Initial Study/Mitigated Negative Declaration
County of San Bernardino Department of Public Works

Cove Borrow Pit

Lucerne Valley

Lead Agency:

County of San Bernardino Land Use Services

385 N. Arrowhead Ave.,
San Bernardino, CA 92415

Technical assistance provided by:

Lilburn Corporation

1905 Business Center Drive
San Bernardino, CA 92408

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June 2020

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SECTION 1 – INTRODUCTION

San Bernardino County, Department of Public Works (DPW) is submitting an application for a Conditional Use Permit (CUP)-PROJ-2020-00017-and a Mining Reclamation Plan (Plan) for the existing Cove Borrow Pit. This application is to annually provide up to 1,000 cubic yards (cy) of material for various roads, culverts, and other DPW sites for annual maintenance and/or emergency repair due to storm events.

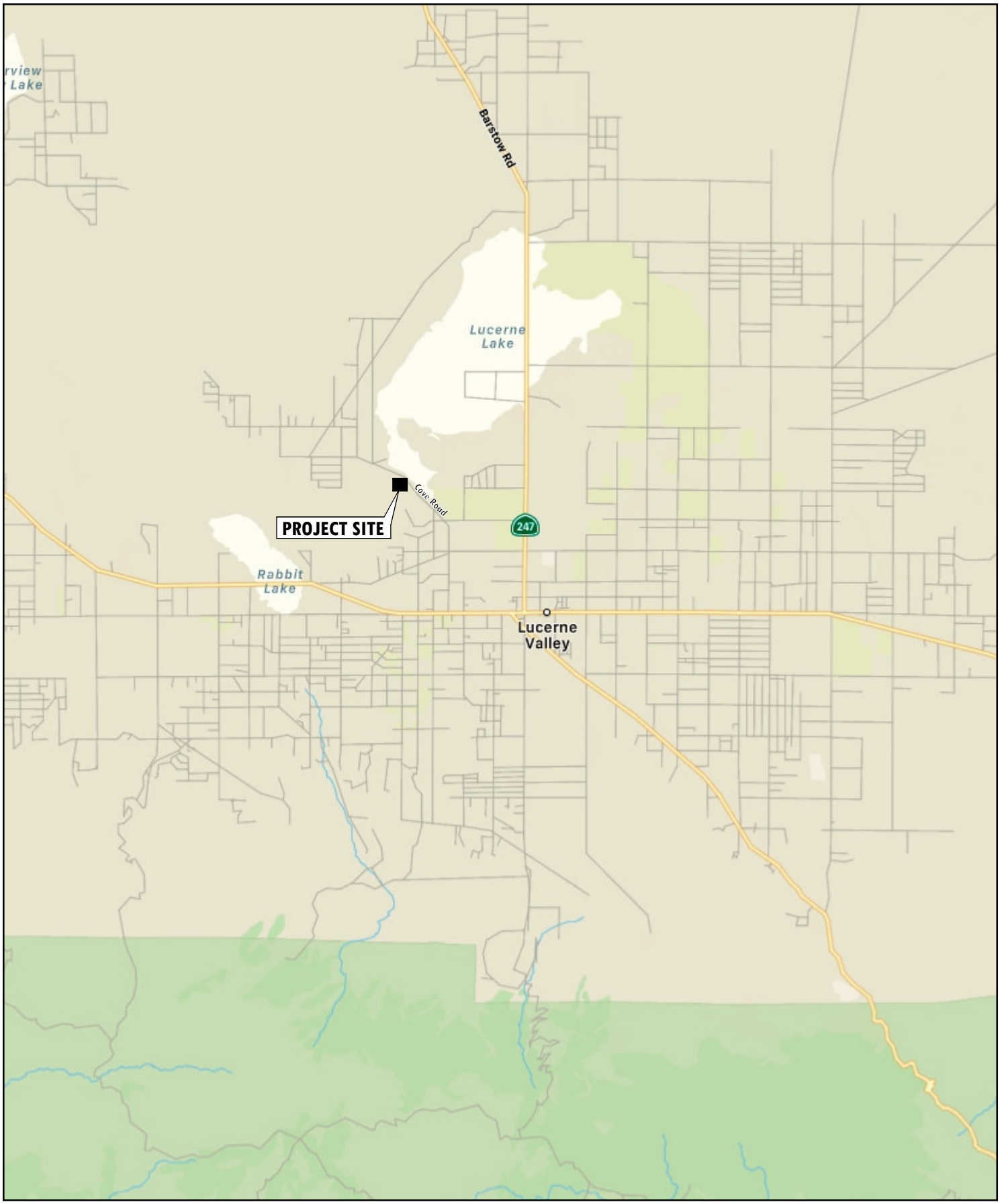
The Project Site is located south of Cove Road between Banta Road and Baker Road, within the community of Lucerne Valley, approximately 10 miles east of the Town of Apple Valley (see Figure 1 - Regional Map). The three County owned parcels are approximately 124.5-acres (APN 0464-171-01; 0452-041-64; 0451-022-04) and are within the west part of San Bernardino County in portions of Sections 33 and 34, Township 5 North, Range 1 West, and Section 3, Township 4 North, Range 1 West (see Figure 2 - Vicinity Map). Elevations of the parcels range from 2,860 feet above mean sea level (amsl) along Cove Road to a high of about 3,100 feet amsl on the southwest corner of the southern parcel and 3,035 feet amsl on the southwest corner of the western parcel. Cove Road bisects the site on the north. The undisturbed portions of the Project Site are mainly vegetated with sage scrub. The adjacent properties to the north, west, and southwest are vacant. An isolated rural residence is located to the south and one to the east.

Cove Borrow Pit will provide construction material in the vicinity to reduce transportation costs and fuel usage from transporting material from more distant material sources. The material will be transported to various DPW maintained facilities and sites for annual maintenance and/or emergency repairs as needed. The Project Site has been used by the DPW since the 1960s. Approximately 14.5 acres have been disturbed by past grading and material storage uses.

Project Purpose and Need:

The purpose of this application is to permit the Cove Borrow Pit on approximately 36 acres for a 100-year period to provide general fill material for various DPW Sites for annual maintenance and/or emergencies. DPW is proposing to mine 14.7 acres on the mostly undisturbed hillside slopes in the southwest portions of the site to annually remove up to 1,000 cy with maximum pit depth in Pits 1A and 1B of 20 feet and in Pit 2 of 45 feet. A 5-acre Staging Area, a 2-acre Processing Area and a 6.5-acre stormwater detention basin are also proposed. All active mining areas will be south of Cove Road. No activity is planned to the northeast of Cove Road. The reclaimed end use of the site is for a DWP material maintenance and storage yard. Approximately 88.5 acres or 71% of the three parcels will not be disturbed.

File: F1 CSB- Regional Loc Cove.CDR (TAG) Page: 1 REV: 01/2020



N

0 2

Miles

Source: Lilburn Corp., 01/2020 (TAG).

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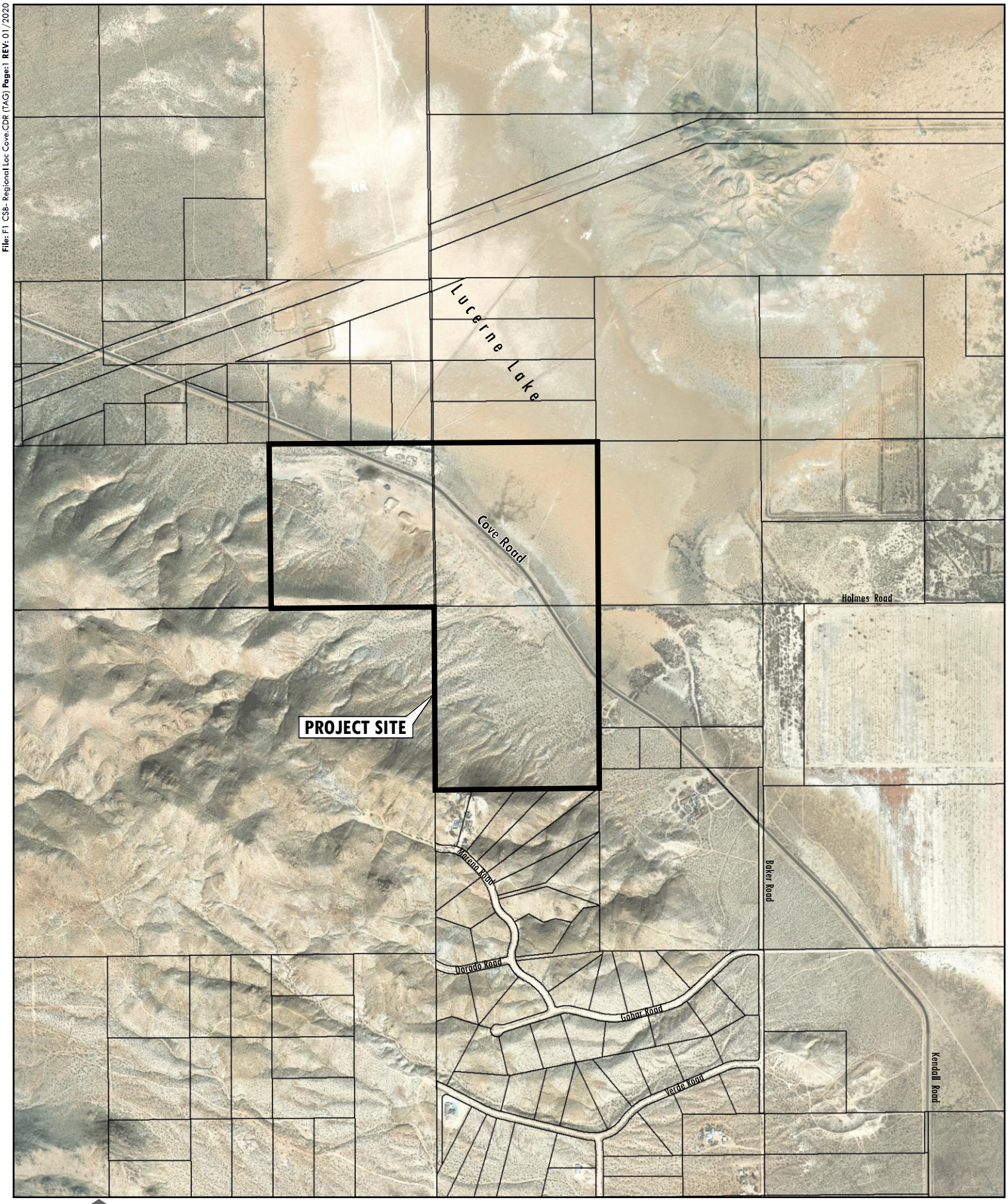
REGIONAL LOCATION

COVE BORROW PIT

County of San Bernardino, California

FIGURE 1

File: F1 CSB- Regional Loc Cove.CDR (TAG) Page: 1 REV: 01/2020



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Feet

Source: Lilburn Corp., 01/2020 (TAG).

LILBURN CORPORATION

PROJECT VICINITY

COVE BORROW PIT

County of San Bernardino, California

FIGURE 2

SECTION 2 – REGULATORY FRAMEWORK

The County of San Bernardino Department of Public Works has identified that the Cove Borrow Pit Project meets the California Environmental Quality Act (CEQA) Guidelines Section 15378 definition of a Project. CEQA Guidelines Section 15378 defines a Project as the following:

"Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000-21177), this Initial Study has been prepared to determine potentially significant impacts upon the environment resulting from the construction, operation and maintenance of the Cove Borrow Pit Project (hereinafter referred to as the "Project" or “proposed Project”). In accordance with Section 15063 of the State *CEQA Guidelines*, this Initial Study is a preliminary analysis prepared by the County of San Bernardino Department of Public Works as Lead Agency to inform the Lead Agency decision makers, other affected agencies, and the public of potential environmental impacts associated with the implementation of the proposed Project.

Initial Study Organization

This Initial Study is organized as follows:

Introduction: Provides the regulatory context for the review along a brief summary of the CEQA process.

Project Information: Provides fundamental Project information, such as the Project description, Project location and figures.

Lead Agency Determination: Identifies environmental factors potentially affected by the Project and identifies the Lead Agency's determination based on the initial evaluation.

Mitigated Negative Declaration: Prepared when a determination can be made that no significant environmental effects will occur because revisions to the Project have been made or mitigation measures will be implemented which will reduce all potentially significant impacts to less than significant levels.

Evaluating Environmental Impacts: Provides the parameters the District uses when determining level of impact.

CEQA Checklist: Provides an environmental checklist and accompanying analysis for responding to checklist questions.

References: Include a list of references and various resources utilized in preparing the analysis.

SECTION 3 – DETAILED PROJECT DESCRIPTION

Mining Operations

Mining operations will be undertaken over a period of up to 100 years beginning in early 2020 and extending until the end of 2119. An estimated 1,000 cy annually would be excavated on an intermittent basis over the course of the life of mine. The operational areas will be fenced as determined in the field with a combination of desert tortoise fencing and 4-strand wire according to the protocols in Chapter 8 of the Desert Tortoise Field Manual (USFWS 2009).

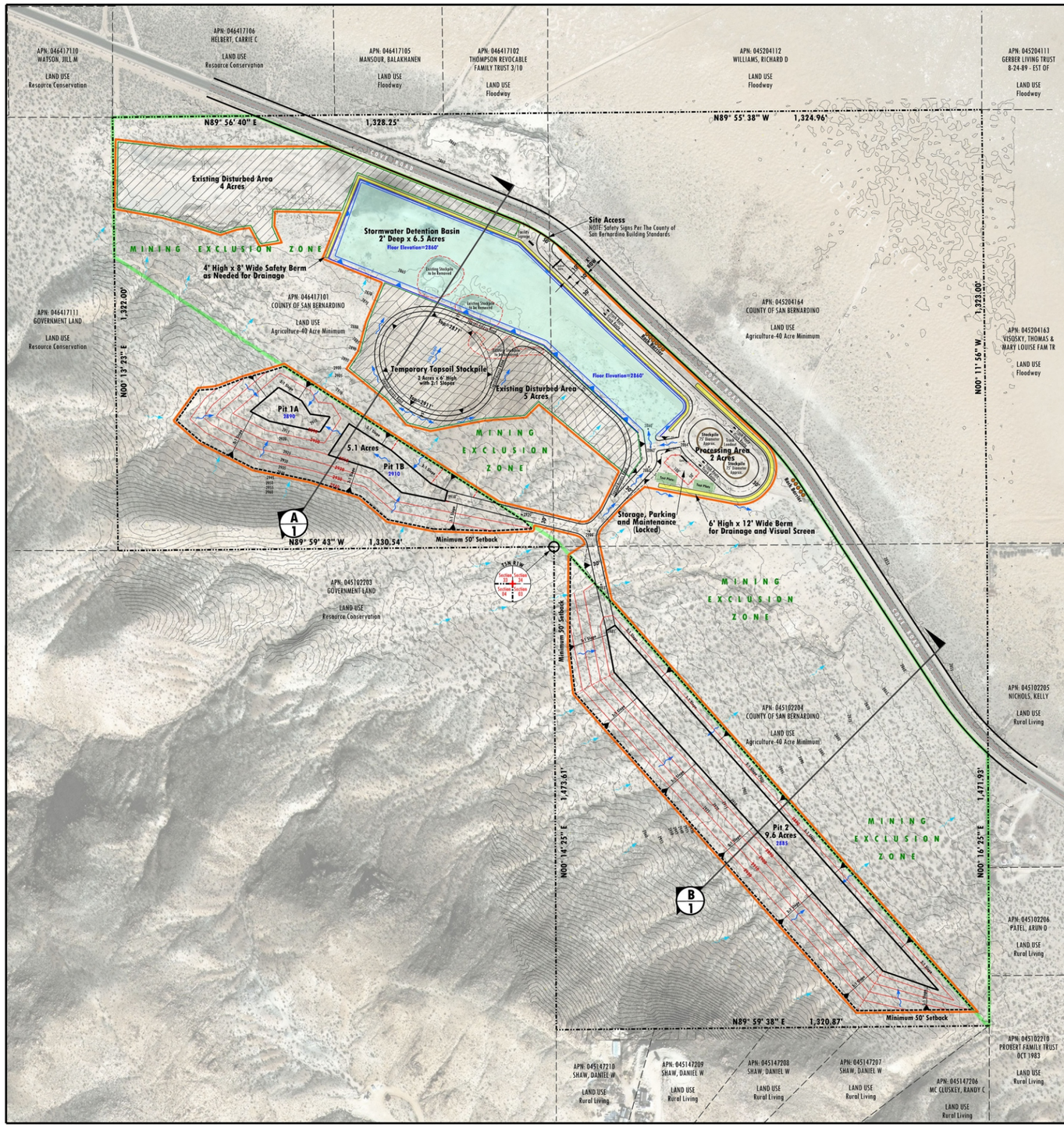
Mining will take place in two pit areas on 14.7 acres on the mostly undisturbed hillside slopes in the southwest portions of the site with a 3 horizontal to 1 vertical slopes (3H:1V) or 18° slopes. Pits 1A and 1B will be mined on approximately 5.1 acres in the southwest portion of the west half of the site. Pit 2 would be developed on 9.6 acres in the central portion of the south half with one acre of connecting and access roads. A 5-acre Staging Area, a 2-acre Processing Area and a 6.5-acre stormwater detention basin are also proposed. All active mining areas will be south of Cove Road. No activity is planned to the northeast of Cove Road. The reclaimed end use of the site is for a DWP material maintenance and storage yard. A 50-foot wide setbacks will be established along Cove Road from a 60-foot right-of-way (ROW) width, as well as along the southern boundary of Pit 1, and along the northwestern and southeastern boundary of Pit 2. All remaining areas will have a setback greater than 50-foot.

The 6.5-acre (two feet deep) stormwater detention basin will retain run-off that moves northeast off the mined slopes and remainder of the site. Approximately 4 acres not to be further utilized are considered existing disturbance area and will be reclaimed. Refer to Figure 3 and Figure 4 for the Mine Plan and Mine Plan Cross Section, respectively.

Mining of the site is achieved with one loader, one excavator, and a dozer to break, move, and load material directly into single truck trailer or double truck trailers with capacity of up to approximately 10 to 25 cy (typical). A complete list of the typical equipment to be used on-site and for transport to various sites in the vicinity is included in Table 1. There will be no crushing, screening, or conveying conducted on-site. There will be no buildings or a scale on-site.

Mining of the site is will be conducted from approximately 2,890 to 2,930 feet amsl in Pit 1A with a 20-foot deep pit from 2,910 to 2,930 feet amsl in Pit 1B. Pit 2 will be mined from about 2,900 feet amsl to 2,930 feet amsl. Mining will be conducted into the hillside at a 3H:1V overall slope. The setbacks as described above will be maintained around the entire excavation area for safety. These setbacks will include desert tortoise and 4-strand wire exclusion fencing with warning signs on the outside edge of the property and secured gates. Access into the mining area will be from Cove Road via a 30-foot wide road. Once off the Project Site, the street-legal transport trucks will utilize Cove Road.

Truck traffic is anticipated at a rate of approximately 50 loads per year based on street-legal 20 cy trucks and DPW project demand. The trucks will travel on Cove Road to DPW projects. To minimize dust generation, a water truck will be retained for use during excavations and loading of haul trucks. The mine operator shall water spray working mine areas and access roads on-site on a regular basis and more frequently as needed during windy conditions. Water used for dust control shall be obtained from a local water supplier via a water truck. Un-surfaced haul road and access road will also have dust controlled with or covered with road base material as needed.



LEGEND

- Property Boundary (124.5 Acres)
- Parcel Line
- Mine Plan Boundary (36 Acres)
- Mining Exclusion Zone (51.3 Acres)
- Proposed Limits of Pit and Top of Slope
- Proposed Design Contour
- Proposed Drainage Indicator
- Existing Drainage Indicator
- Existing Topography
- Existing Disturbed Area
- Typical Detail Number Found on Sheet
- Typical Section Found on Sheet

COVE QUARRY MINING NOTES

Mine: Cove Quarry

Mineral: Construction aggregates

Mine Operator: San Bernardino County:
Department of Public Works
825 E. Third Street
San Bernardino, CA 92415
(909) 387-8040
Brendon Biggs; bbiggs@dpw.sbcounty.gov

Land Owner: San Bernardino County:
Department of Public Works
825 E. Third Street
San Bernardino, CA 92415
(909) 387-8040
Brendon Biggs; bbiggs@dpw.sbcounty.gov

Applicant: Same as Operator

Owner of Mineral Rights: Same as Owner

Representative: Lilburn Corporation
1905 Business Center Drive
San Bernardino, CA 92408
909-890-1818

Civil Engineer: Same as Operator

Map Preparer: Same as Representative

Soil Engineer/ Geologist: Operator; Lilburn Corporation

Date of Map: January 2020

Utilities
Water: Water Truck
Sewage disposal: Portable toilets
Electric: Not proposed
Gas: Not proposed
Telephone: Mobile phones

Land Use District

Project Site: Agriculture (AG) – 40 acres per residence

The surrounding land uses are as follows:

North AG; Cove Road and vacant desert land.
South AG; Vacant desert land, single family rural residence.
East AG; Vacant desert land, single family rural residence.
West AG; Vacant desert land.

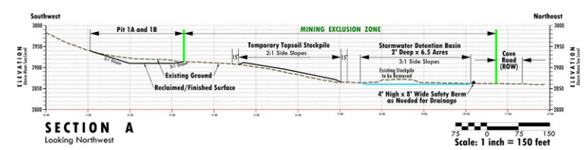
Legal Description

A.P.N.: 0464-171-01; 0452-041-64; 0451-022-04;

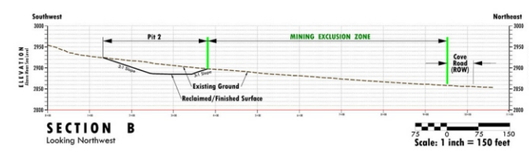
Acres: 124.5

SE ¼ of Section 33 and SW ¼ of Section 34, T5N, R1W and NE ¼ of Section 3, T4N, R1W, San Bernardino Base and Meridian, in the County of San Bernardino, State of California.

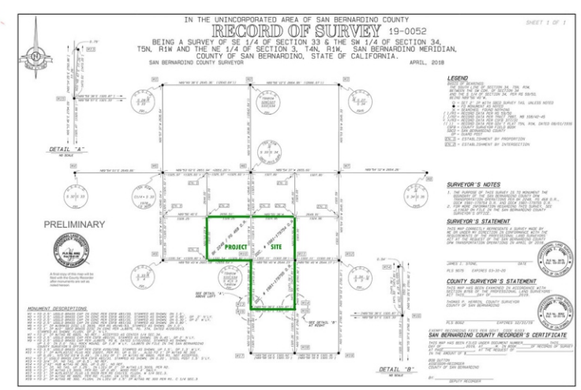
Signage (Public Safety)
A perimeter 4-wire fence with desert tortoise fencing attached will be constructed around the site with locked gates. During operations, a foreman and/or employees will be on-site. Warning signs will be attached to the perimeter fence every 250 feet shall read: "No Trespassing - Keep Out; Surface Mining Operation" or similar. Signs will be approximately 1-foot high and 2 feet wide.



SECTION A
Looking Northwest



SECTION B
Looking Northwest



Revision Description | By | Date | No.

Prepared By: LILBURN CORPORATION, 1905 Business Center Drive, San Bernardino, CA 92408, www.lilburn.com, Santa Ana • San Bernardino

Scale: 1 inch = 150 feet
Map Prepared By: Lilburn Corporation (TAG)
Projection: CA SPCS, Zone 5, NAD83 Feet.
Contour Interval = 1 Feet
Topography: County of San Bernardino/2018
Surveyor: County of San Bernardino/2018
Aerial Date: 2019

MINE PLAN
Cove Road, Lucerne Valley, California
COUNTY of SAN BERNARDINO, CALIFORNIA

SHEET INDEX

Sheet	Description
1	Mine Plan and Cross Sections
2	Reclamation Plan and Cross Sections

STATUS
Conceptual | Preliminary Draft | Draft | Final

Scale: 1"=150'
Date: 01/2020 (TAG)
DGN: Sht1of2 CSB-Cove Mine Plan.dgn

Sheet 1 of 2

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Source: Lilburn Corp., 01/2020 (TAG).
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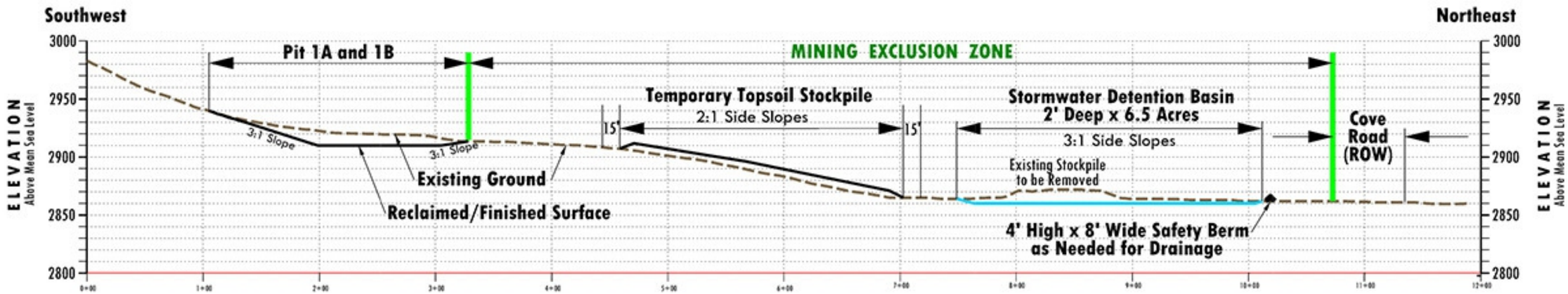
LEGEND
- Property Line
- Top of Slope
- Proposed Contour
- Desert Tortoise Fence
- Existing Contour

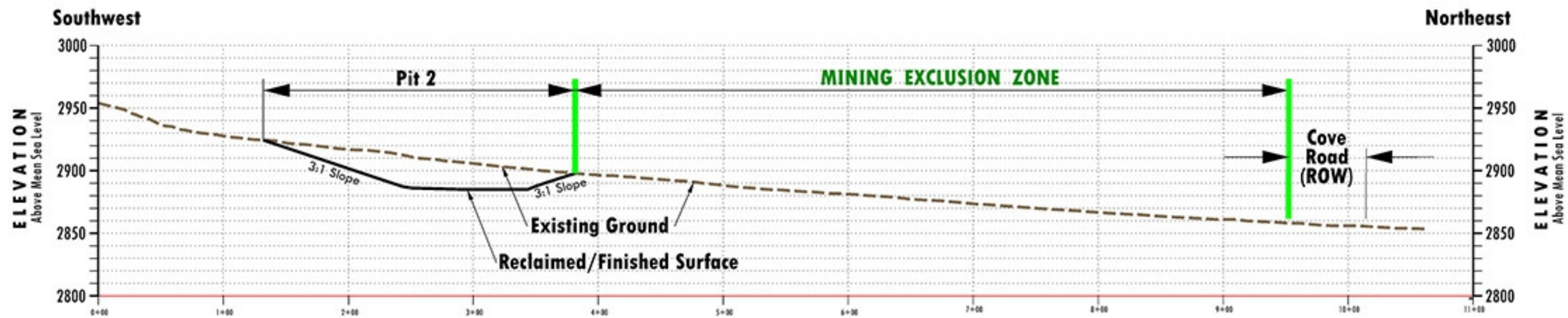
MINE PLAN
COVE BORROW PIT
County of San Bernardino, California

FIGURE 3



SECTION A
Looking Northwest

75 0 75 150
Scale: 1 inch = 150 feet



SECTION B
Looking Northwest

75 0 75 150
Scale: 1 inch = 150 feet

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CROSS SECTIONS
COVE BORROW PIT
County of San Bernardino, California

FIGURE 4

Table 1
Mobile Mine and Transport Equipment (Typical)

Equipment Type	Typical Number	Hours/day	Purpose
Dozer	1	4	Excavate and loosen material. Access construction and maintenance.
2-5 Axle Dump / Haul Trucks	2	4	Transportation of material.
Excavator	1	4	Excavate and load material into trucks.
Loader	1	4	Excavate and load material into trucks.
Water Truck	1	4	Water for dust control on mining areas, haul roads, and stockpiles.

Source: DPW July 2019
Note that equipment listed is typical and makes and models will vary.

Site operations will be conducted as needed intermittently primarily from 5:30 am until 8 pm (daylight hours only), up to six days per week; Monday through Saturday. Occasionally operations may be conducted on Sundays depending on possible emergency road repair, construction and maintenance needs. All refuse shall be disposed into approved trash bins and removed by the operator or a commercial vendor. Portable toilets will be used on-site when in operation and serviced by a commercial vendor. Bottled water will be provided to employees.

Mine Waste

Although portions of the site have been disturbed in the past, those areas with some topsoil as well as undisturbed mining areas will have the top one foot of surface material pushed into the storage stockpiles or perimeter berms shown on the mine plan. No overburden or waste material is expected; therefore, no method is required or planned for handling or storage of mine waste.

There will be no imported waste materials or chemicals brought to the project site or stored on-site besides fuel and equipment maintenance fluids during active mining periods. Maintenance and fueling will be conducted by a mobile maintenance truck if needed and Best Management Practices (BMPs) will be implemented. All used fluids will be removed from the equipment and from the site following standard regulations. No fuel or used fluids will be stored on-site.

Ore Processing

The mined material will be loaded directly into trucks for transport to DWP Sites. No crushing or screening or any process plant facilities are utilized on-site. There is no need for on-site diesel-powered electricity or commercial power.

Production Water

Water use on-site will be utilized to minimize fugitive dust generation. A water truck will be used for wetting-down material and roads during mining activities and for wetting-down haul trucks prior to site departure. Approximately 4,000 gallons of water a day (6 to 20 days a year) may be used for dust suppression activities. The 4,000-gallon water truck will fill at a Mojave Water Agency designated hydrant. It is not anticipated that there will be any excess water from the dust control procedures; therefore, no recycling is required or planned. The County has a memorandum of understanding (MOU) with the Mojave Water Agency.

Erosion and Sedimentation Control

DPW is required to comply with Statewide National Pollutant Discharge Elimination System (NPDES) and prepare and implement a Storm Water Pollution Protection Plan (SWPPP) including applicable BMPs. The control of drainage, erosion, and sedimentation of the mine site will primarily be conveyed into a storm water detention basin and with implementation of the following primary BMPs as applicable:

- Limiting surface disturbance to the minimum area required for active operations;
- Monitoring erosion on slopes and implementation of one or more soil stabilization practices as applicable for the site such as: earthen berms or dikes; silt fence; fiber rolls; straw bales; gravel bags; sediment basin(s); and straw mulch.
- Stabilizing disturbed areas through grading slopes to 3H:1V; and
- After project completion - final revegetation of slopes will be by seeding or hydro-seeding with native species.

The final slopes will gently slope at 3H:1V upward 30 feet from the north to south. There are no drainage or run-off channels that will be affected by the mining. Principally, only direct precipitation will affect the site from the hillside slopes. The pits are designed with a natural grade towards the northwest to collect any run-off from the slopes in that area that will act as a sediment or retention basin (percolation basin). The slopes are designed at very gentle 3H:1V that would reduce possible slope erosion and runoff channeling down the slopes. In addition, a 6.5-acre two-foot-deep storm water detention basin will be developed to collect any run-off that may move off the slopes and other portions of the site. There will be no run-off off away from the site. All precipitation will be collected within the pits or within the storm water detention basin and allowed to evaporate or percolate.

During the course of mining and the final design of the 3H:1V slope contouring, some erosion may occur during heavy rainfall on the slopes. Erosion sediment caused by rainfall will be retained at the bottom of the pit and/or detention basin and rills or channels backfilled. Any water retained within the pit and/or detention basin will not impact adjacent properties or local road due to its containment.

After each major storm event or on an annual basis, any final slopes will be visually inspected to determine if any substantial erosion is evident such as sheet, rill or gully erosion. A major storm event is defined as precipitation totals of 0.5 inches per 24-hour period. Any rills or gullies in excess of eight square inches in cross sectional area and are more than 10 linear feet located on final slopes shall be arrested using methods listed above.

Revegetation will be used for the long-term control of erosion. Access points and mined surfaces will be water sprayed as necessary to reduce wind erosion during operations.

Blasting

There will be no blasting on this Project Site, therefore, no explosives will be used or stored on-site.

Reclamation Plan

The intent of the California Surface Mining and Reclamation Act (SMARA) of 1975, as amended, is to “maintain an effective and comprehensive surface mining and reclamation policy with regulation of

surface mining operations so as to assure that: (a) adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative uses; (b) the production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; and (c) residual hazards to the public health and safety are eliminated" (Section 2712).

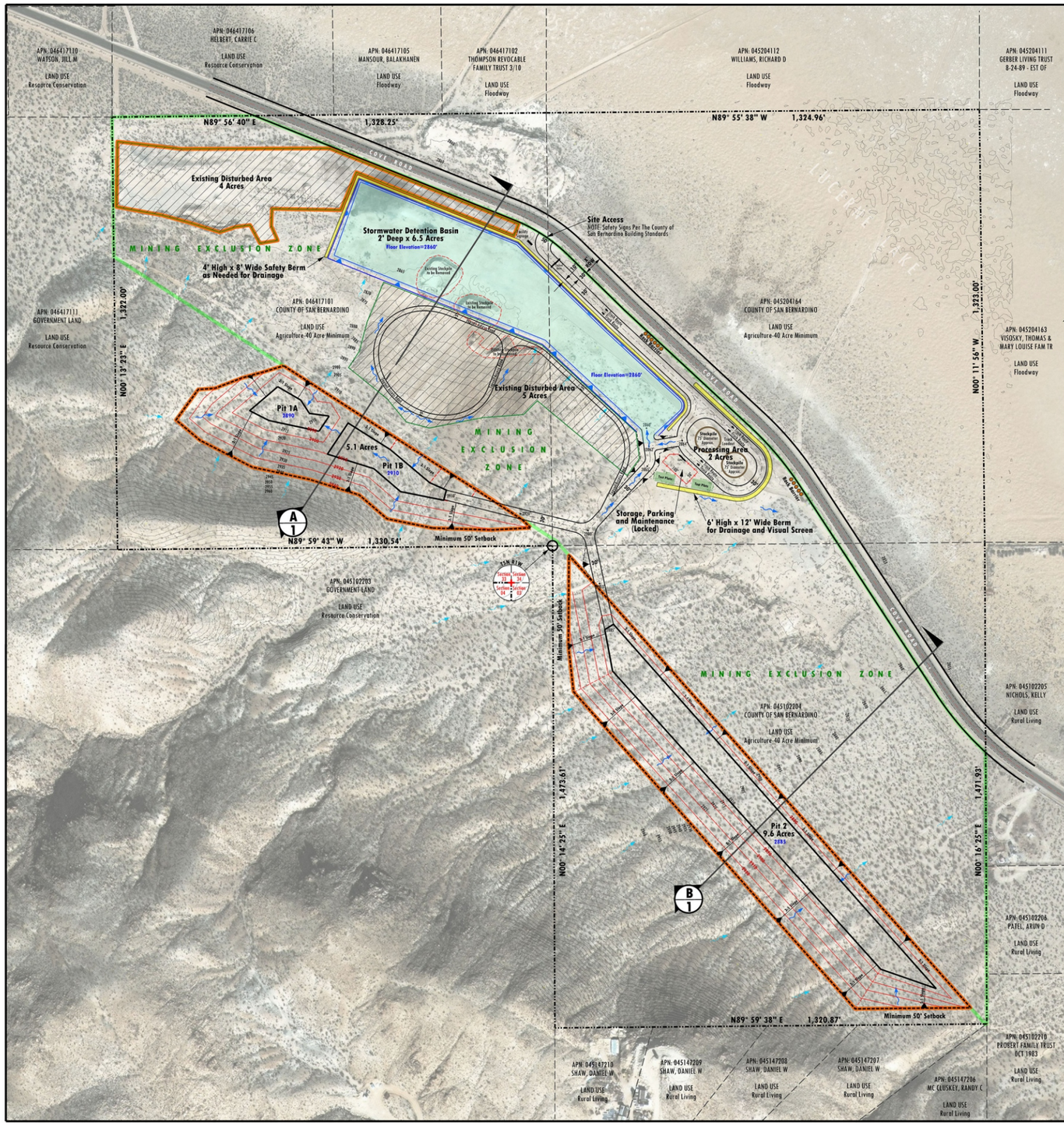
Article 9, Section 3700 of SMARA states the following: "Reclamation of mined lands shall be implemented in conformance with standards in this Article (Reclamation Standards). The standards shall apply to each surface mining operation to the extent that:

(1) they are consistent with required mitigation identified in conformance with CEQA; and
(2) they are consistent with the planned or actual subsequent use or uses of the mining site."

The objectives of the Reclamation Plan are to:

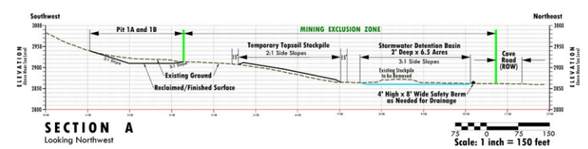
- Eliminate or reduce environmental impacts from mining operations;
- Reclaim in a usable condition for post-mining end uses which will be DWP material maintenance and storage yard;
- Reshape mining features and revegetate disturbed areas to minimize aesthetic and biological impacts; and
- Reclaim the site as necessary to eliminate hazards to public health and safety.

Reclamation of the mine will be undertaken at the completion of mining operations. Any over-steepened slopes will be partially backfilled or recontoured to 3H:1V. Fill material will be excess material pushed up onto slopes to create 3H:1V. The fill will be compacted by tracking the dozer over the slope to achieve necessary compaction consistent with final end use of DWP material maintenance and storage yard. Any rock or gravel on the roads to be reclaimed will be removed and used as fill in the pit area. Final graded slopes will be revegetated. The pit floor, storage areas, and access roads are to remain. The re-contoured slopes will be seeded with the recommended seed mix in this Reclamation Plan. Refer to Figure 5 for the Reclamation Plan.

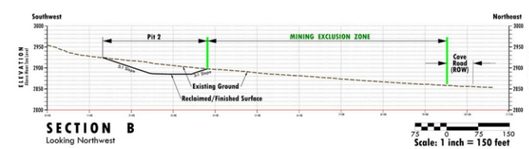


LEGEND

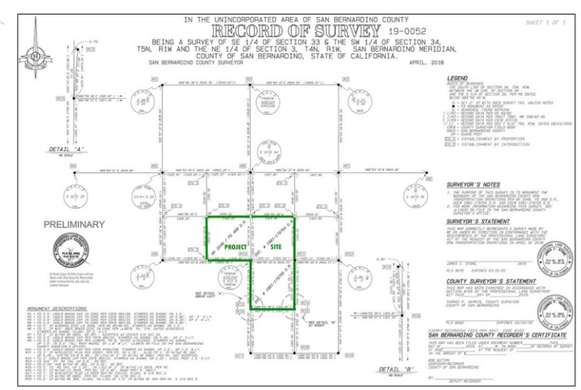
- Property Boundary (124.5 Acres)
- Parcel Line
- Reclamation Plan Boundary (18.7 Acres)
- Mining Exclusion Zone (51.3 Acres)
- Proposed Limits of Pit and Top of Slope
- Proposed Design Contour
- Proposed Drainage Indicator
- Existing Drainage Indicator
- Existing Topography
- Existing Disturbed Area
- D1/1 Typical Detail Number Found on Sheet
- A/1 Typical Section Found on Sheet



SECTION A
Looking Northwest



SECTION B
Looking Northwest



No.	Date	By	Revision Description
1			
2			
3			
4			
5			

Prepared by:
LILBURN CORPORATION
1900 Business Center Drive San Bernardino, CA 92408
909-890-1818 Fax 909-890-1809

Scale: 1 inch = 150 feet
Map Prepared By: Lilburn Corporation (TAG)
Projection: CA SPCS, Zone 5, NAD83 Feet
Contour Interval = 1 Feet
Topography: County of San Bernardino/2018
Surveyor: County of San Bernardino/2018
Aerial Date: 2019

RECLAMATION PLAN

Cove Road, Lucerne Valley, California
COUNTY of SAN BERNARDINO, CALIFORNIA

SHEET INDEX

Sheet	Description
1	Mine Plan and Cross Sections
2	Reclamation Plan and Cross Sections

STATUS
Conceptual Preliminary Draft Draft Final

Scale: 1"=150'
Date: 01/2020 (TAG)
DGN: Sht1of2 CSB-Cove Rec Plan.dgn

Sheet 2 of 2

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Feet
Source: Lilburn Corp., 01/2020 (TAG).
LILBURN CORPORATION

LEGEND
- Property Line
- Top of Slope
- Proposed Contour
- Desert Tortoise Fence
- Existing Contour

RECLAMATION PLAN
COVE BORROW PIT
County of San Bernardino, California

FIGURE 5

Monitoring and Maintenance

The County as lead agency to implement SMARA requires annual reporting of Mining and Reclamation activities. The reports are filed with the State Division of Mine Reclamation and the County. Revegetated areas will be monitored over a five-year period or until success criteria achieved following initial planting. Data on plant species diversity, cover, survival and vigor will be collected on revegetated sites and compared to baseline data from undisturbed sites to evaluate project success.

Monitoring and maintenance of reclamation is an ongoing responsibility of the applicant and if accepted, by the landowner (County of San Bernardino).

Ongoing operations and reclamation activities require monitoring and maintenance as applicable. The operator will provide on-site review of the following among others:

a. Storm Water Pollution Prevention per the NPDES plan and SWPPP required by State and Federal rules. Erosion control will be reviewed and addressed within the SWPPP.
b. Implementation and effectiveness of dust control measures;
c. Maintenance and managing idling for trucking operations;
d. Inspection of fencing and signs; and
e. Test revegetation plots.

Public Safety

All equipment and debris will be removed from the site upon project completion. Public access to the site will be restricted by the site perimeter four-strand wire fence and locked access gates during operations and until revegetation is deemed successful. Warning signs with contrasting background lettering will be installed every 250 feet along the approved surface mine boundary shall be installed and shall read “No Trespassing - Keep Out; Surface Mining Operation” or similar during mining. Signs will be approximately one-foot high and two feet wide.

The reclaimed 3H:1V slopes will be of sufficient low gradient as not to cause a hazard to public safety if the public illegally trespasses onto the site.

SECTION 4 – ENVIRONMENTAL CHECKLIST FORM

1. Project Title: Cove Borrow Pit

2. Lead Agency Name: County of San Bernardino Land Use Services

Address: 385 N. Arrowhead Ave.,
San Bernardino, CA 92415

3. Contact Person: XXXX, Project Planner

4. Project Location: Community of Lucerne Valley, San Bernardino County
APNs: 0464-171-01; 0452-041-64; and 0451-022-04

Topographic Quad (USGS 7.5”):	Lucerne Valley
Topographic Quad Coordinates	T5N, R1W, Sections 33 and 34; T4N, R1W, Section 3
Latitude/Longitude:	34°28'30.43" N, 116°58'53.54" W
Site Access:	Access to the site will be from Cove Road, an existing paved public road.

5. Project Sponsor: County of San Bernardino Department of Public Works

Name and Address: 825 East Third Street, Room 123
San Bernardino, CA 92415
Nancy Sansonetti, AICP: Nancy.Sansonetti@dpw.sbcounty.gov
909-387-8109

6. General Plan/Zoning Designation: Lucerne Valley/Agriculture – 40 Acre Minimum (LV/AG-40)

7. Project Description Summary:

San Bernardino County, DPW is submitting an application for a Mining Conditional Use Permit and Mine Reclamation Plan for the Cove Borrow Pit. The purpose of this application is to permit Cove Borrow Pit on approximately 36 acres for a 100-year period to provide general fill material for various DPW Sites for annual maintenance and/or emergencies. DPW is proposing to mine 14.7 acres on the mostly undisturbed hillside slopes in the southwest portions of the site to annually remove up to 1,000 cy. Mining will take place in two pit areas in the southwest portions of the site with a 3 horizontal to 1 vertical slopes (3H:1V) or 18° slopes. Pits 1A and 1B will be mined on approximately 5.1 acres in the southwest portion of the west half of the site. Pit 2 would be developed on 9.6 acres in the central portion of the south half with one acre of connecting and access roads. The reclaimed end use of the Project Site is proposed to be a DPW material maintenance and storage yard .

Details of the Project are further discussed in Section 3.

8. Environmental/Existing Site Conditions:

The Cove Borrow Pit is located on vacant land that has been disturbed by DPW since the 1960s for various DPW projects and equipment storage. Natural vegetation or re-growth on-site consists of primarily sage scrub bush. Elevations of the parcels range from 2,860 feet above mean sea level (amsl) along Cove Road to a high of about 3,100 feet amsl on the southwest corner of the southern parcel and 3,035 feet amsl on the southwest corner of the western parcel.

9. Surrounding land uses and setting:

The Project Site is located south of Cove Road between Banta Road and Baker Road, within the community of Lucerne Valley, approximately 10 miles east of the Town of Apple Valley. The surrounding land uses are as follows:

North	LV/AG; Cove Road and vacant desert land.
South	LV/AG; Vacant desert land, single family rural residence.
East	LV/AG; Vacant desert land, single family rural residence.
West	LV/AG; Vacant desert land.

10. Other public agencies whose approval is required:

Federal:

- None

State Agencies:

Compliance with Statewide NPDES Program through Preparation and Implementation of a Storm Water Pollution Prevention Plan (SWPPP).

City/County Agencies:

SMARA Mine and Reclamation Plan

Financing Approval or Participation Agreements: (i.e. Federal Funding? Grant Funding? JPA Agreement?)

- None

11. Have California Native American tribes traditionally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation?

Yes, consultation was requested and completed. See Tribal Cultural Resources section for details.

12. Lead Agency Discretionary Actions:

Mining Conditional Use Permit

Reclamation Plan

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

☐	Aesthetics	☐	Agricultural / Forest Resources	☐	Air Quality
☒	Biological Resources	☒	Cultural Resources	☐	Energy
☒	Geology / Soils	☐	Greenhouse Gas Emissions	☐	Hazards / Hazardous Materials
☐	Hydrology / Water Quality	☐	Land Use / Planning	☐	Mineral Resources
☐	Noise	☐	Population / Housing	☐	Public Services
☐	Recreation	☐	Transportation	☒	Tribal Cultural Resources
☐	Utilities / Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

LEAD AGENCY DETERMINATION

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

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

Steven A. Valdez

Signature: (Steven Valdez , Planner) — Date: June 4, 2020

Signature: (David Prusch , Supervising Planner) — Date

1. AESTHETICS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade an existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

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

Environmental Setting

The Project Site is located in the desert region of western San Bernardino County within a rural area with primarily undeveloped desert land in the vicinity.

Impact Analysis

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

No Impact. The Project Site is not located within a scenic vista recognized by the County General Plan or Lucerne Valley Community Plan. Therefore, the Proposed Project would not have a substantial adverse effect on a scenic vista. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. Goal OS 5 of the County General Plan states that the County will maintain and enhance the visual character of scenic routes in the County. However, the Project Site is not located adjacent to or within the vicinity of a designated State Scenic Highway. The nearest officially designated State Scenic Highway, as identified by the California Department of Transportation State Scenic Highway Program (2019), is a portion of State Route 38 which is located approximately 25 miles southeast of the Project Site. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

Less Than Significant. Impacts to visual resources are based on changes to the existing character of the landscape, viewer sensitivity, and the number of viewers that may view the project activities. The level of change associated with the Proposed Project is considered to be low as the Proposed Project is a conditionally acceptable use within the LV/AG-40 zone as demonstrated by Table 82-4, Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts, of the San Bernardino County Development Code. Furthermore, following the completion of mining, reclamation shall take place in order to reshape mining features and revegetate disturbed areas to minimize aesthetic impacts. With implementation of the proposed Reclamation Plan and adherence to San Bernardino County Development Code, impacts are considered temporary and less than significant. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant. The Proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area as no permanent new light sources are proposed. No lighting is proposed, however, in the event temporary lighting is needed, the operator shall comply with the requirements outlined by County Development Code Section 83.07.040, Glare and Outdoor Lighting – Mountain & Desert Regions. This includes fully shielding lights as required to preclude light pollution or light trespass on adjacent property, other property (directly or reflected), and members of the public on adjacent roads. With adherence to existing regulations, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Aesthetics Impact Conclusions:

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

2. AGRICULTURE AND FORESTRY RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?				X
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))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?			X	

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

Environmental Setting

The Project Site is located in the unincorporated community of Lucerne Valley within the Lucerne Valley/Agriculture – 40 Acre Minimum (LV/AG-40) land use zoning district. Agricultural, Resource, and Open Space uses are permitted within this land use zoning district. Much of the Project Site is relatively undisturbed, comprised of native shrubs with a low-lying understory of native and non-native herbaceous species.

Impact Analysis

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

No Impact. No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is identified on-site or on adjacent parcels as demonstrated by the Department of Conservation's California Important Farmland Finder. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Proposed Project is a conditionally acceptable use within the LV/AG-40 zone as demonstrated by Table 82-4, Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts, of the San Bernardino County Development Code. Additionally, the Project Site is recognized as "Non-Enrolled Land" as identified in the latest San Bernardino County Williamson Act Map (FY 2015/2016) prepared by the California Department of Conservation's Division of Land Resource Protection. As such, the Proposed Project does not conflict with existing zoning for agricultural use or a Williamson Act contract. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Project Site and surrounding area do not occur within forest land, timberland, or timberland zoned production. Impacts to these resource lands would not result with implementation of the Proposed Project. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Project Site does not support forest land and implementation of the Proposed Project would not convert forest land to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant. Agricultural uses are permitted within the LV/AG-40 zone as stated within Table 82-4 of the San Bernardino County Development Code. However, as previously stated, the Proposed Project is also a conditionally acceptable use within the LV/AG-40 zone. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Agriculture and Forestry Services Impact Conclusions:

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

3. AIR QUALITY

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

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

Environmental Setting

The Project Site is located in the Mojave Desert Air Basin (MDAB). The MDAB encompasses the desert potion of San Bernardino County. The MDAQMD has jurisdiction over air quality issues and regulations within the City of Needles that includes the Project Site. To assist local agencies in determining if a project's emissions could pose a significant threat to air quality, the MDAQMD has prepared the California Environmental Quality Act (CEQA) and Federal Conformity Guideline (August 2016). The air and dust emissions from the construction and operational use of the Proposed Project were evaluated and compared to the MDAQMD air quality thresholds to determine significance.

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

The United States Environmental Protection Agency (EPA) and the CARB have designated portions of the District as nonattainment for a variety of pollutants, and some of those designations have an associated classification. Table 2 lists these designations and classifications. The MDAQMD has adopted attainment plans for a variety of nonattainment pollutants.

Table 2
State and Federal Air Quality
Designations and Classifications

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

Source: MDAQMD CEQA and Federal Conformity Guidelines, August 2016

Impact Analysis

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

Less than Significant. The Proposed Project is a conditionally acceptable use within the LV/AG-40 zone as demonstrated by Table 82-4, Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts, of the San Bernardino County Development Code. The Project Site is within the MDAB and under the jurisdiciton of the MDAQMD. The MDAQMD is responsible for updating the Air Quality Management Plan (AQMP). The AQMP was developed for the primary purpose of controlling emissions to maintain all federal and state ambient air standards for the district. The Proposed Project would not significantly increase local air pollutant emissions and therefore would not conflict with or obstruct implementation of the AQMP. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant. Mining of the site is achieved with one loader, one excavator, and a dozer to break, move, and load material directly into single trailer or double truck trailers with capacity of up to approximately 10 to 25 cy (typical). Additionally, a water truck will be utilized for wetting-down material and roads during mining activities and for wetting-down haul trucks prior to site departure. Exhaust or criteria pollutants will be produced from the mobile equipment. Dust will be produced from mining and revegetation, and travel on gravel/dirt access roads. Operations will be required to comply with the existing MDAQMD regulations for mobile equipment and fugitive dust control.

The MDAQMD has established the following significant daily emissions thresholds for determining whether the impacts from a proposed project would be considered significant per CEQA:

Carbon Monoxide (CO)	548 lbs/day
Oxides of Nitrogen (NO_X)	137 lbs/day
Reactive Organic Gasses (ROG)	137 lbs/day
Oxides of Sulfur (SO_X)	137 lbs/day
Particulate Matter (PM_{10})	82 lbs/day
Particulate Matter ($PM_{2.5}$)	65 lbs/day

Operational emissions for the mobile equipment were estimated utilizing South Coast AQMD Off-Road Source Emission Factors for the 2020 operational year. Table 3 provides the estimated emissions for the planned operations in comparison to MDAQMD thresholds.

Table 3
Operational Emissions Summary
(Pounds Per Day)

Source/Phase	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
Loader	0.30	1.90	1.76	0.09	0.09
Water Truck	0.23	1.41	1.40	0.06	0.05
Excavator	0.29	1.62	2.05	0.07	0.07
Dozer	0.85	6.31	3.20	0.25	0.23
2-5 Axle Dump/Haul Trucks	0.74	5.20	3.54	0.20	0.19
Totals	**2.41**	**20.84**	**13.40**	**0.68**	**0.62**
MDAQMD Threshold	137	137	548	82	65
Significant	**No**	**No**	**No**	**No**	**No**

Emission Sources: Off-Road Mobile Source Emission Factors (Scenario Year 2020)

As shown above, the anticipated operational emissions are less than the MDAQMD thresholds and would be considered less than significant. Compliance with MDAQMD rules and CARB Off-Road Diesel Vehicle regulations are listed below and are included in the estimated emissions in Table 3.

Upon completion of mining, all disturbed slopes will be reclaimed and revegetated within one year. Reclamation activities would require minor earthmoving, and other activities typically associated with final grading and revegetation. Reclamation emissions would be substantially less than the mining operations and would not exceed MDAQMD thresholds.

Compliance with MDAQMD Rules 402 and 403

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

1. The Project Proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

2. The Project Proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading and drilling activity on the site. Portions of the site that are actively being used shall be watered to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.

3. The Project Proponent shall ensure that disturbed areas are treated to prevent erosion.

4. The Project Proponent shall ensure that mining and revegetation activities are suspended when winds exceed 25 miles per hour.

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

5. All equipment used for mining and revegetation must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

6. The operator shall comply with all existing and future CARB and MDAQMD Off-Road Diesel Vehicle Regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

MDAQMD rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide CARB Off-Road Diesel Vehicle regulations. These measures will be implemented by CARB in phases with new rules imposed on existing and new diesel-fueled engines.

The project area is within the Mojave Desert PM_{10} Planning Area and the Western Desert Ozone non-attainment area. The State Implementation Plan (SIP) identifies sources of PM_{10} emissions and control measures to reduce emissions. The EPA requires the application of reasonable available control technology (RACT) to stationary emission sources and reasonable available control measures (RACM) to mobile sources. These will be incorporated through compliance with rules and regulations described above. As such, with compliance with existing rules and regulations, the Proposed Project would not violate any air quality standards or contribute to an existing or projected air quality violation. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

c) Expose sensitive receptors to substantial pollutant concentrations?

No Impact. The MDAQMD CEQA and Federal Conformity Guidelines (August 2016) describes sensitive receptors as being residences, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated using MDAQMD significance thresholds:

- Any industrial project within 1000 feet;
- A distribution center (40 or more trucks per day) within 1000 feet;
- A major transportation project (50,000) or more vehicles per day) within 1000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.

The Cove Borrow Pit has been mined since the 1960s to provide general fill material for various DPW Sites for annual maintenance and/or emergencies. DPW is proposing to remove up to 1,000 cubic yards (cy) of fill material a year. No changes from existing conditions are proposed. Furthermore, the modeling results (as shown in Table 3) indicate that development of the Proposed Project is not anticipated to exceed MDAQMD emissions thresholds. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Cove Borrow Pit has been mined since the 1960s to provide general fill material for various DPW Sites for annual maintenance and/or emergencies. DPW is proposing to remove up to 1,000 cubic yards (cy) of fill material a year. No changes from existing conditions are proposed. Furthermore, the modeling results (as shown in Table 3) indicate that development of the Proposed Project is not anticipated to exceed MDAQMD emissions thresholds. Temporary generation of objectionable oil and diesel fuel odors associated with the use of heavy equipment may occur during mining and reclamation activities however, impacts are anticipated to be negligible as demonstrated. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Air Quality Impact Conclusions:

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

4. BIOLOGICAL RESOURCES

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

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

Environmental Setting

In July 2019, Jericho Systems Incorporated (Jericho) prepared a Biological Resources Assessment (BRA) and Jurisdictional Delineation (JD) for the Proposed Project (available at the County offices for review). Jericho describes the Project Site as being relatively undisturbed, comprised of native shrubs with a low-lying understory of native and nonnative herbaceous species. Vegetation on-site is dominated by shrubs and herbaceous understory closely corresponding with Sawyer et al.'s white burr sage scrub (*Ambrosia dumosa* shrubland alliance). Other native species that are conspicuous in the shrub layer within the survey area include iodine bush (*Allenrolfea occidentalis*), burrobrush (*Ambrosia salsola*), Mormon tea (*Ephedra nevedensis*) and California goldenbush (*Ericameria lindleyi*). The plant community is extremely diverse with a total of 70 species observed, 18 of which were shrub species and only six nonnative species.

Impact Analysis

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less than Significant with Mitigation Incorporated. Jericho obtained data regarding biological resources through field investigations and review of databases containing records of reported occurrences of State- and federally listed species or otherwise sensitive species and habitats that may occur within the vicinity of the Project Site. These databases include the California Natural Diversity Database (CNDDB), California Native Plant Society Electronic Inventory (CNPSEI) databases, and the Calflora Database, among others. The database searches identified 32 sensitive species (20 plants and 12 animals) within the Lucerne Valley, Fifteenmile Valley, Apple Valley South, and White Horse Mountain USGS 7.5-minute series quadrangles.

No State- and/or federally listed threatened or endangered species, or other sensitive species were observed on-site during the field surveys; however, Jericho noted that there is some potentially suitable habitat in the undisturbed areas of the borrow pit and adjacent to the site for sensitive species. Therefore, habitat suitability assessments were conducted within the Project Site for golden eagle (*Aquila chrysaetos*) [GOEA], desert tortoise (DT), burrowing owl (BUOW), and Mohave ground squirrel (MGS).

As a result of the habitat suitability assessment, Jericho noted that one occurrence of MGS from the 1920's is documented southeast of the Project Site. MGS are thought to be extirpated east of the Interstate 15, south of Barstow and west of Highway 247. The Project Site occurs outside the established current range for the species and no further discussion or investigation is warranted. Additionally, Jericho concluded that the proposed work area will be outside of the direct line of site and over 2,500 feet away from nesting GOEA. However, since the south half of the project boundary provides potentially suitable nesting habitat for GOEA, Mitigation Measures BIO-1 and BIO-2 shall be implemented to avoid impacts to nesting GOEA during operations of the borrow pit.

The result of the protocol DT survey performed by Jericho was that no DT individuals or sign including DT burrows, carcasses, scat, courtship rings or drinking depressions were detected within the survey area. Therefore, DT are currently considered absent from the Project Site. However, because there is suitable creosote bush scrub and allscale scrub habitat on-site and there are documented desert tortoise populations to the north, east, and southwest of the Project Site, DT movement or occupation could potentially occur in the future. Therefore, Mitigation Measures BIO-3 through BIO-5 shall be implemented to avoid potentially injuring or killing any DT that may wander on-site during operations of the borrow pit within suitable DT habitat.

Additionally, it should be noted that according to protocol and standard practices, the results of the focused DT surveys will remain valid for the period of one year, or until April 2020, after which time, if the site has not been disturbed in the interim, another survey may be required to determine the persisting absence of DT on-site. DT are protected by applicable State and/or federal laws, including but not exclusive to the California Endangered Species Act (CESA) and Federal ESA. As such, if a desert tortoise is found on-site during work activities, all activities likely to affect the animal(s) should cease immediately and regulatory agencies should be contacted to determine appropriate management actions. Furthermore, it should be noted that desert tortoise may be handled only by a qualified biologist who has been given authorization by the appropriate agencies (i.e. USFWS and CDFW).

Jericho notes that no evidence of BUOW was found in the survey area. No BUOW individuals or sign including pellets, feathers, or whitewash were observed. Therefore, BUOW are currently considered absent from the Project Site. However, because there is suitable creosote bush scrub and allscale scrub habitat on-site and there are documented BUOW occurrences to the southeast of the Project Site, future BUOW occupation could potentially occur. Therefore, Mitigation Measures BIO-3 through BIO-5 shall be implemented to avoid potential impacts to BUOW during operations of the borrow pit.

Although no State- and/or federally listed threatened or endangered species or otherwise sensitive species were observed on-site during the field surveys, habitat on-site is potentially suitable to support DT, BUOW, and GOEA. As such, Mitigation Measures BIO-1 through BIO-5, defined below, shall be implemented to ensure that less than significant impacts occur.

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

No Impact. As stated by the JD performed by Jericho, the Project Site is within the Lucerne Lake hydrologic unit of the Colorado River hydrologic region. This watershed is not tributary to the ocean or any other water body; rather, all water either infiltrates into the groundwater basin, evaporates, or flows toward the dry lakebed of Lucerne Lake located to the northwest of the Project Site. All flow channels on-site are intermittent or ephemeral and likely only receive stream flow during and following significant rain events. The dry lakebed does not meet the definition of Waters of the U.S. due to the isolated nature of Lucerne Valley and is not subject to the Clean Water Act. Additionally, no hydrophytic vegetation, hydric soils and/or wetland hydrology, are present within the Project Site and no wetlands were identified during the survey. Furthermore, no amphibian species were observed or otherwise detected within the project area and non are expected to occur. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. As concluded by Jericho, no hydrophytic vegetation, hydric soils and/or wetland hydrology, are present within the Project Site and no wetlands were identified during the survey. All water on-site either infiltrates into the groundwater basin, evaporates, or flows toward the dry lakebed of Lucerne Lake located to the northwest of the Project Site. The dry lakebed would be subject to the California Fish and Game Code Section 1600 regulations that fall under the jurisdiction of the CDFW, but the Proposed Project will not encroach into the limits of the waterbody that would require a Lake or Streambed Alternation Agreement. Therefore, no permits or authorizations will be required. No impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant with Mitigation Incorporated. The federal Migratory Bird Treaty Act (MBTA) of 1918 provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies. The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed under 50 CFR 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations. The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. The USFWS, in coordination with the CDFW administers the MBTA. CDFW's authoritative nexus to MBTA is provided in FGC Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State. Additional protection is provided to all bald and golden eagles under the Bald and Golden Eagle Protection Act of 1940, as amended.

As concluded by Jericho, vegetation suitable for nesting birds does exist within and adjacent to the Project Site. In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season, which is generally January/February to August/September, and by conducting a worker environmental awareness training. However, if all work cannot be conducted outside of nesting season, a project-specific Nesting Bird Management Plan can be prepared to determine suitable buffers. Therefore, with

implementation of Mitigation Measure BIO-6, the Proposed Project is not anticipated to interfere substantially with the movement of any native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors.

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

No Impact. The Project Site does not contain trees and consists primarily of native shrubs with a low-lying understory of native and nonnative herbaceous species. As such, implementation of the Proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. No impacts are identified or are anticipated, and no mitigation measures are required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Less than Significant. As demonstrated by the CDFW's California Natural Community Conservation Plans map (April 2019), the Proposed Project is not located within a Natural Community Conservation Plans/Habitat Conservation Plans area. The Project Site is located within the Community of Lucerne Valley which has adopted the following goals related to conservation:

Goal LV/CO 1. – Conserve and protect the unique environmental features of Lucerne Valley, including native wildlife, vegetation, and scenic vistas.

Goal LV/CO 2. – Protect agricultural lands form the effects of non-agricultural development.

The Proposed Project is a conditionally acceptable use within the LV/AG-40 zone. Therefore, with adherence to the goals outlined by the Lucerne Valley Community Plan, the Proposed Project is not anticipated to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

Golden Eagle

BIO-1 A pre-activity survey shall be performed to verify the continued absence of Golden Eagles in the area of operations whenever operations extend into a previously undisturbed area.

BIO-2 If Golden Eagles are found during any surveys, the County shall avoid material removal or stockpiling until cleared by a qualified biologist to resume activity.

Desert Tortoise and Burrowing Owl

BIO-3 A qualified biologist shall provide an Environmental Awareness Presentation to operations workers on an as needed basis.

BIO-4 A qualified biologist shall conduct a pre-sweep survey of any areas slated for new land disturbance.

BIO-5 A biological monitor shall be present during initial land disturbing activities in areas of new land disturbance.

Nesting Birds

BIO-6 Preconstruction Nesting Bird Surveys shall take place prior to new land disturbing activities that fall within the bird nesting season (April 15 – August 31). The nesting bird surveys would serve to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the biologist has determined the young birds have successfully fledged and the nest is inactive.

Biological Resources Impact Conclusions:

Possible significant adverse impacts have been identified or anticipated and therefore Mitigation Measures BIO-1 through BIO-6 are required to reduce these impacts to a level below significant.

5. CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?		X		
b) Cause a substantial adverse change I the significance of an archaeological resource pursuant to §15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

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

Environmental Setting

In September 2019, CRM TECH prepared a Historical/Archaeological Resources Survey Report for the Proposed Project (available at the County offices for review). CRM TECH notes that the survey area, which includes APNs 0451-022-04, 0452-041-64, and 0464-171-01, lies on the southern rim of the Mojave Desert, to the north of the San Bernardino Mountains, and at the eastern base of Granite Mountain. In accordance with the report, CRM TECH received historical/archaeological resources records search results from San Bernardino County Archaeologist Jesse Yorck, M.A., who conducted the records search on December 20, 2018, at the South-Central Coastal Information Center (SCCIC), California State University, Fullerton. Additionally, CRM TECH reviewed published literature in local and regional history, historical maps, and aerial photographs of the Lucerne Valley area; and on March 27, 2019, CRM TECH carried out a field survey.

Impact Analysis

a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

Less than Significant with Mitigation Incorporated. The SCCIC records search results identified seven previously completed cultural resources studies within the one-mile scope of the records search, including a 2005 survey that covered a narrow strip of the survey area along Cove Road. Twelve historical/archaeological sites and eight isolates have been recorded within a one-mile radius, however, because none of the sites or isolates were found within or in the immediate vicinity of the survey area, CRM TECH concluded that no further consideration is required.

Historical sources consulted for this study suggest that the Project Site is relatively low in sensitivity for cultural resources from the historic period. In the mid-1850s, when the U.S. government conducted the first systematic land survey in the vicinity, no man-made features were observed in or near the survey area. By the turn of the century, a road following roughly the alignment of present-day Cove Road had been established across the project location, leading to the settlement of Rabbit Springs to the southeast. The current alignment of Cove Road dates at least to the 1940s-1950s. Other than the presence of the road, the desert landscape in the survey area remained largely unchanged until sometime between 1969 and 1995, when the borrow pit operations began along the southwestern side of Cove Road. Since then, no major changes in land use have been noted in or near the survey area.

As stated, on March 27, 2019, CRM TECH field director Daniel Ballester and project archaeologist Michael Richards and Hunter O'Donnell carried out the field survey. The survey was completed at an intensive level by walking a series of parallel north-south and east-west transects spaced 15 meters apart. In this way, the entire

survey area was systematically and carefully examined for any evidence of human activities dating to the prehistoric or historic period.

During the field survey, a previously unknown archaeological site of late-historic-period origin was recorded in the central portion of the survey area and temporarily designated 3449-1H. The site is a large historic-period refuse scatter located in a drainage and consisting of four concentrations of mostly domestic trash and automobile parts. Other than Site 3449-1H, the only feature of prehistoric or historical origin encountered in the survey area is Cove Road, which is known to have been in place along its current alignment since at least the 1940s-1950s. An asphalt-paved two-lane highway with soft shoulders, the road is of standard design and construction, and its current configuration and appearance reflect the results of constant maintenance and repeated upgrading over the years. As a result, the road does not exhibit any distinctively historical character. As a working component of the modern transportation infrastructure, Cove Road shows little potential for any historic significance and requires no further consideration.

Representing the results of incidental trash dumping by local residents, Site 3449-1H demonstrates no identifiable associations with any persons or events of recognized historic significance, nor any other special merits. Furthermore, the common refuse items found at the site show little potential to yield any important archaeological data pertaining to the 1950s-1960s, a period that is very well documented in historical literature as well as popular culture. Based on these considerations, CRM TECH concludes that Site 3449-1H does not appear to meet any of the criteria for listing in the California Register of Historical Resources, and thus does not qualify as a “historical resource”. Since no other potential “historical resources” were encountered, CRM TECH further concludes that no “historical resources” are known to exist within or adjacent to the Project Site. Although CRM TECH concludes that no “historical resources” will be impacted by the Proposed Project, the possibility of discovering a significant unanticipated find remains. As such, Mitigation Measure CR-1, defined below, shall be implemented to ensure that less than significant impacts to historical and/or archaeological resources occur.

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

Less Than Significant with Mitigation Incorporated. See response to (a), above.

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

Less than Significant with Mitigation Incorporated. Mining activities could potentially disturb human remains interred outside of a formal cemetery. Thus, the potential exists that human remains may be unearthed during implementation of the Proposed Project. Therefore, Mitigation Measure CR-2, defined below, shall be implemented to ensure that less than significant impacts regarding human remains occur.

Mitigation Measures:

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

CR-2 Should human remains and/or cremations be encountered during any earthmoving activities, all work shall stop immediately in the area in which the find(s) are present (suggested 100-ft radius

area around the remains and project personnel will be excluded from the area and no photographs will be permitted), and the County of San Bernardino Coroner will be notified. The County of San Bernardino and the Project Proponent shall also be called and informed of the discovery. The Coroner will determine if the bones are historic/archaeological or a modern legal case. The Coroner will immediately contact the Native American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98.

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

Cultural Resources Impact Conclusions:

Possible significant adverse impacts have been identified or anticipated and therefore Mitigation Measures CR-1 and CR-2 are required as conditions of project approval to reduce these impacts to a level below significant.

6. ENERGY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X

Environmental Setting

California is one of the lowest per capita energy users in the United States, ranked 48th in the nation, due to its energy efficiency programs and mild climate (United States Energy Information Administration [EIA] 2018). California consumed 292,039 gigawatt-hours (GWh) of electricity and 2,110,829 million cubic feet of natural gas in 2017 (California Energy Commission [CEC] 2019; EIA 2018). In addition, Californians consume approximately 18.9 billion gallons of motor vehicle fuels per year (Federal Highway Administration 2019). The single largest end-use sector for energy consumption in California is transportation (39.8 percent), followed by industry (23.7 percent), commercial (18.9 percent), and residential (17.7 percent) (EIA 2018).

Most of California's electricity is generated in-state with approximately 30 percent imported from the Northwest and Southwest in 2017. In addition, approximately 30 percent of California's electricity supply comes from renewable energy sources such as wind, solar photovoltaic, geothermal, and biomass (CEC 2018). Adopted on September 10, 2018, SB 100 accelerates the State's Renewables Portfolio Standards Program by requiring electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

To reduce statewide vehicle emissions, California requires that all motorists use California Reformulated Gasoline, which is sourced almost exclusively from in-state refineries. Gasoline is the most used transportation fuel in California with 15.5 billion gallons sold in 2017 and is used by light-duty cars, pickup trucks, and sport utility vehicles (California Department of Tax and Fee Administration 2018). Diesel is the second most used fuel in California with 4.2 billion gallons sold in 2015 and is used primarily by heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, farm equipment, and heavy-duty construction and military vehicles (CEC 2016). Both gasoline and diesel are primarily petroleum-based, and their consumption releases greenhouse gas (GHG) emissions, including CO2 and NOX. The transportation sector is the single largest source of GHG emissions in California, accounting for 41 percent of all inventoried emissions in 2016 (California Air Resources Board [CARB] 2018).

Building Energy Efficiency Standards

The California Energy Conservation and Development Commission (California Energy Commission) adopted Title 24, Part 6, of the California Code of Regulations; energy Conservation Standards for new residential and nonresidential buildings in June 1977 and standards are updated every three years. Title 24 ensures building designs conserve energy by requiring the use of new energy efficiency technologies and methods into new developments. Currently, the California Energy Commission (CEC) Title 24 2016 Building Energy Efficiency Standards are in effect; however, the updated 2019 Building Energy Efficiency Standards will take effect on January 1, 2020. The 2019 Building Energy Efficiency Standards states that nonresidential buildings will use about 30 percent less energy compared to the 2016 standards due mainly to lighting upgrades.

Senate Bill 350

Senate Bill (SB) 350 (de Leon) was signed into law in October 2015 and established new clean energy, clean air, and greenhouse gas reduction goals for 2030. SB 350 establishes periodic increases to the California Renewables Portfolio Standard (RPS) Program with the target to increase the amount of electricity generated per year from eligible renewable energy resources to an amount that equals at least 33% of the total electricity sold annually to retail customers, by December 31, 2020. The SB 350 specifically calls for the quantities of eligible renewable energy resources to be procured for all other compliance periods reflecting reasonable progress in each of the intervening years to ensure that the procurement of electricity products from eligible renewable energy resources achieves 40 percent by December 31, 2024, 45 percent by December 31, 2027, and 50 percent by December 31, 2030.

Senate Bill 100

Senate Bill 100 (SB 100) was signed into law September 2018 and increased the goal of the California RPS Program to achieve at least 50 percent renewable resources by 2026, 60 percent renewable resources by 2030, and 100 percent renewable resources by 2045. SB 100 also includes a State policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all State agencies by December 31, 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

Impact Analysis

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

Less Than Significant. The Proposed Project is anticipated to produce truck traffic at a rate of about 50 loads per year based on street-legal 20 cubic yard trucks and DPW project demand. The Proposed Project will provide construction material to various roads, culverts, and other DPW sites in the region, thereby reducing the energy and fuel consumption that would occur if material was transported from more distant material sources. Therefore, the Proposed Project is not anticipated to result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy sources during project operation. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. As stated above, the Proposed Project is anticipated to produce truck traffic at a rate of about 50 loads per year based on street-legal 20 cubic yard trucks and DPW project demand. As such, the minimal number of trips anticipated to be produced by the Proposed Project is considered negligible. Additionally, the Proposed Project would not require implementation of new or expanded electric power or natural gas facilities. Therefore, the Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Energy Impact Conclusions:

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

7. GEOLOGY AND SOILS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury death involving?				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?				X
iv. Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

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

Environmental Setting

In September 2019, CRM TECH prepared a Paleontological Resources Assessment Report and Paleontological Resources Management and Monitoring Plan for the Proposed Project (available at the County offices for review). As stated by CRM TECH, the Project Site is located within the Mojave Desert geomorphic province of southeastern California. The landscape in the area features a relatively high-elevation desert with scattered, isolated mountains and numerous broad, shallow basins, some with dry lakebeds at the low points. The southernmost and westernmost portions of the project area are characterized by a hillside landscape dotted with granitic outcrops, and the northernmost portion lies on the dry lakebed of Lucerne Lake. These portions are roughly delineated by the course of Cove Road. Further to the southwest, the project area begins to slope steeply upward into the Granite Mountain.

Impact Analysis

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii. Strong seismic ground shaking?

iii. Seismic related ground failure, including liquefaction?

iv. Landslides?

i) **Less than Significant.** The Project Site is located adjacent to an Alquist Priolo Earthquake Fault Zone as demonstrated by San Bernardino County Geologic Hazard Overlay Map FI01 C – Lucerne Valley. The fault is known specifically has the Helendale section of the Helendale-South Lockhart Fault Zone. Although the Project Site is located adjacent to an Alquist Priolo Earthquake Fault Zone, the site does not contain habitable structures and no such structures are proposed. As such, implementation of mining activities is not anticipated to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death following rupture of a known earthquake fault. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

ii) **Less Than Significant**. Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. Additionally, the Proposed Project does not include construction of habitable structures or permanent facilities with foundations that could fail as a result of strong seismic ground shaking. As such, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

iii) **No Impact**. The Project Site is not located in an area susceptible to liquefaction as demonstrated by San Bernardino County Geologic Hazard Overlay Map FI01 C – Lucerne Valley. Therefore, no impact is identified or anticipated, and no mitigation measures are required.

iv) **No Impact**. The Project Site is not located in an area susceptible to landslides as demonstrated by San Bernardino County Geologic Hazard Overlay Map FI01 C – Lucerne Valley. Therefore, no impact is identified or anticipated, and no mitigation measures are required.

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

Less than Significant. The Project Proponent is required to comply with Statewide NPDES and preparing and implementing a SWPPP including applicable BMPs. The control of drainage, erosion, and sedimentation of the mine site will primarily be conveyed into a storm water detention basin and with implementing the following primary BMPs as applicable:

- Limiting surface disturbance to the minimum area required for active operations;
- Monitoring erosion on slopes and implementation of one or more soil stabilization practices as applicable for the site such as: earthen berms or dikes; silt fence; fiber rolls; straw bales; gravel bags; sediment basin(s); and straw mulch.

- Stabilizing disturbed areas through grading slopes to 3H:1V; and
- After project completion - final revegetation by seeding or hydro-seeding with native species.

Final revegetation will be used for the long-term control of erosion. Furthermore, access points and mined surfaces will be water sprayed as necessary to reduce wind erosion during operations. With implementation of a SWPPP and associated BMPs, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than Significant. The Project Site is not located in an area susceptible to landslides or liquefaction as demonstrated by San Bernardino County Geologic Hazard Overlay Map FI01 C – Lucerne Valley. Although the Project Site's susceptibility to lateral spreading and subsidence is unknown at this time, reclamation of the mine will be undertaken at the completion of mining operations. Any over-steepened slopes will be backfilled or recontoured to 3H:1V. Fill material will be excess material pushed up onto slopes to create 3H:1V. The fill will be compacted by tracking the dozer over the slope to achieve necessary compaction consistent with final end use of DWP material maintenance and storage yard. Furthermore, the Proposed Project does not include construction of habitable structures or permanent facilities; therefore, implementation would not expose people or structures to substantial risks due to unstable soil. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Proposed Project does not include construction of habitable structures or permanent facilities; therefore, implementation would not expose people or structures to substantial risks due to expansive soils. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. Septic tanks and/or alternative wastewater systems are not proposed as part of the Proposed Project. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant. In accordance with the Paleontological Resources Assessment Report and Paleontological Resources Management and Monitoring Plan, CRM TECH obtained and reviewed a records searches provided by the Western Science Center (WSC) in Hemet, the Natural History Museum of Los Angeles County (NHMLAC) in Los Angeles, and the San Bernardino County Museum (SBCM) in Redlands. Additionally, in conjunction with the records searches, CRM TECH pursued a literature review on the project vicinity which included analysis of topographic, geologic, and soil maps of the Lucerne Valley area. Furthermore, on March 27, 2019, CRM TECH carried out a field survey of the Project Site which included examination of soil types on-site, verification of geologic formations, and search for indications of paleontological remains.

As stated by CRM TECH, the geologic maps show the surface sediments in the northeastern portion of the project area, where no borrow pit activities are proposed, to be Holocene-age lacustrine deposits, which rest atop sediments of similar origin but of Pleistocene age. In the area where borrow pit activities are being proposed, generally to the south of Cove Road, the surface geology consists of granitic rocks at higher elevations in the

southwest portion of the project area and Holocene-age alluvium of alluvial fan origin on the relatively level terrain in the middle portion.

The granitic rocks in the Granite Mountain, being igneous in origin, have no potential to contain any fossil remains. The alluvial soils are relatively low in potential, in comparison with lacustrine or marine sediments, for the preservation of fossil materials, as animals perishing on an alluvial fan normally become food for other animals. Any bone material left behind tends to be broken and scattered on a sunny surface and is not easily preserved. Much of the deposition on an alluvial fan is by sheet wash, and this is not a good setting for the rapid burial of remains left on the surface. However, during times of flash flooding, organisms can be trapped in flowing waters and rapidly buried as the flow ceases. In these cases, the entire carcass can be preserved. Additionally, alluvial fans tend to be made up of coarse-grained materials that are not the conducive for preserving fossil remains. The sediments are generally coarser near the source and decrease in coarseness further away. In the project vicinity, the alluvial fan sediments are very close to the source.

To the northeast, the alluvial fan sediments tend to underlie and interfinger with the lakebed sediments. In these areas, the potential for fossilization of both land animals, aquatic animals, and aquatic and land-based plants increases significantly. The lake would have supported aquatic life and waterfowl as well as habitat for land animals which could have become mired in the mud and therefore would have provided a better environment for fossil preservation. However, the lakebed sediments, mainly clays and silts, would not be good as aggregate materials, which is the intended purpose of the Proposed Project.

Based on the research performed by CRM TECH, the granitic rocks in the southwestern portion of the project area were determined to be very low in sensitivity for paleontological remains. The Holocene-age lacustrine deposits on the surface in the northeastern portion of the project area are also considered low in paleontological sensitivity, but the Pleistocene-age lacustrine deposits at depth are high in sensitivity. In the middle portion of the project area, where the existing borrow pit activities are concentrated, the Holocene-age alluvial soils at and near the ground surface are similarly considered to be low in paleontological sensitivity, but the older, finer-grained alluvial sediments underneath are highly sensitive for significant, nonrenewable paleontological resources if they are of sufficient age. Sources place the project location in an area of active erosion and deposition through an alluvial plain and into the Lucerne Dry Lake. The surface alluvium lies close to its source, namely the decomposing granitic bedrock of the Granite Mountain, and likely forms a relatively thick Holocene sedimentation. However, the exact depth of this coarse-grained, low-sensitivity Holocene sedimentation is currently unknown.

As the objective of the borrow pit operations is to obtain coarse-grained aggregate materials from the surface and near-surface deposit, current project plans call for a horizontal progress of excavations from the middle portion of the project area into the slopes to the southwest instead of vertical excavations into the deeper sediments. As long as the borrow pit activities do not extend into the older, finer-grained alluvial sediments occurring at depth in the middle portion of the project area, the project will have a low potential to impact significant, nonrenewable paleontological resources, and no monitoring will be necessary.

In order to prevent inadvertent impacts on paleontological resources, CRM TECH recommends that all ground disturbances be strictly limited to the granitic rocks in the southwestern portion of the project area and the coarse-grained Holocene alluvium on and near the surface in the middle portion, and that the finer-grained sediments underneath be avoided whenever they are exposed. If the project plans change in the future and the complete avoidance of the finer-grained sediments at depth is no longer possible, an updated paleontological resources management and monitoring plan, including some level of paleontological monitoring and/or periodic field inspection by qualified personnel, will need to be designed and implemented in accordance with the extent of impacts anticipated in this potentially fossiliferous formation. With implementation of CRM TECH's recommendation, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measure:

GS-1: In order to prevent inadvertent impacts on paleontological resources, all ground disturbances shall be limited to the southwestern portion of the project area as shown in the limits of mining activities. If the project plans change an updated paleontological resources management and monitoring plan, including some level of paleontological monitoring and/or periodic field inspection by qualified personnel, will need to be designed and implemented in accordance with the extent of impacts anticipated in this potentially fossiliferous formation.

Geology and Soils Impact Conclusions:

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

8. GREENHOUSE GAS EMISSIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Background

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

San Bernardino County GHG Reduction Plan

In September 2011, the County adopted a Greenhouse Gas Emissions (GHG) Reduction Plan (September 2011) (GHG Plan). The GHG Plan presents a comprehensive set of actions to reduce the County's internal and external GHG emissions to 15% below current levels (2007 levels) by 2020, consistent with the AB 32 Scoping Plan. GHG emissions impacts are assessed through the GHG Development Review Process (DRP) by applying appropriate reduction requirements as part of the discretionary approval of new development projects. Through its development review process, the County will implement CEQA requiring new development projects to quantify project GHG emissions and adopt feasible mitigation to reduce project emissions below a level of significance. A review standard of 3,000 metric tons of CO_2 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 MDAQMD has an annual threshold of 100,000 tons of Carbon Dioxide equivalent (CO_2e) per year.

Impact Analysis

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

Less Than Significant. Per CEQA guidelines, new project emissions are treated as standard emissions, and air quality impacts are evaluated for significance on an air basin or even at a neighborhood level. Greenhouse gas emissions are treated differently, in that the perspective is global, not local. Therefore, emissions for certain types of projects might not necessarily be considered as new emissions if the project is primarily population driven. Many gases make up the group of pollutants that are believed to contribute to global climate change. However, three gases are currently evaluated carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). SCAQMD provides guidance methods and/or Emission Factors. MDAQMD allows the use of this methodology.

A threshold of 3,000 $MTCO_2e$ per year has been adopted by the County as potentially significant to global warming. Utilizing the SCAQMD's Off-Road Mobile Source Emission Factors (2019), annual operation GHG emissions amount to approximately 1.58 $MTCO_2e$ per day or 578.49 $MTCO_2e$ per year based on a worst case of 4 hours/day operation on up to 365 days per year (see Table 4).

Table 4
Greenhouse Gas Emissions

Equipment	CO_2	CH_4*
Loader (lbs/day)	436	0.03
Water Truck (lbs/day)	488	0.02
Excavator (lbs/day)	480	0.03
Dozer (lbs/day)	956	0.08
Dump/Haul Trucks (lbs/day)	1,128	0.07
Total Per Year ($MTCO_2e$)	577.48	1.01
$MTCO_2e$ per Year	**578.49**	
County Threshold ($MTCO_2e$)	3,000	
Significant	**No**	

Emission Sources: SCAQMD Off-Road Mobile Source Emission Factors (Scenario Year 2020)
Note: Assumes 365 working days/year.
*CH_4 has a Global Warming Potential of 28 as provided by IPCC's 2013 Working Group I

As demonstrated, operations would not exceed the County's GHG thresholds. Therefore, the Proposed Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Required Conditions

The project emissions are less than significant; however, the applicant will be required to implement GHG reduction performance standards. The GHG reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that development must meet to assist in meeting the 2020 GHG reduction target identified in the in the County GHG Emissions Reduction Plan. These Performance Standards apply to all Projects, including those that emit less than 3,000 MTCO2e per year, and will be included as Conditions of Approval for development projects.

The following are the Performance Standards (Conditions of Approval) that are applicable to the Project:

1. *The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:*

   a) Select construction equipment based on low GHG emissions factors and high-energy efficiency.

b) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.

c) All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.

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

Less Than Significant. See response to (a), above.

Mitigation Measures:

N/A

Greenhouse Gas Emissions Impact Conclusions:

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

9. HAZARDS AND HAZARDOUS MATERIALS

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

Environmental Setting

The Project Site is located south of Cove Road between Banta Road and Baker Road, within the community of Lucerne Valley. The general project vicinity consists of rural housing and undeveloped open space.

Impact Analysis

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

Less Than Significant. There will be no imported waste materials or chemicals brought to the Project Site besides fuel and equipment maintenance fluids during active mining periods. Maintenance and fueling will be conducted by a mobile maintenance truck if needed and BMPs will be implemented. All used fluids will be removed from the equipment and from the site following standard regulations. No fuel or used fluids will be stored on-site.

Furthermore, mined material will be loaded directly into trucks for transport to DWP Sites. No crushing or screening or any process plant facilities are utilized on-site. Therefore, there is no need for on-site diesel-powered electricity or commercial power. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less Than Significant. As stated above, no fluids and no fuel tanks will be placed on-site. Furthermore, the Proposed Project does not include blasting and, therefore, no explosives will be used or stored on-site. As such, the Proposed Project is not anticipated to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The school located nearest to the Project Site is Lucerne Valley Elementary School, which is located approximately 2.5 miles southeast of the Project Site. Furthermore, no schools are known to be proposed within one-quarter mile of the Project Site. Therefore, the Proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within on-quarter mile of an existing or proposed school. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Project Site was not found on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system as reviewed on August 29, 2019. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

Less than Significant. According to San Bernardino County Hazard Overlay Map FI01 B – Lucerne Valley, the Project Site is within Airport Safety Review Area 4 (AR4). As described by the San Bernardino County Development Code, AR4 includes the low altitude/high speed corridors designed for military use. Therefore, the Project Proponent shall adhere to the Review Procedures outlined by Section 82.09.050 of the San Bernardino County Development Code. Furthermore, the Proposed Project does not include construction of habitable structures or permanent facilities and, therefore, the Proposed Project would not result in a safety hazard for people residing or working in the project area. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. Vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Proposed Project would not impair implementation of, or physically interfere with, an adopted emergency

response plan or emergency evacuation plan. No impacts are identified or are anticipated, and no mitigation measures would occur.

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

No Impact. According to San Bernardino County Hazard Overlay Map FI01 B – Lucerne Valley, the Project Site is not within a Fire Safety Area. Additionally, the Proposed Project does not include construction of habitable structures or permanent facilities and, therefore, implementation would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measure:

N/A

Hazards and Hazardous Materials Impact Conclusions:

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

10. HYDROLOGY AND WATER QUALITY

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?				X
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?			X	
I. Result in substantial erosion or siltation on – or off-site;			X	
II. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site;			X	
III. Create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff; or			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X

Environmental Setting

Hydrologically, the Project Site is within the Lucerne Lake hydrologic unit of the Colorado River hydrologic region. This watershed is not tributary to the ocean or any other water body; rather, all water either infiltrates into the groundwater basin, evaporates, or flows toward the dry lakebed of Lucerne Lake located to the northwest of the Project Site. All flow channels on-site are intermittent or ephemeral and likely only receive stream flow during and following significant rain events. Typical of arid regions, the area experiences short-duration, high-intensity rainfall storm events producing potentially high rates of runoff when the initial infiltration rates are exceeded. During these periods the small, incised washes become conduits for water flow.

Impact Analysis

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

No Impact. Groundwater is anticipated to flow northwest and west generally mimicking surface topography. According to State Water Board Groundwater Ambient Assessment Program (GAMA), groundwater is recorded at a depth greater than 350 feet below ground surface (bgs). Mining of the site is will be conducted from approximately 2,890 to 2,930 feet amsl in Pit 1A with a 20-foot deep pit to 2,910 to 2,930 feet amsl in Pit 1B. Pit 2 will be mined from approximately 2,900 feet amsl to 2,930 feet amsl with a pit depth of approximately 30 feet.

As such, the Proposed Project would not impact the water table. Furthermore, no wastewater will be generated as a result of operations. As such, the Proposed Project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

Less Than Significant. Water use on-site will be utilized to minimize dust generation. A water truck will be used for wetting-down material and roads during mining activities and for wetting-down haul trucks prior to site departure. Approximately 4,000 gallons of water a day (6 to 20 days a year) may be used for dust suppression activities. The 4,000-gallon water truck will fill at Mojave Water Agency designated hydrant. It is not anticipated that there will be any excess water from the wetting-down procedure; therefore, no recycling is required or planned. The County has a memorandum of understanding (MOU) with the Mojave Water Agency. As such, the Proposed Project is not anticipated to substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable management of the Mojave basin. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?

I. Result in substantial erosion or siltation on – or off-site;

II. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site;

III. Create or contribute runoff water which would exceed the capacity of the existing or planned stormwater drainage systems or provide substantial additional resources of polluted runoff; or

I. **Less than Significant.** The final slopes will gently slope at 3H:1V upward 30 feet from the north to south. There are no drainage or run-off channels that will be affected by the mining. Principally, only direct precipitation will affect the site from the hillside slopes. The pits are designed with a natural grade towards the northwest to collect any run-off from the slopes in that area that will act as a sediment or retention basin (percolation basin). The slopes are designed at very gentle 3H:1V that would reduce possible slope erosion and runoff channeling down the slopes. In addition, a 6.5-acre storm water detention basin will be developed to collect any run-off that may move off the slopes and other portions of the site. There will be no run-off off away from the site. All precipitation will be collected within the pit's or the 6.5-acre storm water detention basin and allowed to evaporate or percolate.

During the course of mining and the final design of the 3H:1V slope contouring, some erosion may occur during heavy rainfall on the slopes. Erosion sediment caused by rainfall will be retained at the bottom of the pit and/or detention basin and rills or channels backfilled. Any water retained within the pit and/or detention basin will not impact adjacent properties or local road due to its containment.

After each major storm event, any final slopes will be visually inspected to determine if any substantial erosion is evident such as sheet, rill or gully erosion. Erosion and sedimentation will be controlled by utilizing applicable BMPs which will be constructed and modified based on actual conditions as operations progress. In addition, a SWPPP would be implemented to control runoff and sedimentation from project disturbance. Furthermore, final revegetation will be used for the long-term control of erosion. Access points and mined surfaces will be water sprayed as necessary to reduce wind erosion during operations. Therefore, the Proposed Project will not

substantially alter the existing drainage pattern that would result in substantial erosion or siltation or runoff on- or off-site. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

II. **Less than Significant.** The Proposed Project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site. There are no drainage or run-off channels that will be affected by the mining. Principally only direct precipitation will affect the site from the hillside slopes. The pits are designed with a natural grade towards the northwest to collect any run-off from the slopes in that area that will act as a sediment or retention basin (percolation basin). The slopes are designed at very gentle 3H:1V that would reduce possible slope erosion and runoff channeling down the slopes. In addition, a 6.5-acre storm water detention basin will be developed to collect any run-off that may move off the slopes and other portions of the site. There will be no run-off away from the site. All precipitation will be collected within the pit's detention basin or the 6.5-acre storm water detention basin and allowed to evaporate or percolate. As such, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

III. **Less than Significant.** As stated above, the slopes are designed at very gentle 3H:1V that would reduce possible slope erosion and runoff channeling down the slopes. There will be no runoff away from the site. All precipitation will be collected within the pit's detention basin or the 6.5-acre storm water detention basin and allowed to evaporate or percolate. Therefore, the Proposed Project is not anticipated to 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. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. As shown by San Bernardino County Hazard Overlay Map FI01 B – Lucerne Valley, the Project Site is not located within Flood Plain Safety (FP) Overlay District or within a dam inundation area. Tsunamis are large waves generated in open bodies of water by fault displacement of major ground movement. Due to the inland location of the Project Site, tsunamis are not considered to be a risk. Seiches are standing waves generated in enclosed bodies of water in response to ground shaking. The Project Site is not located in the immediate vicinity of a known large body of water or water storage facility and therefore impacts from potential seiches are not anticipated. Therefore, the Proposed Project is not anticipated to risk release of pollutants due to project inundation. No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Hydrology and Water Quality Impact Conclusions:

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

11. LAND USE AND PLANNING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X

Environmental Setting

The Project Site is located in the desert region of western San Bernardino County within the unincorporated community of Lucerne Valley within the Lucerne Valley/Agriculture – 40 Acre Minimum (LV/AG-40) land use zoning district.

Impact Analysis

a) Physically divide an established community?

No Impact. The Proposed Project is a conditionally acceptable use within the LV/AG-40 zone as demonstrated by Table 82-4, Allowed Land Uses and Permit Requirements for Agricultural and Resource Management Land Use Zoning Districts, of the San Bernardino County Development Code. The general project vicinity consists of undeveloped open space. Therefore, the Proposed Project would not physically divide an established community. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

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

No Impact. Cove Borrow Pit has been mined since the 1960s to provide general fill material for various DPW Sites for annual maintenance and/or emergencies. DPW is proposing to remove up to 1,000 cubic yards (cy) of fill material a year. No changes from existing conditions are proposed. The Proposed Project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project as the project is consistent with all applicable land use policies and regulations of the No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Land Use and Planning Impact Conclusions:

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

12. MINERAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
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?			X	

Environmental Setting

The Proposed Project is located within the unincorporated community of Lucerne Valley within the County of San Bernardino. As stated by the Lucerne Valley Community Plan, Lucerne Valley is well known for its mining activities including one of the largest limestone producing districts in the United States. The mining industry dominates the local economy, with limestone mining a significant presence on the northern slopes of the San Bernardino Mountains.

Impact Analysis

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

Less than Significant. The Proposed Project is an application to provide general fill material for various San Bernardino County DPW Sites for annual maintenance and/or emergency repair due to storm events. As stated, the Proposed Project is a conditionally acceptable use within the LV/AG-40 zone. Therefore, the Proposed Project would result in adding to the availability of a known mineral resource that is of value to the region and residents. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant. The Project Site is not designated as a mineral resource recovery site as delineated on a local general plan, specific plan, or other land use plan. Additionally, as stated, the Proposed Project is a conditionally acceptable use within the LV/AG-40 zone. The Proposed Project is an application to provide general fill material for various San Bernardino County DPW Sites for annual maintenance and/or emergency repair due to storm events and, therefore, implementation of the Proposed Project would result in a beneficial effect regarding availability of mineral resources. As such, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Mineral Resources Impact Conclusions:

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

13. NOISE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration of groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

Environmental Setting

The Project Site is located within the community of Lucerne Valley, at the western edge of the Mojave Desert. The site is bordered in all directions by vacant land.

Impact Analysis

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

Less than Significant. The Project Site is within a primarily undeveloped area consisting of open space. The nearest sensitive receptors are the single-family residences located approximately 0.5-mile south of the Project Site. Noise will only be produced from the on-site equipment and will be minimal. Operations would be required to conform to applicable noise control regulations as outlined in Section 83.01.080, Noise, of the San Bernardino County Development Code. Therefore, with adherence to the Development Code, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant. As stated, the Project Site is within a primarily undeveloped area consisting of open space. The nearest sensitive receptors are the single-family residences located approximately 0.5-mile south of the Project Site. Groundborne vibration will be produced from the on-site equipment, however, operations would be required to conform to applicable vibration control regulations as outlined in Section 83.01.090, Vibration, of the San Bernardino County Development Code. Therefore, with adherence to the Development Code, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less than Significant. According to San Bernardino County Hazard Overlay Map FI01 B – Lucerne Valley, the Project Site is within Airport Safety Review Area 4 (AR4). As described by the San Bernardino County

Development Code, AR4 includes the low altitude/high speed corridors designed for military use. Therefore, the Project Proponent shall adhere to the Review Procedures outlined by Section 82.09.050 of the San Bernardino County Development Code. Furthermore, the airport located nearest to the Project Site is Holiday Ranch Airport, which is approximately eight miles to the northwest. Therefore, the Project Site is located more than two miles of a public airport or public use airport. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Noise Impact Conclusions:

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

14. POPULATION AND HOUSING

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Environmental Setting

The Project Site is located within the community of Lucerne Valley, at the western edge of the Mojave Desert. The site is bordered in all directions by vacant land.

Impact Analysis

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

Less than Significant. According to the U.S. Bureau of Labor Statistics, the unemployment rate in the Riverside/San Bernardino/Ontario region as of July 2019 was 4.6%. Based on the availability of a local work force, it is expected that the employment generated by the Proposed Project would be filled from the local area and would not result in substantial growth that was not already anticipated by the San Bernardino County General Plan. Furthermore, the Proposed Project is a conditionally acceptable use within the LV/AG-40 zone and therefore implementation of the Proposed Project would not induce substantial growth in the area. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Proposed Project would not displace substantial numbers of existing people or housing units or require the construction of replacement housing. No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Population and Housing Impact Conclusions:

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

15. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?			X	
iv. Recreation/Parks?			X	
v. Other public facilities?			X	

Environmental Setting

The Project Site is located within the community of Lucerne Valley, at the western edge of the Mojave Desert. The site is bordered in all directions by vacant land.

Impact Analysis

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

i. Fire Protection

Less than Significant. According to San Bernardino County Hazard Overlay Map FI01 B – Lucerne Valley, the Project Site is not within a Fire Safety Area. Additionally, as stated by the Lucerne Valley Community Plan, fire threat at the Project Site is considered moderate. Fire protection services are provided by Lucerne Valley Fire Protection District in the plan area and San Bernardino County Fire Department (SBCFD) provides administration and support for the fire district. The closest SBCFD Station to the Project Site is Fire Station 8 located at 33269 Old Woman Springs Road, approximately three miles southeast of the Project Site. The Proposed Project is a conditionally acceptable use within the LV/AG-40 zone and therefore would result in the requirement of fire protection services that is already anticipated by the County. As such, the Proposed Project would receive adequate fire protection services and would not result in the need for new or physically altered fire protection facilities. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

ii. Police Protection

Less than Significant. Police services will be provided to the Project Site through a contractual agreement with the San Bernardino County Sheriff's Department. The station located nearest to the Project Site is the San Bernardino County Sheriff Lucerne Valley Substation located approximately 2.5 miles southeast of the site. The Proposed Project is a conditionally acceptable use within the LV/AG-

40 zone and therefore would result in the requirement of police protection that is already anticipated by the County. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

iii. Schools

Less than Significant. The Proposed Project would not create a direct demand for public school services as the Proposed Project does not include any type of residential use or other land use that may induce population growth. It is expected that the employment generated by the Proposed Project would be filled from the local area and would not result in substantial growth that was not already anticipated by the County. As such, the development would not generate any new school-aged children requiring public education. Furthermore, the Proposed Project is a conditionally acceptable use within the LV/AG-40 zone and therefore would not change the requirement of public schools that is already anticipated by the County. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

iv. Parks

Less than Significant. The Proposed Project does not include any type of residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity. Employees are anticipated to come from the local labor pool and implementation of the Proposed Project would not result in an increased use or substantial physical deterioration of an existing neighborhood or regional park. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

v. Other Public Facilities

Less than Significant. The Proposed Project is not expected to result in a demand for other public facilities/services, such as libraries, community recreation centers, and/or animal shelter. Implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Public Services Impact Conclusions:

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

16. RECREATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Environmental Setting

The Project Site is located within the community of Lucerne Valley, at the western edge of the Mojave Desert. The site is bordered in all directions by vacant land.

Impact Analysis

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. No residential use or other land use that may generate a population that would increase the use of existing neighborhood and regional parks or other recreational facilities in the vicinity is proposed. Accordingly, implementation of the Proposed Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

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

Mitigation Measures:

N/A

Recreation Impact Conclusions:

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

17. TRANSPORTATION

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
d) Result in inadequate emergency access?				X

Environmental Setting

The Project Site is located south of Cove Road between Banta Road and Baker Road, within the community of Lucerne Valley. Access to the site will be from existing Cove Road, a paved public road.

Impact Analysis

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

Less than Significant. Cove Borrow Pit has been mined since the 1960s to provide general fill material for various DPW Sites for annual maintenance and/or emergencies. DPW is proposing to remove up to 1,000 cubic yards (cy) of fill material a year (approximately 50 loads per year based on street-legal 20 cubic yard trucks). No changes from existing conditions are proposed. Access to the site will continue to be from Cove Road in the north portion of the community of Lucerne Valley. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

Less Than Significant. As stated above, the Proposed Project is anticipated to produce truck traffic at a rate of about 50 loads per year based on street-legal 20 cubic yard trucks and DPW project demand. Furthermore, the Proposed Project will provide construction material to various roads, culverts, and other DPW sites in the region, thereby reducing the transportation costs and fuel usage that would occur if material was transported from more distant material sources. Therefore, in accordance with CEQA Guidelines section 15064.3, subdivision (b), implementation of the Proposed Project would allow the local need for construction material to be met while producing a minimal number of vehicles miles traveled. No significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Proposed Project would not affect public streets. The Proposed Project does not involve any road development or design features that could substantially increase hazards on public roads, or changes in

the transportation of materials on public roads. Access to the site will be from existing Cove Road. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

d) *Result in inadequate emergency access?*

No Impact. Activities associated with the Proposed Project would not impede existing emergency response plans for the Project Site and/or other land uses in the project vicinity. Vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Transportation Impact Conclusions:

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

18. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, lace, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or		X		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

Regulatory Setting

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

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.
Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

1. Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

    a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or

    b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or

    c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

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

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

Summary of AB 52 Consultation

On October 22, 2018, the County of San Bernardino initiated environmental review under CEQA for the Proposed Project. On October 22, 2018, the County of San Bernardino Department of Public Works sent project notification letters to the following California Native American tribes, which had previously submitted general consultation request letters pursuant to 21080.3.1(d) of the Public Resources Code:

- San Manuel Band of Mission Indians
- Twentynine Palms Band of Mission Indians

Each recipient was provided a brief description of the Proposed Project and its location, the lead agency contact information, and a notification that the tribe has 30 days to request consultation. The 30-day response period concluded on November 22, 2018.

Below is a summary of responses received by the County of San Bernardino Department of Public Works and subsequent consultation actions and results:

- Twenty-Nine Palms Band of Mission Indians: November 20, 2018; No known Tribal cultural resources on site. Tribe requested copies of cultural resources report prior to concluding consultation. Cultural Resources report forwarded to Tribe on November 4, 2019. Consultation closed.
- San Manuel Band of Mission Indians: November 19, 2018; No known Tribal cultural resources on site. Tribe requested incidental find language be added to conditions of approval. Copies of cultural resources report were also forwarded to the Tribe on November 4, 2019. Consultation closed.

San Manuel Band of Mission Indians requested incidental finds measures be added to the Proposed Project. Specific measure language was agreed upon on November 19, 2018 (Mitigation Measures TCR-1 through TCR-4 below) and consultation was closed.

Environmental Setting

In accordance with the Historical/Archaeological Resources Survey Report, San Bernardino County Archaeologist Jesse Yorck, M.A., provided CRM TECH with a written response to the County's inquiry from the State of California Native American Heritage Commission (NAHC), which includes the results of a records search in the commission's Sacred Lands File. After reviewing the NAHC's response, CRM TECH contacted a total of five Native American representatives in the region in writing on March 22, 2019, for additional information on potential Native American cultural resources in the project vicinity.

Impact Analysis

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

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

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

Less Than Significant With Mitigation Incorporated.

No TCRs were identified within the project area during AB 52 consultation. The Proposed Project would not result in significant impacts to known TCRs. However, as a result of AB 52 consultation the Tribes identified a potential for the discovery of unknown TCRs during construction, which may result in a significant impact if such resources are found and affected. Impacts to unknown TCRs would be less than significant with the implementation of Mitigation Measures TCR-1 through TCR-4.

As stated above, CRM TECH submitted a written request to the State of California NAHC for a records search in the commission's Sacred Lands File. Following the NAHC's recommendations and previously established protocol, CRM TECH further contacted a total of five tribal organizations in writing on March 22, 2019, for additional information on potential Native American cultural resources in the project vicinity. For some of the tribes, the designated spokespersons on cultural resources issues were contacted in lieu of the individuals recommended by the NAHC, as requested by tribal government staff in the past. The five tribal representatives contacted during this study are listed below:

- Matthew Leivas, Director, Chemehuevi Cultural Center, Chemehuevi Indian Tribe;
- Travis Armstrong, Tribal Historic Preservation Officer, Morongo Band of Mission Indians;
- Donna Yocum, Chairperson, San Fernando Band of Mission Indians;
- Lee Clauss, Director of Cultural Resources, San Manuel Band of Mission Indians;
- Mark Cochrane, Chairperson, Serrano Nation of Mission Indians.

As of the time of preparation of the CRM TECH report, two of the five tribes have responded to the inquiry. In an e-mail dated March 26, 2019, Jessica Mauck, Cultural Resources Analyst for the San Manuel Band, stated that the tribe has concluded its consultation on the Proposed Project with the County in light of the existing ground disturbance within the survey area. Nevertheless, the tribe has requested a copy of CRM TECH's report upon completion. In an e-mail sent on April 24, 2019, Travis Armstrong indicated that the Morongo Band has no additional information to provide at this time but may provide other information to the County during future consultations.

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

Mitigation Measures

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

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

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

TCR-3 Only the NAHC Designated MLD Tribal representative shall make all future decisions regarding the treatment of human remains of Native American origin within the response times outlined below. The MLD shall determine the disposition and treatment of Native American human remains and any associated grave goods following Native American Graves Protection and Repatriation Act (NAGPRA) protocols, and what constitutes "appropriate dignity" as that term is used in the applicable statutes and in the Tribe's customs and traditions.

The MLD or his/her designee shall complete an inspection and provide written recommendations to the DPW and the landowner (if different than the DPW) within forty-eight (48) hours of being granted access to the site. If the descendant does not make recommendations within 48 hours, the landowner shall re-inter the remains in a secure area of the property where there will be no further disturbance. Should the landowner not accept the descendant's recommendations, either the owner or the MLD may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains in a cemetery is a felony (Section 7052).

TCR-4 Any and all archaeological/cultural documents as related to documented tribal cultural resources created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to appropriate consulting Tribe(s) in the form of an un-redacted report (containing DPR forms). The Lead Agency and/or applicant shall, in good faith, consult with the appropriate Tribe(s) until construction completion of the project and completion of any measures imposed to protect resources.

Tribal Cultural Resources Conclusions

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

19. UTILITIES AND SERVICE SYSTEMS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

Environmental Setting

The Project Site is located within the community of Lucerne Valley, at the western edge of the Mojave Desert. The site is bordered in all directions by vacant land.

Impact Analysis

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact. The Proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. As stated, water use on-site will be utilized to minimize dust generation. A water truck will be used for wetting-down material and roads during mining activities and for wetting-down haul trucks prior to site departure. Approximately 4,000 gallons of water a day (6 to 20 days a year) may be used for dust suppression activities. The 4,000-gallon water truck will fill at Mojave Water Agency designated hydrant. The County has a memorandum of understanding (MOU) with the Mojave Water Agency. Furthermore, bottled water will be

provided to employees as needed. Therefore, no new or expanded entitlements would be needed. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. See response to (a), above. Furthermore, portable toilets will be used on-site and serviced by a commercial vendor. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. All refuse on-site will be disposed into approved trash bins and removed by a commercial vendor when as necessary. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. See response to (d), above.

Mitigation Measures

N/A

Utilities and Service Systems Impact Conclusions

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

20. WILDFIRE

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

Environmental Setting

The Project Site is located within the community of Lucerne Valley, at the western edge of the Mojave Desert. The site is bordered in all directions by vacant land.

Impact Analysis

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

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

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

No Impact. According to San Bernardino County Hazard Overlay Map FI01 B – Lucerne Valley, the Project Site is not within a Fire Safety Area. Additionally, the Proposed Project does not include construction of habitable structures or permanent facilities and, therefore, implementation would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. The Project Site is located south of Cove Road between Banta Road and Baker Road. Access to the site will be from existing Cove Road. As stated in Section 19(a), the Proposed Project will not require the construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Therefore, the Proposed Project is not anticipated to require the installation or maintenance of associated infrastructure that may exacerbate fire risk or that may result in temporary ongoing impacts to the environment. No impacts are identified or are anticipated, and no mitigation measures are required.

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

No Impact. As identified by San Bernardino County Geologic Hazard Overlay Map FI01 C – Lucerne Valley, the Project Site is not located in an area likely to become unstable as a result of on- or off-site landslide. As shown by San Bernardino County Hazard Overlay Map FI01 B – Lucerne Valley, the Project Site is not located within Flood Plain Safety (FP) Overlay District or within a dam inundation area. Additionally, the Project Site is not within a Fire Safety Area as delineated by Hazard Overlay Map FI01 B. Furthermore, the Proposed Project does not include construction of habitable structures or permanent facilities and, therefore, implementation would not expose people or structures to significant risks. No impacts are identified or are anticipated, and no mitigation measures are required.

Mitigation Measures:

N/A

Wildfire Impact Conclusions:

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

21. MANDATORY FINDINGS OF SIGNIFICANCE

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

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

Less than Significant Impact. The results of the Initial Study show that there are potentially significant impacts to Biological Resources and Cultural Resources. These impacts will be reduced to less than significant levels after incorporation of mitigation measures and compliance with existing rules and regulations. Therefore, the Proposed Project will not substantially degrade the quality of the environment and impacts to habitat, wildlife populations, plant and animal communities, rare and endangered species or important examples of the major periods of California history or prehistory; no additional mitigation is warranted.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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

(a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.

(b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

Impacts associated with the Proposed Project would not be considered individually adverse or unfavorable. The Proposed Project is a conditionally acceptable use identified in and previously evaluated as part of the San Bernardino County General Plan and EIR. No cumulative impacts are identified or are anticipated, and no mitigation measures are required.

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

Less Than Significant. Implementation of the existing rules and regulations, conditions from permit approvals and the mitigation measures identified in this Initial Study Checklist would result in a less than significant impact. There would be no substantial adverse effects on human beings, either directly or indirectly. No additional mitigation measures are required.

SECTION 5 – SUMMARY OF MITIGATION MEASURES

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

BIOLOGICAL RESOURCES:

Golden Eagle

BIO-1 A pre-activity survey shall be performed to verify the continued absence of Golden Eagles in the area of operations whenever operations extend into a previously undisturbed area.

BIO-2 If Golden Eagles are found during any surveys, the County shall avoid material removal or stockpiling until cleared by a qualified biologist to resume activity.

Desert Tortoise and Burrowing Owl

BIO-3 A qualified biologist shall provide an Environmental Awareness Presentation to operations workers on an as needed basis.

BIO-4 A qualified biologist shall conduct a pre-sweep survey of any areas slated for new land disturbance.

BIO-5 A biological monitor shall be present during initial land disturbing activities.

Nesting Birds

BIO-6 Preconstruction Nesting Bird Surveys shall take place prior to new land disturbing activities that fall within the bird nesting season (April 15 – August 31). The nesting bird surveys would serve to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the biologist has determined the young birds have successfully fledged and the nest is inactive.

CULTURAL RESOURCES:

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

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

American Heritage Commission (NAHC) in the event that remains are determined to be human and of Native American origin, in accordance with California Public Resources Code Section 5097.98.

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

GEOLOGY AND SOILS:

GS-1: In order to prevent inadvertent impacts on paleontological resources, all ground disturbances shall be limited to the southwestern portion of the project area as shown in the limits of mining activities. If the project plans change an updated paleontological resources management and monitoring plan, including some level of paleontological monitoring and/or periodic field inspection by qualified personnel, will need to be designed and implemented in accordance with the extent of impacts anticipated in this potentially fossiliferous formation.

TRIBAL CULTURAL RESOURCES:

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

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

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

TCR-3 Only the NAHC Designated MLD Tribal representative shall make all future decisions regarding the treatment of human remains of Native American origin within the response times outlined below. The MLD shall determine the disposition and treatment of Native American human remains and any associated grave goods following Native American Graves Protection and Repatriation Act (NAGPRA) protocols, and what constitutes "appropriate dignity" as that term is used in the applicable statutes and in the Tribe's customs and traditions.

The MLD or his/her designee shall complete an inspection and provide written recommendations to the DPW and the landowner (if different than the DPW) within forty-eight (48) hours of being granted access

to the site. If the descendant does not make recommendations within 48 hours, the landowner shall re-inter the remains in a secure area of the property where there will be no further disturbance. Should the landowner not accept the descendant's recommendations, either the owner or the MLD may request mediation by NAHC. According to the California Health and Safety Code, six (6) or more human burials at one (1) location constitute a cemetery (Section 8100), and willful disturbance of human remains in a cemetery is a felony (Section 7052).

TCR-4 Any and all archaeological/cultural documents as related to documented tribal cultural resources created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be disseminated to appropriate consulting Tribe(s) in the form of an un-redacted report (containing DPR forms). The Lead Agency and/or applicant shall, in good faith, consult with the appropriate Tribe(s) until construction completion of the project and completion of any measures imposed to protect resources.

SECTION 6 - REFERENCES

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