



MITIGATED NEGATIVE DECLARATION
(Pending Planning Commission Action)

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0182

Project Description

APN:	0497-071-40, 0497-121-28, 0497-101-05, and 0497-101-14
Applicant:	EDF Renewable Energy (Dba Longboat Solar, LLC)
Community:	Barstow/1 st Supervisorial District
Location:	West of State Route 58, East of Lenwood Road, and North And South of Community Boulevard
Project No:	P201400516/CUP
Staff:	John Oquendo, Senior Planner
Rep:	Javier De La Garza, Phil Hawtin, and Christa Hudson
Proposal:	A Conditional Use Permit to build and operate a 20 megawatt utility scale photovoltaic facility on approximately 233 acres of the 324-acre site.

Vicinity Map -



Effective date of Mitigated Negative Declaration: TBD (After 10-day appeal period)

Plans and specifications for the referenced project are available for public inspection in the San Bernardino County Land Use Services Department, Planning Division.

Pursuant to provisions of the California Environmental Quality Act and the San Bernardino County Environmental Review Guidelines, the above referenced project has been determined not to have a significant effect upon the environment. An Environmental Impact Report will not be required.

Reasons to support this finding are included in the written Initial Study prepared by the San Bernardino County Land Use Services Department, Planning Division.

The decision may be appealed by any aggrieved person, organization or agency to the County Board of Supervisors. Appeals shall be filed before the effective date of the Mitigated Negative Declaration listed above. The Notice of Appeal shall be in writing and shall be filed with the appropriate fee at the San Bernardino County Government Center Public Information Counter during normal business hours.

Signature and Title: John Oquendo, Senior Planner
Land Use Services Dept, Planning Division

TBD
Date of Determination

Mitigation measures included in this project to reduce and/or avoid potentially significant effects include the following:

AQ-1: Mitigation for NOx. During construction and decommissioning of the Project, all off-road diesel-powered pieces of equipment used by the construction contractors shall comply with the California Air Resources Board Tier 3 standard for off-road engines.

BIO-1: Worker Environmental Awareness Program. All construction and operations staff working on the Site will be required to attend a Worker Environmental Awareness Program (WEAP) as prepared and presented by a qualified biologist. This program will emphasize the conservation of sensitive biological resources during Project construction and operations and will include, at a minimum:

- The purpose of resource protection and relevant mitigation requirements;
- A description of the existing habitats and special status species including identification tips;
- The conservation measures that will be implemented in conjunction with Project construction and operation;
- A protocol for documenting and reporting dead or injured wildlife encountered during construction and at least one year of operation;
- Contact information for Project biologists and monitors; and
- fire protection measures;
- measures to minimize the spread of weeds;
- hazardous substance spill prevention and containment measures; and
- Penalties for violation

A copy of the worker education training materials shall be provided to San Bernardino County prior to the issuance of a grading or construction permit.

The names of all personnel who attend the training shall be recorded and workers shall be issued hardhat decals denoting they have received **the workshop training as well as informational fliers for quick reference**. **No personnel shall be permitted** to operate equipment within construction zones unless they have completed the WEAP and are displaying hardhat decals denoting this attendance.

BIO-2: Pre-Construction Surveys and Daily Sweeps. Before initiating any ground-disturbing task (e.g., mechanized clearing, trenching, grading, etc.) associated with Project-related construction activities, pre-construction surveys will be conducted by a qualified biologist, in all Project areas slated for vegetation clearing or ground disturbing Project activities and the appropriately sized buffer. The surveys will be conducted no more than 30 days before disturbance activities are scheduled to begin within suitable Project habitat. Should sensitive resources be observed, biologists will establish Environmental Sensitive Area (ESA) buffers and no construction activities will be allowed within said ESA until the sensitive resource has left on its own accord or until otherwise authorized by the responsible trustee agency. Biological monitors will conduct daily sweeps prior to construction activity to verify no new sensitive resource occurs within that day's construction activity site.

(a) *Desert tortoise*. Focused desert tortoise surveys, as described in Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (USFWS, 2010) will be conducted in areas of potentially suitable habitat within 30 days of initial ground-disturbing activities. All tortoise sign will be mapped and all scat collected during the first clearance survey. If fresh scat is found during the second clearance survey, the surrounding area will be searched.

If encountered, tortoise burrow locations will be georeferenced in the field using Global Positioning System (GPS), and the size and approximate age of the burrow identified. Where possible, tortoise burrows would also be flagged only if the flagging would not attract poaching.

No more than 24 hours prior to fence installation and vegetation removal, all disturbance areas would be surveyed to ensure no desert tortoise individuals or burrows are present. Should desert tortoise be observed on the Project site, all potential activities with the possibility to impact an observed desert tortoise shall cease until the individual has left the area on its own accord. A report shall be sent to the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service within five calendar days of the sighting and will include:

- Name and contact information of the biologist who observed the species;
- Date, time and location of the observation;
- Measures taken to avoid impacts following the observation;
- Monitoring methods used to ensure no impacts to desert tortoise have occurred; and
- Recommendations for ongoing activity at the Site that avoid impacts to desert tortoise.

If a dead desert tortoise is encountered, all work shall stop in the immediate vicinity of the encounter and the California Department of Fish and Wildlife and U.S. Fish and Wildlife Service shall be contacted immediately to determine the appropriate course of action under the respective statutory and regulatory endangered species regimes administered by each agency.

(b) Mohave fringe-toed lizard. Focused Mohave fringe-toed lizard (MFTL) surveys will be conducted in areas of potentially suitable habitat. These surveys shall occur within 30 days of initial ground-disturbing activities and during the seasonal activity period (typically, March to September). A qualified MFTL biologist will prepare a Mohave Fringe-toed Lizard Management Plan. This Plan shall be submitted to San Bernardino County and the CDFW for approval prior to the issuance of a grading or construction permit. This Plan will include, at a minimum:

- A discussion on the species' biology including known distribution maps;
- Minimum qualifications for biologists to work with the species;
- Measures to avoid impacts to MFTL during Project construction including, but not limited to survey requirements, MFTL exclusionary fencing, speed limit enforcements, WEAP requirements, and avoidance of dune habitats.
- MFTL relocation requirements in the event an MFTL is observed within the Project disturbance area. These relocation requirements will include, at a minimum: handler requirements and qualifications, means of relocation and necessary equipment, clear microhabitat description and map of an approved receptor site, and relevant restrictions. All MFTL will be relocated to a County- and CDFW-approved receptor site.
- Reporting requirements. All MFTL encountered during surveys shall be reported to the County and CDFW in monthly monitoring reports. Should an individual require relocation, additional information shall be included including: date and time of capture, date and time of release, name and qualifications of the MFTL biologist, GPS coordinates and photo-documentation of capture and receptor microhabitat, and additional relevant information.

All observations will be mapped and all observed MFTL will be relocated to a County- and CDFW-approved receptor site.

(c) Burrowing Owl. Pre-construction burrowing owl surveys will be conducted by a qualified biologist, in conformance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012) within 500 feet of all Project areas slated for vegetation clearing or ground disturbing Project activities. The surveys will be conducted no more than 30 days before disturbance activities are scheduled to begin within suitable Project habitat and 500-foot buffer zones. If burrowing owls are observed using burrows during the non-breeding season (September 1 – January 31) or breeding season (February 1 – August 31), an Environmental Sensitive Area (ESA) buffer shall be established around each burrow, and no activities will be allowed within the buffer until the nest is complete (young have fledged or the nest fails). Nest buffer distance will be a minimum of 300 feet. All ESAs will be clearly identified using visible markers such as orange snow fencing, flagging, signage or other visual cues. This protected area will remain in effect until August 31 or until the young owls are foraging independently. If disturbance of owls and their burrows is unavoidable, owls will be excluded from all active burrows as described in a Burrowing Owl Relocation Plan. All relocation will be passive in nature using burrow exclusion methods and all relocation will be performed in conformance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012) after conferring with the CDFW and County of San Bernardino.

(d) Nesting Birds and raptors. Pre-construction surveys for nesting birds will be conducted if construction, ground disturbance, and/or vegetation trimming/removal activities are scheduled to occur during the breeding season (February 1 to August 31). A qualified avian biologist shall conduct the surveys no more than 30 days before disturbance activities are scheduled to begin within suitable Project habitat and 500-foot buffer zones. If active nests are found, a qualified biologist will determine appropriate buffer distances around each nest as specified in the Nesting Bird

Management Plan, to minimize disturbance to the nest and prevent potential take of the nest. The buffer distance will be based on the species behavior characteristics and conservation status, nest location, and nature of anticipated project activities nearby. The buffer area will be conspicuously demarcated on the ground and the Permittee will ensure that all project activities in the vicinity of the site are monitored to prevent incursion into the buffer area. The buffer will remain in place until the nest is vacated and juveniles have fledged, or the nest is no longer active, as determined by a qualified biologist. An inactive nest is characterized by no longer containing viable eggs and/or living young and is not being used by a bird as part of the reproductive cycle (eggs, young, fledging young still dependent upon nest). All fledglings must leave the nest on their own accord (e.g., without take) to be considered inactive. In some cases, a nest can be abandoned by the bird constructing it and become inactive prior to egg laying. In such cases, determination that the nest is inactive is made on a case-by-case basis based on consistent observations and the determination of an avian biologist.

A qualified biologist will prepare a Nesting Bird Management Plan describing the measures to avoid nests in the event they are observed. This Plan is applicable to all nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. This Plan shall be submitted to San Bernardino County and the CDFW for approval prior to the issuance of a grading or construction permit. This Plan will include, at a minimum:

- Minimum qualifications for biologists to work with the species;
- Measures to avoid impacts to nesting birds during Project construction including, but not limited to survey requirements, monitoring requirements, WEAP requirements, and avoidance of dune habitats.
- Communications protocol in the event of a nest discovery;
- A list of potentially occurring avian species (or guild) and minimum no disturbance buffer for each. Buffer sizes will be site-specific and based on the sensitivity of specific species or guilds and not based on generalized assumptions regarding all nesting birds;
- Contingency and emergency activity measures; and
- Reporting requirements. All nests and their status (active versus inactive), species descriptions, date of inactivity, location (including GPS coordinates), and other information will be provided in monthly construction monitoring reports.

If for any reason a bird nest must be removed during the nesting season, the Project proponent(s) shall provide written documentation of concurrence from the United States Fish and Wildlife Service and the California Department of Fish and Wildlife authorizing the nest relocation to the County of San Bernardino. This documentation will include what actions were taken to avoid moving the nest, the location of the nest, what species is being relocated, the number and condition of the eggs taken from the nest, the location of where the eggs are incubated, the survival rate, the location of the nests where the chicks are relocated, and outcome (whether or not the chicks survived and fledged).

(e) *Mohave ground squirrel*. Presence/absence pre-construction surveys for Mohave ground squirrel will be conducted no more than one (1) year before disturbance activities are scheduled to begin within suitable Project habitat. If a Mohave ground squirrel is observed during pre-construction surveys or at any point, work shall be halted and redirected to other areas of the Project Site that would not affect the individual observed. A report shall be sent to the California Department of Fish and Wildlife within five calendar days of the sighting and will include:

- Name and contact information of the biologist who observed the species;
- Date, time and location of the observation;
- Measures taken to avoid impacts following the observation;
- Monitoring methods used to ensure no impacts to Mohave ground squirrel have occurred; and
- Recommendations for ongoing activity at the Site that avoid impacts to Mohave ground squirrel.

If a dead Mohave ground squirrel is encountered, all work shall stop in the immediate vicinity of the encounter and the California Department of Fish and Wildlife shall be contacted immediately to determine the appropriate course of action under the California Endangered Species Act.

(f) *Desert Kit Fox and American badger*. Focused surveys for American badger and desert kit fox will be conducted by a qualified biologist within 500 feet of all Project areas slated for vegetation clearing

or ground disturbing Project activities. The surveys will be conducted no more than 30 days before disturbance activities are scheduled. The survey shall be performed by walking parallel transects spaced no more than 20 meters apart within areas of suitable habitat, and shall be focused on detecting dens that are occupied, or are suitable for occupation, by either species. Potential burrows will be monitored for 72 hours using motion detecting infrared cameras or similar trackers to determine activity.

Inactive dens are burrows that have largely collapsed or the end of the burrow is clearly visible. Inactive dens that will be directly impacted by construction activities shall be excavated and backfilled by hand to prevent reuse by American badger or desert kit fox.

If occupied burrows are observed outside of the pupping season, the occupants may be passively excluded from their burrow using natural materials over a period of five consecutive days. Once the den is confirmed vacated, it shall be excavated to ensure no wildlife are trapped within the den and then backfilled by hand to prevent reuse by American badger or desert kit fox.

If an occupied den is observed during the pupping season (typically, February to July), then the burrow will be clearly flagged and a minimum 200-foot no disturbance area surrounding the den shall be established. This buffer shall remain in place until the end of the pup-rearing season or the den is determined inactive or abandoned by a qualified biologist. At this point, passive exclusion methods (see above) shall be used.

If an American badger or desert kit fox is observed, a report shall be sent to the California Department of Fish and Wildlife within 30 calendar days of the sighting and will include:

- Name and contact information of the biologist who observed the species;
- Date, time and location of the observation;
- Measures taken to avoid impacts following the observation;
- Monitoring methods used to ensure no impacts to American badger or desert kit fox have occurred; and
- Recommendations for ongoing activity at the Site that avoid impacts to American badger or desert kit fox.

If a dead or injured American badger is encountered, all work shall stop in the immediate vicinity of the encounter and the California Department of Fish and Wildlife shall be contacted within eight hours to determine the appropriate course of action.

To minimize the likelihood of the transmission of canine distemper, no pets shall be allowed on the site. If a dead, sick, or injured desert kit fox is encountered, all work shall stop in the immediate vicinity of the encounter and the California Department of Fish and Wildlife shall be contacted within eight hours to determine the appropriate course of action.

(g) *Bats*. Focused surveys for bats, including Townsend's big-eared bat, will be conducted by a qualified biologist within 300 feet of all Project areas slated for vegetation clearing or ground disturbing Project activities where roosting habitat occurs. The surveys will be conducted no more than 30 days before disturbance activities are scheduled to begin within suitable Project habitat and 300-foot buffer zones surrounding rocky outcrops, buildings, bridges, large trees, or any other habitat capable of supporting roosts or hibernacula.

If active maternity roosts or hibernacula are found on site, the roost shall be avoided (i.e., not removed) by the project, if feasible. If avoidance of the roost is not feasible, the bat biologist shall notify the California Department of Fish and Wildlife in writing and additional surveys (via Anabat telemetry or other approved methods) for nearby alternative roosting sites will be conducted. If the bat biologist identifies, in consultation with and with the approval of the California Department of Fish and Wildlife, that there are alternative roost sites used by the maternity colony and young are not present, then no further action is required.

If no active alternative roosts are found, substitutive roosting habitat for the colony shall be provided on, or in close proximity to, the Project Site. Following establishment of the substitutive roosting site for a period of no less three months, then exclusion of the bats from the original roost may occur.

Following the exclusionary period, the demolition of the roost site must commence before maternity colonies form (typically, March) or after young are flying (Typically, August).

If accidental take should occur, the California Department of Fish and Wildlife and/or the United States Fish and Wildlife Service shall be notified within 30 days.

BIO-3 Biological Monitoring. The Project proponent will retain a qualified Biological Monitor for all activities associated with ground disturbance, grading, construction, decommissioning, and restoration throughout the Project lifetime. The Biological Monitor must be knowledgeable of general and focused species issues on the Project, qualified by the County of San Bernardino to conduct such work, and must be competent to monitor all biological mitigation measures. The Biological Monitor will have the authority to ensure compliance with mitigation measures set forth in this report including the authority to halt work as necessary to ensure full compliance.

Duties of the Biological Monitor will include, but will not be limited to the following:

- The Biological Monitor will ensure that all established buffers surrounding identified Environmentally Sensitive Areas are maintained.
- Conduct daily pre-construction clearance sweeps for plants and wildlife (including nests) to determine the need for any new no disturbance buffers.
- All dead wildlife will be immediately removed and disposed of properly as to not attract dogs, ravens, raptors, and other opportunistic scavengers and predators.
- To prevent entrapment, all potential wildlife pitfalls (i.e., steep trenches, bores, and other excavations) will be inspected daily (i.e., morning and/or evening) and immediately before backfilling to monitor for wildlife entrapment. Large/steep excavations will be covered and/or fenced nightly to prevent wildlife entrapment. If the excavation cannot practicably be covered or fenced, excavations will be sloped at a 3:1 ratio at the ends, or an earthen ramp will be provided to allow wildlife to escape. If any wildlife species become entrapped, construction will not continue until the animal has left the trench voluntarily or the Biological Monitor has removed the animal.
- No listed species will be handled without the appropriate permits; and
- The Biological Monitor will inspect the site to ensure trash and food-related waste is placed in closed-lid containers and that workers do not feed wildlife.

BIO-4 Weed Abatement Plan. Prior to the initiation of vegetation removal within the Project, the Applicant will submit to the County of San Bernardino a copy of the final Weed Abatement Plan and letter of approval from the appropriate fire authority. This plan will describe all requirements pertaining to weed abatement, fire protection, and fuel modification including periodic clearance of the site of all non-complying vegetation under San Bernardino County Desert Area Fire Hazard Abatement regulations [County Code 23.031-23.043]. These measures may include, but will not be limited to, the removal of brush and dead plant materials, removal of non-native plant species, and other periodic management measures including mowing, particularly beneath PV arrays. The location of fuel modification zones and/or fire breaks to minimize impacts to sensitive biological resources will be identified within the Plan. To the degree practicable, mowing or any other vegetation maintenance will occur between August 15 and February 15 to minimize impacts to nesting birds.

BIO-5 Trash Abatement Program. A Trash Abatement Program will be initiated during pre-construction phases of the Project, and would continue through the lifetime of the Project. Trash and food items would be contained in closed containers and removed regularly (at least once per week) to avoid attracting opportunistic predators such as ravens, coyotes, and feral dogs.

BIO-6 Other Biological Resource Protection Measures. The following additional measures will be implemented during Project construction:

- All equipment maintenance, staging, and the dispensing of fuel, oil, coolant, or any other such activities will be restricted to designated areas within the Project impact limits. These designated areas will be located in previously compacted and disturbed areas to the maximum extent possible in such a manner as to prevent runoff from entering existing native vegetation areas. These areas will be clearly designated in the construction plans and SWPPP (See HWQ-1
- Twenty miles per hour speed limits will be enforced for all vehicles traveling on the Project site.
- Trash will be stored properly (i.e., in a manner that is inaccessible to scavengers including condors, ravens, crows, and raccoons), in accordance with the Construction General Permit, and removed from the construction site on a regular basis.

- Pets will not be permitted on the Site during construction.
- Entry to all areas flagged, staked, or otherwise marked as special status by the Environmental Monitor will be prohibited.

BIO-7 Raven Management Plan. The Project proponent adhere to the following measures to ensure that the construction, operation, maintenance, and decommissioning of the Project does not adversely impact regional desert tortoise populations by attracting common ravens to the Project area and increasing the probability of tortoise predation. The following measures shall be implemented to mitigate potential project-specific impacts that could result in a local increase in common ravens:

- All trash and food-related waste will be disposed of in secure, self-closing receptacles to prevent the introduction of subsidized food resources for common ravens.
- Use water for construction, operation and maintenance in a manner that does not result in pooling or puddling.
- The biological monitor identified in BIO-3 shall implement the following at the project site:
 - Remove and dispose of road kills of common wildlife species from the project site and access road. No species protected by federal or state law would be removed.
 - Document common raven use of the project site and access road on a daily basis, during vegetation clearing and ground disturbance [BIO-2]. If frequently used perching locations are identified, use physical, auditory or visual bird deterrents to discourage use by common ravens.
 - Remove any inactive raven nests in the project site or along the access road.
- Implement Avian Power Line Interaction Committee (APLIC) guidelines [BIO-10].
- Implement the following measure to mitigate indirect and cumulative impacts: Contribute to the Regional Raven Management Plan fund managed by the National Fish & Wildlife Fund. The contribution shall consist of a one-time total payment of \$105 per acre of disturbance, including the project site and gen-tie improvement corridor.

BIO-8 Exclusionary Fencing Plan. The Project proponent will submit an Exclusionary Fencing Plan, describing permanent desert tortoise and Mohave fringe-toed lizard exclusionary fencing to be used at the Project, to the County of San Bernardino prior to the issuance of a building or grading permit. This plan will describe fencing materials, locations, access areas, monitoring requirements, and other information pertaining to the erection and maintenance of these fences.

BIO-9: Avian Mortality and Injury Monitoring. The Project proponent shall perform operations-phase avian mortality and injury monitoring at the Project site. The program shall be initiated upon commencement of commercial operation and continue for one year following commercial operation. Prior to issuance of a grading permit for the project, the Project proponent shall submit an Avian Mortality and Injury Monitoring Plan to the County of San Bernardino and USFWS that, at a minimum, includes the following elements:

1. Monitoring Protocol

- a. A description and summary of the baseline survey methods, raw data, and results.
- b. Full survey methodology and field documentation, identification of appropriate survey locations, control sites, and seasonal considerations.
- c. Avian mortality and injury monitoring that includes:
 - i. Onsite monitoring that will periodically survey representative locations within the facility, and, in combination with an integrated carcass detection trial, will produce accurate project-wide impact estimates.
 - ii. Statistical methods used to generate facility estimates of potential avian impacts based on the observed number of detections during standardized searches and adjusted by integrated detection trials.
 - iii. Field detection and mortality or injury identification, cause attribution, handling and reporting requirements.
 - iv. Detailed specifications on data and carcass collection protocols and a rationale justifying the proposed schedule of carcass searches.

- d. All monitoring studies included in the program shall be conducted by a third party contractor for one year following commencement of commercial operation. At the end of the one year period, USFWS shall determine whether the survey program must be continued.
- e. Monitor the death and injury of birds and bats from collisions with facility features.

2. Adaptive Management Program. The Project shall be subject to additional, adaptive management mitigation in the event mortality and injury survey results indicate the Project fails to meet applicable performance standards. Appropriate performance standards for mitigation of impacts to any species regulated by BGEPA, ESA, and CESA exist through required consultation with USFWS and CDFW under their respective regulatory and permitting frameworks. For impacts to all other special-status avian species, mitigation measures must reduce or offset mortalities caused by the Project to a level that avoids a substantial, long-term reduction in the demographic viability of the local population of the species in question, as estimated through the results of implementation of the monitoring protocol required in by this mitigation measure.

The Plan shall include an adaptive management program that identifies and implements reasonable and feasible measures to reduce levels of avian mortality or injury attributable to the Project (whether project-specific or cumulatively considerable) to levels that accomplish the performance standards referenced above. To that end, the adaptive management program shall include (i) reasonable measures for characterizing the extent and importance of detected mortality and injuries clearly attributable to the Project; and (ii) potential measures that the Project owner could implement to adaptively respond to detected mortality and injuries attributable to the Project. Undertaken adaptive actions will be discussed and evaluated in survey reports.

Any impact reduction measures must be commensurate (in terms of factors that include geographic scope, costs, and scale of effort) with the level of avian mortality or injury that is specifically and clearly attributable to the Project facilities in excess of the performance standards referenced above, consistent with the proportionality requirements of California statutory and constitutional law and of U.S. constitutional law. Such measures may include, but not be limited to:

- a. The Project owner shall initiate consultation with USFWS and CDFW if there is project-attributed injury or mortality to any species regulated by BGEPA, ESA or CESA.
- b. Passive avian diverter installations along the perimeter or at other locations within the Project to reduce or minimize bird use of the site.
- c. The use of sound, light or other means to discourage site use consistent with applicable legal requirements.
- d. Onsite habitat management or prey control measures consistent with applicable legal requirements.
- e. Modifications to support structures or other facilities to exclude nesting birds (e.g., netting or shielding around framework; capping open pipes or tubing).
- f. Incorporation of visual cues to panels, such as UV-reflective or solid contrasting bands if proven to be effective and economically and technically feasible.
- g. Additional mortality monitoring to assess impact reductions achieved through adaptive management.
- h. Such other reasonable, feasible measures required by USFWS under its regulatory authority that are applicable to special-status avian species.

BIO-10 APLIC Guidelines. The Project will implement Avian Power Line Interaction Committee (APLIC) guidelines to reduce avian collisions with power lines and poles installed as part of the Right-of-Way Improvement Area.

CR-1: Tribal Monitoring. There will be one comprehensive training session to present needed information about coordinating with San Manuel for cultural resources and related issues about this project as part of the Project's WEAP training prior to any ground disturbing activities. The meeting shall be recorded for use in future orientation sessions relating to the project. Tribal monitoring shall be conducted during all ground-disturbing activities, which includes but is not limited to, archaeological studies, auguring, excavation, geotechnical investigations, vegetation clearing, ground surface leveling,

trenching, and conventional mass grading. Tribal monitors will be from the San Manuel Band of Mission Indians and the Morongo Band of Mission Indians with San Manuel taking the lead. One tribal monitor from each Tribe shall be present on the project site during ground-disturbing activities. A single tribal monitor shall be assigned to each simultaneous ground-disturbing activity on site. Additional tribal monitors shall be assigned if more than two simultaneous ground-disturbing activities occur on site. If simultaneous ground-disturbing activities require an odd number of more than two tribal monitors, the Tribes shall bring in additional monitors representing each tribe according to the number needed. The tribal monitors will represent the Tribes' interests and will follow the Native American Heritage Commission Guidelines for Monitors, which shall include daily completion of the Native American Monitoring Daily Activity Report/Log.

CR-2: Discovery of Archaeological Resources. On-site workers will be informed of the potential for discovery of archaeological resources or human remains during excavation or trenching as part of the Project's WEAP training.

If an archaeological or cultural resource is encountered during ground-disturbing activities for the Project, tribal monitors and/or the Applicant are empowered to stop excavation activities within 50 feet of the discovery until a qualified archaeologist can evaluate whether the resource is a unique archaeological resource or historical resource as defined in Public Resources Code Section 21083.2 and/or 14 C.C.R. Section 15064.5 or a tribal cultural resource as defined in Public Resources Code Section 21074 in consultation with the tribes. Work may continue in other areas. The project archaeologist in consultation with the tribal representatives shall determine importance and significance of the resource as tribal cultural resources, historical resources or unique archaeological resources, defined above. Tribal monitors will cooperate with the qualified archaeologist to locate all cultural materials exposed during ground disturbing activities. Recovery of artifacts or excavation for resource evaluations will be the responsibility of the qualified archaeologist.

CR-3: Treatment of Archaeological Resources. If the qualified archaeologist determines that the discovery is a historic resource (as defined in MM CR-2) of an archaeological nature, then the mitigation standards of 14 C.C.R. 15126.4(b) specifying preservation in place shall be the preferred manner of mitigation. Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;
2. Incorporation of sites within open space;
3. Covering the archaeological sites with a layer of chemically stable soil; or
4. Deeding the site into a permanent conservation easement.

If preservation in place is not feasible, a cultural resources treatment plan shall be prepared pursuant to 14 C.C.R. 15126.4(b) and The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. The treatment plan shall include (i) provisions for assessment and treatment of the resources identified; (ii) reporting of results in a timely manner; and (iii) the opportunity for Tribes to engage in the recovery of material and provide comments on the draft report. The plan must be submitted to the County Land Use Services Department prior to excavation of the historical or unique archaeological resource. The Final Cultural Resources Mitigation report(s) shall be provided to the Lead Agency and disseminated to the regional CHRIS system Information Center and interested professionals and tribes upon request.

Each landowner or their assigned representative will confer with the Tribes on the disposition of all non-human burial related tribal cultural resources, historical resources and unique archaeological resources, including ceremonial items, which may be found at the portion of the Project located on the subject property. The property owner is entitled to keep all artifacts not covered and defined above. If the landowner wishes to keep and curate the materials in an institution meeting Federal and State curation guidelines, the Landowner agrees to do so at the San Bernardino County Museum.

If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur in the vicinity of the find(s) until the San Bernardino County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the San Bernardino County Coroner determines the

remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then identify the “most likely descendant(s)”. The landowner shall confer with the most likely descendant (MLD). The MLD will make recommendations concerning the treatment of the remains within 48 hours as provided in Public Resources Code 5097.98. If the landowner cannot come to an agreement with the MLD, Public Resources Code Section 5097.98(e) requires the landowner to reinter the human remains and items associated with Native American remains with appropriate dignity on the property in a location not subject to further surface disturbance.”

The assessment of resources collected shall be conducted in a timely manner, which will not exceed three months from the date of discovery of the materials and/or the completion of all fieldwork and monitoring. Possession of all cultural materials by the qualified archeologist, if necessary, shall not exceed 90 calendar days after the final report has been submitted. No photography of human remains and associated artifacts is permitted.

A preliminary draft report shall be submitted within three months of the end of the Project fieldwork, and that two copies of the draft archaeological report shall be provided to Tribes by the Lead Agency. Should the qualified archaeologist need an extension of time, approval of a justified time extension shall be permitted at the discretion of the San Manuel Band of Mission Indians and the Morongo Band of Mission Indians. The Tribes shall be given an opportunity to provide comments for inclusion in the final report. All surface and subsurface artifacts and features are to be mapped and described in a final report prepared by the qualified archaeologist following the Secretary of the Interior's Standards and Guidelines for archaeological documentation.

Data recovery shall not be required for an historical resource if the County Land Use Services Department determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the studies are deposited with the California Historical Resources Regional Information Center.

If the qualified archaeologist determines that the excavated sediments were previously disturbed or are unlikely to contain significant cultural materials, the qualified archaeologist can specify that construction activities are no longer limited and may resume.

All cultural resources recovered will be documented on California Department of Parks and Recreation Site Forms to be filed with the California Historic Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) at California State University Fullerton. The qualified archaeologist will prepare a final report about the find to be filed with the Applicant/landowner and the CHRIS-SCCIC. The report will include documentation and interpretation of resources recovered. Interpretation will include full evaluation of the eligibility with respect to the National Register of Historic Places and California Register of Historical Resources and CEQA. At that time, the Applicant, in consultation with the Lead Agency and qualified archaeologist, will designate repositories in the event that resources are recovered.

HMM-1: Prepare Project Health and Safety Plan. A Health and Safety Plan, which complies with applicable OSHA and Cal-OSHA guidelines for the types of activities being performed, shall be prepared for Project construction and operation. The Health and Safety Plan shall include the following:

- General material safety data sheets for all hazardous materials stored on site will be retained on site during Project construction and operation.
- On-site fueling of equipment and vehicles shall be completed in areas at least 100 feet away from drainages, or in designated fueling areas. Fuel and other hazardous materials stored on site will be located in areas with secondary containment, unless secondary containment is built into the tank.
- Transformers shall be inspected for oil leakage on a regular basis and diversionary structures shall be provided for all oil-containing equipment, including transformers, at the Project site.
- Employees shall attend a health and safety training and shall be trained in the proper protocol for notification and cleanup of hazardous materials.
- A spill prevention and countermeasure control plan (SPCC) will be prepared and available on-site for the duration of project construction, operation, and decommissioning. The SPCC will also provide protocols and procedures for the discovery of undocumented hazardous materials during construction and decommissioning of the Project.

HWQ-1: Erosion Control and Stormwater Pollution Prevention Plan. The Project was sited to avoid direct impacts to riparian habitat, however indirect impacts may occur via stormwater or non-stormwater runoff. As such, a SWPPP, created by a Qualified SWPPP Developer (QSD) and implemented by a Qualified SWPPP Practitioner (QSP), will be prepared and implemented for the Project. This SWPPP will list all measures to eliminate the discharge of pollutants other than stormwater) and non-storm water discharges authorized by the California Construction General Permit Order 2009-0009-DWQ or another National Pollutant Discharge Elimination System (NPDES) permit. The SWPPP will contain programs to monitor visual pollutants, chemical pollutants, and potential sediments. Specific and Best Management Practices, Numeric Action Levels, Numeric Effluent Levels, and Rain Event Action Plans will be implemented as required to ensure non-permitted discharges are eliminated. The SWPPP will be prepared prior to commencement of Project construction.

HWQ-2: Prepare Drainage Plan for Structural Facilities. The project proponent shall prepare a site specific Drainage Plan for all facilities constructed in conjunction with the Project that meets San Bernardino County Land Use Services, Land Development Division – Drainage Section requirements, as applicable. The Drainage Plan shall incorporate measures to maintain off-site runoff during peak conditions to pre-construction discharge levels. Design specifications shall accommodate the 100-year, 24-hour storm event to pre-project conditions.

N-1: Construction Noise Mitigation. Prior to issuance of a grading permit, the project operator will require all construction contractor/subcontractor employees to attend the WEAP training prior initiating their activities. All contract and subcontract employees will be required to implement the following noise attenuation measures during all phases of construction:

- a) Noise levels of any Project use or activity will be maintained at or below adopted County noise standards (San Bernardino County Code 83.01.080). The use of noise-producing signals, including horns, whistles, alarms, and bells, will be for safety warning purposes only.
- b) Exterior construction activities will be limited between 7.a.m and 7 p.m. There will be no exterior construction activities on Sundays or National Holidays.
- c) Construction equipment will be muffled per manufacturer's specifications.
- d) All stationary construction equipment will be placed in a manner so that emitted noise is directed away or blocked from sensitive receptors nearest the Project site.

TR-1: Traffic Control Plan. Prepare and submit a Construction Traffic Control Plan in accordance with both the California Department of Transportation Manual on Uniform Traffic Control Devices and Work Area Traffic Control Handbook that will include:

- i. Timing the delivery of heavy equipment and building materials under the contractor's control during non-peak commute hours, to the extent feasible;
- ii. Directing construction traffic with a flag person;
- iii. Placing temporary signing, lighting, and traffic control devices if required, including, but not limited to, appropriate signage along access routes to indicate the presence of heavy vehicles and construction traffic;
- iv. Ensuring access for emergency vehicles to the project site;
- v. Temporarily closing travel lanes or delaying traffic during materials delivery, transmission line stringing activities, or any other utility connections;
- vi. Bicycle and pedestrian detour plans if/where applicable;
- vii. Maintaining access to adjacent property;
- viii. Specifying both construction-related vehicle travel and oversize load haul routes, minimizing construction traffic during the a.m. and p.m. peak hour, distributing construction traffic flow across alternative routes to access the Project site in a way that maintains LOS conditions at the time of construction, and avoiding residential neighborhoods to the maximum extent feasible;
- ix. Traffic control plan coordination with the County, and potential traffic control plan adjustments, in the event of concurrent projects generating potentially overlapping traffic effects; and
- x. Additional traffic control plan coordination with Caltrans regarding the SR-58 Hinkley Expressway Project if construction of the proposed Project occurs concurrently with construction of the expressway project.

Copies of the approved Construction Traffic Control Plan and all issued permits that may be necessary for construction such as (without limitation) work within roadway right-of-ways, the operation of oversized/overweight vehicles on San Bernardino County-maintained roads, and the use of a California Highway Patrol or pilot car escort shall be submitted to the San Bernardino County Public Works, Traffic Division; San Bernardino County Land Use Services, Land Development Division; San Bernardino County Land Use Services, Planning Division; and Caltrans.