgah Peak *Controlled Burn Project* and SB-02274: *A Cultural Resources Reconnaissance of the Birmingham Ranch*) obtained by Rincon as part of the 2018 records search discuss the archaeological sensitivity of the current Project Site. However, report SB-02274 references two prehistoric sites (CA-SBR-

2631: a groundstone scatter and CA-SBR-5926: a lithic and groundstone scatter) located in Wildwood Canyon approximately one-mile from the current Project Site.

Two draft reports by David Earle (2016 and 2017) argue that the Wildwood Canyon region is an example of a cultural landscape, defined by the National Park Service as a “geographic area, including both cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity or person or exhibiting other cultural aesthetic values” (Birnbaum 1994, Birnbaum and Peters 1996; see also The Secretary of the Interior's Standards for the Treatment of Historic Properties (1996), at p 4). Although the Project Site is not specifically mentioned, both of Earle’s reports identify the vicinity of Wildwood Canyon and Pisgah Peak as a traditional use area of the ancestral Serrano by detailing the historical tribal-environmental interaction, place-specific resource procurement strategies, and spiritual customs documented by Harrington (1918). Although Earle indicates that Wildwood Canyon is a cultural landscape, the report does not identify any archaeological resources within the current Project Site.

Further background research utilizing academic search engines did not identify any previously recorded resources within the Project’s area of disturbance, or any tribal notifications of significant resources in the Project’s vicinity.

Cultural Resources Survey

Rincon archaeologist Lindsay Porras MA, RPA, conducted a cultural resources survey of the Project Site on December 11, 2017 (see Appendix C). During the site visit, the Project Site consisted of the proposed monopole pad location and single-track dirt path that traveled west from Pisgah Peak Road. Pisgah Peak Road was observed as an unpaved road and functions as an access road that meanders adjacent to the Project Site and traverses the San Bernardino National Forest. The Project Site and access road are situated on a steep ridge that travels west, downslope to the proposed monopole pad location. Apart from the single-track access road and monopole pad location, the entirety of the Project Site is covered by dense sage scrub vegetation.

Ground visibility was poor during the survey, resulting in approximately 10 percent visibility. The steep and densely vegetated terrain did not allow for survey transects to be spaced at 15 meters. Instead, a detailed examination of the Project Site was made for any vegetation clearings or exposed ground generally oriented north-south. From Pisgah Peak Road, Ms. Porras walked west along the dirt path and inspected the Project Site including the dirt path and monopole pad location. Tightly spaced transects (less than 5 meters) were implemented along less vegetated portions of the dirt access path and the monopole pad location. All accessible portions of the Project Site were surveyed. Where steep terrain and vegetation interfered with access, Ms. Porras investigated these areas from safe locations throughout the Project Site.

During the 2017 field survey, Ms. Porras examined all areas of exposed ground surface for prehistoric artifacts (e.g., chipped stone tools and production debris, stone milling tools, ceramics), historic debris (e.g., metal, glass, ceramics), or soil discoloration that might indicate the presence of a cultural midden. Ms. Porras recorded characteristics of the Project Site and survey conditions using a field notebook and a digital camera.

The cultural resources survey identified no previously unrecorded cultural resources on the Project Site. Disturbances on the Project Site include the cleared single-track access road and recent recreational use of the Project Site and surrounding area (i.e., evidence of hiking and mountain bike activities).

The 2018 and 2020 SCCIC records search results and the 2017 pedestrian survey did not identify any cultural resources on the Project Site. Searches of the SLF in 2017 and 2020 were both negative for site specific information, though this does not indicate the absence of cultural resources or areas considered sacred to tribal groups in the project vicinity. Sacred sites are sometimes not reported to the NAHC. Although the Project Site has been disturbed by past and present activities, the nature of the area results in very limited ground visibility and the extent and depth of previous ground disturbance is unclear as much of the Project Site and surrounding area is covered by dense vegetation on steep sloping hillsides.

Therefore, the potential to uncover subsurface archaeological deposits during Project construction remains. However, the lack of resources in the general vicinity indicates that the potential to encounter resources on Pisgah Peak and Project Site is low.

Finally, and although comments from the public and Native American community, and two draft ethnographic reports (Earle 2016 and 2017) have indicated that the Project area is considered a cultural landscape, no records indicating concurrence with any lead agencies regarding formal identification of the area as a cultural landscape could be found.

As no archaeological resources have been identified within the Project Site, such that no significant impacts to archaeological resources are anticipated. Similarly, and although evidence regarding the establishment of a cultural landscape is inconclusive, the Project would not result in potentially significant impacts to any such landscape. The Project broadcasting facility, equipment shed, parking space, and electrical tie between the monopole and equipment shed have a minimal disturbance footprint and the installation of the electrical line in Pisgah Peak Road would occur in the existing, disturbed roadway, and would not be visible once installed.

Despite these less than significant impacts under CEQA, the Project is nonetheless subject to San Bernardino County's Standard Condition of Approval No. 34 concerning archaeological, paleontological and/or historical resources. This condition would further reduce these less than significant impacts and requires construction to cease in the event of unanticipated cultural resources discovery; the retention of an expert to ensure proper treatment of any resources; and full compliance with Health & Code Safety Code and Public Resources Code requirements in the event of an unanticipated human remains discovery. Specifically, San Bernardino County Standard Condition of Approval No. 34 states:

If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all

work shall halt until clearance is received. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall be notified.

Paleontological Resources

Paleontological resources are the evidence of ancient life forms that through time, the remains of these ancient life forms become fossils. A process in which the remains (usually bone) is mineralized. Paleontological resource consists of fossils and trace fossils (outlines or imprints of ancient life forms) preserved in sedimentary rock units, particularly fine-to- medium-grained marine, lake, and stream deposits such as limestone, siltstone, sandstone, or shale, and in ancient soils (paleosols). They are also found in coarse-grained sediments such as conglomerates or coarse alluvium. As stated in the 2007 General Plan, though it is rare for fossils to occur in igneous or metamorphic rock units, these occurrences are known to occur in San Bernardino County.

The Society for Vertebrate Paleontology (SVP) defines the following four categories of paleontological sensitivity for rock units: High Potential. “Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered are considered to have a high potential for containing additional significant paleontological resources. Rock units classified as having high potential for producing paleontological resources include, but are not limited to, sedimentary formations, including formations composed of particles of volcanic origin; and some slightly metamorphosed rocks which contain significant paleontological resources anywhere within their geographical extent. Paleontological potential consists of both a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, plant, or trace fossils and b) the importance of recovered evidence for new and significant scientific data. Low Potential. Rock units identified in paleontological literature and/or field surveys as having low potential for yielding significant fossils. Such rock units will be poorly represented by fossil specimens in institutional collections, or based on general scientific consensus, only preserve fossils in rare circumstances and the presence of fossils is the exception not the rule, e.g. basalt flows or Recent colluvium. Rock units with low potential typically will not require impact mitigation measures to protect fossils.”⁹

Although a variety of rock types can be found in the San Bernardino Mountains, the most common rock is quartz monzonite, an igneous rock that solidified underground, dating to the Late Cretaceous Period (that is, about 66 to 100.5 million years before present [mybp]), with metasedimentary rocks such as the Pelona Schist present locally.

The County’s Development Code includes an overlay district relating to the preservation of paleontological resources within the County. Areas that are sensitive to Paleontological Resources “PR” are labeled within the Overlay District. The intent of the “PR” District is to identify and preserve significant paleontological resources since they are unique and non-renewable resource. To date only one mapped overlay district was prepared and included only the Phelan area of the County, which is located many miles from the Project site.¹⁰

⁹ <http://vertpaleo.org/>

¹⁰ <http://cms.sbcounty.gov/Portals/5/Planning/ZoningOverlaymaps/CulturalSensitivity.pdf/>

The borings encountered during the 2007 and 2009 Geotechnical Investigations and drilling were medium dense to dense colluvial soils consisting of silty fine sands and fine to medium sands with some bedrock fragments extending to depths of 1½± to 6½± feet below the existing ground surface. Underlying the colluvial soils, bedrock was encountered at all of the boring locations. The bedrock encountered in all of the borings consists of weakly foliated, fine to medium grained, gneiss. This bedrock unit is friable, highly weathered with some iron oxide staining, generally dense to very dense, with occasional medium dense bedrock down to a depth of 4½± feet and fractured with some jointing extending to the maximum depth explored of 30± feet¹¹.

The soil type found on-site soil type is PcC. PcC is composed of a complex of Precambrian Igneous and metamorphic rocks. Mostly gneiss and schist intruded by igneous; may be Mesozoic in part. The potential for bedrock, igneous, or metamorphic rock to yield fossils is extremely low. However, since fossils can occur anywhere in the County, the Project would be subject to San Bernardino County's standard condition of approval #34 concerning paleontological resources. San Bernardino County Standard Condition of Approval 34 states:

If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all work shall halt until clearance is received. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall be notified.

Human Remains

Construction activities, particularly excavation, could potentially disturb human remains interred outside of a formal cemetery. The Proposed Project is subject to the existing Health & Safety Code 7050.5 and Public Resources Code 5097.98. Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be called and informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98.

All discovered human remains shall be treated with respect and dignity. California state law (California Health & Safety Code 7050.5) and federal law and regulations ([Archaeological Resources Protection Act (ARPA) 16 USC 470 & 43 CFR 7], [Native American Graves Protection & Repatriation Act (NAGPRA) 25 USC 3001 & 43 CFR 10] and [Public Lands, Interior 43 CFR

¹¹ February 7, 2007 Geotechnical Investigation and January 14, 2009 Recommendations for Design of Drilled Pier Foundations, Southern California Geotechnical; provided in Appendix G of Lazer Broadcasting Draft EIR

8365.1-7]) require a defined protocol if human remains are discovered in the State of California regardless if the remains are modern or archaeological.

Adherence to Condition of Approval No. 34 would further reduce the Project's less than significant impacts.

Accordingly, the determination of the cultural resource reports, the nature of the Project, the Project's Conditions of Approval, adherence to California statutes, the lack of the Project Site being within a County General Plan Overlay, and other evidence in the record all constitute substantial evidence demonstrating that impacts will be less than significant. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

Impacts to cultural resources are site-specific, yet the destruction and/or loss of such resources could be cumulatively significant if not collectively addressed by individual projects. Any development within the Cumulative Projects Area would be required to comply with local, State, and Federal. The County General Plan includes policies requiring the identification and mitigation of cultural and archeological resources on a project-by-project basis as a means of protecting those resources countywide. Therefore, overall cumulative impacts associated with cultural resources are considered less than significant.

Additionally, Project Conditions of Approval would prevent potential impacts to cultural and archeological resources from becoming significant at the project level. Therefore, the Project's contribution would also be cumulatively less than considerable. No mitigation measures are necessary. For these reasons, the Project would not contribute to cumulatively significant impacts related to cultural, historic or archaeological resources. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

Greenhouse Gas Emissions

~~Project construction would result in greenhouse gas emissions from construction equipment and construction worker personal vehicles traveling to and from the site. Construction related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment and number of personnel. Primary emissions that would result include carbon dioxide (CO₂) from gasoline and diesel combustion, with more limited vehicle tailpipe emissions of nitrous oxide (2O) and methane (CH₄) as well as other GHG emissions related to vehicle cooling systems.~~

~~An interim threshold of 3,000 MTCO_{2E} (metric tons of carbon dioxide equivalent) per year has been adopted by SCAQMD for determining a project's potential for significant impact to global warming for stationary/industrial projects (Draft Guidance Document — Interim CEQA Greenhouse Gas (GHG) Significance Threshold, SCAQMD, October 2008). For the purposes of determining whether or not GHG emissions from a project are significant, SCAQMD recommends summing emissions from amortized construction emissions over the life of the project, generally defined as 30 years, and operational emissions, and comparing the results with the established interim GHG significant threshold. While the individual project emissions would be less than significant, it is recognized that small increase in GHG emissions associated with construction and operations of the Proposed Project would contribute to regional increase in GHG emissions.~~

~~However, it is not likely that the Proposed Project would impede the State's ability to meet the reduction targets of AB32 due to the limited amount of operational emissions associated with maintenance vehicle trips.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss the existing ambient air quality in the area of the Project Site and any potential impacts that could result with implementation of the Proposed Project related to the generation of Greenhouse Gas (GHG) emissions contributing to Global Climate Change. The analysis also addresses any potential project conflicts with applicable greenhouse gas reduction plans. Information about existing conditions was derived from the South Coast Air Quality Management District (SCAQMD), County of San Bernardino General Plan, 2007, and the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011.

Applicable Plans, Policies, and Regulations

The following goals and polices as provided in the County of San Bernardino General Plan and Oak Glen Community Plan are relevant to the Proposed Project and analysis provided within this Recirculated EIR.

General Plan

CO 4.13 Reduce Greenhouse Gas (GHG) emissions within the County boundaries.

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project's potential to result in greenhouse gas emissions.

Would the project:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*
- b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

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

San Bernardino County GHG Reduction Plan

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (September 2011) (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County's internal and external GHG emissions to 15 percent below current levels (2007 levels) by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process, the County will implement CEQA requiring new development projects to quantify project GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO₂ equivalent (MTCO_{2e}) per year is used to identify projects that require the use of Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions. Note that the SCAQMD has an annual threshold of 100,000 tons of CO_{2e} per year.

Greenhouse gas (GHG) emissions are cumulative in nature, in that, no one single project can measurably contribute to climate change and its effects (global average change in temperature, rising sea levels etc.). The direct or indirect GHG impacts are therefore not evaluated on a local level, but whether or not the GHG emissions resulting from the project are cumulative; that is, they add considerably to an increase in GHGs as compared to the existing environmental setting based on: 1) an established significance threshold(s); or 2) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

AB 32 defines seven (7) major GHGs that are emitted into the atmosphere, the first three are both biogenic (occur naturally in the environment) and anthropogenic (are man-made), through the burning of fossil fuels, the decay of organic waste in landfills etc. and they include carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O). The other four, known as Fluorinated gases (Hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride) are synthetic (made artificially by chemical processes). Because the Proposed Project does not include any chemical processes, it would not generate Fluorinated gases as defined by AB 32; only the GHGs (CO₂, CH₄, and N₂O) that are emitted by vehicle exhaust and helicopter activities would be associated with the Proposed Project. The Project's primary contribution to air emissions is attributable to construction activities. Project construction will result in minor GHG emissions from construction equipment and construction workers personal vehicles traveling to and from the site. The primary emissions that will result from the Project occur as carbon dioxide (CO₂) from gasoline and diesel combustion, with more limited vehicle tailpipe emissions of nitrous oxide (N₂O) and methane (CH₄), as well as other GHG emissions related to vehicle cooling systems. Therefore, GHG emissions from CO₂, CH₄, and N₂O were modeled. Results for GHG emissions related to construction of the Proposed Project are shown in Table 3 below.

Table 3
Greenhouse Gas Construction Emissions
(MT Per Year)

Source/Phase	CO ₂	CH ₄	N ₂ O
Construction Worker Vehicles	11.0	0.0	0.0
Helicopter Activities	1,225.0	0.4	0.4
Total (CO₂e)	31.9		
SCAQMD Threshold	3,000		
Significant	No		

Source: CalEEMod 2016.3.2, Annual Emissions

Model results for GHG emissions related to construction of the Proposed Project as shown in Table 3 above do not exceed the SCAQMD yearly threshold of 3,000 MTCO₂e. Therefore, no significant impacts would result from the generation of greenhouse gas emissions, either directly or indirectly, with implementation of the Proposed Project, and the Project would not conflict with the County's GHG Plan which was adopted for the purpose of reducing the emissions of greenhouse gases. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

By its very nature, air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development. Future attainment of State and Federal ambient air quality standards is a function of successful implementation of the SCAQMD's attainment plans. Consequently, the SCAQMD's application of thresholds of significance for criteria pollutants is relevant to the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

A Lead Agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project will comply with the requirements in a previously approved plan or mitigation program, including but not limited to an air quality attainment or maintenance plan that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the project is located (CCR §15064(h)(3)).

Thus, if a Project's GHG emissions exceed any thresholds, then the Project would result in a cumulatively considerable net increase of a criteria pollutant for which the SCAQMD is in non-attainment under applicable Federal or State ambient air quality standards. This means that if the project impact is less than those significance criteria, it cannot be cumulatively significant.

Since the Project would not exceed the SCAQMD's annual threshold and would comply with the County's GHG Plan, **cumulative impacts would not be considered significant.**

~~No additional analysis within this EIR is warranted.~~

Hydrology and Water Quality

~~The Lead Agency determined that the Proposed Project would not violate any water quality standards or waste discharge requirements, because the Proposed Project does not include or~~

~~require water service, nor would it require any sewer service. In addition the Proposed Project would not require the use of groundwater, and therefore would not deplete groundwater supplies or interfere substantially with groundwater recharge. Most of the Proposed Project area would be left permeable, so water percolation and groundwater recharge would not be significantly impacted by the implementation of the Proposed Project.~~

~~The Proposed Project would not substantially alter the existing drainage pattern of the site, as the Proposed Project would require minor grading and minimal conversion of permeable surface to impermeable surfaces. There are no existing rivers or streams on site or within the vicinity of the site.~~

~~The Proposed Project would not substantially degrade water quality, as no waste water discharge would result. The Proposed Project would 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 an identified path of a potential inundation flow that might result in the event of a dam or levee failure or that might occur from a river, stream, lake or sheet flow situation. The Project Site does not occur within a 100-year flood hazard area, and no housing or habitable structures are proposed as part of the Proposed Project. Due to the inland location of the Project Site, tsunamis would not pose a risk at the site. Similarly, there are no large bodies of water within the vicinity of the site and therefore no impacts from a seiche are anticipated. Soils in the Project area are moderately well drained, vegetation is established at the site, and historically mudflows have not been an issue. Therefore, since no impacts to hydrology and water quality would result, no further analysis is warranted in this EIR.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss the existing hydrologic and water quality conditions in the area of the Project Site and any potential impacts that could result with implementation of the Proposed Project. Information about existing conditions and potential project effects was derived from the Regional Water Quality Control Board, San Bernardino Valley Regional Urban Water Management Plan, Federal Emergency Management Agency (FEMA) and the San Bernardino County Land Use Plan Hazard Overlay Map.

Applicable Plans, Policies, and Regulations

Federal Regulations

Federal Water Pollution Control Act. The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), commonly known as the Federal Clean Water Act (CWA), established the basic structure for regulating discharges of pollutants into the waters of the United States. This act gave the USEPA authority to implement pollution control programs, such as setting water quality standards and criteria for contaminants in surface waters. The CWA does not deal directly with groundwater or with water quantity issues. Section 208 requires the use of best management practices (BMPs) to control releases of pollutants in stormwater at construction and industrial sites. Section 303(d) requires that states identify waters for which effluent limits are not stringent enough to implement the applicable water quality standards, and to prepare plans for improving the quality of these

water bodies. Section 401 requires the Federal government to obtain certification from the state that a project is consistent with state water quality standards. Section 402(p)(3)(B)(iii) authorizes the National Pollutant Discharge Elimination System (NPDES) permit program to control water pollution by regulating point sources that discharge pollutants into waters of the United States. Point sources are discrete conveyances such as pipes or manmade ditches. Section 404 authorizes the United States Army Corps of Engineers (USACE) to regulate projects that would discharge dredge or fill materials into Waters of the U.S.

Construction projects and many industrial facilities must obtain NPDES permits to control the release of industrial chemicals in stormwater runoff. Stormwater discharges are generated by runoff from land and impervious areas such as paved streets, parking lots, and building rooftops that during rainfall events often contain pollutants in quantities that could adversely affect water quality. The primary method to control stormwater discharges is through the use of BMPs.

State Regulations

Santa Ana Regional Water Quality Control Board (RWQCB). The regulations set by the RWQCB pertain to water quality aspects of discharges of solid waste to land for treatment, storage, or disposal. Title 27 of the California Code of Regulations contains provisions governing the discharge of mining waste (27 CCR §22470 et seq.). The standards set by the RWQCB do not override or relieve an owner of compliance with other orders, laws, regulations, or other requirements of other approval, regulatory, or enforcement agencies, such as the DTSC, local health entities, water and air quality control boards, local land use authorities, fire authorities, and other agencies.

Porter-Cologne Water Quality Control Act. The Porter-Cologne Water Quality Control Act (Cal. Water Code § 13000 et seq.) was enacted to establish a regulatory program to protect water quality and beneficial uses of all waters of the State of California. It created the State Water Resources Control Board (SWRCB) and RWQCB to plan, implement, manage and enforce water quality protection and management. The RWQCB is empowered by the Porter-Cologne Water Quality Control Act to require compliance with State and local water quality standards. The Porter-Cologne Act contains a complete framework for the regulation of waste discharges to both state surface water and groundwater, through the issuance of Waste Discharge Requirements (WDRs) by the RWQCBs.

The NPDES Permitting program is administered by the SWRCB. To obtain a NPDES permit, applicants must prepare and submit a Notice of Intent (NOI) with the SWRCB, and prepare and implement a SWPPP, which includes a water quality monitoring program and identification of BMPs.

County General Plan

As amended, the San Bernardino County General Plan (2007) is the fundamental policy document for the unincorporated, privately-owned lands of San Bernardino County. Within the General Plan, the applicable policies pertaining to groundwater and surface water (including stormwater) are contained in the Circulation and Infrastructure (Chapter III), Conservation (Chapter V) and Safety (Chapter VIII) Elements, which are as follows:

GOAL CI 11: The County will coordinate and cooperate with governmental agencies at all levels to ensure safe, reliable, and high-quality water supply for all residents and ensure prevention of surface and ground water pollution.

Policy CI 11.1: Apply federal and state water quality standards for surface and groundwater and wastewater discharge requirements in the review of development proposals that relate to type, location and size of the proposed project to safeguard public health.

Policy CI 11.2: Support the safe management of hazardous materials to avoid the pollution of both surface and groundwaters. Prohibit hazardous waste disposal facilities within any area known to be or suspected of supplying principal recharge to a regional aquifer.

Policy CI 11.12: Prior to approval of new development, ensure that adequate and reliable water supplies and conveyance systems will be available to support the development, consistent with coordination between land use planning and water system planning.

Policy CI 11.13: Prevent surface and groundwater pollution and continue the cleanup of contaminated waters and watersheds.

Policy CI 12.11: Prior to approval of new development, ensure that adequate and reliable wastewater systems will be available to support the development, consistent with coordination between land use planning and wastewater system planning.

Policy CI 13.1: Utilize site-design, source-control, and treatment control best management practices (BMPs) on applicable projects, to achieve compliance with the County Municipal Stormwater NPDES Permit.

Policy CO 5.4: Drainage courses will be kept in their natural condition to the greatest extent feasible to retain habitat, allow some recharge of groundwater basins and resultant savings. The feasibility of retaining features of existing drainage courses will be determined by evaluating the engineering feasibility and overall costs of the improvements to the drainage courses balanced with the extent of the retention of existing habitat and recharge potential.

Project Impact Analysis and Mitigation Measures

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project's potential to result in substantial changes in, or effects from hydrology or water quality.

Would the project:

- a) *Violate any water quality standards or waste discharge requirements.*
- 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).

- 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 which would: result in substantial erosion or siltation on- or off-site;*
- 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;*
- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*
- f) Otherwise substantially degrade water quality.*
- 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.*
- h) Place within a 100-year hazard area structures which would impede or redirect flood flows.*
- 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.*
- j) Inundation by seiche, tsunami, or mudflow.*

Impermeable surfaces added by the Proposed Project would encompass less than one percent of the 38.12-acre Project Site. A total of 40 cubic yards would be cut and filled on-site to allow for the proposed equipment shed and parking space/turn around area. With site development limited to an area of 750 square feet, existing drainage patterns would not change substantially from existing conditions. The Proposed Project would require an estimated 40 cubic yards of material to be cut and filled on-site; being less than one acre exempts the project construction from the need for a Water Quality Management Plan or Storm Water Pollutant Prevention Plan to meet National Pollution Discharge Elimination System permit requirements. There are no nearby drainage systems that would be affected by any changes in storm flow patterns. The Project would not violate any water quality standards, waste discharge requirements, or otherwise substantially degrade surface or ground water quality because the Project would not result in any significant amount of earthwork during construction or significantly increase the amount of impervious areas that currently exist on-site. Therefore, significant erosion or wastewater discharges would not occur. The Proposed Project is conditionally permitted by the County General Plan and would be required to meet the requisites of the County and the Santa Ana Regional Water Quality Control Board with regards to wastewater quality. During construction, implementation of Best Management Practices (BMPs) as required in Conditions of Approval 42 for the Project, would ensure that water quality standards are maintained. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Project Site occurs within the Yucaipa Valley Water District Service Area¹², which is a part of the San Bernardino Basin Area (SBBA). The SBBA has a surface area of approximately

¹² http://documents.yvwd.dst.ca.us/programs/uwmp/sbv_ruwmp.pdf (accessed October 8, 2020).

141 square miles and lies between the San Andreas and San Jacinto faults. As described in the 2015 San Bernardino Valley Regional Urban Water Management Plan, the Yucaipa sub basin underlies the southeast part of San Bernardino Valley and is bounded on the northeast by the San Andreas fault, on the northwest by the Crafton fault, on the west by the Redlands fault and the Crafton Hills, on the south by the Banning fault, and on the east by the Yucaipa Hills. This part of the San Bernardino Valley drains by Oak Glen, Wilson, and Yucaipa Creeks south and west into San Timoteo Wash, a tributary to the Santa Ana River. Dominant recharge to the sub basin is from percolation of precipitation and infiltration within the channels of overlying streams, particularly Yucaipa and Oak Glen Creeks; underflow from the fractures within the surrounding bedrock beneath the sub basin; and artificial recharge at spreading grounds.

The Proposed Project does not occur within an area designated for groundwater recharge and would not require the use of groundwater and thus would not deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level. As stated, less than one percent of the Project would be developed with impervious surface; therefore, water percolation and groundwater recharge would not be significantly impacted by the implementation of the Project. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

According to the site plan and grading plan, the Project would require minimal grading and would not substantially alter the existing drainage pattern of the Project Site. Due to the lack of impervious surfaces proposed, runoff at the Project Site would continue in the same manner as preconstruction conditions and would not create or contribute to runoff, including the alteration of the course of a stream or river.

A Biological Resources Assessment (BRA) prepared for the Project by Natural Resources Inc., dated August 2015 included a jurisdictional evaluation of the Project area (see Draft EIR Appendix F-4). The evaluation was performed to determine the presence of wetlands and waters subject to jurisdiction by the U. S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act, California Department of Fish and Wildlife (CDFW) under Sections 1600 et seq. of the California Fish and Game Code, and the State Water Resources Control Board (RWQCB) regulations. The BRA concluded that there are no drainages, streams or other waterways on site, and no wetland habitat is present that would come under the jurisdiction of the Corps. In addition, there are no streams, creeks or similar waterways on site that would come under the jurisdiction of the RWQCB or CDFW.

The CDFW, through provisions of the State of California Administrative Code, is empowered to issue agreements for any alteration of a river, stream or lake where fish or wildlife resources may adversely be affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water or historical evidence of flow. Lateral limits of jurisdiction are not clearly defined, but generally include any riparian resources associated with a stream or lake, CDFW regulates wetland areas only if those wetlands are part of a river, stream or lake as defined by CDFW. The BRA concluded that there are no streams, creeks, washes, or similar waterways that would come under the jurisdiction of the CDFW.

The Project Site is located within a mountainous, remote area of the County, and as concluded in the BRA, there are no streams or rivers on-site that would be impacted by implementation of the Proposed Project. Construction at the Project Site would include grading and manual utility trenching. The creation of impervious surfaces would be limited to the equipment shed; its construction would be partially subterranean. A small retaining wall would be constructed along the upgradient side of the equipment shed and would include the installation of perforated subdrain pipe with perforations laying downward for maximizing soil infiltration. Elevations upstream and downstream of the shed will not be altered. Therefore, flows would be directed around the shed and be collected in the drain system for soil infiltration. The proposed parking space/turnaround area would not be paved and would also allow for infiltration of stormwater. Therefore, the Project would not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

As previously stated, based on review of the Project, impermeable surfaces would encompass less than one percent of the 38.12-acre Project Site. With minor grading (i.e., 40 cubic yards) and minimal creation of impervious surfaces, the Project would not change the existing drainage pattern on-site and would not significantly increase runoff resulting in flooding on or off-site or impede or redirect flood flows. Therefore, existing drainage patterns would not change substantially from existing conditions, and no nearby drainage systems would be affected. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Project Site occurs within a mountainous area and does not occur within either a flood hazard, tsunami, or seiche zone. No housing or otherwise inhabitable structures are a part of the Proposed Project. Tsunamis are large waves generated in open bodies of water by fault displacement due to major ground movement. Due to the Project Site's distance from the Pacific Ocean, tsunamis are not potential hazards in the vicinity of the Project Site. As shown on the San Bernardino County Hazard Overlays Map F125B¹³, the Project Site does not occur within a Floodplain Safety Overlay District. Additionally, as shown on the FEMA Flood Map No. 06071C8765H effective August 28, 2008, the Project Site is identified as occurring in Zone X, or an area of minimal flood hazard.¹⁴ **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

San Bernardino County Public Works Department has reviewed the Project plans and determined that impermeable surfaces would encompass less than one percent of the Project Site. With site development limited to 750 square feet of the 38.12 -acre site, existing drainage patterns would not change substantially from existing conditions, and no nearby drainage systems would be affected. The project would therefore not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

¹³ http://www.sbcounty.gov/Uploads/lus/HazMaps/FI25B_20100309.pdf (accessed October 9, 2020).

¹⁴ <https://msc.fema.gov/portal/search?AddressQuery=Forest%20Falls%2C%20CA#searchresultsanchor> (accessed October 9, 2020).

The cumulative project sites identified in Figure 5-1 on page 5-5 of the Draft EIR are not in close proximity to either the Proposed Project or other developments that could impact hydrology or water quality or be impacted by hydrologic conditions and would not cumulatively increase impacts to these resource areas either directly or indirectly. Development existing in the immediate vicinity is limited to telecommunication and water storage facilities that do not include any substantial impervious areas. There are no streams, creeks, or similar waterways on the site or potentially impacted by the Proposed Project (refer to Draft EIR Appendix F-4, pp 22-23). In addition, project specific mitigation measures for any other proposed development within the vicinity would ensure that impacts to hydrology and water quality and from hydrologic conditions would be mitigated. **Therefore, cumulative impacts would not be considered significant.**

Mineral Resources

~~The Project Site is not identified on the Mineral Resource Zone Overlay as containing any important mineral resources. Therefore, implementation of the Proposed Project would not result in the loss of a known available mineral resource. No further analysis is warranted in this EIR.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss potential mineral resources that currently exist in the area of the Project Site and any potential impacts that could result with implementation of the Proposed Project. Information about existing conditions was derived from the State Department of Conservation's website <https://maps.conservation.ca.gov/cgs/informationwarehouse/mlc/>, accessed September 9, 2020; Draft EIR, Final EIR and Appendices for the County General Plan dated February 2007; the Draft EIR for the Countywide Plan dated June 2019; the San Bernardino Development Code, and the San Bernardino County Zoning Overlay.

Applicable Plans, Policies, and Regulations

There are no relevant goals or policies listed in either the General Plan or Oak Glen Community Plan that pertain to Mineral Resources or analysis provided within these Recirculated Portions of the EIR. Therefore, implementation of the Project would not result in a direct conflict of goals and policies pertaining to mineral resources identified in either the General Plan or Oak Glen Specific Plan.

Project Impact Analysis and Mitigation Measures

Based on the review of available information as discussed below, the Project Site does not occur in an area that has been identified as containing valuable mineral resources.

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project related to 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.*

- 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.*

The California Geological Survey Mineral Resources Program provides information about California's mineral resources and classifies lands throughout the state that contain regionally significant mineral resources as mandated by Surface Mining and Reclamation Act (SMARA). Building and infrastructure development generally results in a demand for minerals, especially construction aggregates. SMARA provides guidelines for classification and designation of mineral lands, which require all cities and counties to incorporate mineral resource management policies into their general plans and approval by the State Mining and Geology Board.

The classification process has developed Production-Consumption (P-C) region boundaries based on identification of active aggregate operations (production) and the market areas served (consumption). The PC regional boundaries include only the parts of the region that are urbanized or are urbanizing and are classified for their aggregate resource significance. An aggregate resource appraisal further evaluates the presence or absence of important sand, gravel and dimension stone deposits that are suitable sources of construction aggregate. The classification and designation of these mineral resources is a joint effort of the state and the local governments. It is based on geologic factors and requires that the State Geologist classify the mineral resources area as one of the four Mineral Resource Zones (MRZs) described below:

MRZ-1: Areas where adequate geologic information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.

MRZ-2a: Areas underlain by mineral deposits where geologic data show that significant measured or indicated resources are present.

MRZ-2b: Areas underlain by mineral deposits where geologic information indicates that significant inferred resources are present.

MRZ-3a: Areas containing known mineral deposits that may qualify as mineral resources

MRZ-3b: Areas containing inferred mineral deposits that may qualify as mineral resources.

MRZ-4: Areas where geologic information does not rule out either the presence or absence of mineral resources (SMGB 2019).

As shown in the County's Countywide Plan EIR, Figure 5.11-1 Mineral Resource, the Project Site is designated Mineral Resources Zone 3 (MRZ-3)¹⁵. According to Special Report 206, Plate 1, Updated California Department of Conservation, Mineral Land Classification Map, San Bernardino Production-Consumption (PC) Region, the Project Site is designated MRZ-3.¹⁶ This zone is defined as an area containing mineral deposits with a significance that cannot be evaluated

¹⁵ http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-11-MIN.pdf

¹⁶ <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

from available data. An area with undetermined mineral significance would not be valuable to the region or residents of the state until its mineral significance is confirmed.

The current uses of the Project Site and surrounding areas have limited accessibility and would therefore not be considered viable for mining operations. Additionally the vicinity is designated as a mineral zone defined as an area containing mineral deposits with a significance that cannot be evaluated from available data. Therefore, the unknown value of the resources and the site access restrictions do not make the area cost-effective for mining operations. Therefore, implementation of the Proposed Project would not result in the loss of availability of a known mineral resource or locally-important resource that would be of value to the region and the residents of the State. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

As discussed, the Proposed Project would have no direct or indirect impacts on mineral resources. The cumulative project sites identified in Figure 5-1 on page 5-5 of the Draft EIR are not in close proximity to either the Proposed Project or other developments that include mineral resources and would not cumulatively increase impacts to these resource areas. **Therefore, cumulative impacts to mineral resources would not be considered significant.**

Noise

~~The Lead Agency determined that implementation of the Proposed Project would result in less than significant impacts related to noise. The Project Site is not located within the County's Noise Hazard Overlay District and is not subject to severe noise levels according to the General Plan Noise Element. During normal operations the Project would only generate noise via its air-conditioning units, which would meet County standards. Operation of the tower would not generate audible levels of noise or perceptible levels of vibration in the surrounding community. Noise generation from construction equipment/vehicle operation would be localized, temporary, and transitory in nature. Construction of the project may potentially create some elevated short-term construction noise impacts from construction equipment; however, these activities shall be limited to daytime hours in accordance with the County Noise Ordinance. Furthermore, the Project Site is located in a remote area with very limited development occurring in the project vicinity, and temporary noise impacts were determined to be less than significant. The Project would not result in significant impacts to noise and requires no mitigation; no further analysis is warranted in this EIR.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss the existing ambient noise levels in the area of the Project Site and any potential impacts that could result with implementation of the Proposed Project. Information about existing conditions and noise standards was derived from the 2007 San Bernardino County General Plan and the Final EIR and Appendices for the County General Plan dated February 2007.

Applicable Plans, Policies, and Regulations

The following goals and policies as provided in the General Plan and Oak Glen Community Plan are relevant to the Proposed Project and analysis provided within these Recirculated Portions of the EIR.

Based upon applicable plans, policies, and guidelines contained in the General Plan and Oak Glen Community Plan, the following policies that pertain to the Proposed Project and analysis are listed below.

General Plan

N 1.5 Limit truck traffic in residential and commercial areas to designated truck routes; limit construction, delivery, and through-truck traffic to designated routes; and distribute maps of approved truck routes to County traffic officers.

N 1.6 Enforce the hourly noise-level performance standards for stationary and other locally regulated sources, such as industrial, recreational, and construction activities as well as mechanical and electrical equipment.

Oak Glen Community Plan

Section 7 of the Oak Glen Community Plan refers the reader to the Noise Element of the General Plan. Therefore, no additional goals/policies are listed in the Community Plan.

As demonstrated in the following analysis, implementation of the Project would not result in a direct conflict of goals and policies pertaining to noise as identified in either the General Plan or Oak Glen Community Plan, as project-related construction activities would adhere to requirements in the Development Code, would not include the use of heavy equipment, and would not result in a permanent increase in ambient noise levels in the project vicinity.

Project Impact Analysis and Mitigation Measures

The Project Site is currently vacant and occurs in a remote area of the County; no significant noise sources beyond an occasional vehicle traveling along Pisgah Peak Road and aircraft flying over exist. The surrounding area is primarily open space, scattered residential development, and Wildwood Canyon State Park. The nearest sensitive receptors include one single-family residence located over one-mile northwest of the Project Site, and several single-family residences located over one-mile southwest (north of Wildwood Canyon Road) and southeast (west of Oak Glen Road) of the Project Site.

The County regulates noise from sources that are not preempted by state or federal jurisdiction. Such sources include project construction activities; stationary sources, such as fans, pumps, compressors and other mechanical equipment; and mobile sources operating on private property. Section 83.01.080 of the County's Development Code sets forth performance standards for affected (receiving) land uses from stationary and mobile sources, during daytime (7 AM to 10 PM) and nighttime (10 PM to 7 AM) periods. In accordance with the County of San Bernardino Development Code, temporary construction, maintenance, repair, and demolition activities between 7:00 AM and 7:00 PM, except Sundays and federal holidays, are exempt from Section 83.01.080(g)(3) of the San Bernardino Development Code. Construction noise is considered a short-term impact and would be considered significant if construction activities are undertaken outside the allowable times as described by Section 83.01.080(g)(3) of the San Bernardino Development Code. Although construction noise will have a temporary or periodic increase in the

ambient noise levels above the existing within the project vicinity, construction activities are anticipated to occur during the permissible hours stated above.

Circulation and transportation systems (roadways, airports, and railroads) are the most significant noise-producing activities within the County. Point sources, such as industrial, mining, and recreational sites, also produce noise levels of concern. Some key source areas are wrecking yards, rock crushing, racetracks, snow and water ski areas, outdoor concerts, shooting facilities, and similar recreation facilities. Additional sources are off-road vehicles, snowmobiles, and the operation of specialized equipment. Traffic noise and the level of noise associated with roadways vary with total traffic volume and vehicular speed.

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project's potential to result in increases in the noise environment.

Would the project result in:

- a) Exposure of persons to a generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.*
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.*
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.*
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.*
- 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.*
- 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.*

Construction of the Project may potentially create some elevated short-term construction noise impacts during use of a helicopter for material delivery, worker vehicles traveling to the site, and use of manual tools. However, there are no sensitive receptors within the immediate vicinity of the Project Site. The nearest sensitive receptors (single-family residences) occur approximately one-mile northeast and southwest of the Project Site. Construction noise is considered a short-term impact and would be considered significant if construction activities are undertaken outside the allowable times as described by Section 83.01.080(g)(3) of the San Bernardino Development Code. All construction activities would occur during the daylight hours and would include short term use of the helicopter (i.e., anticipated up to three days and three hours per day) and up to ten workers traveling to the Project Site. Due to the existing terrain, a limited number of worker vehicles would have access to the Project Site. In accordance with the County of San Bernardino Development Code, temporary construction, maintenance, repair, and demolition activities between 7:00 AM and 7:00 PM, except Sundays and federal holidays, are exempt from Section

83.01.080(g)(3) of the San Bernardino Development Code. Construction noise is considered a short-term impact and would be considered significant if construction activities are undertaken outside the allowable times as described by Section 83.01.080(g)(3) of the San Bernardino Development Code. Although construction noise will have a temporary or periodic increase in the ambient noise levels above the existing within the project vicinity, construction activities are anticipated to occur during the permissible hours stated above. Therefore, it is anticipated that short-term construction noise would not expose persons to or generate noise levels in excess of standards established in the General Plan, Oak Glen Community Plan or noise ordinance.

The Proposed Project will not create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the Project, because a radio tower is a passive use that does not generate noise. Noise levels in excess of established County standards will not occur, as operational activities would consist of a single maintenance vehicle traveling to the site up to once a week and on-site equipment consisting of a backup generator to be used only during the loss of electricity. Therefore, a temporary or permanent increase in ambient from project construction or operations is not anticipated, and **no significant impacts are anticipated and no mitigation measures are proposed.**

The Project would not expose people to or generate excessive groundborne vibration or result in significant groundborne noise, as heavy equipment would not be used on-site during construction of the Project. Similarly, operation of the Project would not require the use of equipment that would result in groundborne vibration. In addition, the nearest vibration-sensitive land uses (i.e. single-family residences) occur over one mile northwest, southwest and southeast of the Project Site. At distances ranging from 107 to 1,616 feet from project construction activity (with use of heavy equipment), construction vibration velocity levels have been shown to range from 0.000 to 0.010 in/sec Peak Particle Velocity (PPV) at nearby sensitive receptor locations, which would remain below the Caltrans 0.3 in/sec PPV building damage threshold for older residential structures.¹⁷ Based on other construction-related vibration analyses, any groundborne vibration resulting from use of the backup generator at the Project Site would not be received at any vibration-sensitive land use locations. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Proposed Project area is not located within an airport land use plan, near an airstrip nor within two miles of a public airport or public use airport. The Proposed Project would not result in people residing in the project area and workers would be limited to the estimated 8-week construction period and periodic trips to the site for maintenance. The Proposed Project would not expose people in the project area to excessive noise levels. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

As discussed, the Proposed Project would have no direct or indirect impacts on the ambient noise environment or to people residing or working in the area. The cumulative project sites identified in Figure 5-1 on page 5-5 of the Draft EIR are not in close proximity to either the Proposed Project or other developments that could impact noise and would not cumulatively increase impacts to the existing ambient noise level. In addition, project specific mitigation measures for any other

¹⁷ Noise Impact Analysis for Estes Banning (Truck Terminal), Urban Crossroads, September 14, 2019.

proposed development within the vicinity would ensure that impacts to noise would be are mitigated. **Therefore, cumulative impacts would not be considered significant.**

Population/Housing

~~The Proposed Project would not result in the introduction and/or an increase in new residential homes and the Proposed Project would not involve the introduction of a temporary or permanent human population into the area. Because the project would not result in population increase, the project would have no impact on local schools and parks. Implementation of the project is anticipated to have less than significant impacts on fire and police protection services. The Lead Agency concluded that there is a low probability and short term nature of potential fire protection needs during construction. The Project Proponent met with County Fire Department prior to submitting a CUP application and incorporated the Department suggestions into the project description. The project would not result in significant impacts to public services and requires no mitigation; no further analysis is warranted in this EIR.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss housing and potential population growth that may result from implementation of the Proposed Project and any potential impacts related to growth inducement or the need for housing that could result. Information about existing conditions was derived from site visits to the vicinity and the 2007 San Bernardino County General Plan.

Applicable Plans, Policies, and Regulations

There are no relevant goals or policies listed in either the General Plan or Oak Glen Community Plan that pertain to the Project and its potential effects on population growth or the analysis provided within these Recirculated Portions of the EIR. Therefore, implementation of the Project would not result in a direct conflict of goals and policies pertaining to population growth or the displacement of existing housing as identified in either the General Plan or Oak Glen Community Plan.

Project Impact Analysis and Mitigation Measures

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate any potential environmental impacts to population and housing associated with a project.

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).*
- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.*
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.*

According to the San Bernardino County General Plan, the Project Site and the majority of the surrounding area is designated as OG/RL-20 (Oak Glen/Rural Living – 20-acre minimum lot size)/Rural Living. Under this current County General Plan designation, the Project Site vicinity could be developed with large-lot residential uses. One three-story single-family residence (including lighting and ancillary structures) could be developed on the Project Site without discretionary permits and without any CEQA review. The Proposed Project is also an acceptable use within the designation and is subject to discretionary permits.

The underground electrical line extending to the Project Site from the existing KRBQ tower was determined in the Draft EIR to not be cumulative or growth inducing (Draft EIR p. 10). This determination was made based on the fact that the utility service extension will be private and would be a service lateral sized only to provide the necessary utility demand of the Proposed Project. There would not be sufficient capacity available for any other users. Therefore, the Proposed Project would not 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). **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The 38.12-acre Project Site is currently vacant and is not developed with any housing. Therefore, substantial numbers of existing housing or substantial numbers of existing people would not be displaced, necessitating the construction of replacement housing elsewhere. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

As discussed, the Proposed Project would have no direct or indirect impacts on population and housing. The cumulative project sites identified in Figure 5-1 on page 5-5 of the Draft EIR are not in close proximity to either the Proposed Project or other developments that include housing or the displacement of housing and would not cumulatively increase impacts to this resource. **Therefore, cumulative impacts to population and housing would not be considered significant.**

Public Services

~~The Proposed Project would not result in the introduction and/or an increase in new residential homes and the Proposed Project would not involve the introduction of a temporary or permanent human population into the area. Because the project would not result in population increase, the project would have no impact on local schools and parks. Implementation of the project is anticipated to have less than significant impacts on fire and police protection services. The Lead Agency concluded that there is a low probability and short term nature of potential fire protection needs during construction. The Project Proponent met with County Fire Department prior to submitting a CUP application and incorporated the Department suggestions into the project description. The project would not result in significant impacts to public services and requires no mitigation; no further analysis is warranted in this EIR.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss any housing, other structures, or infrastructure required for the Proposed Project that could directly or indirectly result in the need for new or physically altered

public facilities or services. Information about existing conditions was derived from San Bernardino County General Plan, the San Bernardino Development Code.

Applicable Plans, Policies, and Regulations

There are no relevant goals or policies listed in either the General Plan or Oak Glen Community Plan that pertain to Public Services or the analysis provided herein. Therefore, implementation of the Proposed Project would not result in any conflict with goals and policies pertaining to public services as identified in either the General Plan or Oak Glen Specific Plan.

Project Impact Analysis and Mitigation Measures

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project related to 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

Police Protection

Schools

Parks

Other Public Facilities

The Project Site is currently vacant and occurs in a remote area of the County. Fire protection is currently provided by the San Bernardino County Fire Department. The nearest station (Oak Glen Station 555) is located approximately five (5) miles east of the Project Site at 11877 Oak Glen Road in Yucaipa. Through mutual aid agreements, the California Department of Fire and Forestry (Station 1) also services the Project Site and surrounding area and is located approximately five (5) miles northwest of the Project Site at 11416 Bryant Street in Yucaipa.

EIR Section 4.2 Fire Safety Hazards, addressed the issue of the potential for the Proposed Project to increase the risk of wildfires and fire suppression access to the Project Site from Pisgah Peak Road, specifically with regards to the narrow road with steep grades. As concluded and based on project plan review by County Fire, the steep access road to the Project Site would be considered adequate because the Proposed Project would be an unmanned monopole and fire crews would not travel to the Project Site to suppress a fire at the facility. County Fire determined that the requirements for access road and water supply are not applicable requirements for unmanned structures that would not require evacuation or fire defense. Therefore, impacts to fire services would be less than significant as no new or expanded facilities would be required. Additional information related to wildfire suppression was previously provided in the Draft EIR (refer to Chapter 4.4) With mitigation recommended therein and Conditions of Approval, the Project would

not impact fire service and would not reduce fire service response times for the surrounding community. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Project Site and other unincorporated portions of the County are served by the San Bernardino County Sheriff's Department. The Proposed Project does not include housing or the need for on-site employees 24/7. Security of the facilities would be provided by telemetry so that law enforcement could be notified if warranted. However, based on the minimal number of incidents (e.g. theft, vandalism) reported at other Applicant-owned facilities, the need for response by the Sheriff's Department would be negligible. The Proposed Project would therefore not impact service ratios, response times, or other performance objectives related to police protection. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

Due to the short-term nature of project construction and the number of construction workers (i.e., a maximum of ten), the Project would not result in an increase demand on existing schools or the need for new schools. The Proposed Project would not result in any new employees in the area. Operation of the Project would not create a demand on school services as existing workers that perform maintenance at the Project Proponents' other facilities would perform maintenance at the proposed facility. The Project would not involve the introduction of a temporary or permanent human population into this area. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

Long-term operation of the Proposed Project would not increase the demand on parks because the Project would not involve the construction of facilities that require such services (e.g., residences) and will not involve the introduction of a temporary or permanent human population into this area. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Proposed Project is the construction and operation of a radio broadcast facility and related equipment and would not involve the introduction of a temporary or permanent human population in the area, which would result in impacts to other public facilities. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

As discussed, the Proposed Project would have no direct or indirect impacts on the existing public services or facilities provided in the area. The Proposed Project does not include any additional housing or populations and therefore existing service levels would not be impacted. The cumulative project sites identified in Figure 5-1 on page 5-5 of the Draft EIR are not in close proximity to either the Proposed Project or other developments that would place an additional demand on public services and would not cumulatively increase impacts to public services. In addition, project specific mitigation measures for any other proposed development within the vicinity would ensure that impacts to public services are mitigated. **Therefore, cumulative impacts would not be considered significant.**

Transportation/Traffic

~~Vehicle trips on Pisgah Peak Road would increase temporarily during construction but would not exceed the capacity of the road. During regular operation, service personnel would visit the site for routine maintenance 2-4 times per month. In previous environmental analysis the Lead Agency~~

~~determined that implementation of the project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system, because the increase in the number of vehicle trips, the volume to capacity ratio on roads, and the congestion level at intersections would remain below the planned thresholds for those facilities. Additionally, the project would not exceed, either individually or cumulatively, any level of service standards established by the county congestion management agency.~~

~~Pisgah Peak Road is a private, gated road that does not receive regular traffic. The project would not include design features that would affect traffic on local roads, and would not result in inadequate emergency access to the project area. Implementation of the Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Lastly, the Project would not result in a change to air traffic patterns. No significant impacts related to transportation and/or traffic are anticipated and no further analysis is warranted in this EIR.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss any potential impacts that could result from the Proposed Project to the existing transportation system.

Applicable Plans, Policies, and Regulations

The following goals and policies as provided in the General Plan and Oak Glen Community Plan are relevant to the Proposed Project and analysis provided within these Recirculated Portions of the EIR.

Based upon applicable plans, policies, and guidelines contained in the General Plan and Oak Glen Community Plan, the following policies that pertain to the Proposed Project and analysis are listed below.

Oak Glen Community Plan

Goal OG/CI 1. Ensure a safe and effective transportation system that provides adequate traffic movement while preserving the mountain character of the community.

Project Impact Analysis and Mitigation Measures

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with project-related impacts to the transportation system in the vicinity of the project.

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.*

- 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.*
- 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.*
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).*
- e. Result in inadequate emergency access.*
- f. Conflict with adopted polices, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.*

The Project Site is currently vacant and does not generate any traffic trips or associated vehicle miles traveled. Access to the Project Site is provided by Pisgah Peak Road; a private, gated, unpaved road that does not receive regular traffic. In addition, Pisgah Peak Road does not support public transit, bicycle lines or pedestrian facilities.

The Proposed 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. No alternative transportation policies, plans, or programs have been designated for the proposed Project area. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

During construction, a slight increase in vehicle trips and vehicle miles traveled (limited to up to 10 worker vehicles daily) would result. The precise number of workers may vary somewhat from day-to-day, however, with the proposed activities required for completion of the Proposed Project, heavy equipment will not be used, either for transportation or construction. The minimal increase would also be temporary and would not exceed the capacity of any roadway system. Similarly, the Project would not exceed, either individually or cumulatively, any level of service standard established by the County Congestion Management Agency for designated roads or highways, as operational traffic would result in only a single trip once per week. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Project Site is not located within an airport land use plan and is not within two miles of a public airport. The nearest airport is the Redlands Municipal Airport approximately 10 miles to the northwest. According to the Federal Code of Regulations, Title 14, Part 77.9, the Proposed Project does not require that the Federal Aviation Administration (FAA) be notified because the monopole height is below 200 feet¹⁸. Based on the distance to the nearest airport and the height of the monopole, the Proposed Project would not change air traffic patterns or create a safety hazard to people or aircraft. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

¹⁸ Federal Code of Regulations, Title 14, Part 77 – Safe, Efficient Use, and Preservation of the Navigable Airspace, Subpart 77.9 – Construction or Alteration Requiring Notice

The proposed Project would not include design features that would affect traffic safety, nor would it cause incompatible uses (such as farm equipment) on local roads. Access to the Project Site is provided by Pisgah Peak Road; a private, gated, unpaved road that does not receive regular traffic. The roadway will not be burdened with large trucks or equipment, nor will there be truck routes established through neighborhoods. Pisgah Peak Road will not be widened. No new roads are proposed as part of the Project. During construction, a helicopter, proposed for up to three days of use for material delivery, would be operated by a licensed pilot and in accordance with applicable FAA Regulations. At no time would the helicopter land on-site. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

The Proposed Project would not result in changes to the geometric features of existing roadways as the access will be provided by an existing private road and the Proposed Project would generate less than 1 trip per day during operations. The Proposed Project would not result in inadequate emergency access to the Project area as no public roads would be impacted and the existing public road would not be redesigned or otherwise affected by project operations. Access to the Project Site is provided by Pisgah Peak Road; a private, gated, unpaved road that does not receive regular traffic. During project construction, all vehicles would be staged so as to not block emergency access along Pisgah Peak Road. The Proposed Project would not require any road closures. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

As discussed above, the Proposed Project would have no direct or indirect impacts on the existing transportation system or traffic levels in the vicinity. Much of the area surrounding the Proposed Project could not be developed with residential uses or additional broadcast towers due to the steep terrain and limited access from Pisgah Peak Road. The vicinity of the Proposed Project is designated by the County for rural residential use at a low density of one home per 20-acre lot. Therefore, substantial residential development also could not occur based on the land use designation. In addition, project specific mitigation measures for any future proposed development within the vicinity would ensure that impacts to transportation systems are mitigated. **Therefore, cumulative impacts would not be considered significant.**

Utilities and Service Systems

~~the Lead Agency's previous analysis, implementation of the Proposed Project would result in less than significant impacts related to utilities and service systems. The Proposed Project would not result in the construction of new or expansion of existing water, wastewater, or storm water drainage facilities. The Proposed Project would not have an impact on existing water supplies because no water is required for operation of the proposed monopole antenna.~~

~~Implementation of the project would result in short-term waste generation limited to minor quantities of construction debris; no long-term waste generation would occur associated with operation of the antenna. Solid wastes produced during the construction phase of the project, would be appropriately disposed of at a local landfill or at a recycling facility by the project Contractor. The project would comply with all federal, state, and local statutes and regulation related to solid waste. No significant impacts related to utilities and service systems are anticipated and no further analysis is warranted in this EIR.~~

The text that follows is added to the EIR as replacement to the language deleted above and to specifically address the Court's direction provided in the 2020 Judgment. These Recirculated Portions of the EIR discuss utilities and service systems that would be required for the Proposed Project and any potential impacts that could result related to the ability of services to serve the site, or the need to construct new facilities. Information about existing conditions was derived from project plans, the Regional Water Quality Control Board, Yucaipa Valley Water District, Henry N. Wochholz Wastewater Treatment Facility, County of San Bernardino General Plan, Development Code, and the Oak Glen Community Plan.

Applicable Plans, Policies, and Regulations

Based upon applicable plans, policies, and guidelines contained in the General Plan and Oak Glen Community Plan, the following policies that pertain to the Proposed Project and analysis are listed below.

General Plan

GOAL CI 13. The County will minimize impacts to stormwater quality in a manner that contributes to improvement of water quality and enhances environmental quality.

CI 13.2 Promote the implementation of low impact design principles to help control the quantity and improve the quality of urban runoff. These principles include:

a. Minimize changes in hydrology and pollutant loading; ensure that post development runoff rates and velocities from a site do not adversely impact downstream erosion, and stream habitat; minimize the quantity of stormwater directed to impermeable surfaces; and maximize percolation of stormwater into the ground where appropriate.

c. Preserve wetlands, riparian corridors, and buffer zones; establish reasonable limits on the clearing of vegetation from the project site;

GOAL CO 5. The County will protect and preserve water resources for the maintenance, enhancement, and restoration of environmental resources.

Project Impact Analysis and Mitigation Measures

The following questions are provided in Appendix G of the 2014 CEQA Guidelines used for the Draft EIR and in effect at the time of NOP publication, to evaluate environmental impacts associated with a project related to utilities and service systems.

Would the Project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.*
- 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.*

- 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.*
- d. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded, entitles needed.*
- e. *Result in a determination by the wastewater treatment provider, which serves or may serve the project's projected demand in addition to the provider's existing commitments.*
- f. *Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs.*
- g. *Comply with federal, state, and local statutes and regulations related to solid waste.*

The Project Site is currently vacant and occurs in a remote area of the County. The Project Site and surrounding area occurs within the Yucaipa Valley Water District (YVWD) Service Area¹⁹. The Proposed Project would not require the use of water as there are no domestic or irrigation water uses associated with the Proposed Project. Additionally, there are no uses that would generate flows to a wastewater treatment system. Due to minimal impervious surfaces proposed on-site (less than one percent of the 38.12-acre site), new or expanded storm water drainage systems would not be required. The Project would require the extension of electric power; however, as concluded in the Draft EIR (see Chapter 4.0 Section 4.2 Biology and Chapter 5.0 Other CEQA Compliance) the extension of this service would not result in any significant environmental effects. No additional services including natural gas, or telecommunications facilities, would be required to service the Proposed Project. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

According to the 2015 San Bernardino Valley Regional Urban Water Management Plan, the YVWD relies on four primary water resources to meet annual water demands including: groundwater resources, local surface water resources; imported water resources; and recycled water resources. YVWD's water supply consists primarily of groundwater from 25 wells located throughout the YVWD service area. A supply and demand comparison for a normal/average year (a year in the historical sequence that most closely represents median runoff levels and patterns) demonstrates that for the year 2020, the total supply of 28,879 acre-feet (AF) compared to the demand of 11,240 AF, shows an available supply remaining of 17,639 AF²⁰. The comparison for the multiple-dry year shows that YVWD's water supply for the third consecutive year would be 24,617 AF compared to a demand of 10,760 AF, resulting in a surplus of 13,827 AF for the entire District service area.

The Proposed Project however would not place a demand on water availability for the service area as no water would be required for operation of the Project. Manual trenching and grading at the Project Site would reduce the need for dust suppression during construction. Similarly, maintenance activities would not require the use of water as no equipment would be cleaned at the site. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

¹⁹ http://documents.yvwd.dst.ca.us/programs/uwmp/sbv_ruwmp.pdf (accessed October 9, 2020).

²⁰ http://documents.yvwd.dst.ca.us/programs/uwmp/sbv_ruwmp.pdf (access October 9, 2020)

The Project Site and surrounding area is within the service area of the Henry N. Wochholz Wastewater Treatment Facility located at 880 West County Line Road, in Yucaipa. The facility has operated since 1986 and currently has a treatment capacity of 6.7 million gallons per day (mgd). The facility currently processes approximately 4.5 mgd²¹. The wastewater treated at the plant originates mainly from approximately 13,259 domestic and industrial users in the communities of Yucaipa, Calimesa, and unincorporated areas of San Bernardino and Riverside Counties. The Proposed Project would not generate wastewater. The Project would not result in or require the construction of new wastewater facilities, exceed wastewater treatment requirements, or exceed wastewater treatment capacities. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

Solid waste from the surrounding community is primarily disposed of at the San Timoteo Sanitary Landfill located at 31 Refuse Road, in Redlands and operated by the County. With continued recycling efforts, there is sufficient capacity at the San Timoteo Sanitary Landfill to accommodate growth for the next 20 years and beyond as San Timoteo has an estimated closure date of 2039²². Construction activities would be short-term and would result in minor quantities of waste resulting from vegetation clearance, construction debris and minor amounts of solid waste from workers at the site (i.e., food wrappings, water bottles, paper, etc.). Construction-related waste would be removed from the site daily. Post construction activities would not result in any significant amount of solid waste generation. Any solid waste generated as a result of maintenance activities would be removed immediately from the Project Site and disposed offsite in accordance with applicable State regulations. The Proposed Project is not anticipated to generate any significant amount of solid waste and would not result in any significant impacts to landfill capacity. In addition, construction of the Project would be required to comply with federal, State, and local management and reduction statutes and regulations related to solid waste. **Therefore, no significant impacts are anticipated and no mitigation measures are proposed.**

Much of the area surrounding the Proposed Project could not be developed with residential uses or additional broadcast towers due to the steep terrain and limited access from Pisgah Peak Road. The vicinity of the Proposed Project is designated by the County for rural residential use at a low density of one home per 20-acre lot. Therefore, substantial residential development also could not occur based on the land use designation.

The cumulative project sites identified in Figure 5-1 on page 5-5 of the Draft EIR are not in close proximity to either the Proposed Project or other development that areas that are provided utility services. In addition, project specific mitigation measures for any future proposed development within the vicinity would ensure that impacts to utilities and service systems are mitigated. **Therefore, cumulative impacts would not be considered significant.**

Additional Corrections/Clarifications to Prior EIR

Pursuant to the Court's July 2019 Ruling on Petition for Writ of Mandate and the November 2019 Determination re Peremptory Writ Remedies and Clarification of Ruling, the County sets forth the

²¹ https://www.waterboards.ca.gov/santaana/board_decisions/adopted_orders/orders/2007/07_012_wdr_yvwd_hnwrwrf_02022007.pdf (accessed October 9, 2020).

²² <https://www2.calrecycle.ca.gov/PublicNotices/Details/3766> (accessed October 9, 2020).

following additional corrections and clarifications to the EIR below. These corrections are intended to clarify that the County did consider environmental impacts to all potential resource areas; to confirm that the County considered (and responded to) comments on all topics; and is accepting comments from the public even as to resource areas as to which no significant impacts are anticipated.

As such, the County is making certain deletions/clarifications to the text of its original EIR as shown in strikethrough below:

- Draft EIR, p. 3-6: ~~Therefore, the focus of this EIR includes the findings of the MND supplemented with issues brought forth in the mandate in the environmental areas of Aesthetics, Fire Hazards and Land Use. Since the areas of Geology and Soils and Biology included mitigation measures, as analyzed in the MND, these sections have also been included in this EIR. Mitigation measures included within Geology and Soils are those from the 2011 Initial Study, and the recommendations included in the 2007 geotechnical investigation, and as updated in the 2015 letter report, as applicable. Mitigation measures included in the Biology section of this EIR are also those from the 2011 Initial Study, as well as new recommendations from the 2015 Biological Spring Survey.~~
- Final EIR, p. 2-2 through 2-3: ~~Many of the comments submitted were general and asked questions already addressed in the Initial Study/Mitigated Negative Declaration dated October 26, 2011. For example, potential impacts to air quality and soil erosion due to the construction of the Lazer Broadcasting radio broadcast facility were previously assessed in the County's Initial Study/Mitigated Negative Declaration and determined to have a less than significant impact. In October 2013, the Superior Court required the County to further evaluate and prepare a focused EIR on the potentially significant issues limited to: Aesthetics, Land Use, Hazards (Fire Safety), and Recreation. All other issues were either determined to be have been adequately addressed in the Initial Study/Mitigated Negative Declaration or were not addressed and thus waived in the writ of mandate proceedings.~~
- Final EIR, p. 3-19: ~~Instead, this EIR is intended to cover only those items which the trial Court found to be in need of further review.~~
- Final EIR, p. 3-28: ~~The current Project has already been approved by the Board of Supervisors and COA were issued in 2012 to address potential air quality impacts. This objection was considered and rejected by the Trial Court and therefore, is not to be brought up again as a new issue. The DEIR is intended only to cover those items which the Trial Court found to be in need of further review. Potential impacts to air quality due to the construction and operation of the Lazer Broadcasting radio broadcast facility were assessed in the County's Initial Study/Mitigated Negative Declaration (IS/MND) dated October 26, 2011 and determined to have a less than significant impact. Subsequently, in October 2013, the Superior Court required the County to further evaluate and prepare a focused EIR on the potentially significant issues of Aesthetics, Land Use, Hazards (Fire Safety), and Recreation. All other issues were either determined to be have been adequately addressed in the IS/MND or were not addressed and thus waived in the writ of mandate proceedings.~~

The 2020 Judgment did not require the County to prepare a new Notice of Preparation, nor to recirculate the existing NOP. Nonetheless, pursuant to the Court’s November 2019 Determination re Peremptory Writ Remedies and Clarification of Ruling, the County wishes to make certain deletions from the Project’s Notice of Preparation that was circulated with the Draft EIR. This Notice of Preparation is attached as Appendix A to these Recirculated Portions of the EIR, with the strikeouts shown.

Finally, the County wishes to clarify and confirm that the Project remains subject to various mitigation measures and conditions of approval that were imposed by the County’s Board of Supervisors as part of its Project approvals. Those requirements were carried forward from the (now rescinded) Mitigated Negative Declaration, and further clarified and then re-imposed as a result of the EIR process. To provide clarity for the public, the original “mitigation measures” included in the (now-rescinded) MND process are listed below next to their EIR corollaries. Thus, each of the requirements originally included in the MND, have been separately re-imposed on the Project through the EIR process:

<u>Original MND Mitigation Measures</u>	<u>Requirements Re-Imposed Through EIR Process By:</u>
<u>MM AES-1</u>	<u>EIR MM AES-1</u>
<u>MM AES-2</u>	<u>EIR MM AES-2</u>
<u>MM AES-3</u>	<u>Condition of Approval 49</u>
<u>MM BIO-1</u>	<u>EIR MM BIO-1</u>
<u>MM BIO-3</u>	<u>EIR MM BIO-2</u>
<u>MM BIO-4</u>	<u>EIR MM LU-1</u>
<u>MM GEO-1</u>	<u>EIR MM GS-1, GS-2 and GS-3</u>

Based on the substantial evidence above and the entire administrative record, and consistent with the 2020 Judgment, the County further finds that no remedial action is required with respect to the County’s project approvals, including the County’s Findings of Fact and Statement of Overriding Considerations, Finding for Project approval as adopted by the Planning Commission, and Conditional Use Permit subject to the Conditions of Approval. This is because the analysis in this Recirculated EIR does not affect these project approvals, and the County’s conclusions regarding the 11 resource areas discussed above are that the Project’s potential impacts will not be potentially significant.

2.0 PURPOSE OF EIR

2.8.2 Scope of the Recirculated Portions of the EIR

Evaluation of prior CEQA documents prepared, public hearings, ~~review of the Ruling On Petition for Writ of Mandate~~ meetings with the applicant, and evaluation of comment letters received during circulation of the NOP determined that the following potential environmental issues should be analyzed in detail in ~~this~~ the originally circulated Draft EIR:

- Aesthetics
- Biological Resources
- Geology and Soils
- Fire Safety Hazards
- Land Use

Additionally, the County considered all other resource areas required under CEQA at the time of publishing the NOP as part of its analysis but found that impacts to those resource areas would be less than significant.

However, portions of the original Draft EIR are now being clarified and recirculated pursuant to issuance of the 2020 Judgment, in order to clarify to the public that the County included and considered all CEQA topics as part of its CEQA analysis process. Specifically, Chapter 1.0 of this Recirculated Portions of the EIR provides additional analyses to support the County's conclusions that potential impacts to 11 other resource areas would be less than significant. These 11 issues include Agricultural and Forestry Resources, Air Quality, Cultural Resources, Greenhouse Gases, Hydrology and Water Quality, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems. Additionally, these Recirculated Portions of the EIR provide supplemental information in response to public comments (e.g. analysis of cultural resources), and also clarifies prior language regarding the mitigation measures from the previously adopted MND being incorporated into and imposed upon the Project as part of the County's separate and independent EIR process.

3.0 PROJECT DESCRIPTION/HISTORY

3.3.4 History of the Project Site and Environmental Review

In June 2007, Lazer Broadcasting originally submitted a proposal for a Conditional Use Permit (CUP) to construct a 140-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the 38.12-acre Project Site. The application also included a Major Variance to reduce the fuel modification area from 100 feet to 30 feet on a 425 square-foot portion of the 38.12-acre site.

In October 2008, upon ~~the~~ review of the concerns and comments received from the County's noticing, the applicant revised the Proposed Project to construct an 80-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the Project Site. The Major Variance to reduce the fuel modification from 100 feet to 30 feet was a part of the October 2008 project.

In November 2008, upon staff's recommendation to approve the Project, the project Planning Commission reviewed the Project at ~~was reviewed at a Planning Commission public hearing, at which time staff recommended approval of the project and Planning Commission~~ subsequently approved the project. This decision was appealed to the County of San Bernardino Board of Supervisors (BOS) by the Citizens for the Preservation of Rural Living (CPRL).

On January 27, 2009 and continued to March 3, 2009, the ~~Board of Supervisors~~ BOS held a public hearing on the appeal to the prior Planning Commission action at which time the ~~County of San Bernardino Board of Supervisors (BOS)~~ granted the appeal, and denied the application with prejudice, and adopted findings supporting the denial.

On May 6, 2010, Lazer Broadcasting submitted a revised project including the request to approve a CUP to construct a new FM Radio Broadcast Facility consisting of one free-standing 43-foot tall triangular-shaped lattice tower, one 10-foot by 10-foot single-story (nine (9) feet tall) equipment building on a 38.12 acre site, and the installation of approximately 6,700 lineal feet of underground electrical conduit in Pisgah Peak Road and an underground electrical line connecting the equipment building and monopole to bring power to the site via Pisgah Peak Road. The previously proposed propane tank was also eliminated. A Major Variance was also a part of the submittal and included a reduced Fuel Modification Area from 100 feet to 30 feet which included 10 feet of clearing and 20 feet of selected thinning to be coordinated with the County Fire Department and monitored by a third-party biologist. In August of 2010, Lazer Broadcasting also installed a demonstration pole to demonstrate the location and height of the proposed tower (the pole was removed in 2015).

On March 17, 2011 the Planning Commission held a public hearing for the project and planning staff recommended denial of the project. The Project hearing was continued by the Planning Commission to May 5, 2011 at the request of the applicant, so that revisions to the proposed project (replacement of the 43-foot lattice tower with a 43-foot wooden monopole) could be provided. At the May 5, 2011 hearing, the Planning Commission adopted an intent to approve the Project, with

directions to staff to complete the required environmental analysis and to prepare findings for approval.

As part of the environmental analysis, Staff determined that a third party expert should be commissioned to prepare a visual assessment. In response to a Request for Proposal, Lilburn Corporation (Lilburn) was deemed the optimal visual impact consultant and a Purchase Order was completed for their services. The completed Visual Assessment was received from Lilburn on October 26, 2011 and staff began working to finalize the Initial Study/Mitigated Negative Declaration (IS/MND) (see Appendix B of the Draft EIR). The IS/MND was completed and sent to the State Clearinghouse as required by the California Environmental Quality Act. During the comment period, it was discovered that a portion of the equipment building and proposed parking space were within the Pisgah Peak road easement. On February 13, 2012, the County received a revised site plan which relocated the equipment building and the proposed parking space. Those plans were reviewed by staff and further revisions were required to clarify the maximum height of the proposed retaining wall and clear up some discrepancies found on the exhibit.

The Visual Impact Assessment completed by Lilburn evaluated the project design submitted before aforementioned revisions were made. The revised plans submitted in February 2012 required new photo simulations within the visual analysis that could possibly alter the conclusions reached in the report. Therefore, the County found it necessary to request Lilburn to supplement the report by adding new photo simulations, and to reevaluate the project.

In October 2011, a proposed mitigated negative declaration (MND) was issued. Issues in which impacts were found to be “less than significant with mitigation incorporated” included aesthetics, biological resources, geology and soils. All other potential impacts reviewed were found to have no impact or to be less than significant. Comments were received and further assessments were made. A Planning Commission Staff Report for a hearing on September 20, 2012 recommended adoption of a MND and approval of a CUP and major variance. An attachment to the report included a “September 2012 Attachment to the Initial Study/MND.” The attachment noted that after the circulation of the MND, the proposed project was revised in response to comments. The revisions included a change in the location of the equipment building and proposed parking space, additional fencing around the monopole and clarification on the amount of grading proposed. The fencing around the monopole was described as a five-foot high wrought iron fence or a five-foot high, three-strand wire fence around the monopole. Revisions were considered minor to the project and did not constitute a substantial revision as set forth in CEQA Guidelines, Section 15073.5. The Staff Report Attachment also noted that following the modifications, new site plans were provided to Lilburn Corporation for further visual analysis to determine if the changes would result in additional impacts. On September 12, 2012, Lilburn Corporation issued a Scenic Report using the visual impact assessment methodology developed by the U.S. Forest Service. The final conclusion was that the Project would not have a significant impact on scenic resources. The Planning Commission conditionally approved the Project, and ~~Citizens for the Preservation of Rural Living~~ (“CPRL”) appealed.

At a hearing on November 27, 2012, the appeal of the CUP was denied and the MND was adopted. On December 21, 2012, CPRL filed its petition for writ of mandate (see Appendix C of the Draft EIR), which alleged the following causes of action: 1) violation of CEQA related to the MND and

Initial Study; 2) the findings with respect to issuance of the CUP are not supported by substantial evidence; and, 3) the County violated the County Development Code with respect to fire issues. Through briefing, CPRL argued that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreation impacts, land use, and fire safety. It also contended that the MND was inadequate in its analysis of visual, land use and fire safety impacts.

On October 1, 2013, in a Superior Court of the State of California, in and for the County of San Bernardino, San Bernardino District, the court on its review of the Petition of Writ of Mandate (Case No. CIVDS 1213173) granted the writ petition to vacate approval of the MND, CUP, and major variance (“2013 Judgment”). The court also ruled for the County to undertake the preparation of an EIR on the Proposed Project.

~~Therefore, the focus of this EIR includes the findings of the MND supplemented with issues brought forth in the mandate in the environmental areas of Aesthetics, Fire Hazards and Land Use. Since the areas of Geology and Soils and Biology included mitigation measures, as analyzed in the MND, these sections have also been included in this EIR. Mitigation measures included within Geology and Soils are those from the 2011 Initial Study, and the recommendations included in the 2007 geotechnical investigation, and as updated in the 2015 letter report, as applicable. Mitigation measures included in the Biology section of this EIR are also those from the 2011 Initial Study, as well as new recommendations from the 2015 Biological Spring Survey.~~

The County vacated the MND and related approvals, and prepared a Draft EIR for the Project and released it for a 45-day public review period starting on June 6, 2016. To be conservative, the pre-pole conditions, including no wooden pole, no vegetation removal (scar) as created by the installation of the pole, is used as the CEQA Baseline (“before” condition) for the assessment of potential impacts of the Proposed Project as presented in these Recirculated Portions of the EIR.

Following the preparation of responses to comments, on November 9, 2017, the County Planning Commission certified the Final EIR and approved the Project, actions which were then appealed by CPRL. On May 1, 2018, the County Board denied the appeal, certified the Final EIR, and approved the Project.

On May 29, 2018, CPRL filed a Supplemental Petition for Writ of Mandate challenging the adequacy of the Final EIR. While CPRL raised many claims, on January 10, 2020, the Superior Court of the County of San Bernardino upheld portions of the County’s CEQA process but gave the County direction to take certain corrective actions through a July 31, 2019 Ruling on Petition for Writ of Mandate, a November 13, 2019 Determination re Peremptory Writ Remedies and Clarification of Ruling, and January 10, 2020 Judgment entered judgment, finding that the Final EIR complied with CEQA in some regards while not with others (collectively, “2020 Judgment”).

Specifically, the Court issued a supplemental peremptory writ to the County that suspended the Project approvals and ordered the County to recirculate portions of the EIR related to the following 11 issues: Agricultural and Forestry Resources, Air Quality, Cultural Resources, Greenhouse Gases, Hydrology and Water Quality, Mineral Resources, Noise, Population/Housing, Public Services, Transportation/Traffic, and Utilities and Service Systems. These Recirculated Portions of the EIR are intended to set forth that, as part of the County’s full EIR analysis, the impacts of

3.0 Project Description

such issues were considered, and that the County concludes, pursuant to Public Resources Code sections 21002.1 and CEQA Guidelines sections 15143 and 15128, that impacts to these resource areas are less than significant. Additionally, these Recirculated Portions of the EIR provide supplemental information in response to public comments on cultural resources, and also clarifies prior language regarding the mitigation measures from the previously adopted MND being incorporated into and imposed upon the Project as part of the County's EIR process.

These Recirculated Portions of the EIR are intended to comply with the Court's direction, and the document is being circulated for agency and public review and comment for a minimum of 45 days.

APPENDIX A
NOP

County of San Bernardino



NOTICE OF PREPARATION

DATE: October 24, 2014

To: Responsible Agencies and Interested Parties

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report

PROJECT TITLE: LAZER RADIO BROADCASTING FACILITY

Lazer Broadcasting Corporation (“Applicant”) is proposing the construction and operation of a new radio broadcast facility to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment shelter on a 38.12-acre site located near Wildwood Canyon and Oak Glen Roads, east of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County (see Figure 1 – Regional Map and Figure 2 – Vicinity Map). The Applicant originally submitted an application for a Conditional Use Permit (CUP) to construct a 140-foot tall steel lattice tower with a radio broadcast antenna in June 2007. The project was subsequently re-designed several times and each design was reviewed by the County within focused studies and Initial Studies prepared to comply with the California Environmental Quality Act (CEQA). The original project was denied by the County of San Bernardino in March 2009. In June 2010 the applicant submitted a second application (current project) for a radio broadcast facility. The current project was also redesigned and reviewed by the County and included focused studies and an Initial Study. Following public circulation of an Initial Study in late 2012, the County adopted a Mitigated Negative Declaration (MND) on November 27, 2012.

On December 21, 2012, Citizens for the Preservation of Rural Living (CPRL) filed a petition for writ of mandate, which alleged the following causes of action: 1) violation of CEQA related to the MND and Initial Study; 2) the findings with respect to issuance of the CUP are not supported by substantial evidence; and 3) the County violated the County Development Code with respect to fire issues. Through briefing, CPRL argued that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreation impacts, land use, and fire safety. It also contended that the MND was inadequate in its analysis of visual, land use and fire safety impacts.

On October 1, 2013, the Superior Court of the State of California, County of San Bernardino, in its review of the Petition of Writ of Mandate (Case No. CIVDS 1213173) granted the writ petition to vacate approval of the MND, CUP, and major variance. The court also ruled that the County undertake the preparation of an EIR on the Proposed Project. As the lead agency under CEQA, and due to the involvement of potentially significant impacts to the environment the County is therefore issuing this Notice of Preparation (“Notice”) of an Environmental Impact Report (“EIR”) for the Proposed Project.

The EIR will assess the effects of the Proposed Project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially

significant environmental impacts, and discuss potentially feasible alternatives to the Project that may accomplish basic project objectives while lessening or eliminating any potentially significant project impacts.

This Notice provides a description of the Project and solicits comments from responsible agencies, trustee agencies, federal, state and local agencies, and the general public on the scope and content of the environmental document to be prepared to analyze the environmental impacts of the Proposed Project. Comments received in response to this Notice will be reviewed and considered by the lead agency in determining the scope of the EIR. Due to time limits, as defined by CEQA, your response should be sent at the earliest possible date, but no later than thirty (30) days after the publication of this notice. If you are representing an agency, we need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the Project.

Comments and questions should be directed to:

San Bernardino County
Land Use Services Department
Attention: Kevin White, Planner III
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
(909) 387-3067
Email: kwhite@lusc.sbcounty.gov

Please include the name, phone number, and address of the contact person in your response.

PROJECT DESCRIPTION

Lazer Broadcasting Corporation is proposing the construction and operation of a radio broadcast facility to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment shelter on a 38.12-acre site located near Wildwood Canyon and Oak Gen Roads, west of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County.

The proposed monopole would be self-supporting, fire preventative treated wood that would either remain in a natural wooden "as-is" condition, painted a neutral color (light beige, sage) to blend with the surround environment or would be a painted metal pole in a non-metallic, weathered gray color. The monopole would support a 25-foot long antenna that would be mounted per industry standards on the monopole's south-westerly facing side. The antenna would extend from the surface of the monopole out to 21-inches and would be constructed of metal, and include four (4) "arms" that would extend from the main monopole support at 45 degree angles (see Figure 3 - Site Plan). The antenna would be approximately 4 inches in diameter and constructed of a non-glare, metallic material. Based on FAA and FCC guidelines, the proposed monopole and attached antenna would not require lighting or the application of red/white striped paint.

Fuel Modification

In order to reduce visual impacts and soil erosion at the site, the applicant is requesting a reduction in the required fuel modification area from 100 feet (SBCDC 82.13.060-6-A) to 30 feet. The fuel modification includes 10 feet of clearing and 20 feet of selected thinning. Modification

efforts would be coordinated with the Fire Department and monitored by a third-party biologist.

Security

The Project also includes the construction of a six (6)-foot tall, wrought-iron security fence (or 3-strand wire fence with posts) with apache points around the monopole and equipment shelter. The wrought-iron fence would also be painted a neutral color to blend with the surrounding environment.

Utility Service

The Project would require power and telephone services. Private underground lines would be placed along Pisgah Peak Road and extended for a linear length of approximately 6,700 feet to the Project Site.

Access

Existing access to the Project Site is via foot from Pisgah Peak Road; a private un-graded, dirt access road. Upon completion of the Project, access to the site would be by technical personnel that would travel by foot from a single (one) parking space adjacent to Pisgah Peak Road to the equipment shelter, one to two trips per month. The monopole would be self-supporting and would require occasional maintenance (1 to 4 times per year) by personnel for monitoring and maintenance of the facility.

Grading

The Proposed Project including the construction of the parking space and equipment shelter would require the movement of approximately 25 cubic yards of soil to be balanced on-site. The construction of the 100 square-foot equipment shelter would be partially recessed approximately 10 feet into the hillside. The area for the parking space would provide for vehicular turn-a-round and also serve as a short-term construction staging area.

Construction

Construction of the monopole, 6-foot high fence, 100 square-foot equipment shelter, parking space and landscaping would be completed as one phase and would be coordinated with a ground crew and a helicopter (or a light duty, 4-wheel drive vehicle with trailer). Use of a helicopter would be short-term and required for the delivery of material from the construction staging area to the Project Site. The helicopter would transport and assist in the placement of the mono-pole and antenna. The helicopter (if used) would also deliver materials for the construction of the equipment shelter including the delivery of lumber, steel reinforcements and other hardware, concrete and paint. Earthwork required for the placement of the equipment shelter within the hillside would be via manual labor. No heavy equipment (i.e., bulldozer, loaders) would be used during construction at the Project Site.

Utility Service

Underground utility conduits would be required for electrical and telephone service at the Project Site. The utilities would need to be extended 6,700 linear feet from Pisgah Peak Road then an additional 750 linear feet connecting the equipment building with the monopole antenna. During construction, water would be delivered to the site on an as-needed basis by the same light duty,

4-wheel drive vehicle, for dust suppression and to establish landscaping and revegetation.

PROJECT SITE

The Project Site is situated in the foothills of the San Bernardino Mountains between the City of Yucaipa and the community of Oak Glen. The Project Site is located west of Pisgah Peak Road approximately 1.5 miles northwest of its intersection with Wildwood Canyon within an unincorporated portion of San Bernardino County and in the Oak Glen Planning Area.

The Project Site is located approximately 1.5 miles south of the San Bernardino National Forest, and occurs on a west facing slope below the ridgeline, and is currently vacant with the exception of a telephone pole that has been installed to identify the location of the monopole and represent the pole height. The Project Site elevation varies from 3,850 feet above mean sea level (amsl) to 4,500 feet amsl. The entire Project site consists of densely mixed chaparral and occurs primarily on steep slopes greater than 30 percent.

PROJECT BACKGROUND

In June 2007, Lazer Broadcasting originally submitted a proposal for a Conditional Use Permit (CUP) to construct a 140-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the 38.12-acre Project Site. The application also included a Major Variance to reduce the fuel modification area from 100 feet to 30 feet on a 425 square-foot portion of the 38.12-acre site. In October 2008 upon the review of the concerns and comments received from the County's noticing, the applicant revised the proposed project to construct an 80-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the project site. The Major Variance to reduce the fuel modification from 100 feet to 30 feet was a part of the October 2008 project. In November 2008 the project was reviewed at a Planning Commission public hearing, at which time staff recommended approval of the project and Planning Commission subsequently approved the project.

On January 27, 2009 and continued to March 3, 2009, the Board of Supervisors held a public hearing on the appeal to the prior Planning Commission action at which time the BOS granted the appeal, and denied the application with prejudice, and adopted findings supporting the denial.

On May 6, 2010, Lazer Broadcasting submitted a revised project including the request to approve a CUP to construct a new FM Radio Broadcast Facility consisting of one free-standing 43-foot tall triangular-shaped lattice tower and one, 10-foot by 10-foot single-story (nine (9) feet tall) equipment shelter on the project site. A Major Variance was also a part of the submittal and included a reduced Fuel Modification Area from 100 feet to 30 feet which included 10 feet of clearing and 20 feet of selected thinning to be coordinated with the County Fire Department and monitored by a third-party biologist. In August of 2010, Lazer Broadcasting also installed a "mockup" tower (telephone pole) to demonstrate the location and height of the proposed tower.

On March 17, 2011 the Planning Commission held a public hearing for the project and planning staff recommended denial of the project. The Project hearing was continued by the Planning Commission to May 5, 2011 at the request of the applicant, so that revisions to the proposed project (replacement of the 43-foot lattice tower with a 43-foot wooden monopole) could be provided. At the May 5, 2011 hearing, the Planning Commission adopted an intent to approve the Project, with directions to staff to complete the required environmental analysis and to

prepare findings for approval.

As part of the environmental analysis, Staff determined that a third party expert should be commissioned to prepare a visual assessment. In response to a Request for Proposal, the Lilburn Corporation was deemed the optimal visual impact consultant and a Purchase Order was completed for their services. The completed Visual Assessment was received from Lilburn on October 26, 2011 and staff began working to finalize the Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND was completed and sent to the State Clearinghouse as required by the California Environmental Quality Act.

During the comment period, it was discovered that a portion of the equipment shelter and proposed parking space were within the Pisgah Peak road easement. On February 13, 2012, the county received a revised site plan which relocated the equipment shelter and the proposed parking space. Those plans were reviewed by staff and further revisions were required to clarify the maximum height of the proposed retaining wall and clear up some discrepancies found on the exhibit.

The Visual Impact Assessment completed by Lilburn Corporation, (Lilburn) evaluated the project design submitted before aforementioned revisions were made. The revised plans submitted in February, 2012 required new photo simulations within the visual analysis that could possibly alter the conclusions reached in the report. Therefore the County found it necessary to request Lilburn to supplement the report by adding new photo simulations, and to reevaluate the project.

In October 2011, a proposed mitigated negative declaration was issued. Issues in which impacts were found to be “less than significant with mitigation incorporated” included aesthetics, biological resources, geology and soils. All other potential impacts reviewed were found to have no impact or to be less than significant. Comments were received and further assessments were made. A Planning Commission Staff Report for a hearing on September 20, 2012 recommended adoption of a MND and approval of a CUP and major variance. An attachment to the report included a “September 2012 Attachment to the Initial Study/MND. The attachment noted that after the circulation of the MND, the proposed project was revised in response to comments. The revisions included a change in the location of the equipment shelter and proposed parking space, additional fencing around the monopole and clarification on the amount of grading proposed. The fencing around the monopole was described as a five-foot high wrought iron fence or a five-foot high, three-strand wire fence around the monopole. Revisions were considered minor to the project and did not constitute a substantial revision as set forth in CEQA Guidelines, Section 15073.5. The Staff Report Attachment also noted that following the modifications, new site plans were provide to Lilburn Corporation for further visual analysis to determine if the changes would result in additional impacts. On September 12, 2012, Lilburn Corporation issued a Scenic Report using the visual impact assessment methodology developed by the U.S. Forest Service. The final conclusion was that the Project would not have a significant impact on scenic resources. The Planning Commission conditionally approved the Project, and CPRL appealed.

At a hearing on November 27, 2012, the appeal of the CUP was denied and the MND was adopted. On December 21, 2012, CPRL filed its petition for writ of mandate, which alleged the following causes of action: 1) violation of CEQA related to the MND and Initial Study; 2) the findings with respect to issuance of the CUP are not supported by substantial evidence; and, 3) the County violated the County Development Code with respect to fire issues. Through briefing, CPRL argued that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreation impacts, land use, and fire safety. It also

contended that the MND was inadequate in its analysis of visual, land use and fire safety impacts.

On October 1, 2013, in a Superior Court of the State of California, in and for the County of San Bernardino, San Bernardino District, the court on its review of the Petition of Writ of Mandate (Case No. CIVDS 1213173) granted the writ petition to vacate approval of the MND, CUP, and major variance. The court also ruled for the County to undertake the preparation of an EIR on the Proposed Project.

POTENTIAL ENVIRONMENTAL IMPACTS

~~Based on the Court ruling, the lead agency has determined that the Project must be further analyzed for potentially significant environmental impacts. As such, preparation of a Focused EIR is appropriate. Because the Project was previously analyzed in an MND, and since only specific issues were addressed in the writ of mandate and ultimately ruled on by the Court, the lead agency has determined the following environmental considerations as potentially significant effects of the project to be further evaluated in a Focused EIR:~~

- ~~• Aesthetics~~
- ~~• Land Use~~
- ~~• Hazards (Fire Safety)~~
- ~~• Recreation~~

Typically, the baseline for which to evaluate a proposed project's potential environmental impacts is established as the date of the Notice of Preparation. However, based on circumstances, a different baseline can be established. Due to the undisturbed nature of the Project Site prior to installation of the demonstration pole, and other project related disturbance (January 2007) has been determined the appropriate baseline.

ALTERNATIVES TO BE CONSIDERED IN THE EIR

The CEQA Guidelines Section 15126.6 outlines the discussion of alternatives to a Proposed Project as follows: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible." It further states that the lead agency is responsible for selecting a range of alternatives examined and must publically disclose its reasoning for selecting those alternatives.

The following alternatives are being considered for review in the EIR:

- **No Project/Development Under RL Land Use District:** Construction of a single-family residence at the ridgeline of the 38.13-acre site.
- **Alternative Site Location:** There was a coverage analysis prepared by the applicant for siting the broadcasting tower during the design phase between 2007 and 2009. The analysis determined that under the rules of the Federal Communications Commission (FCC), tower placement could only take place within a specific area (located within the

white areas inside the red funnel as shown on Figure 4 attached). The area where the radio station can be located is restricted to the areas in white within the red funnel by FCC line-of-sight and minimal signal strength requirements. Areas highlighted in red within the red funnel are short spaced to other FM stations and therefore not available under the FCC's rules. The study evaluates a property located, within the red funnel area, in a nearby canyon area northeasterly, approximately 0.75 miles from the Project Site. The Alternative Site is approximately 40 acres in size and is vacant with the exception of an existing broadcasting tower, Edison transmission lines and an equipment building. The alternative site is located within the Oak Glen Planning Area, and has a General Plan land use designation of OG/RL-20 (Rural Living – 20-acre minimum lot size). Surrounding land uses include: vacant land, single-family residential, recreational and equestrian uses. The Proposed Project would be consistent with the existing land use designation at the Alternative Site Location. In the event it is determined that the proposed Alternative Site is not suitable for evaluation in the EIR, the County may select another Alternative Site located within the “red funnel” area as depicted on Figure 4.

- **Alternative Design:** This alternative would include a typical lattice style tower and increased height.

The Environmentally Superior Alternative will be selected from among these alternatives and the Proposed Project. An alternative that is environmentally superior would result in the fewest or least significant environmental impacts and still be able to achieve the objectives of the planning effort.

Sincerely,

Kevin White
Planner III
Land Use Service Department
San Bernardino County

Figure 1 - Regional Setting

Figure 2 - Project Vicinity and Study Area

Figure 3 – Site Plan

Figure 4 – FCC Spacing Requirements



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

RECEIVED

NOV 18 2014

San Bernardino County
Planning Division

Notice of Preparation

November 6, 2014

To: Reviewing Agencies

Re: Lazer Broadcasting
SCH# 2008041082

Attached for your review and comment is the Notice of Preparation (NOP) for the Lazer Broadcasting draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Kevin White
San Bernardino County
385 N. Arrowhead, 1st Floor
San Bernardino, CA 92415-0182

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008041082
Project Title Lazer Broadcasting
Lead Agency San Bernardino County

Type NOP Notice of Preparation
Description CUP to allow the construction and operation of a new radio broadcast facility, to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single story (nine-foot tall) equipment shelter on a 38.12-acre site.

Lead Agency Contact

Name Kevin White
Agency San Bernardino County
Phone 909 387 3067 **Fax**
email
Address 385 N. Arrowhead, 1st Floor
City San Bernardino **State** CA **Zip** 92415-0182

Project Location

County San Bernardino
City
Region
Cross Streets Wildwood Canyon Road-Oak Glen Road
Lat / Long 34° 01' 38" N / 116° 58' 36" W
Parcel No. 0325-011-19
Township 2S **Range** 4W **Section** 3 **Base** SBB&M

Proximity to:

Highways No
Airports No
Railways No
Waterways No
Schools No
Land Use -OG/RL-20

Project Issues Forest Land/Fire Hazard; Recreation/Parks; Landuse

Reviewing Agencies Resources Agency; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 6; Native American Heritage Commission; Office of Emergency Services, California; Public Utilities Commission; Caltrans, Division of Aeronautics; Caltrans, District 8; Air Resources Board; Regional Water Quality Control Board, Region 8

Date Received 11/06/2014 **Start of Review** 11/06/2014 **End of Review** 12/05/2014

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

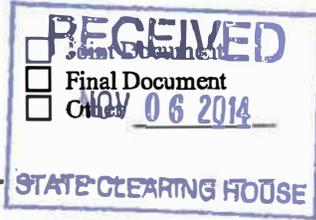
SCH # 2008041082

Project Title: Lazer Broadcasting
Lead Agency: San Bernardino County Contact Person: Kevin White
Mailing Address: 385 N. Arrowhead Avenue, 1st Floor Phone: (909) 387-3067
City: San Bernardino Zip: 92415 County: San Bernardino

Project Location: County: San Bernardino City/Nearest Community: Oak Glen
Cross Streets: Wildwood Canyon Road-Oak Glen Road Zip Code: 92399
Lat. / Long.: 34° 01' 38" / -116° 58' 36" Total Acres: 38.12
Assessor's Parcel No.: 0325-011-19 Section: 3 Twp.: 02S Range: 4W Base: SBBM
Within 2 Miles: State Hwy #: None Waterways: None
Airports: None Railways: None Schools: None

Document Type:

CEQA: NOP Draft EIR NEPA: NOI Other: Joint Document
 Early Cons Supplement/Subsequent EIR EA Final Document
 Neg Dec (Prior SCH No.) 2008041082 Draft EIS Other NOV 06 2014
 Mit Neg Dec Other _____ FONSI



Local Action Type:

General Plan Update Specific Plan Rezone Annexation
 General Plan Amendment Master Plan Prezone Redevelopment
 General Plan Element Planned Unit Development Use Permit Coastal Permit
 Community Plan Site Plan Land Division (Subdivision, etc.) Other _____

Development Type:

Residential: Units _____ Acres _____ Water Facilities: Type _____ MGD _____
 Office: Sq.ft. _____ Acres _____ Employees _____ Transportation: Type _____
 Commercial: Sq.ft. _____ Acres _____ Employees _____ Mining: Mineral _____
 Industrial: Sq.ft. _____ Acres _____ Employees _____ Power: Type _____ MW _____
 Educational _____ Waste Treatment: Type _____ MGD _____
 Recreational _____ Hazardous Waste: Type _____
 Other: Radio Broadcast Facility - Monopole / Equipment Shed

Project Issues Discussed in Document:

Aesthetic/Visual Fiscal Recreation/Parks Vegetation
 Agricultural Land Flood Plain/Flooding Schools/Universities Water Quality
 Air Quality Forest Land/Fire Hazard Septic Systems Water Supply/Groundwater
 Archeological/Historical Geologic/Seismic Sewer Capacity Wetland/Riparian
 Biological Resources Minerals Soil Erosion/Compaction/Grading Wildlife
 Coastal Zone Noise Solid Waste Growth Inducing
 Drainage/Absorption Population/Housing Balance Toxic/Hazardous Land Use
 Economic/Jobs Public Services/Facilities Traffic/Circulation Cumulative Effects
 Other _____

Present Land Use/Zoning/General Plan Designation:

OG/RL-20

Project Description: *(please use a separate page if necessary)*

See attached

County of San Bernardino



NOTICE OF PREPARATION

DATE: October 29, 2014
TO: Responsible Agencies and Interested Parties
SUBJECT: Notice of Preparation of a Draft Environmental Impact Report
PROJECT TITLE: LAZER RADIO BROADCASTING FACILITY



Lazer Broadcasting Corporation ("Applicant") submitted a Conditional Use Permit (CUP) to allow the construction and operation of a new radio broadcast facility, to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment shelter on a 38.12-acre site (Project). The project site is located near Wildwood Canyon and Oak Glen Roads, east of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County (see Figure 1 – Regional Map and Figure 2 – Vicinity Map). The Applicant originally submitted an application for a CUP to construct a 140-foot tall steel lattice tower with a radio broadcast antenna in June 2007 (Original Project). The project was subsequently re-designed several times and each design was reviewed by the County with focused reports and Initial Studies prepared to comply with the California Environmental Quality Act (CEQA). The Original Project was denied by the County of San Bernardino (County) in March 2009. In June 2010 the Applicant submitted a second application (Project) for a radio broadcast facility. The Project was also redesigned and reviewed by the County and included focused studies and an Initial Study. Following public circulation of an Initial Study in late 2012, the County adopted a Mitigated Negative Declaration (MND) on November 27, 2012.

On December 21, 2012, Citizens for the Preservation of Rural Living (CPRL) filed a petition for Writ of Mandate, which alleged the following causes of action: 1) Violation of CEQA related to the MND and Initial Study; 2) The findings with respect to issuance of the CUP are not supported by substantial evidence; and 3) The County violated the County Development Code with respect to fire issues. Through briefing, CPRL argued that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreation impacts, land use, and fire safety. It also contended that the MND was inadequate in its analysis of visual, land use and fire safety impacts.

On October 1, 2013, the Superior Court of the State of California, County of San Bernardino, in its review of the Petition of Writ of Mandate (Case No. CIVDS 1213173) granted the writ petition to vacate approval of the MND, CUP, and Major Variance. The court also ruled that the County undertake the preparation of an EIR on the Proposed Project. As the lead agency under CEQA, and due to the involvement of potentially significant impacts to the environment the County is therefore issuing this Notice of Preparation ("Notice") of an Environmental Impact Report ("EIR") for the Proposed Project.

The EIR will assess the effects of the Proposed Project on the environment, identify potentially significant impacts, identify feasible mitigation measures to reduce or eliminate potentially significant environmental impacts, and discuss potentially feasible alternatives to the Project that may accomplish basic project objectives, while lessening or eliminating any potentially significant project impacts.

This Notice provides a description of the Project and solicits comments from the general public, responsible agencies, trustee agencies, federal agencies, state agencies, and local agencies on the scope and content of the environmental document to be prepared to analyze the environmental impacts of the Proposed Project. Comments received in response to this Notice will be reviewed and considered by the lead agency in determining the scope of the EIR. Due to time limits, as defined by CEQA, your response should be sent at the earliest possible date, but no later than thirty (30) days after the publication of this notice. If you are representing an agency, we need to know the views of your agency as to the scope and content of the environmental information that is germane to your agency's statutory responsibilities in connection with the Project.

Comments and questions should be directed to:

San Bernardino County
Land Use Services Department
Attention: Kevin White, Senior Planner
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0187
(909) 387-3067
Email: kwhite@lUSD.sbcounty.gov

Please include the name, phone number, and address of the contact person in your response.

PROJECT DESCRIPTION

Lazer Broadcasting Corporation is proposing the construction and operation of a radio broadcast facility to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment shelter on a 38.12-acre site. The project site is located near Wildwood Canyon and Oak Gen Roads, west of Pisgah Peak Road in the unincorporated Yucaipa area of San Bernardino County.

The proposed monopole would be self-supporting, fire preventative treated wood that would either remain in a natural wooden "as-is" condition, painted a neutral color (light beige, sage) to blend with the surrounding environment or would be a painted metal pole in a non-metallic, weathered gray color. The monopole would support a 25-foot long antenna that would be mounted per industry standards on the monopole's south-westerly facing side. The antenna would extend from the surface of the monopole out to 21-inches and would be constructed of metal, and include four (4) "arms" that would extend from the main monopole support at 45 degree angles (see Figure 3 - Site Plan). The antenna would be approximately 4 inches in diameter and constructed of a non-glare, metallic material. Based on the Federal Aviation Administration and the Federal Communications Commission guidelines, the proposed monopole and attached antenna would not require lighting or the application of red/white striped paint.

Fuel Modification

In order to reduce visual impacts and soil erosion at the site, the Applicant is requesting a reduction in the required fuel modification area from 100 feet (SBCDC 82.13.060-6-A) to 30 feet. The fuel modification includes 10 feet of clearing and 20 feet of selected thinning. Modification efforts would be coordinated with the Fire Department and monitored by a third-party biologist.

Security

The Project also includes the construction of a six (6)-foot tall, wrought-iron security fence (or 3-strand wire fence with posts) with apache points around the monopole and equipment shelter. The wrought-iron fence would also be painted a neutral color to blend with the surrounding environment.

Utility Service

The Project would require power and telephone services. Private underground lines would be placed along Pisgah Peak Road and extended for a linear length of approximately 6,700 feet to the Project Site.

Access

Existing access to the Project Site is via foot from Pisgah Peak Road; a private un-graded, dirt access road. Upon completion of the Project, access to the site would be by technical personnel that would travel by foot from a single (one) parking space adjacent to Pisgah Peak Road to the equipment shelter, one to two trips per month. The monopole would be self-supporting and would require occasional maintenance (1 to 4 times per year) by personnel for monitoring and maintenance of the facility.

Grading

The Proposed Project including the construction of the parking space and equipment shelter would require the movement of approximately 25 cubic yards of soil to be balanced on-site. The construction of the 100 square-foot equipment shelter would be partially recessed approximately 10 feet into the hillside. The area for the parking space would provide for vehicular turn-a-round and also serve as a short-term construction staging area.

Construction

Construction of the monopole, 6-foot high fence, 100 square-foot equipment shelter, parking space and landscaping would be completed as one phase and would be coordinated with a ground crew and a helicopter (or a light duty, 4-wheel drive vehicle with trailer). Use of a helicopter would be short-term and required for the delivery of material from the construction staging area to the Project Site. The helicopter would transport and assist in the placement of the monopole and antenna. The helicopter (if used) would also deliver materials for the construction of the equipment shelter including the delivery of lumber, steel reinforcements, other hardware, concrete and paint. Earthwork required for the placement of the equipment shelter within the hillside would be via manual labor. No heavy equipment (i.e., bulldozer, loaders) would be used during construction at the project site.

Utility Service

Underground utility conduits would be required for electrical and telephone service at the project site. The utilities would need to be extended 6,700 linear feet from Pisgah Peak Road then an additional 750 linear feet connecting the equipment building with the monopole antenna. During construction, water would be delivered to the site on an as-needed basis by the same light duty, 4-wheel drive vehicle, for dust suppression and to establish landscaping and revegetation.

PROJECT SITE

The project site is situated in the foothills of the San Bernardino Mountains between the City of Yucaipa and the community of Oak Glen. The project site is located west of Pisgah Peak Road approximately 1.5 miles northwest of its intersection with Wildwood Canyon within an unincorporated portion of San Bernardino County and in the Oak Glen Planning Area.

The project site is located approximately 1.5 miles south of the San Bernardino National Forest, and occurs on a west facing slope below the ridgeline, and is currently vacant with the exception of a telephone pole that has been installed to identify the location of the monopole and represent the pole height. The project site elevation varies from 3,850 feet above mean sea level (amsl) to 4,500 feet amsl. The entire project site consists of densely mixed chaparral and occurs primarily on steep slopes greater than 30 percent.

PROJECT BACKGROUND

In June 2007, Lazer Broadcasting originally submitted a proposal for a Conditional Use Permit (CUP) to construct a 140-foot tall steel lattice tower with a radio broadcast antenna, and a 250 square-foot equipment building to include a 500-gallon propane tank on the 38.12-acre project site. The application also included a Major Variance to reduce the fuel modification area from 100 feet to 30 feet on a 425 square-foot portion of the 38.12-acre site. In October 2008, upon the review of the concerns and comments received from the County's noticing, the Applicant revised the proposed project to construct an 80-foot tall steel lattice tower with a radio broadcast antenna and a 250 square-foot equipment building to include a 500-gallon propane tank on the project site. The Major Variance to reduce the fuel modification from 100 feet to 30 feet was a part of the October 2008 Original Project. In November 2008 the Original Project was reviewed at a Planning Commission public hearing, at which time Staff recommended approval of the Project and Planning Commission subsequently approved the Project.

On January 27, 2009, the Board of Supervisors (BOS) held a public hearing to consider an appeal of the Original Project approval. The item was heard and continued to March 3, 2009, at which time the BOS granted the appeal, and denied the application with prejudice, and adopted findings supporting the denial.

On May 6, 2010, Lazer Broadcasting submitted a revised project including the request to approve a CUP to construct a new FM Radio Broadcast Facility consisting of one free-standing 43-foot tall triangular-shaped lattice tower and one 10-foot by 10-foot single-story (nine (9) feet tall) equipment shelter on the project site. A Major Variance was also a part of the submittal and included a reduced Fuel Modification Area from 100 feet to 30 feet, which included 10 feet of clearing and 20 feet of selected thinning to be coordinated with the County Fire Department and monitored by a third-party biologist. In August of 2010, Lazer Broadcasting also installed a

"mockup" tower (telephone pole) to demonstrate the location and height of the proposed tower.

On March 17, 2011, the Planning Commission held a public hearing for the Project and Staff recommended denial of the project. The project hearing was continued by the Planning Commission to May 5, 2011, at the request of the Applicant, so that revisions to the CUP (replacement of the 43-foot lattice tower with a 43-foot wooden monopole) could be provided. At the May 5, 2011 hearing, the Planning Commission adopted an intent to approve the Project, with directions to Staff to complete the required environmental analysis and to prepare findings for approval.

As part of the environmental analysis, Staff determined that a third party expert should be commissioned to prepare a Visual Assessment. In response to a Request for Proposal, the Lilburn Corporation (Lilburn) was deemed the optimal visual impact consultant and a Purchase Order was completed for their services. The completed Visual Assessment was received from Lilburn on October 26, 2011, and staff began working to finalize the Initial Study/Mitigated Negative Declaration (IS/MND). The IS/MND was completed and sent to the State Clearinghouse as required by the California Environmental Quality Act.

During the comment period, it was discovered that a portion of the equipment shelter and proposed parking space were within the Pisgah Peak road easement. On February 13, 2012, the County received a revised site plan which relocated the equipment shelter and the proposed parking space. Those plans were reviewed by Staff and further revisions were required to clarify the maximum height of the proposed retaining wall and clear up some discrepancies found on the exhibit.

The Visual Impact Assessment completed by Lilburn evaluated the project design submitted before aforementioned revisions were made. The revised plans submitted in February, 2012, required new photo simulations within the visual analysis that could possibly alter the conclusions reached in the report. Therefore the County found it necessary to request Lilburn to supplement the report by adding new photo simulations, and to reevaluate the Project.

In October 2011, a proposed MND was issued. Issues in which impacts were found to be "less than significant with mitigation incorporated" included aesthetics, biological resources, geology and soils. All other potential impacts reviewed were found to have no impact or to be less than significant. Comments were received and further assessments were made. A Planning Commission Staff Report for a hearing on September 20, 2012, recommended adoption of a MND and approval of a CUP and Major Variance. An attachment to the report included a "September 2012 Attachment to the Initial Study/MND". The attachment noted that after the circulation of the MND, the proposed project was revised in response to comments. The revisions included a change in the location of the equipment shelter and proposed parking space, additional fencing around the monopole and clarification on the amount of grading proposed. The fencing around the monopole was described as a five-foot high wrought iron fence or a five-foot high three-strand wire fence around the monopole. Revisions were considered minor to the Project and did not constitute a substantial revision as set forth in CEQA Guidelines, Section 15073.5. The Staff Report Attachment also noted that following the modifications, new site plans were provide to Lilburn for further visual analysis to determine if the changes would result in additional impacts. On September 12, 2012, Lilburn issued a Scenic Report using the visual impact assessment methodology developed by the U.S. Forest Service. The final conclusion was that the Project would not have a significant impact on scenic resources. The Planning Commission conditionally approved the Project, and CPRL appealed.

At a hearing on November 27, 2012, the appeal of the CUP was denied and the MND was adopted. On December 21, 2012, CPRL filed its petition for Writ of Mandate, which alleged the following causes of action: 1) Violation of CEQA related to the MND and Initial Study; 2) The findings with respect to issuance of the CUP are not supported by substantial evidence; and, 3) The County violated the County Development Code with respect to fire issues. Through briefing, CPRL argued that substantial evidence in the record supported a fair argument that the Project may have significant impacts on visual and recreation impacts, land use, and fire safety. It also contended that the MND was inadequate in its analysis of visual, land use and fire safety impacts.

On October 1, 2013, in a Superior Court of the State of California, in and for the County of San Bernardino, San Bernardino District, the court on its review of the Petition of Writ of Mandate (Case No. CIVDS 1213173) granted the writ petition to vacate approval of the MND, CUP, and Major Variance. The court also ruled for the County to undertake the preparation of an EIR on the Proposed Project.

POTENTIAL ENVIRONMENTAL IMPACTS

Based on the Court ruling, the lead agency has determined that the Project must be further analyzed for potentially significant environmental impacts. As such, preparation of a Focused EIR is appropriate. Because the Project was previously analyzed in an MND, and since only specific issues were addressed in the Writ of Mandate and ultimately ruled on by the Court, the lead agency has determined the following environmental considerations as potentially significant effects of the Project to be further evaluated in a Focused EIR:

- Aesthetics
- Land Use
- Hazards (Fire Safety)
- Recreation

Typically, the baseline for which to evaluate a proposed project's potential environmental impacts is established as the date of the Notice of Preparation. However, based on circumstances, a different baseline can be established. Due to the undisturbed nature of the Project Site prior to installation of the demonstration pole, and other project related disturbance (January 2007) has been determined the appropriate baseline.

ALTERNATIVES TO BE CONSIDERED IN THE EIR

The CEQA Guidelines Section 15126.6 outlines the discussion of alternatives to a Proposed Project as follows: "An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a Project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible." It further states that the lead agency is responsible for selecting a range of alternatives examined and must publically disclose its reasoning for selecting those alternatives.

The following alternatives are being considered for review in the EIR:

- **No Project/Development Under RL Land Use District:** Construction of a single-family residence at the ridgeline of the 38.13-acre site.
- **Alternative Site Location:** There was a coverage analysis prepared by the Applicant for siting the broadcasting tower during the design phase between 2007 and 2009. The analysis determined that under the rules of the Federal Communications Commission (FCC), tower placement could only take place within a specific area (located within the white areas inside the red funnel as shown on Figure 4 attached). The area where the radio station can be located is restricted to the areas in white within the red funnel by FCC line-of-sight and minimal signal strength requirements. Areas highlighted in red within the red funnel are short spaced to other FM stations and therefore not available under the FCC's rules. The study evaluates a property located, within the red funnel area, in a nearby canyon area northeasterly, approximately 0.75 miles from the Project Site. The Alternative Site is approximately 40 acres in size and is vacant with the exception of an existing broadcasting tower, Edison transmission lines and an equipment building. The alternative site is located within the Oak Glen Planning Area, and has a General Plan land use designation of OG/RL-20 (Rural Living – 20-acre minimum lot size). Surrounding land uses include: vacant land, single-family residential, recreational and equestrian uses. The Proposed Project would be consistent with the existing land use designation at the Alternative Site Location. In the event it is determined that the proposed Alternative Site is not suitable for evaluation in the EIR, the County may select another Alternative Site located within the “red funnel” area as depicted on Figure 4.
- **Alternative Design:** This alternative would include a typical lattice style tower and increased height.

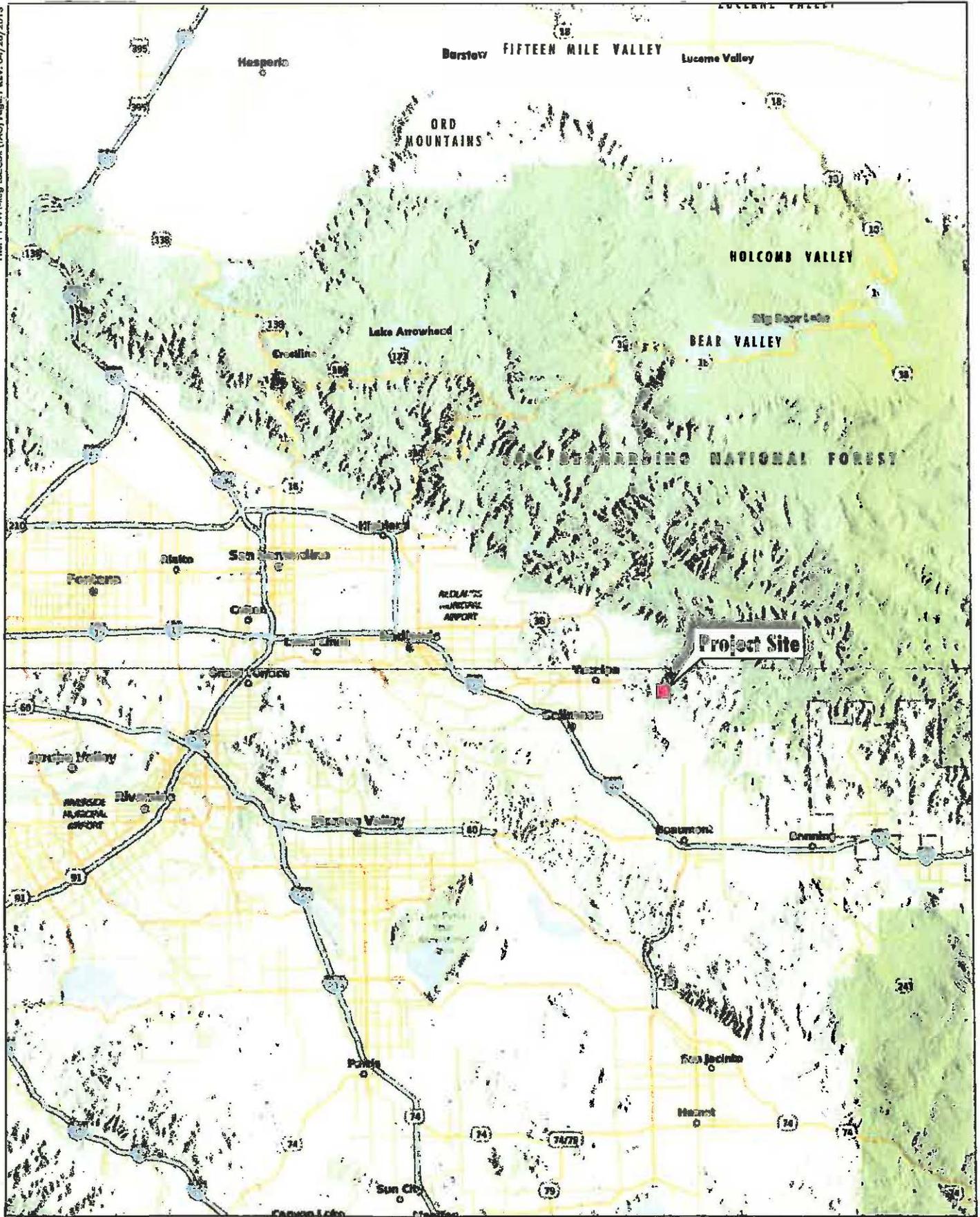
The Environmentally Superior Alternative will be selected from among these alternatives and the Proposed Project. An alternative that is environmentally superior would result in the fewest or least significant environmental impacts and still be able to achieve the objectives of the planning effort.

Sincerely,



Kevin White
Senior Planner
Land Use Service Department
San Bernardino County

- Figure 1 - Regional Setting**
- Figure 2 - Project Vicinity and Study Area**
- Figure 3 – Site Plan**
- Figure 4 – FCC Spacing Requirements**



LEGEND

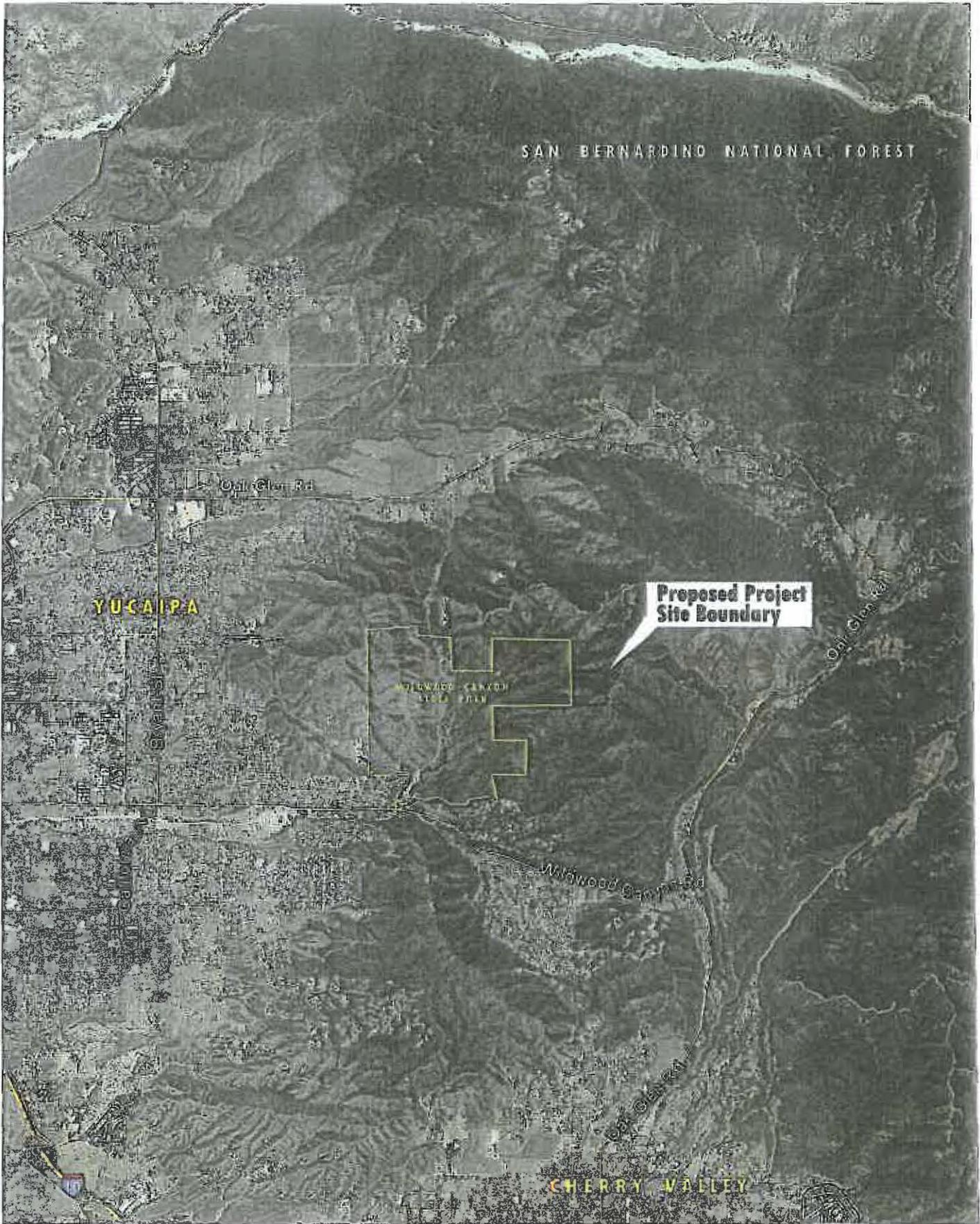
- Project Site Location (Geographic Location)**
 Lat/Lon: 34° 01' 40.7440" N, 116° 58' 42.9777" W

REGIONAL LOCATION

Lazer Broadcasting - Pisgah Peak Road EIR
County of San Bernardino, California



FIGURE 1

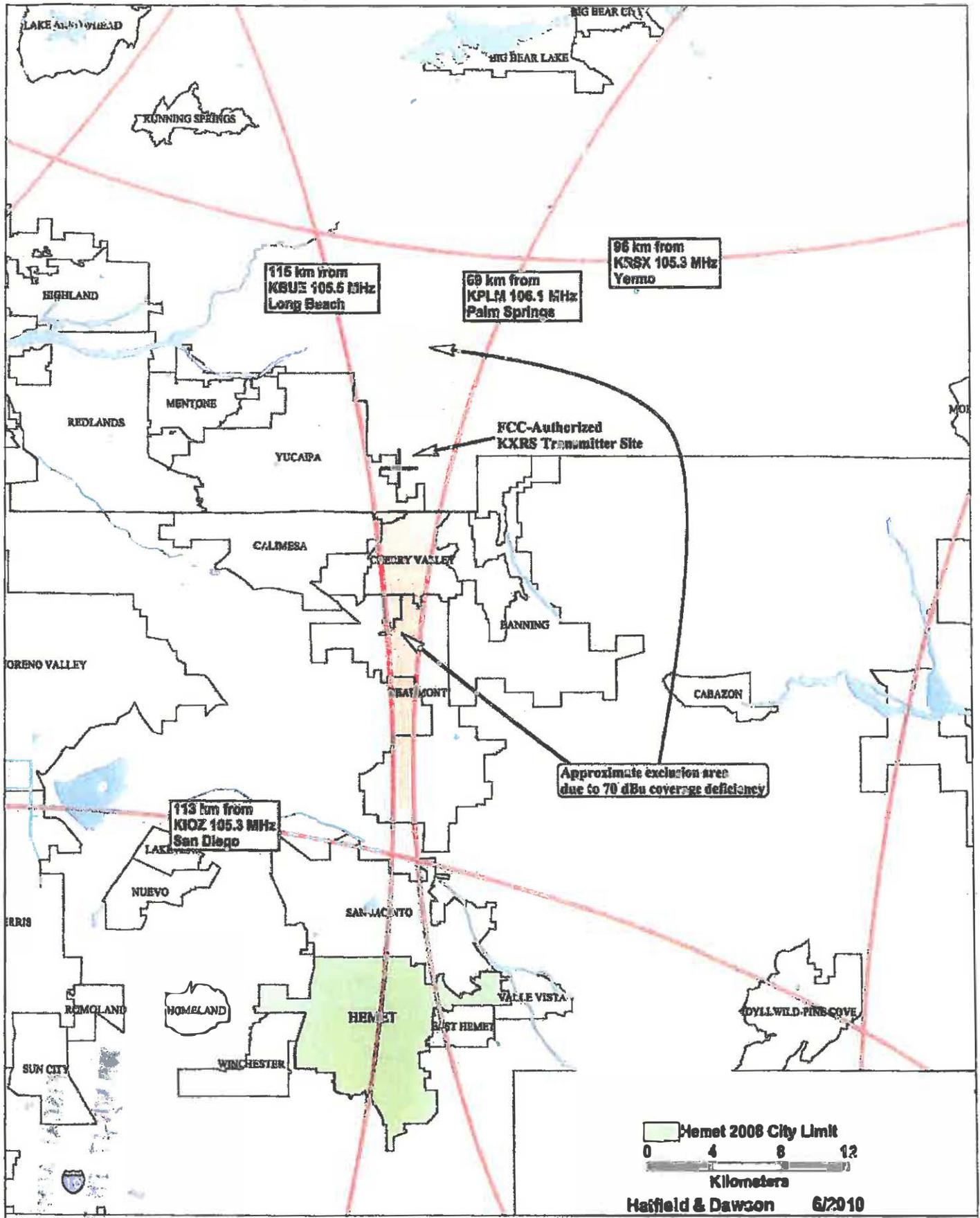


LILBURN
CORPORATION

PROJECT VICINITY

Lazer Broadcasting - Pisgah Peak Road EIR
County of San Bernardino, California

FIGURE 2



SPACING REQUIREMENTS per FCC RULE 73.207

Lazer Broadcasting - Pisgah Peak Road EIR
County of San Bernardino, California

FIGURE 4

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., ROOM 100
West SACRAMENTO, CA 95691
(916) 373-3710
Fax (916) 373-5471



November 24, 2014

RECEIVED

DEC 05 2014

San Bernardino County
Division

Kevin White
San Bernardino County
385 N. Arrowhead, 1st Floor
San Bernardino, CA 92415-0182

RE: SCH# 2008041082 Lazer Broadcasting, San Bernardino County.

Dear Mr. White,

The Native American Heritage Commission (NAHC) has reviewed the Notice of Preparation (NOP) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological Information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. **USGS 7.5-minute quadrangle name, township, range, and section required**
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. **Native American Contacts List attached**
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) Guidelines §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered cultural items that are not burial associated, which are addressed in Public Resources Code (PRC) §5097.98, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, PRC §5097.98, and CEQA Guidelines §15064.5(e), address the process to be followed in the event of an accidental discovery of any human remains and associated grave goods in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Associate Government Program Analyst

CC: State Clearinghouse



State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



December 1, 2014

Mr. Kevin White
San Bernardino County
385 N. Arrowhead, 1st Floor
San Bernardino, CA 92415

Subject: Notice of Preparation of a Draft Environmental Impact Report
Lazer Broadcasting Project
State Clearinghouse No. 2008041082

Dear Mr. White:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Lazer Broadcasting Project (Project) [State Clearinghouse No. 2008041082]. The Department is responding to the NOP as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description

The Project is located approximately 1.5 miles northwest of the intersection of Wildwood Canyon and Oak Glen Roads, west of Pisgah Road in the vicinity of the community of Oak Glen, in unincorporated San Bernardino County, California. Lazer Broadcasting Corporation is proposing construction and operation of a radio broadcast facility to include a 43-foot tall monopole with attached antenna and a 10-foot by 10-foot single-story (nine-foot tall) equipment shelter on a 38.12 acre site. The Project also includes the construction of a six-foot tall wrought-iron security fence (or 3-strand wire fence with posts) with apache points around the monopole and equipment shelter. The Project would require power and telephone services. Private underground lines would be placed along Pisgah Peak Road and extended for a linear length of approximately 6,700 feet to the Project site. Upon completion of the Project, access to the site would be by

technical personnel that would travel by foot from a single parking space adjacent to Pisgah Peak Road to the equipment shelter.

Biological Resources and Impacts

The CEQA document should contain sufficient, specific, and current biological information on the existing habitat and species at the Project site; measures to minimize and avoid sensitive biological resources; and mitigation measures to offset the loss of native flora and fauna and State waters. The CEQA document should not defer impact analysis and mitigation measures to future regulatory discretionary actions, such as a Lake or Streambed Alteration Agreement.

If state or federal endangered or threatened species have the potential to occur on the Project, site species specific surveys should be conducted using methods approved by the Department or assume the presence of the species throughout the project site. The CEQA document should include recent survey data (CEQA Guidelines Section 15125(a)). The CEQA document should also address species of special concern and federal critical habitat. To assist with review, an accompanying map showing the areas of impact should be included in the subsequent CEQA document. Additional maps detailing the location of endangered, threatened, or species of special concern should also be included in the subsequent CEQA document.

California Endangered Species Act (CESA)

The Department is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to the CESA. The Department recommends that a CESA ITP be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. The Department encourages early consultation, as significant modification to the proposed project and mitigation measures may be necessary to obtain a CESA ITP. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.

Lake and Streambed Alteration Program

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed, the project applicant (or "entity") must provide written

notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

The Department's website has information regarding dryland streams in "A review of Stream Processes and Forms in Dryland Watersheds," available at this location: <http://www.dfg.ca.gov/habcon/1600/1600resources.html>.

Additional information can also be found in "Methods to Describe and Delineate Episodic Stream Processes on Arid Landscapes for Permitting Utility-Scale Solar Power Plants, With the MESA Field Guide - Final Project Report" available here: <http://www.energy.ca.gov/2014publications/CEC-500-2014-013/index.html>

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays. Please note that failure to include this analysis in the project's environmental document could preclude the Department from relying on the Lead Agency's analysis to issue a LSA Agreement without the Department first conducting its own, separate Lead Agency subsequent or supplemental analysis for the project:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA Guidelines for the definition of mitigation.

Cumulative Impacts

The Project is proposed in a densely populated region of southern California. The regional scarcity of biological resources may increase the cumulative significance of Project activities. Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife

corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

Alternatives Analysis

The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). The analysis should include a range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources. The Department considers Rare Natural Communities as threatened habitats, having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.

Please note that the Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

Department Recommendations

In summary, the Department requests that the DEIR address the following:

1. The CEQA document should quantify impacts to habitats and species as per the informational requirements of CEQA. An accompanying map showing the areas of impact should also be included.
2. The CEQA document should include *recent* biological surveys for fauna and flora (CEQA Guidelines Section 15125(a)). The Department recommends that the Lead Agency contact the Department's California Natural Diversity Database (CNDDDB) in Sacramento, (916) 327-5960, to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the California Fish and Game Code. Please note that the Department's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. The Department recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site. If state or federal threatened or endangered species may occur within the project area, species specific surveys, conducted at the appropriate time of year and time of day, should be included with the CEQA document. Acceptable species specific surveys have been developed by the Department, and by the U.S. Fish and Wildlife Service, and are accessible through each agencies websites. Surveys for Burrowing Owl should

follow the Department's 2012 Staff Report on Burrowing Owl Mitigation, available for download here:

<http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>

Assessments for rare plants and rare plant natural communities should follow the Department's 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. If the Department's 2009 guidelines were not used, surveys conducted after the issuance of the 2009 guidance should be updated following the 2009 guidelines. The guidance document is available here:

http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf

3. The analysis in the CEQA document should satisfy the requirements of the Department's Lake and Streambed Alteration Program and CESA (if deemed necessary).
4. The Department recommends that a CESA ITP be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. The Department encourages early consultation, as significant modification to the proposed project and mitigation measures may be recommended in order to obtain a CESA ITP. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.
5. The CEQA document should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts.
6. The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6).

Notice of Preparation of a Draft Environmental Impact Report
Lazer Broadcasting Project
SCH No. 2008041082
Page 6 of 6

Further Coordination

If you should have any questions pertaining to this letter please contact Joanna Gibson at (909) 987-7449 or at Joanna.gibson@wildlife.ca.gov.

Sincerely,

 (For)
Kimberly Nicol
Regional Manager

cc: State Clearinghouse, Sacramento

JOHN K. MIRAU*
MARK C. EDWARDS
ROBERT W. CANNON†
MICHAEL J. LEWIN
WILLIAM P. TOOKE

LAW OFFICES OF

MIRAU, EDWARDS, CANNON, LEWIN & TOOKE

A PROFESSIONAL CORPORATION

* Certified Specialist, Taxation
Law, The State Bar of California
Board of Legal Specialization
† Certified Specialist, Estate
Planning, Trust and Probate
Law, The State Bar of California
Board of Legal Specialization

1806 Orange Tree Lane, Suite C
Post Office Box 9058
Redlands, CA 92375-2258
(909) 793-0200
Facsimile (909) 793-0790

December 3, 2014

S2197-007

Hand Delivery and Email

Mr. Kevin White, Project Manager
Department of Land Use Services
County of San Bernardino
385 North Arrowhead Avenue – 1st Floor
San Bernardino, CA 92415

RE: Lazer Radio Broadcasting Facility Project
APN: 0325-011-19-0000

Dear Mr. White:

This firm represents the Citizens for the Preservation of Rural Living (“CPRL”) and on its behalf submits the following comments to the Notice of Preparation for the above-referenced project. CPRL is a public interest association that seeks to ensure that the open space and natural wilderness values of the Pisgah Peak and Wildwood Canyon State Park areas are preserved. We have previously commented on the project applications submitted by Lazer Broadcasting, Inc., in 2008 and 2010. CPRL has been actively involved in the entitlement process for the proposed Lazer radio tower (“Project”) on an undeveloped 40-acre parcel of land in the San Bernardino Mountains.

We are in receipt of the Notice of Preparation (NOP), dated October 29, 2014, relating to the proposed Lazer radio broadcasting facility. The purpose of this letter is to comment on such NOP.

1. Purpose of Notice of Preparation.

The purpose of a notice of preparation is to solicit guidance from other agencies on the scope and content of the environmental information to be included in the EIR. Public Resources Code §21080.4 (a); 14 Cal Code Regs §15375. The notice of preparation must provide the responsible and trustee agencies with sufficient information concerning the project and its potential environmental impacts to enable them to make a “meaningful response.” 14 Cal Code

Regs §15082 (a) (1). At a minimum, the notice must contain a description of the project, the location of the project, and the project's probable environmental effects.

2. Alternatives Analysis.

A. The NOP indicates that the alternative site that will be studied in the EIR is an existing radio tower located in the Oak Glen Planning Area. The proposed alternative is identified as the KRQB tower (previously known as the KWIE tower.) However, throughout the administrative process, the attorney and consultants for Lazer have testified that the KRQB tower does not satisfy FCC requirements and would not be approved by the FCC.

Lazer's consulting engineering firm, Hatfield & Dawson, provided Engineering Statements dated October 2008 and April 2010. In the 2008 Engineering Statement, Hatfield & Dawson concludes that "co-location with KRQB is not viable." In the 2010 Engineering Statement, Hatfield & Dawson comes to a similar conclusion as follows: "I conclude that were we to submit an application to the FCC to operate KXRS at the KRQB tower site, the FCC would not approve such an application due to coverage deficiencies."

At the Planning Commission hearing on the prior project, held on May 5, 2011, Harry Martin, attorney for Lazer, testified that "the FCC would not approve us to use that location." In making that testimony, he used slides prepared by the firm Hatfield & Dawson.

At the Board of Supervisors hearing held on January 27, 2009, attorney Harry Martin testified as follows:

"My testimony deals with the reasons why this proposed site is unique in terms of its acceptability to the FCC and its service potential and why other sites in the region would not pass FCC muster, including the KRQB tower, which has been shown in the pictures."

At the Board of Supervisors hearing on November 27, 2012, Harry Martin testified that the KRQB site would not satisfy FCC requirements because "if you go farther north [where the KRQB tower is located] you go over Pisgah Peak and you can't get line of sight back to Hemet, the community of license."

Under CEQA, alternatives presented in an EIR must be potentially feasible. 14 Cal code reg §15126.6 (a). See also City of Long Beach v. City of Los Angeles Unified School District, 176 Cal App 4th 889 (2009). Because co-location on the KRQB site is not feasible according to Lazer and its engineers and attorney, consideration of the KRQB site as an alternative fails to comply with the requirements of CEQA.

The NOP also contains an alternative design of the project, namely construction of a "typical lattice style tower" with increased height. It is clear that this alternative is one that would have a greater environmental impact, rather than a lesser impact. As a result, between proposing an alternative site location that cannot be approved by the FCC and an alternative

design that has a greater environmental impact, there is no analysis whatsoever of an alternative design or alternative site that is both feasible and environmentally superior.

B. Alternative Locations that should be Considered.

During the course of hearings on the prior tower applications submitted by Lazer, three potential locations for the Lazer tower, that comply with FCC rules and requirements, have been identified. Those locations, described below, must be analyzed in the EIR as alternatives to the proposed site locations. All of these feasible alternatives are located in areas that would be environmentally superior to the Project location.

- Location 1—San Jacinto Site. On page 5 of its Engineering Statement dated April 2010, Hatfield & Dawson identifies a potential site that complies with FCC rules. The site located is on a ridge as one enters the San Jacinto Mountains and the Badlands (near the City of San Jacinto). The San Jacinto site would reach approximately 300% more listeners than the existing KXRS site operated by Lazer in Hemet, so it is both feasible and meets project objectives.
- Location 2—Beaumont Site. CPRL submitted an Engineering Statement, dated March 10, 2011, by engineering consultant Edward De La Hunt. It identified FCC Tower Registration Number 1263499 as alternative Site #1. Further information about this first alternative site is set forth on page 6 of the March, 2011 Engineering Statement.
- Location 3—Cherry Valley Site. The De La Hunt March, 2011 Engineering Statement also identified FCC Tower Registration Number 120-2850 as alternative Site #2. Further information about the second alternative site is set forth on page 7 of the De La Hunt Engineering Statement.

C. Identification of Additional Alternate Tower Sites.

Unlike most projects, identifying a feasible alternative site requires the expertise of an FCC engineer. County staff cannot identify alternative sites other than the ones that have been identified above, without retaining a consulting engineer. Without an FCC engineering statement that identifies FCC compliant sites, the alternatives analysis in the EIR will be deficient.

3. Analysis of Visual Impact of Project.

The NOP lists “aesthetics” as one possible environmental impact of the Lazer project. However, the NOP fails to adequately describe the possible aesthetic impacts so as to provide an accurate description of scope of potential impacts.

CPRL, as well as several members of the public, testified as to the likelihood that approval of the Lazer tower will set a precedent leading to future approvals of additional radio towers near the Wildwood Canyon State Park, adjacent parcels and open-space areas. The aesthetic impact should specifically include the visual impact of a multiple radio towers (a so called “tower farm”), because the existing KRQB tower and the Lazer tower would provide a precedent for future tower approvals. It is inadequate to study a single tower.

The visualization studies prepared for the 2010 approval of the tower site, which has been vacated by court ruling, utilize viewpoints for the study that were often times a mile or more away. Such a study is inadequate. Evidence has been presented that trails formally recognized by the City of Yucaipa are immediately adjacent to the Lazer property. Accordingly, the study must include visualization of the proposed tower from the terminus of the trail at the Lazer property line. The visual impacts study must also include all areas of the utility pipeline installation and brush clearance, including the access road, that will alter the existing views. The impact of other fire-control measures must also be evaluated.

CPRL has also submitted evidence that, in addition to Wildwood Canyon State Park, several local open-space nonprofit conservancies own land immediately adjacent or in the immediate vicinity of the Lazer project. CPRL itself owns two parcels of land immediately adjacent to the Lazer property. The Wildlands Conservancy owns additional properties, including property surrounding Pisgah Peak. The Yucaipa Valley Conservancy owns open-space properties in the immediate area of the proposed project. The Bureau of Land Management and the United States Forest Service also hold open-space lands in the vicinity of the proposed Lazer tower. The visualization study for the EIR should not only study views of the proposed tower from Wildwood Canyon State Park, but also views from all of the other adjacent parcels and nearby properties held by open-space conservancies and government agencies.

The NOP is misleading in that agencies reviewing the NOP would analyze the Project solely based upon a single tower. The growth inducing impacts of the project, not mentioned in the NOP, include future towers in the vicinity of the State Park and adjacent parcels and open-space properties. As a result, the NOP is inadequate to provide commenting agencies with the true scope of the potential aesthetic impacts of this project. The NOP should be revised to adequately set forth the potential growth inducing impacts of the project and the fact that those impacts must be studied in the EIR.

4. Biological Study Must be Included in EIR.

During the hearing process for the two prior tower applications, CPRL has consistently pointed out deficiencies in the biological study conducted by Lazer. The original biological survey was done in 2006, nine years before the project will be considered in 2015. At this time, the study is too stale to be relied upon for the current application. In addition, even if the study was more recent, it was deficient in many ways. As previously pointed out in our comment letter dated June 18, 2010, the deficiencies in the original study included the following [quoting from the June 18, 2010 letter]:

“While the Land Use Application Questionnaire (question 23) indicates that there are no known sensitive or protected plant or animal species on site, the Biologist Letter Report attached to the application is nothing other than a recap of prior biological information submitted in connection with the 2007-09 Lazer application. In his letter of April 14, 2010, biologist Ty M. Garrison states that “the fieldwork was conducted in 2008 prior to this proposal for a substantially larger project previously proposed on the same property.” This statement is false.

First, the 2007-09 tower application is substantially similar. The fact that the tower is shorter does not mean that the 2007-09 tower project was "substantially larger". In addition, the statement that the fieldwork was done in 2008 is blatantly false. Upon reviewing the previously submitted biological letters, it becomes clear that the biologist visited the site on June 2, 2006 to determine if there were any significant biological constraints to development in connection to the access road or the Project parcel. The biologist visited the site three more times (in December of 2006, February of 2007, and August of 2007) but in each of those cases the visit was for limited purposes and did not constitute a survey of biological restraints. This means that the survey on which this project now relies was conducted four years ago, in a drought year. During the 2009/2010 rain year, there was not a drought but rather a normal rainfall. This means that the plant species that would be located on the property as well as adjacent properties would be significantly different than in a drought year. Accordingly, the resubmission of the prior biological study which references a survey conducted four [now eight] years ago is inadequate to draw any conclusions as to whether or not there are known sensitive or protected plants located on the site or other affected areas. Increased rainfall also has a positive effect on mammal, bird and reptile populations.

Moreover, the statement is contradicted by the County's approved General Plan FEIR which indicates that the Mountain Region (where the Project site is located) sustains many unique plant associations due to the diverse geology and varied micro climates, and that, among other things, the CDFG recognizes 14 Areas of Special Biological Importance within the Mountain Region. See FEIR at IV-6, IV-41. Moreover, other recent studies of nearby parcels indicate that federally threatened and endangered plant and animal species have a moderate to high likelihood of occurring in this area, including Plummer's Mariposa Lily, Hall's monardella, and as many as 30 sensitive animal species. See **Exhibit 5** (EA at p. 15 and studies referenced therein). Thus, it is reasonably probable that the Project may cause significant adverse impacts to biological resources in the Project area. Thus, an EIR must be required and a site specific biological report and survey conducted in order to assess potential impacts and develop appropriate mitigation measures if necessary. Moreover, the CDFG and USFWS should be consulted since they would have jurisdiction over the biological resources on the site."

In addition, the original biologic survey failed to comply with the County Development Code. Pursuant to Development Code Section 82.11.030 (Biotic Resources Overlay), a "land-use application shall include a biotic resources report..." That code section further provides that "the biotic resources report shall identify all biotic resources located on the site and those on adjacent parcels (emphasis added) that could be impacted by the proposed development...." The Lazer project includes a utility line which runs over 6,000 feet directly affecting many adjacent parcels. The biologic study prepared by Lazer's consultant fails to study adjacent parcels. An Environmental Assessment for the then-proposed Wildlands Exchange [referred to in more detail in our June 18, 2010 letter], exists; that study shows that there are significant biological

resources that will be impacted by the proposed Project and which the County has ignored. The County has failed to comply with its own rules by proposing to preparing an EIR without first requiring preparation of a biological assessment of the Project site and adjacent parcels as required by the Development Code.

Because the biological impact of the project has never been adequately studied, and because the biological study will be nine years old in 2015, the EIR for the current tower application must include updated biological surveys and studies which comply with the County Development Code and adequately identify biological impacts of the project.

5. Fire Safety Issues.

The proposed project is located in a “Very High Fire Hazard Severity Zone” east of Wildwood Canyon State Park. The area has a history of large catastrophic wildfires, extreme weather conditions and large swathes of flammable fuels surrounding relatively isolated residential clusters. Most of the slopes in the area are over 40%, which makes firefighting extremely difficult and dangerous. Fires expand rapidly, feeding on the dense woody shrubs in the area, and are highly resistant to control by firefighters. Due to the proximity of established communities in canyons near the project site, the EIR should include a lightning risk analysis and fuel modification compliance assessment.

Despite its high-fire location, the project proposes to reduce the standard fuel modification zone from 100’ to 30’ around the tower and equipment shelter. The project also fails to address protections for road access, including widening the access road, brush clearance zones on both sides of the access road, construction of adequate turnouts and installation of an on-site water tank. The aesthetic and biological impacts of all of these fire-control measures must be considered in the EIR.

6. Incorporation of Administrative Record and Prior Project Records.

As stated in the NOP, the prior approval of Lazer’s tower was vacated by the Superior Court of San Bernardino. That case (Case No. CIVDS 1213173) has been appealed to the Court of Appeal, and an administrative record has been prepared in connection with that appeal. CPRL hereby requests that the Administrative Record, and all prior tower entitlement records (including, but not limited to, all documents, letters, comments, protests and Planning Commission and Board of Supervisor meetings records and actions) for the prior projects be incorporated by reference into the record for Lazer’s current tower project.

7. Conclusion.

The NOP contains numerous inaccuracies which would prevent responsible and trustee agencies from fully understanding the potential environmental impacts of the Lazer tower project. The proposed study of alternatives is completely inadequate and fails to comply with CEQA. The minimal discussion of aesthetic impacts fails to provide an adequate picture of the potential growth inducing impacts of the project, namely future approval of additional towers which would create a “tower farm” immediately adjacent to the state park and adjacent open-

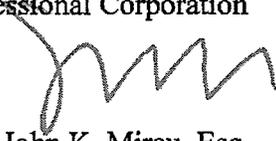
space properties. The NOP makes no reference whatsoever to the biological impacts of the tower project.

Because of the inaccuracies set forth in the NOP, responsible and trustee agencies do not have enough information to enable them to make a "meaningful response". Accordingly, demand is made that the NOP be corrected as set forth herein and re-circulated to responsible and trustee agencies.

Very truly yours,

MIRAU, EDWARDS, CANNON,
LEWIN & TOOKE
A Professional Corporation

By:



John K. Mirau, Esq.



December 22, 2014

Kevin White, Senior Planner
Current Planning Division
Land Use Services Department
County of San Bernardino
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415 - 0182

Regarding: Lazer Radio Broadcasting Facility; Notice of Preparation of a Draft Environmental Impact Report

Thank you for the opportunity to respond to the Notice of Preparation of a Draft EIR for the above-referenced project. The primary concerns for the City of Yucaipa are included in the staff report dated November 26, 2012, Resolution 2012-71, and correspondence dated September 29, 2010 and September 19, 2012 (attached). A signed copy of Resolution 2012-71 adopted by the Yucaipa City Council opposing the Lazer Radio Broadcasting facility has been attached for your records. The concerns and requests contained in the attached documents continue to be valid and shall be addressed. In addition to the concerns set forth in the attached correspondence, the City of Yucaipa requests that the EIR address the following issues/concerns:

1. The Notice of Preparation states that the contemplated environmental document will be a "Focused EIR." Section 21158 of the State CEQA Guidelines states that "a focused environmental impact report is an environmental impact report on a subsequent project identified in a master environmental impact report. A focused environmental impact report may be utilized only if the lead agency finds that the analysis in the master environmental impact report of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment is adequate for the subsequent project." How can a Focused EIR be prepared for this project if a Master EIR was not subsequently adopted? If an EIR is being prepared, it should address all environmental factors listed in the Environmental Checklist Form. Please provide clarification.
2. Address the cumulative impacts associated with multiple antennas at this location. If this facility is constructed, it is almost certain that the County will receive additional applications for more communication towers and/or co-located facilities and therefore, the cumulative impacts associated with this project also must be considered as significant.
3. The Notice of Preparation states that alternative site locations for the Lazer Radio Broadcasting facility will be contemplated. The City of Yucaipa has requested an

analysis of alternative site locations for this facility in previous correspondence and we look forward to reviewing this information in the EIR document.

In addition to responses to the above comments, please provide me with future notice of availability of the Draft EIR, and direct all CEQA related correspondence to my attention.

Sincerely,

CITY OF YUCAIPA



Joseph M. Lambert
Director of Development Services

enclosures

**CITY OF YUCAIPA
AGENDA REPORT**

TO: Honorable Mayor and City Council

FROM: *me* Raymond A. Casey, City Manager

FOR: City Council Meeting of November 26, 2012

SUBJECT: Lazer Broadcasting Antenna Site Near Wildwood Canyon State Park

RECOMMENDATION:

That City Council adopt Resolution No. 2012 – 71, encouraging the San Bernardino County Board of Supervisors to again deny Lazer Broadcasting’s proposal to erect a radio tower adjacent to the City of Yucaipa and Wildwood Canyon State Park.

BACKGROUND:

In June of 2007, Lazer Broadcasting, Inc. submitted an application to the San Bernardino County Land Use Services Department for a Conditional Use Permit to construct an FM radio broadcast facility (call letters: KXRS) consisting of a 140-ft tall lattice tower to support a 25-ft tall x 42-in diameter 6-bay FM broadcast antenna. Included in the project were a 250 sq ft equipment building, a 20kW generator, and a 500-gallon fuel tank. The facility was to be located on the company’s 38-acre parcel immediately adjacent to Wildwood Canyon State Park, and utility services were to be provided by installing 33 new 40-ft tall utility poles on Pisgah Peak Road.

On July 31, 2007, staff responded to the County’s Project Notice with a fairly routine letter based on the limited information that we had received. Our comments noted some concerns with the proposed power lines and indicated that the project could have a significant effect on the visual resources of the State Park. In April of 2008, staff received the Initial Study from the County detailing their environmental review of the project, and the tower had been reduced to 100-ft in height, and the utility lines were going to be placed underground. This was an improvement from the original plan, but the cumulative impact of having additional towers at this location was still not being addressed, and in our April 17, 2008, letter staff again submitted comments suggesting that an environmental impact report should be prepared.

In October of 2008, the County circulated a Revised Initial Study, with the proposed tower reduced to 80-ft in height, but it did not address staff’s earlier concerns regarding the cumulative impacts associated with the potential proliferation of multiple towers, and we advised the County of our concerns in a letter dated October 16, 2008. On November 6, 2008, the County Planning Commission voted 4-1 to approve the project, and this action was then appealed to the County Board of Supervisors. On November 10, 2008, the Mayor informed the Council of this matter during the Mayor and Councilmember Business portion of the City Council meeting, and the consensus of Council was that staff should prepare a letter for the Mayor’s signature expressing their opposition to the project.

DISCUSSION:

In December of 2008, after carefully reviewing the administrative record, and encountering substantial opposition from a large number of concerned citizens in the East Valley, the County Board of Supervisors voted unanimously to overturn their Planning Commission's approval of the project. At this point, nothing occurred until June of 2010, when staff received a Project Notice from the County for a Conditional Use Permit to construct a 43-ft tall lattice tower and a 100 sq ft equipment building. The generator and the fuel tank had been removed from the project, and the application also included a Major Variance to reduce the fuel modification zone from 100 ft to 30 ft in order to reduce the amount of disturbed area.

Staff responded to this Project Notice with a letter dated June 14, 2010, which once again expressed our concerns regarding the environmental review procedures being used by the County. Because of the potential for this project to adversely affect the significant scenic resources of Wildwood Canyon State Park, staff believes that an environmental impact report needs to be prepared to fully evaluate this situation, and equally important, to conduct an independent evaluation of alternative sites for the broadcast antenna. The applicant has stated that there are no alternative sites, but staff is aware of at least one professional study that has identified various alternative locations that are away from Wildwood Canyon State Park.

At the September 27, 2010, Council meeting, staff provided the Council with all of the letters that had been previously submitted for this project, and Council directed that another comment letter (see attached) be prepared for the latest proposal. Staff then received a revised environmental assessment of the project's potential impacts, and it concluded that all such impacts could be mitigated to a less-than-significant level. While it provided a more detailed analysis of the project's effect on the environment, it still does not address the City's key issues – the cumulative impacts associated with multiple antennas at this location, and the ability to develop the project on an alternative location. These specific issues would only be addressed in an Environmental Impact Report, which our letters have been requesting from the beginning, and if Council is still concerned about these issues, we should reiterate our previous comments.

In September of this year, the County Planning Commission conducted a public hearing to review the latest incarnation of Lazer Broadcasting's proposal for a radio broadcast antenna, and once again the City submitted a comment letter to reiterate our on-going concerns with this project. Unfortunately, the project was again approved by a 4 – 1 vote, but an appeal of this action was filed in a timely manner, and the project is once again being reviewed by the Board of Supervisors. It is virtually the same project that was unanimously rejected by the Board of Supervisors in 2008, but the City Council may wish to take this opportunity to once again go on record in opposition to the project. The attached resolution also requests that the Board strongly consider the position of local cities when reviewing land use projects.

Attachments: Resolution No. 2012 - 71
9-19-12 Comment Letter
09-29-10 Comment Letter

RESOLUTION NO. 2012-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, ENCOURAGING THE SAN BERNARDINO COUNTY BOARD OF SUPERVISOR TO AGAIN DENY LAZER BROADCASTING'S PROPOSAL TO ERECT A RADIO TOWER ADJACENT TO THE CITY OF YUCAIPA AND WILDWOOD CANYON STATE PARK

WHEREAS, the City of Yucaipa believes that local control on local land use issues should be respected by all government entities; and

WHEREAS, the City of Yucaipa believes that local municipalities have a strong understanding of potential impacts to their residents and communities related to land use proposals; and

WHEREAS, the City of Yucaipa supports other cities in San Bernardino County in their efforts to advocate for land use issues that are of importance to their local constituents; and

WHEREAS, land use issues in the County can have a significant impact on nearby City residents' quality of life; and

WHEREAS, the City of Yucaipa recommends that the San Bernardino County Board of Supervisors strongly consider the position of local cities when reviewing land use projects; and

WHEREAS, the City of Yucaipa has opposed for years the proposal of Lazer Broadcasting to build a radio tower that would cause irreparable harm to the scenic vistas and open spaces surrounding Wildwood Canyon State Park; and

WHEREAS, the placement of one communication tower can create a precedent for the future development of communication towers in open space areas near other San Bernardino County communities; and

WHEREAS, the San Bernardino County Board of Supervisors has denied similar proposals in the past and should remain consistent in their decision-making;

NOW THEREFORE, BE IT RESOLVED that the City of Yucaipa encourages the San Bernardino County Board of Supervisors to again deny Lazer Broadcasting's proposal to erect a radio tower adjacent to the City of Yucaipa and Wildwood Canyon State Park.

RESOLUTION NO. 2012-71

BE IT FURTHER RESOLVED, that this resolution be noted in the Minutes of this Council and that a copy be presented to the San Bernardino County Board of Supervisors.

Executed this 26th day of November, 2012, by the Council Members of the City of Yucaipa.

PASSED. APPROVED and ADOPTED this 26th day of November 2012.



DICK RIDDELL, MAYOR

ATTEST:



JENNIFER SHANKLAND, CITY CLERK

September 19, 2012

Honorable Chair and Members
of the Planning Commission
San Bernardino County
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415 - 0182



RE: Lazer Broadcasting FM Radio Broadcast Facility (Project No. P201000215/CUP)

Dear Chairwoman Mathews and Members of the Commission:

The project referenced above represents the re-submittal of an application that was unanimously rejected by the Board of Supervisors in December of 2008. Although the current application now proposes the construction of a smaller tower and ancillary equipment structure, they would still be located on the border of Wildwood Canyon State Park, but at a higher elevation to make up for the reduced tower height. This nearly pristine natural area was chosen for State Park status primarily because of its exceptional aesthetic and natural values, and it should go without saying that the presence of a very prominent monopole antenna and its equipment building in this environment is entirely contrary to the mission of the State Park.

All available evidence indicates that this project will result in significant adverse impacts on the environment, but County staff members have downplayed this evidence. Without question, this antenna monopole will have a substantial adverse effect on a major scenic vista (Wildwood Canyon State Park), and it will substantially degrade the existing visual character or quality of the site and its surroundings. In addition, once utilities are extended to this facility, it is almost certain that the County will receive additional applications for more communication towers, and therefore, we believe the cumulative impacts associated with this project also must be considered as significant.

We believe that these three issues alone warrant the preparation of a full environmental impact report, but equally important, and equally lacking from the current environmental assessment, is any discussion of alternative sites. An environmental impact report should be required to address this issue in detail, and we believe that the burden of proof is on the applicant to demonstrate that there are no alternative sites for this facility. Supposedly, this is the only location where they can reach their listeners, but we would submit that most, if not all of the residents in Hemet currently receive radio broadcasts, and none of them are originating from this location.

We have been advised that an independently prepared study (Kline Report) clearly demonstrates that other suitable locations exist for this broadcast antenna, either on existing antenna towers or other vacant property several miles to the east of the currently proposed site. We understand that

City of Yucaipa
34272 Yucaipa Boulevard, Yucaipa, CA 92399-9950
909/797-2489 ♦ FAX 909/790-9203 ♦ www.yucaipa.org

Honorable Chair and Members of the Commission
Lazer Broadcasting Project
September 19, 2012
Page 2

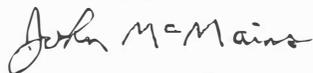
the applicants would be required to lease space on an existing tower, or purchase additional property, but financial considerations do not overcome the obligation to consider alternatives which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives.

At a hearing held by our City Council on September 27, 2010, we observed considerable opposition to this proposal from many Yucaipa residents, as well as from representatives from the Supporters of Wildwood Canyon State Park, the Yucaipa Conservancy, and the Wildlands Conservancy. This facility is clearly inconsistent with their long-range goals for this natural area, and they indicated that over 2,500 people have signed their petitions opposing this project. This opposition was focused on the belief that the border of Wildwood Canyon State Park was simply the wrong location for this facility and that a less obtrusive site must surely exist somewhere else.

These sentiments were echoed by each of our Council members during the discussion of the proposal, and it was also noted that this proposal would be in direct violation of the City's policies and standards for ridgeline developments if it were subject to our jurisdiction. We understand that the Board of Supervisors adopted rather extensive Findings in their action to deny the previous proposal, including a Finding that the facility was inconsistent with the land use policies of the Oak Glen Community Plan, and we have not seen anything to date that would indicate that the current proposal will eliminate or even reduce any of the previously identified adverse impacts.

In summary, we believe that the negative visual impact of this antenna monopole is completely out of character with the existing environment, and that it will not be possible to mitigate the adverse impacts of this ill-conceived project to a less-than-significant level as required by the California Environmental Quality Act. Consequently, we are requesting that you deny this application, or at a minimum, require the preparation of a full environmental impact report to adequately address this issue, as well as the others, including the evaluation of alternative sites for this facility. We believe that this so-called "compromise" project does nothing to eliminate these negative impacts.

Very truly yours,



John McMains, Director
Community Development Department

cc: Neil Derry, 3rd District Supervisor
Kevin White, Sr. Associate Planner

September 29, 2010

Honorable Chairman and Members
of the Planning Commission
San Bernardino County
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415 - 0182



RE: Lazer Broadcasting FM Radio Broadcast Facility (Project No. P201000215/CF)

Dear Chairman Cramer and Members of the Commission:

The project referenced above represents the re-submittal of an application that was unanimously rejected by the Board of Supervisors in December of 2008. Although the new application now proposes the construction of a smaller tower and ancillary equipment structure, they would still be located on the border of Wildwood Canyon State Park, but at a higher elevation to make up for the reduced tower height. This nearly pristine natural area was chosen for State Park status primarily because of its exceptional aesthetic and natural values, and it should go without saying that the presence of a very prominent metal tower and its equipment building in this environment is entirely contrary to the mission of the State Park.

All available evidence indicates that this project will result in significant adverse impacts on the environment, but County staff members have downplayed this evidence. Without question, this antenna tower will have a substantial adverse effect on a major scenic vista (Wildwood Canyon State Park), and it will substantially degrade the existing visual character or quality of the site and its surroundings. In addition, once utilities are extended to this facility, it is almost certain that the County will receive additional applications for more communication towers, and therefore, the cumulative impacts associated with this project also must be considered as significant.

We believe that these three issues alone warrant the preparation of a full environmental impact report, but equally important, and equally lacking from the current environmental assessment, is any discussion of alternative sites. An environmental impact report should be required to address this issue in detail, and we believe that the burden of proof is on the applicant to demonstrate that there are no alternative sites for this facility. Supposedly, this is the only location where they can broadcast to their listeners, but we would submit that most, if not all of the residents in Hemet currently receive radio broadcasts, and none of them are originating from this location.

We have been advised that an independently prepared study (Kline Report) clearly demonstrates that other suitable locations exist for this broadcast antenna, either on existing antenna towers or other vacant property several miles to the east of the currently proposed site. We understand that the applicants would be required to lease space on an existing tower, or purchase additional property, but financial considerations do not overcome the obligation to consider alternatives which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives.

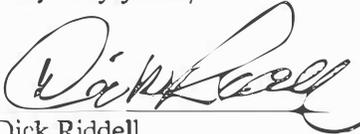
Honorable Chairman and Members of the Commission
Lazer Broadcasting Project
September 29, 2010
Page 2

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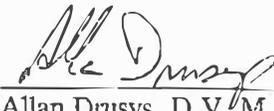
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In summary, we believe that the negative visual impact of this antenna tower is completely out of character with the existing environment, and that it will not be possible to mitigate the adverse impacts of this ill-conceived project to a less-than-significant level as required by the California Environmental Quality Act. Consequently, we are requesting that you deny this application, or at a minimum, require the preparation of a full environmental impact report to adequately address this issue, as well as the others, including the evaluation of alternative sites for this facility. We believe that this so-called "compromise" project does nothing to eliminate these negative impacts.

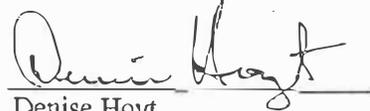
Very truly yours,



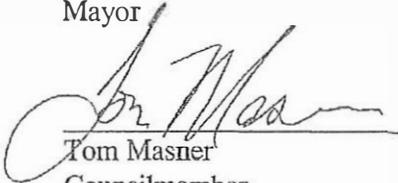
Dick Riddell
Mayor



Allan Drusys, D.V.M.
Mayor Pro Tem



Denise Hoyt
Councilmember



Tom Masner
Councilmember



Diane Smith
Councilmember

cc: Neil Derry, 3rd District Supervisor
Kevin White, Sr. Associate Planner

APPENDIX B
AIR QUALITY/GREENHOUSE GAS
MODEL OUTPUT

**Lazer
Construction Equipment Emissions**

Operation	Emission Factor	Units	Equation Variables		Pollutants								
			1	2	PM-10 lbs./day	PM-2.5 lbs./day	ROG lbs./day	CO lbs./day	NOX lbs./day	CO2	CH4	N2O	
Equipment Exhaust Emissions			Equipment #	Operating Hrs.									
PM-10 & PM-2.5	Construction Worker Vehicles Light Duty Helicopter Activities	lbs./hr. lbs./hr.	10 1	1 4	0.00 0.16	0.00 0.15							
ROG	Construction Worker Vehicles Light Duty Helicopter Activities	lbs./hr. lbs./hr.	10 1	1 4			0.01 0.00						
CO	Construction Worker Vehicles Light Duty Helicopter Activities	lbs./hr. lbs./hr.	10 1	1 4				0.04 10.60					
NOX	Construction Worker Vehicles Light Duty Helicopter Activities	lbs./hr. lbs./hr.	10 1	1 4					0.00 4.40				
CO2	Construction Worker Vehicles Light Duty Helicopter Activities	lbs./mile lbs/hr	10 1	1 4						11 2,694			
CH4	Construction Worker Vehicles Light Duty Helicopter Activities	lbs./mile lbs/hr	10 1	1 4							0.00 0.84		
N2O	Construction Worker Vehicles Light Duty Helicopter Activities	lbs./mile lbs/hr	10 1	1 4								0.00 0.8448	
Total					0.16	0.15	0.01	10.64	4.40	2,705	0.84	0.84	
GHG MT										338	0.01	0.01	
Total GHG in MT per Construction Phase										338.20			

Emission Source: SCAQMD On Road Passenger Vehicles - Mobile Source Emission Factors 2020

Emission Source: Helicopter, FOCA Guidance on Determination of Helicopter Emissions

<https://www.bazl.admin.ch/bazl/en/home/specialists/regulations-and-guidelines/environment/pollutant-emissions/aircraft-engine-emissions/guidance-on-the-determination-of-helicopter-emissions.html>

GHG Emission Factors: California Climate Action Registry General Reporting Protocol

Note: 25 day construction period, Light Duty Helicopter : 317HP, 32 gallons of fuel per hour (FOCA Guidance Document)

Federal Office of Civil Aviation FOCA

**Lazer
Operational Emissions**

Operation		Emission Factor	Units	Equation Variables		Pollutants								
				1	2	PM-10 lbs./day	PM-2.5 lbs./day	ROG lbs./day	CO lbs./day	NOX lbs./day	CO2	CH4	N2O	
Equipment Exhaust Emissions				Equipment #	Operating Hrs.									
PM-10 & PM-2.5	Operational Worker Vehicles	0.0001	lbs./hr.	3	8	0.00	0.00							
	Generator Sets	0.0150	lbs./hr.	1	8	0.12	0.11							
ROG	Operational Worker Vehicles	0.0005	lbs./hr.	3	8			0.01						
	Generator Sets	0.0395	lbs./hr.	1	8			0.32						
CO	Operational Worker Vehicles	0.0044	lbs./hr.	3	8				0.11					
	Generator Sets	0.2732	lbs./hr.	1	8				2.19					
NOX	Operational Worker Vehicles	0.0004	lbs./hr.	3	8					0.01				
	Generator Sets	0.3232	lbs./hr.	1	8					2.59				
CO2	Operational Worker Vehicles	1.1045	lbs./hr.	3	8						27			
	Generator Sets	61.0000	lbs./hr.	1	8						488			
CH4	Operational Worker Vehicles	0.0000	lbs./hr.	3	8							0.00		
	Generator Sets	0.0036	lbs./hr.	1	8							0.92		
N2O	Operational Worker Vehicles	0.0000	g/mile	3	8									0.00
	Generator Sets	0.0000	---	1	8									0
Total						0.12	0.11	0.33	2.29	2.60	515	0.92	0.00	
						GHG MT					94	0.17	0.00	
						Construction Emissions Amortized over 30 years					11			
						Total MTCO2e per year					105.37			

Emission Source: SCAQMD On Road Passenger Vehicles - Mobile Source Emission Factors 2020
 GHG Emission Factors: California Climate Action Registry General Reporting Protocol

APPENDIX C
UPDATED PHASE I CULTURAL
RESOURCES INVESTIGATION
OCTOBER 14, 2020



Rincon Consultants, Inc.

1980 Orange Tree Lane
Suite 105
Redlands, California 92374

909 253 0705 OFFICE AND FAX

info@rinconconsultants.com
www.rinconconsultants.com

October 14, 2020
Project No: 17-05228

Ms. Elizabeth Plascencia
Lazer Broadcasting
200 South A St. 4th Floor
Oxnard, CA 93030
Via email: lizp@lazerbroadcasting.com

Subject: Updated Phase I Cultural Resources Study for the Proposed Lazer Broadcasting Yucaipa Radio Tower Project in Yucaipa, California

Dear Ms. Plascencia:

Lazer Broadcasting retained Rincon Consultants, Inc. (Rincon) to provide cultural resources services for the Lazer Broadcasting Yucaipa Radio Tower Project (project). The project is located off Pisgah Peak Road, approximately 1.5 miles east of Wildwood Canyon State Park, in San Bernardino County, California (Figures 1 and 2, Attachment A). The project would involve placement of a radio tower on a graded pad as well as installation of subsurface electrical line. Rincon understands that the project has been redesigned to include a 40-foot wooden tower in place of the original metal tower previously proposed for the project. Rincon's current scope of work consists of updating an existing cultural resources study previously prepared by Rincon (2018) to include updated search results of the California Historical Resources Information System (CHRIS), updated search results of the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF), a summary review of comments voiced during public review of the project's Environmental Impact Report (EIR), background ethnographic research related to thematic elements of the public comments, and preparation of this updated technical memorandum. This technical memorandum is accompanied by four attachments: Attachment A, Figures; Attachment B, Photographs; Attachment C, 2020 SLF Search Results, and Attachment D, 2020 CHRIS Search Results.

Cultural Resources Records Searches

On January 3, 2018, Rincon completed a search of the CHRIS at the South Central Coastal Information Center (SCCIC), at California State University, Fullerton. The records search was conducted to identify previous cultural resources studies and previously recorded cultural resources within a half-mile radius of the project site.

Historic aerials of the project site and vicinity were reviewed online using NETRonline accessed on December 6 and 13, 2017. The aerial photographs indicate that from at least 1938 and onward Pisgah Peak Road existed much as it appears today. By 1959, the access road upon which the project site is situated is visible. The access road becomes less apparent by 1980, perhaps from a reduction in use and vegetation regrowth. This unnamed road joins Pisgah Peak Road and is the current access to the project site (NETRonline 2017).

The 2018 SCCIC records search identified 12 previous studies within a half-mile radius of the project site (Table 1). Of these studies, four are adjacent to the project site (SB-1864, SB-2060, SB-2274, SB-3376),

three are outside the project site (SB-2427, SB-3378, and SB-3379), and five are considered overview reports that encompass the entirety of the Forest Falls Quadrangle (SB-0447, SB-1115, SB-1300, SB-2261, SB-498).

As part of the current update, Rincon sent a cultural resources records search request to the SCCIC on August 24, 2020. Updated SCCIC results were sent to Rincon on October 9, 2020 and included no new data. Below, Tables 1 and 2 provide a summary of previous cultural resources studies and previously recorded cultural resources identified during the 2018 and 2020 SCCIC records searches.

Table 1. Previous Cultural Resource Studies within a Half-Mile Radius of the Project Site

Report Number	Author	Year	Title	Relationship to Project Site
SB-00447	Scott	1976	<i>Development of Water Facilities in the Santa Ana River Basin, California, 1810-1968</i>	Overview
SB-01115	Lowell and Vanne	1981	<i>Native American Places in the San Bernardino National Forest, San Bernardino and Riverside Counties, California</i>	Overview
SB-01300	Carrico et al.	1982	<i>Cultural Resource Overview: San Bernardino National Forest, California</i>	Overview
SB-01864	Bouscaren et al.	1989	<i>Cultural Resources Survey of the Hunt Ranch Project, 600 Acres East of Yucaipa, San Bernardino County, California</i>	Adjacent
SB-02060	Bartel	1990	<i>Archaeological Survey Report: Lands of Pisgah Peak Controlled Burn Project, San Bernardino County, California</i>	Adjacent
SB-02261	Robinson and Risher	1990	<i>San Bernardino National Forest: A Century of Federal Stewardship</i>	Overview
SB-02274	Becker and Evans	1991	<i>A Cultural Resources Reconnaissance of the Birmingham Ranch, Approximately 600 Acres Near Yucaipa, San Bernardino County, California</i>	Adjacent
SB-02427	Brown	1991	<i>Cultural Resources Reconnaissance of a One Mile Road from the Birmingham Ranch to Oak Glen Road in San Bernardino County, California</i>	Outside
SB-03376	Digregorio	1997	<i>Pisgah Peak Land Exchange</i>	Adjacent
SB-03378	Digregorio	1997	<i>East Water Canyon Land Exchange</i>	Outside
SB-03379	Digregorio	1997	<i>Wildwood Canyon Land Exchange</i>	Outside

Report Number	Author	Year	Title	Relationship to Project Site
SB-06498	Northwest Economic Associates and Cultural Systems Research, Inc	2004	<i>Ethnographic Overview of the Northern San Bernardino Forest</i>	Overview

Source: South Central Coastal Information Center, 2018 and 2020

The 2018 records search identified four previously recorded historic-era cultural resources within a half-mile search radius of the project site (Table 2). These resources consist of a house with associated outbuildings, a ranch complex, an earthen check dam, and remnants of a cast iron horse-drawn lawn mower. No previously recorded prehistoric resources were identified by the 2018 or 2020 SCCIC records searches.

Table 2. Previously Recorded Resources within a Half-Mile of the Project Site

Primary Number	Trinomial	Resource Type	Description	Recorder(s) and Year(s)	NRHP/CRHR Status	Relationship to Project Site
P-36-003027	CA-SBR-003027H	Historic site	Hubner House	Swope and Everson 1989, McLean 2007	Not evaluated	Outside
P-36-007799	CA-SBR-007799H	Historic site	Hi Up Ranch	Parr et al. 1989	Not evaluated	Outside
P-36-013778	N/A	Isolate	Cast iron horse-drawn mower	McLean 2007	Not evaluated	Outside
P-36-013780	CA-SBR-012666H	Historic feature	Earthen check dam	McLean 2007	Not evaluated	Outside

Source: South Central Coastal Information Center, 2018 and 2020

Sacred Lands File Searches

Rincon requested a search of the Sacred Lands File (SLF) with the Native American Heritage Commission (NAHC) on December 8, 2017. On December 20, 2017, Rincon received a response from the NAHC stating that the search results were negative.

As part of the updated background research, Rincon requested a follow-up search of the SLF with the NAHC on August 24, 2020, to collect additional background information regarding the presence of cultural resources within or near the project site. On August 25, 2020 Rincon received a response from the NAHC stating that the search results were negative (Attachment C). However, as stated in the response letter, “the absence of site-specific information in the SLF does not indicate the absence of cultural resources in any project area.”

Summary Review of Public Comments in Response to EIR

An April 14, 2017 letter from Jerry Paresa of the San Manuel Band of Mission Indians (of the *Yuhaaviatam* Clan of Serrano) addressed to Robert Lovingood, Chairman of the San Bernardino County

Board of Supervisors, states that the Wildwood Canyon area is a Serrano cultural landscape with numerous Serrano cultural sites and resources of importance to the tribe. More specifically, Paresa argues,

The noted linguist and ethnologist J.P. Harrington's interviews with Santos Manuel in 1918 detail the following facts: (1) Yucaipa is named after a Serrano village (Yucai'piat, Yucaipat) in this area; and (2) Wildwood Canyon was a Serrano cultural landscape and traditional use area largely inhabited and used by the *Pavi'kajam* clan. This landscape is punctuated with springs, trails, places of spiritual significance, habitation sites, and hunting/gathering locations all well known to Santos Manuel and the larger Serrano community both long before and at the turn of the 20th century.

Between December 11, 2017 and February 9, 2019, letters were also sent to the Chairman from other members of the San Manuel Band of Mission Indians, the Rincon Band of Luiseno Indians, the Cahuilla Band of Indians, the Morongo Band of Mission Indians, and the Sycuan Band of the Kumeyaay Nation, stating the cultural significance of the Wildwood Canyon area and voicing opposition to the proposed project.

Ethnographic Research Review

In September 2020, Rincon reviewed accessible notes from J.P. Harrington's 1918 interviews with Santos Manuel (Harrington 1918) and confirmed that Yucaipa is discussed as a traditional use area of the Serrano, however a discussion of the spiritual significance of the area was not found during our review. A portion of nearly 1,000 pages of Harrington's notes on the Serrano are only accessible in their original handwritten format. As such, this level of in-depth research into Harrington's notes are outside of the scope of this study and Rincon was unable to verify whether the spiritual significance of the Wildwood Canyon area is discussed elsewhere in the notes.

Funded by a 2001 National Science Foundation grant awarded to the Department of Native American Studies at the University of California at Davis (UC Davis), a digital archival database of Harrington's notes was built although it is no longer accessible to the general public. Inquiries sent via email and left through voicemail by Rincon on September 17, 2020, with the Department of Native of American Studies at UC Davis pertaining to database access have yet to receive responses.

One previous cultural resources study identified in the 2018 SCCIC results, a 1981 report titled SB-01115: *Native American Places in the San Bernardino National Forest*, seems particularly relevant to issues related to the cultural and tribal significance of Wildwood Canyon and the surrounding area. This report was not previously obtained by Rincon and attempts to find it online via academic search engines were unsuccessful. On September 17, 2020, Rincon contacted SCCIC staff to request that a copy of the report be included in the updated records search results. SCCIC staff responded on September 18, 2020, stating the report is not digitized and thus is not currently available due to the ongoing office closure due to COVID-19.

Neither of the two reports (SB-02060: *Archaeological Survey Report: Lands of Pisgah Peak Controlled Burn Project* and SB-02274: *A Cultural Resources Reconnaissance of the Birmingham Ranch*) obtained by Rincon as part of the 2018 records search discuss the archaeological sensitivity of the current project site. However, report SB-02274 references two prehistoric sites (CA-SBR-2631: a groundstone scatter and CA-SBR-5926: a lithic and groundstone scatter) located in Wildwood Canyon approximately one mile from the current project site.

Two draft reports by David Earle (2016 and 2017) argue that the Wildwood Canyon region is an example of a cultural landscape, defined by the National Park Service as a "geographic area, including both

cultural and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity or person or exhibiting other cultural aesthetic values” (Birnbaum 1994, Birnbaum and Peters 1996). Although the project location is not specifically mentioned, both of Earle’s reports identify the vicinity of Wildwood Canyon and Pisgah Peak as a traditional use area of the ancestral Serrano by detailing the historical tribal-environmental interaction, place-specific resource procurement strategies, and spiritual customs documented by Harrington (1918). Although Earle indicates that Wildwood Canyon is a cultural landscape, the report does not identify any archaeological resources within the current project site.

Further background research utilizing academic search engines did not identify any previously recorded resources within the project’s area of disturbance, or any tribal notifications of significant resources in the project’s vicinity.

Cultural Resources Survey

Rincon archaeologist Lindsay Porrás MA, RPA, conducted a cultural resources survey of the project site on December 11, 2017 (Attachment B). Ms. Porrás met with Manuel Zarate, Lazer Broadcasting site contact, for access the project site. The project site consists of the proposed tower pad location and single-track dirt path that travels west from Pisgah Peak Road. Pisgah Peak Road is unpaved and functions as an access road that meanders adjacent to the project site and traverses the San Bernardino National Forest. The project site and access road are situated on a steep ridge that travels west, downslope to the proposed tower pad location. Apart from the single-track access road and tower pad location, the entirety of the project site is covered by dense sage scrub vegetation.

Ground visibility was poor during the survey, resulting in approximately 10 percent visibility. The steep and densely vegetated terrain did not allow for survey transects to be spaced at 15 meters. Instead, Ms. Porrás implemented a detailed examination of the project site for any vegetation clearings or exposed ground generally oriented north-south. From Pisgah Peak Road, Ms. Porrás walked west along the dirt path and inspected the project site including the dirt path and tower pad location. Tightly spaced transects (less than 5 meters) were implemented along less vegetated portions of the dirt access path and the tower pad location. All accessible portions of the project site were surveyed. Where steep terrain and vegetation interfered with access, Ms. Porrás investigated these areas from safe locations throughout the project site.

During the survey efforts, Ms. Porrás examined all areas of exposed ground surface for prehistoric artifacts (e.g., chipped stone tools and production debris, stone milling tools, ceramics), historic debris (e.g., metal, glass, ceramics), or soil discoloration that might indicate the presence of a cultural midden. Ms. Porrás recorded characteristics of the project site and survey conditions using a field notebook and a digital camera. Copies of the field notes and digital photographs are on file with Rincon’s Redlands office.

The cultural resources survey identified no previously unrecorded cultural resources on the project site. Disturbances on the project site include the cleared single-track access road and recent recreational use. Recreational use of the project site and surrounding area is evident and includes hiking and mountain biking activities.

Discussion and Recommendations

The 2018 and 2020 SCCIC records search results and a pedestrian survey did not identify any cultural resources on the project site. Searches of the SLF in 2017 and 2020 were both negative for site specific information, though this does not indicate the absence of cultural resources or areas considered sacred to tribal groups in the project vicinity. Sacred sites are sometimes not reported to the NAHC. Although

the project site has been disturbed by past and present activities, the nature of the area results in very limited ground visibility and the extent and depth of previous ground disturbance is unclear as much of the project site and surrounding area is covered by dense vegetation on steeply sloping hillsides. Therefore, the potential to uncover subsurface archaeological deposits during project construction remains. However, the lack of resources in the general vicinity indicates that the potential to encounter resources on Pisgah Peak is low. Comments from the public and Native American community, and two draft ethnographic reports (Earle 2016 and 2017) have indicated that the project area is considered a cultural landscape. However, no records indicating concurrence with any lead agencies regarding formal identification could be found. Thus, Rincon's analysis is based on existing data that does not include a formal concurrence of the cultural landscape. In compliance with CEQA, lead agencies are required to engage in public outreach with interested parties for each project. Therefore, Rincon assumes the lead agency and any interested parties including representatives from Native American groups will engage in discussions to determine if significant impacts would occur to traditional cultural properties including cultural landscapes.

As no archaeological resources have been identified within the project site a finding of "no impact" to archaeological resources is recommended in the existing Initial Study and CEQA Findings resolution. Additionally, project is subject to San Bernardino County's standard condition of approval #34 concerning cultural resources and the existing Health & Safety Code 7050.5 and Public Resources Code 5097.98 dictating mandatory reporting, coroner, and handling requirements in the event human remains are discovered. San Bernardino County Standard Condition of Approval 34 states:

If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find and all work shall halt until clearance is received. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall be notified.

Rincon concurs with the existing recommendations of the project initial study for no impact to archaeological resources. Adherence to Condition of Approval 34 will allow for the treatment of unanticipated discovery should any be found during ground disturbing activities.

Please do not hesitate to contact Rincon Consultants if you have any questions regarding these findings.

Sincerely,

Rincon Consultants, Inc.



Christopher Duran, MA, RPA
Principal



Lindsay Porras, MA, RPA
Associate Archaeologist

References

Birnbaum, Charles A.

- 1994 Protecting Cultural Landscapes Planning, Treatment, and Management of Historic Landscapes. U.S. Department of the Interior. National Park Service. Preservation Brief No.

36. Electronic document, online at <https://www.nps.gov/tps/how-to-preserve/briefs/36-cultural-landscapes.htm>

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- 1996 The Secretary of the Interior's Standards for the Treatment of Historic Properties: with Guidelines for the Treatment of Cultural Landscapes. U.S. Department of the Interior. National Park Service. Cultural Resource Stewardship and Partnerships, Historic Preservation Services, Historic Landscape Initiative: Washington, DC.

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- 2016 Preliminary Report on Wildwood Canyon Region Ethnographic Research. Unpublished Draft Report.
- 2017 The Environment and the Religious Significance of Native Cultural Landscapes in Wildwood Canyon and the Clan Territory of the *Pavi'kajam*. Unpublished Draft Report.

Harrington, John Peabody

- 1918 Southern California/Basin: Serrano, John Peabody Harrington papers. National Anthropological Archives, Smithsonian Museum Support Center, Suitland, Maryland

NETRonline

- 2017 Historic Aerials by NETRonline of project site. Electronic document, online at <https://www.historicaerials.com>

Rincon Consultants, Inc.

- 2018 Phase I Cultural Resources Study for the Proposed Lazer Broadcasting Yucaipa Radio Tower Project in Yucaipa, California. Report on file at Rincon Consultants, Inc., Redlands, California.

Attachments:

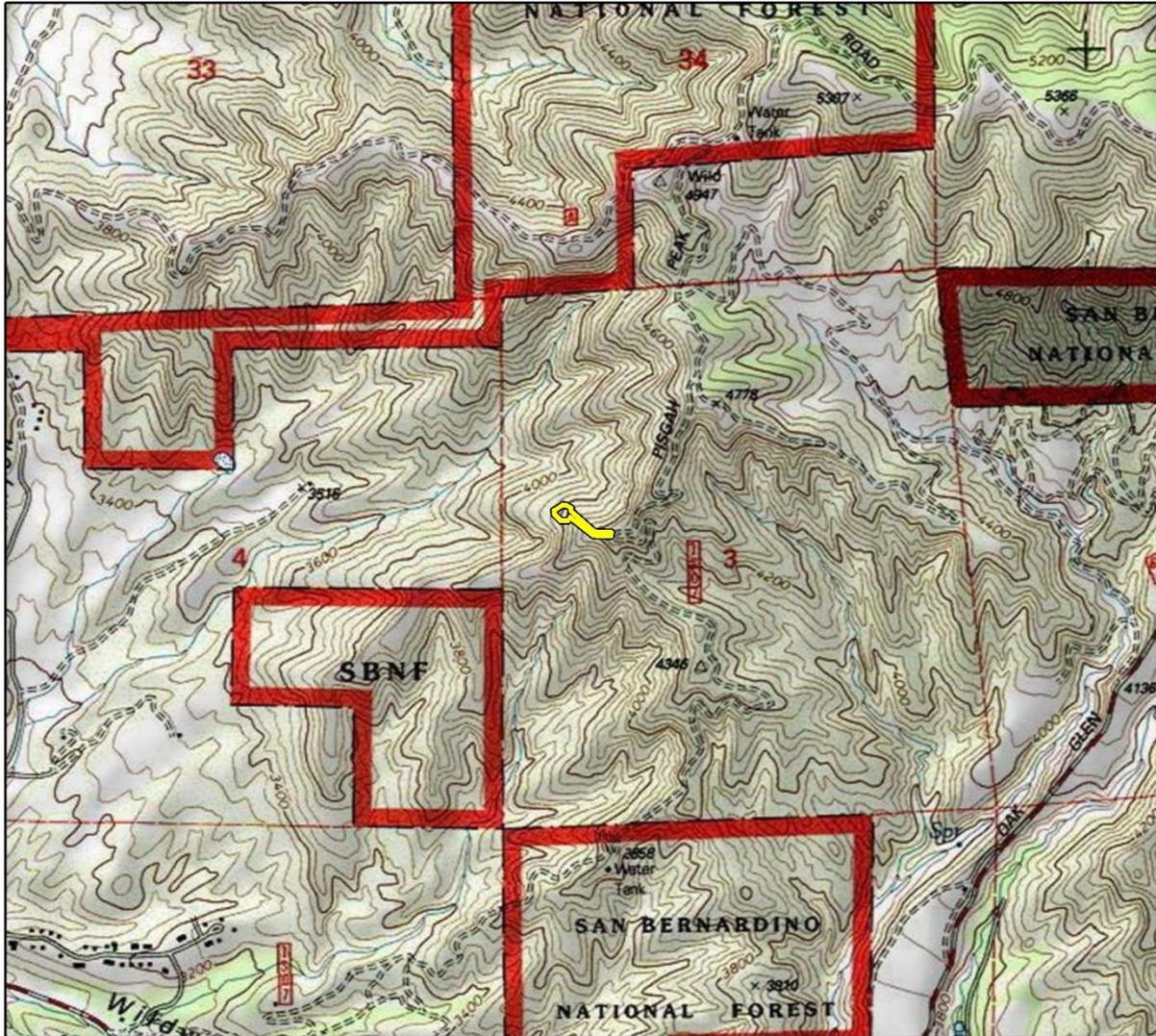
Attachment A: Figures

Attachment B: Photographs

Attachment C: 2020 SLF Search Results

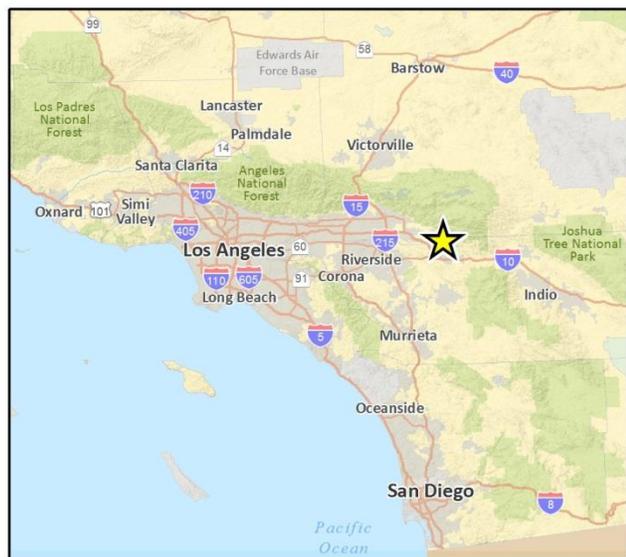
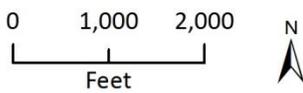
Attachment D: 2020 CHRIS Search Results

Attachment A. Figures



Imagery provided by National Geographic Society, ESRI and its licensors © 2017. Forest Falls Quadrangle. T02S R01W S03. The topographic representation depicted in this map may not portray all of the features currently found in the vicinity today and/or features depicted in this map may have changed since the original topographic map was assembled.

 Project Location



CRFig 1. Proj Location Map
Figure 1. Project Location Map



Figure 2. Project Site and Survey Area Aerial View

Attachment B. Photographs



Photograph 1. View of project site access road, view west.



Photograph 2. View of steep terrain and dense vegetation in project area, view west.



Photograph 3. View of cleared area near proposed tower location, view northwest.



Photograph 4. View of terrain on access road upslope from tower location, view east.

Attachment C. 2020 SLF Search Results

NATIVE AMERICAN HERITAGE COMMISSION

August 25, 2020

Elaine Foster
Rincon Consultants, Inc.

Via Email to: efoster@rinconconsultants.com

Re: Yucaipa Radio Tower Project, San Bernardino County

Dear Ms. Foster:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Andrew.Green@nahc.ca.gov.

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

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COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Native American Heritage Commission
Native American Contact List
San Bernardino County
8/25/2020**

**Agua Caliente Band of Cahuilla
Indians**

Jeff Grubbe, Chairperson
5401 Dinah Shore Drive
Palm Springs, CA, 92264
Phone: (760) 699 - 6800
Fax: (760) 699-6919

Cahuilla

**Los Coyotes Band of Cahuilla
and Cupeño Indians**

Shane Chapparosa, Chairperson
P.O. Box 189
Warner Springs, CA, 92086-0189
Phone: (760) 782 - 0711
Fax: (760) 782-0712

Cahuilla

**Agua Caliente Band of Cahuilla
Indians**

Patricia Garcia-Plotkin, Director
5401 Dinah Shore Drive
Palm Springs, CA, 92264
Phone: (760) 699 - 6907
Fax: (760) 699-6924
ACBCI-THPO@aguacaliente.net

Cahuilla

**Morongo Band of Mission
Indians**

Denisa Torres, Cultural Resources
Manager
12700 Pumarra Road
Banning, CA, 92220
Phone: (951) 849 - 8807
Fax: (951) 922-8146
dtorres@morongo-nsn.gov

Cahuilla
Serrano

**Augustine Band of Cahuilla
Mission Indians**

Amanda Vance, Chairperson
P.O. Box 846
Coachella, CA, 92236
Phone: (760) 398 - 4722
Fax: (760) 369-7161
hhaines@augustinetribe.com

Cahuilla

**Morongo Band of Mission
Indians**

Robert Martin, Chairperson
12700 Pumarra Road
Banning, CA, 92220
Phone: (951) 849 - 8807
Fax: (951) 922-8146
dtorres@morongo-nsn.gov

Cahuilla
Serrano

**Cabazon Band of Mission
Indians**

Doug Welmas, Chairperson
84-245 Indio Springs Parkway
Indio, CA, 92203
Phone: (760) 342 - 2593
Fax: (760) 347-7880
jstapp@cabazonindians-nsn.gov

Cahuilla

**Quechan Tribe of the Fort Yuma
Reservation**

Manfred Scott, Acting Chairman
Kw'ts'an Cultural Committee
P.O. Box 1899
Yuma, AZ, 85366
Phone: (928) 750 - 2516
scottmanfred@yahoo.com

Quechan

Cahuilla Band of Indians

Daniel Salgado, Chairperson
52701 U.S. Highway 371
Anza, CA, 92539
Phone: (951) 763 - 5549
Fax: (951) 763-2808
Chairman@cahuilla.net

Cahuilla

**Quechan Tribe of the Fort Yuma
Reservation**

Jill McCormick, Historic
Preservation Officer
P.O. Box 1899
Yuma, AZ, 85366
Phone: (760) 572 - 2423
historicpreservation@quechantribe.com

Quechan

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Yucaipa Radio Tower Project, San Bernardino County.

**Native American Heritage Commission
Native American Contact List
San Bernardino County
8/25/2020**

Ramona Band of Cahuilla

Joseph Hamilton, Chairperson
P.O. Box 391670
Anza, CA, 92539
Phone: (951) 763 - 4105
Fax: (951) 763-4325
admin@ramona-nsn.gov
Cahuilla

Ramona Band of Cahuilla

John Gomez, Environmental
Coordinator
P. O. Box 391670
Anza, CA, 92539
Phone: (951) 763 - 4105
Fax: (951) 763-4325
jgomez@ramona-nsn.gov
Cahuilla

**San Manuel Band of Mission
Indians**

Jessica Mauck, Director of
Cultural Resources
26569 Community Center Drive
Highland, CA, 92346
Phone: (909) 864 - 8933
jmauck@sanmanuel-nsn.gov
Serrano

**Santa Rosa Band of Cahuilla
Indians**

Lovina Redner, Tribal Chair
P.O. Box 391820
Anza, CA, 92539
Phone: (951) 659 - 2700
Fax: (951) 659-2228
Isaul@santarosacahuilla-nsn.gov
Cahuilla

**Serrano Nation of Mission
Indians**

Wayne Walker, Co-Chairperson
P. O. Box 343
Patton, CA, 92369
Phone: (253) 370 - 0167
serranonation1@gmail.com
Serrano

**Serrano Nation of Mission
Indians**

Mark Cochrane, Co-Chairperson
P. O. Box 343
Patton, CA, 92369
Phone: (909) 528 - 9032
serranonation1@gmail.com
Serrano

**Soboba Band of Luiseno
Indians**

Joseph Ontiveros, Cultural
Resource Department
P.O. BOX 487
San Jacinto, CA, 92581
Phone: (951) 663 - 5279
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov
Cahuilla
Luiseno

**Soboba Band of Luiseno
Indians**

Scott Cozart, Chairperson
P. O. Box 487
San Jacinto, CA, 92583
Phone: (951) 654 - 2765
Fax: (951) 654-4198
jontiveros@soboba-nsn.gov
Cahuilla
Luiseno

**Torres-Martinez Desert Cahuilla
Indians**

Michael Mirelez, Cultural
Resource Coordinator
P.O. Box 1160
Thermal, CA, 92274
Phone: (760) 399 - 0022
Fax: (760) 397-8146
mmirelez@tmdci.org
Cahuilla

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Yucaipa Radio Tower Project, San Bernardino County.

Attachment D. 2020 CHRIS Search Results

South Central Coastal Information Center

California State University, Fullerton
Department of Anthropology MH-426
800 North State College Boulevard
Fullerton, CA 92831-6846
657.278.5395 / FAX 657.278.5542
scicc@fullerton.edu

California Historical Resources Information System
Orange, Los Angeles, and Ventura Counties

10/9/2020

Records Search File No.: 21647.7822

Elaine Foster
Rincon Consultants, Inc.
180 N. Ashwood Avenue
Ventura, CA 93003

Re: Record Search Results for the Yucaipa Radio Tower Project

The South Central Coastal Information Center received your records search request for the project area referenced above, located on the Forest Falls, CA USGS 7.5' quadrangle. Due to the COVID-19 emergency, we have implemented new records search protocols, which limits the deliverables available to you at this time. WE ARE ONLY PROVIDING DATA THAT IS ALREADY DIGITAL AT THIS TIME. Please see the attached document on COVID-19 Emergency Protocols for what data is available and for future instructions on how to submit a records search request during the course of this crisis. If your selections on your data request form are in conflict with this document, we reserve the right to default to emergency protocols and provide you with what we stated on this document. You may receive more than you asked for or less than you wanted. The following reflects the results of the records search for the project area and a ½-mile radius:

As indicated on the data request form, the locations of resources and reports are provided in the following format: custom GIS maps shape files hand-drawn maps

Resources within projec. area: 0	None
Resources within ½-mile radius: 2	SEE ATTACHED MAP or LIST
Reports within projec. area: 0	None
Reports within ½-mile radius: 4	SEE ATTACHED MAP or LIST

Resource Database Printout (list): enclosed not requested nothing listed
Resource Database Printout (details): enclosed not requested nothing listed
Resource Digital Database (spreadsheet): enclosed not requested nothing listed
Report Database Printout (list): enclosed not requested nothing listed
Report Database Printout (details): enclosed not requested nothing listed
Report Digital Database (spreadsheet): enclosed not requested nothing listed
Resource Record Copies: enclosed not requested nothing listed

Report List

Report No.	Other IDs	Year	Author(s)	Title	Affiliation	Resources
SB-01864	NADB-R - 1061864; Voided - 89-3.1-A-B	1989	BOUSCAREN, STEPHEN J., KAREN K. SWOPE, and MARK SWANSON	CULTURAL RESOURCES SURVEY OF THE HUNT RANCH PROJECT, 600 ACRES EAST OF YUCAIPA, SAN BERNARDINO COUNTY, CALIFORNIA	RESEARCH ASSOCIATES	36-002631, 36-003027
SB-02060	NADB-R - 1062060; Voided - 90-1.7	1990	BARTEL, BRAD	ARCHAEOLOGICAL SURVEY REPORT: LANDS OF PISGAH PEAK CONTROLLED BURN PROJECT, SAN BERNARDINO COUNTY, CALIFORNIA		
SB-02274	NADB-R - 1062274; Voided - 91-2.14	1991	BECKER, KENNETH M. and STUART A. EVANS	A CULTURAL RESOURCES RECONNAISSANCE OF THE BIRMINGHAM RANCH, APPROXIMATELY 600 ACRES NEAR YUCAIPA, SAN BERNARDINO COUNTY, CALIFORNIA	RMW PALEO ASSOCIATES	36-002631, 36-003027, 36-060482
SB-03378	NADB-R - 1063378	1997	DIGREGORIO, LEE	EAST WATER CANYON LAND EXCHANGE. 7PP	SBNF	

Listed resources have NOT been previously verified by SCCIC staff.

Resource List

Primary No.	Trinomial	Other IDs	Type	Age	Attribute codes	Recorded by	Reports
P-36-003027	CA-SBR-003027H				AH02; AH04; AH11; AH15	1989 (Swope / Everson); 2007 (McLEAN)	SB-01864, SB-02274
P-36-013778		AE-WWC-ISO-1H			AH16	2007 (McLean)	