SAN BERNARDINO COUNTY

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL: Terrible Herbst Convenience Store and Fueling Station – Nipton

APNs:	0573-101-07	***USGS Quad:***	Ivanpaugh Lake 7.5 Minute Series
Applicant:	Timothy P. Herbst Terrible Herbst Corporation	***T, R, Section:***	**NA**
		Latitude & Longitude	**35º 32' 29" N** **115º 24' 54" W**
Location	10162 Yates Well Road Nipton, California 92364 APN 0573-101-07	***Thomas Bros***	Northwest Nipton, CA
Project No:	Proj-2019-00035	***Community Plan:***	NA
Rep	Gemie M. Knisley, RA	***LUZD:***	Resource Conservation (RC)
Proposal:	Concurrent filing of a General Plan Amendment to Change the land use designation from Resource Conservation (RC) to Highway Commercial (CH), a Tentative Parcel Map to subdivide 23.49-acres into two (2) parcels and a Conditional Use Permit to construct and operate a 7,500 square-foot convenience store and fuel station with a 5,676 square-foot standard canopy and a 1,950 square-foot truck canopy, the sale of packaged beer and wine, a 20-foot water tank and signage.	***Overlays:***	Desert Tortoise – Dense Population Burrowing Owl (SE)

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services
15900 Smoke Tree Street, Suite 131
Hesperia, California 92345

Contact person: Magda Gonzalez, MPA Senior Planner
Phone No: (760) 995-8150 ***Fax No:*** (760) 995-8167

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Project Sponsor Timothy P. Herbst
Terrible Herbst Corporation
5195 South Las Vegas Boulevard
Las Vegas, Nevada 89119

Project Description:

Summary

The Terrible Herbst Corporation is proposing a General Plan Amendment (GPA) to change the land use zoning district from Resource Conservation (RC) to Highway Commercial (CH) on a ±23.49-acre parcel located at the northeast corner of Interstate 15 (I-15) and Yates Well Road in San Bernardino County, California. The Project will also include a Tentative Parcel Map to subdivide 23.49-acres into two (2) parcels and a Conditional Use Permit to construct and operate a 7,500 square-foot convenience store and fuel station on the southwestern ±five-acres of the parcel with a 5,676 square-foot standard canopy and a 1,950 square-foot truck canopy, the sale of packaged beer and wine, and a 20-foot water tank and signage. Remaining 17-acre parcel will be undeveloped. (See Figure 1: Project Site Plan and Location Map).

The single-story building is oriented east/west with vehicle traffic routed to the west portion of the site and larger recreational vehicles (RV) and truck and tractor-trailer traffic routed to the east. The project is designed to meet County parking standards, including 14 truck and/or RV parking spaces, 57 automobile parking spaces, and two handicap spaces. No overnight parking is provided. A water tank, pumphouse and leach field will be located in the northwest corner of the site. Fueling islands on the south side of the convenience store will serve automobiles and other light-duty vehicles. Fueling islands on the north side of the convenience store are designed to serve tractor-trailer trucks. The convenience store will sell a variety of food and snack goods, traveler's sundries, and packaged beer and wine.

Surrounding Land Uses and Setting

The Project Site is in unincorporated San Bernardino County Community of Nipton. The County of San Bernardino Land Use Zoning Map show the Project Site is within the Resource Conservation (RC) zone. The 23.27-acre Project Site is surrounded by resource conservation to the south, east, north and I-15 to the west. The following table, Table 1, lists the existing land uses and zoning district designations.

Existing Land Use and Land Use Zoning Districts		
Location	**Existing Land Use**	**Land Use Zoning District**

Project Site	Vacant, with remnants of previous diner and RV park, and various litter	Resource Conservation
North	Vacant	Resource Conservation/Government Land
South	Vacant	Resource Conservation/Government Land
East	Vacant	Resource Conservation/Government Land
West	Interstate 15, Ivanpah Solar Electric Generating System	Resource Conservation/Government Land

Project Site Location, Existing Site Land Uses and Conditions

I-15 and the Yates Wells Road on and off-ramps lie to the west of the site. The site has been previously developed, and is strewn with unused buildings, vehicles and related materials that will be demolished and cleaned up as a part of the site preparation for this proposed development. Surrounding properties are rural desert lands and mostly undeveloped. The Ivanpah Solar Electric Generating System lies due west of the Yates Well Road interchange, and a golf course lies within a mile to the northwest of the site on the west side of I-15. Within a mile east of the site is large desert dry wash. A Southern California Edison distribution line runs north-south across the eastern portion of the project site, and an existing microwave antenna surrounding by a block wall is located in the southeast corner.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None.
State of California: California Department of Transportation, Lahontan Regional Water Quality Control Board, California Department of Fish and Wildlife;
County of San Bernardino: Land Use Services Department-Planning, Building and Safety, and Land Development; Public Health-Environmental Health Services; Public Works-Surveyor, Traffic, Solid Waste, and Special Districts; County Fire-Community Safety Division and Hazardous Materials Division;
Regional: Mohave Desert Air Quality Management District;
Local: None

Site Photographs

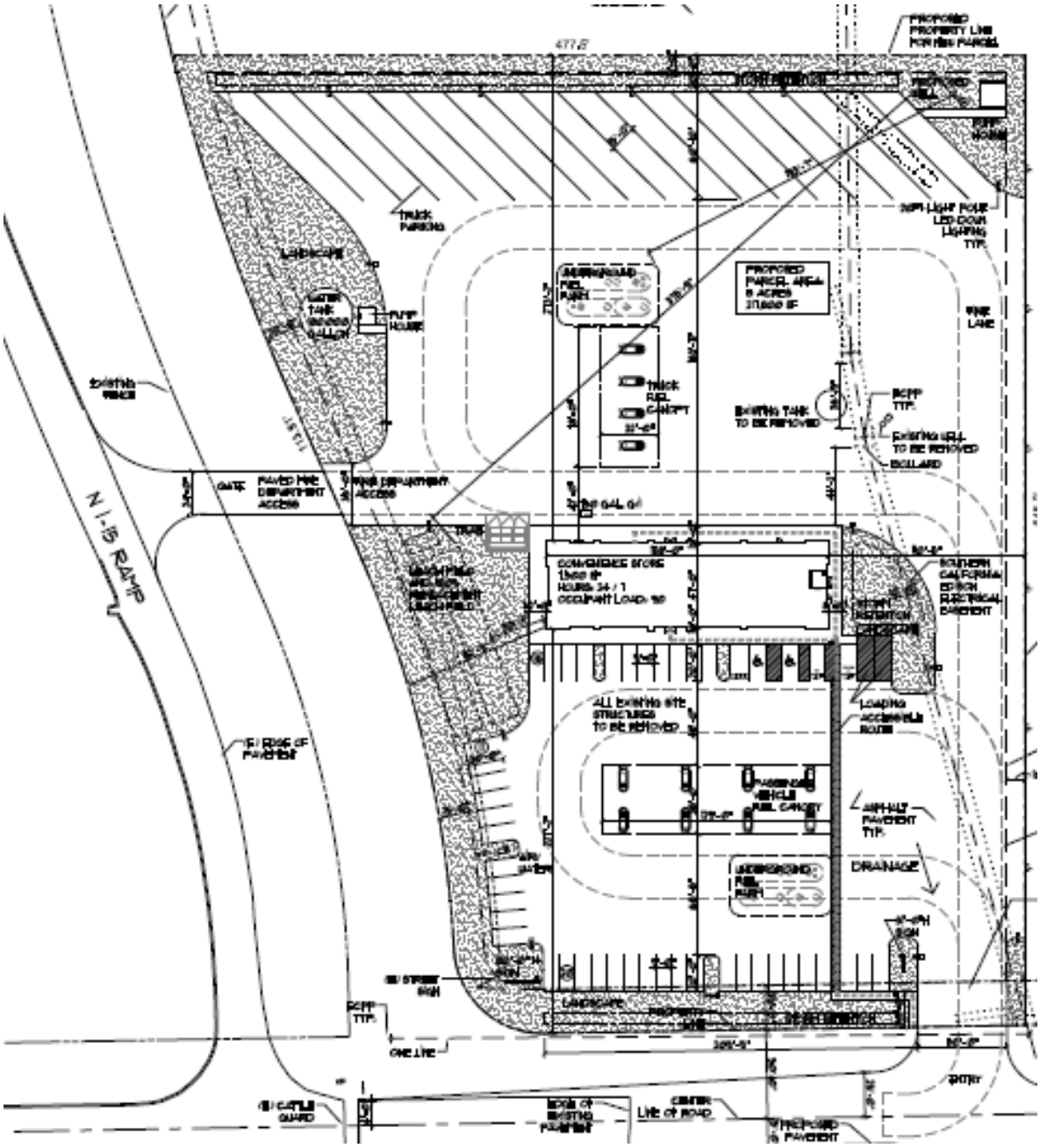
Figure 1: From Yates Well Road looking north at southwest corner of the site.

Figure 2: From Yates Well Road looking north-northwest at buildings on site.

Figure 3: From southern boundary looking north across the property.

Figure 4: From eastern central edge of site looking west. Ivanpah Solar Power Project towers in distance.

Figure 5: Project Site Plan and Location Map


N I-15 RAMP
TRUCK PARKING
LANDSCAPE
PROPOSED PARCEL AREA 5 ACRES 217,800 SF
TRUCK FUEL CANOPY
EXISTING TANK TO BE REMOVED
EXISTING WELL TO BE REMOVED
BOLLARD
PAVED FIRE DEPARTMENT ACCESS
CONVENIENCE STORE
ALL EXISTING SITE STRUCTURES TO BE REMOVED
LOADING
ASPHALT PAVEMENT TYP.
DRAINAGE
EXISTING FENCE
EX EDGE OF PAVEMENT
ONE LINE
CENTER LINE OF ROAD
EXISTING PAVEMENT
PROPOSED PAVEMENT
ENTRY

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

In addition to consideration of a range of environmental issues identified in the CEQA Guidelines (CEQA Appendix G – Environmental Checklist Form), the requested GPA triggers a requirement to conduct a 90-day consultation with Native American tribes that have requested to be notified of proposals within the County regarding the potential of the proposed Project to affect culturally sensitive tribal resources.

The County maintains a list of all the Native American tribes and tribal contacts that have requested to be notified of all proposed projects within the County, and that have requested consultation pursuant to Public Resources Code section 21080.3.1. The County sent letters to each of these parties as described in the Tribal Resources discussion below. Tribal consultation was initiated in early May and extended through July.

The only tribal response was from the Colorado River Indian Tribes (CRIT). CRIT stated that they do not have any specific comment on the proposed project and instead defer to the comments of other affiliated tribes. They did note concern about the potential removal of artifacts from this area and corresponding destruction of the Tribes' footprint on this landscape, and they requested that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. If avoidance of the site is infeasible, then the Tribes request a mitigation measure(s) be added as a condition of project approval that the resources be left in-situ or reburied in a nearby area, after consultation. Finally, CRIT requested to be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, or artifacts are identified during ground disturbance. These mitigation measures have been added in this Initial Study and are included in the Mitigation Monitoring and Reporting Program.

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

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

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

1. **No Impact**: No impacts are identified or anticipated and no mitigation measures are required.

2. **Less than Significant Impact**: No significant adverse impacts are identified or anticipated and no mitigation measures are required.

3. **Less than Significant Impact with Mitigation Incorporated**: Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)

4. **Potentially Significant Impact**: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

☐ Aesthetics	☐ Agriculture and Forestry 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

DETERMINATION: Based on this initial evaluation, the following finding is made:

☐	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
☒	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.
☐	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.

Magda Gonzalez — 09/22/2020

Signature: (Magda Gonzalez ,Senior Planner) — Date

Chris Warrick — 9-22-2020

Signature: (Chris Warrick , Supervising Planner) — Date

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

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

San Bernardino General Plan, 2007*; *Submitted Project Materials

a) **No Impact.** The Proposed Project site is located adjacent to the Interstate 15 corridor in the Ivanpah Valley. The site is not located along a designated scenic corridor but is within a scenic vista with views of the expansive valley, Ivanpah lakebed, surrounding mountains and rocky outcrops, and the City of Primm at the State border approximately five miles to the north. A prominent manmade feature includes three towers and surrounding heliostats of the Ivanpah Solar Electric Generating System, a solar-thermal power plant. The outer perimeter of a golf course can be seen to the northwest on the western side of the interstate. Within a mile east of the site is the western perimeter of the Ivanpah lakebed. A Southern California Edison distribution line runs north-south across the eastern portion of the project site, and an existing microwave antenna

surrounding by a block wall is located in the southeast corner. The property has several abandoned buildings, automobiles and random trash that are visible to passing motorists on the interstate. (See figures 1 through 4 above.)
The proposed General Plan land use designation would lead to development that would change the existing physical character of the vacant site by development of multiple small commercial enterprises. Lighting and would be consistent with existing commercial buildings along the Interstate 15. Development of the site will also result in removal of the abandoned buildings, vehicles, and trash, improving the visual quality of the site. (See Figures 1 through 4.) Therefore, it is concluded that the Proposed Project would have no impact on a scenic vista, and no mitigation is recommended.

b) **No Impact.** The Proposed Project site has been heavily disturbed by previous uses and dumping of random trash, and construction of the interstate ramp on the western boundary. The site contains no scenic resources such as large trees, unique vistas, rock outcroppings, or historic buildings. Therefore, no adverse impacts to scenic resources would occur with Project implementation.

c) **No Impact.** The site has been used for years for dumping of vehicles and various materials that would be cleaned up with the Proposed Project. The visual character of the area is defined by the Interstate 15 travel corridor and the nearby the Ivanpah Solar Electric Generating System project. Development of a variety of new highway commercial buildings will not be inconsistent with the site, surrounding lands, or the balance of the Interstate 15 corridor.

The commercial land use designation would accommodate cleanup of the existing conditions, development of the convenience store and fueling station, and ultimately other small-scale commercial development subject to the County's site plan and design review process, commercial and industrial design guidelines, and building codes as allowed for general commercial buildings.

The proposed GPA and CUP will not degrade the visual character of the site. Subsequent commercial development of the vacant and disturbed site for commercial activities would have an overall beneficial impact to surrounding land uses.

d) **No Impact.** The proposed GPA and CUP would not create a source of light or glare that would adversely affect day or night-time views in the Proposed Project area. For subsequent development, proposed lighting plans would be reviewed by the County to ensure consistency with the County's outdoor lighting standards and that on-site lighting be shielded and directed within the Project site to minimize off-site glare. Conformance with the County's lighting policies through the plan check process and approval by the Land Use Services Planning department would ensure that lighting impacts are minimized. Therefore, the Proposed Project would not be expected to create a new source of substantial light or glare that would adversely affect views.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	II. AGRICULTURE AND FORESTRY RESOURCES- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California 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?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒

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

San Bernardino County General Plan, 2007*; *California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials

a) No Impact. There is no history of agricultural use of the Project Site or surrounding region. The property does not qualify for classification as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The Proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

*b) **No Impact***. The Proposed Project site does not support any agricultural use and is not eligible for or subject to a Williamson Act contract. No impacts are identified or anticipated, and no mitigation measures are required.

c) **No Impact**. Implementation of the Proposed Project would not conflict with existing zoning, or cause rezoning of, forest land, or timberland zoned for Timberland Production because the Project Site is within an area of the County where there are no forest lands or timberlands in the region. Therefore, no impacts are identified or anticipated, no mitigation measures are required.

d) **No Impact**. The project site and surrounding areas do not include any forest or timber lands, and the Proposed Project does not have potential to impact forest land resources. No impacts are identified or are anticipated, and no mitigation measures are required.

e) **No Impact.** As described above, the Proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

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

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	III. AIR QUALITY Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:				
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☒	☐

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

San Bernardino County General Plan, 2007*; *Submitted Project Materials

This air quality analysis has been prepared by the RCH Group consistent with the methods described in the Mojave Desert Air Quality Management District (MDAQMD) *CEQA and Federal Conformity Guidelines*.1 The air quality analysis includes a review of criteria pollutant emissions such as carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), volatile organic compounds (VOC) as reactive organic gases (ROG), particulate matter less than 10 micrometers (coarse or PM10), and particulate matter less than 2.5 micrometers (fine or PM2.5). **Appendix A** provides an overview of the existing air quality conditions at the project site, the air quality regulatory framework, and supporting air quality calculations.

1 Mojave Desert Air Quality Management District. *CEQA and Federal Conformity Guidelines*, August 2016, http://mdaqmd.ca.gov/home/showdocument?id=538

a) Less than Significant Impact. The applicable air quality plan for the proposed project is the 2004 Ozone Attainment Plan (2004 Plan).2 The purpose of the 2004 Plan is to address the attainment and maintenance of State and federal ambient air quality standards for ozone in the Mojave Desert Air Basin (MDAB). The portion of the MDAB that includes the project site is designated as non-attainment for ozone and PM10 California Ambient Air Quality Standards (CAAQS), and PM10 National Ambient Air Quality Standards (NAAQS).

The MDAQMD has adopted the control measures recommended in the 2004 Plan in its Rules and Regulations. The MDAQMD has also adopted fugitive dust control requirements in its Rule 403, the proposed Project will comply with all fugitive dust requirements. 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. The Project will comply with all applicable MDAQMD construction and operational-source emission reduction rules and regulations, including those adopted from the 2004 plan. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.

b & c) Less than Significant Impact. Intermittent (short-term construction emissions that occur from activities, such as site-grading, paving, and building construction) and long-term air quality impacts related to the operation of the proposed project were evaluated. The analysis focuses on daily and annual emissions from these construction and operational activities (mobile, area, stationary, and fugitive sources). The California Emissions Estimator Model (CalEEMod) Version 2016.3.23 was used to quantify construction-related pollutant emissions.

Construction

Construction of the proposed project would occur over approximately seven months. Construction activities would consist of demolition, site preparation, grading, building construction, paving and architectural coating. Earthwork would be balanced onsite. Tables AQ-1 and AQ-2 provides the estimated maximum daily and annual construction emissions, respectively, that would be associated with the proposed project and compares those emissions to the MDAQMD's significance thresholds for construction exhaust emissions. All construction-related emissions would be below the MDAQMD significance thresholds. Therefore, a less than significant regional air quality impact would occur from construction of the Project.

Table AQ-1: Estimated Maximum Daily Construction Emissions (pounds)

Condition	ROG	NOx	SO_2	PM10	PM2.5	CO
2020 Construction	6.3	42.5	0.04	21.5	12.1	22.3

2 Mojave Desert Air Quality Management District, *2004 Ozone Attainment Plan (State and Federal)*, April 26, 2004, http://mdaqmd.ca.gov/home/showdocument?id=174
3 California Air Pollution Control Officers Association, *CalEEMod User's Guide Version 2016.3.2*, September 2016, www.caleemod.com

Significance Threshold	137	137	137	82	65	548
Significant (Yes or No)?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
NOTE: Values reflect rounding.

Table AQ-2: Estimated Annual Construction Emissions (tons)

Condition	ROG	NOx	SO_2	PM10	PM2.5	CO
2020 Construction	0.24	1.68	0.01	0.20	0.13	1.37
Significance Threshold	25	25	25	15	12	100
Significant (Yes or No)?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
NOTE: Values reflect rounding.

The proposed project would be required to comply with MDAQMD Rule 403 (Fugitive Dust) and all other applicable MDAQMD rules and requirements for construction/demolition projects in the MDAQMD Rule 403.2 and would ensure fugitive dust is controlled and less than significant. The Applicant or Construction Contractor shall comply with the following conditions as required by MDAQMD Rule 403.2:

a. Use periodic watering for short-term stabilization of Disturbed Surface Area to minimize visible fugitive dust emissions. For purposes of this Rule, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
b. Take actions sufficient to prevent project-related trackout onto paved surfaces.
c. Cover loaded haul vehicles while operating on Publicly Maintained paved surfaces.
d. Stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than thirty days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate Visible Fugitive Dust emissions;
e. Cleanup project-related trackout or spills on Publicly Maintained paved surfaces within twenty-four hours; and
f. Reduce non-essential Earth-Moving Activity under High Wind conditions. For purposes of this Rule, a reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.

Operations

CalEEMod was used to estimate emissions that would be associated with motor vehicle use, landscape maintenance, and other minor area sources (paints, solvents, etc.) expected to occur once the proposed project is operational. Emissions estimates assume an operational year of 2021 (the first full year the proposed project could conceivably operate) and emissions would decrease on annual basis in subsequent years of operation due to the phase-out of higher polluting vehicles and the implementation of more stringent emission standards.

Estimated daily and annual operational emissions that would be associated with the proposed project are presented in Tables AQ-3 and AQ-4 and are compared to MDAQMD's thresholds of significance. As indicated in Tables AQ-3 and AQ-4, the estimated operational emissions would be below the MDAQMD's significance thresholds and would be less than significant.

Table AQ-3: Estimated Daily Operational Emissions (pounds)

Condition	ROG	NOx	SO_2	PM10	PM2.5	CO
Summer 2021 Operations	11.3	69.2	0.5	33.3	9.1	125.3
Winter 2021 Operations	9.9	69.3	0.4	33.3	9.1	110.5
Significance Threshold	137	137	137	82	65	548
Significant Impact?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
NOTE: Values reflect rounding.

Table AQ-4: Estimated Annual Operational Emissions (tons)

Condition	ROG	NOx	SO_2	PM10	PM2.5	CO
2021 Operations	1.76	12.91	0.08	5.94	1.63	20.75
Significance Threshold	25	25	25	15	12	100
Significant (Yes or No)?	No	No	No	No	No	No

SOURCE: CalEEMod Version 2016.3.2.
NOTE: Values reflect rounding.

Conclusions

As indicated in Tables AQ-1 through AQ-4**,** construction and operational emissions from the proposed project would be below the applicable significance thresholds. Implementation of MDAQMD rules and regulations would ensure fugitive dust is controlled and less than significant. Because the proposed project's emissions are less than significance thresholds, the emissions during construction and operations would not be expected to result in a cumulatively considerable impact to air quality. Therefore, the proposed project would have a less-than-significant impact.

d) Less than Significant Impact. The MDAQMD, CEQA and Federal Conformity Guidelines define sensitive receptor land uses as residences, schools, daycare centers, playgrounds, and medical facilities. The following proposed project types for sites within the specified distance of existing or planned sensitive receptor land uses must be evaluated using the MDAQMD's health risk significance thresholds:

a. Any industrial project within 1,000 feet;
b. A distribution center (40 or more trucks per day) within 1,000 feet;
c. A major transportation project (50,000 or more vehicles per day) within 1,000 feet;
d. A dry cleaner using perchloroethylene within 500 feet; and
e. A gasoline dispensing facility within 300 feet.

The proposed project is a gasoline dispensing facility, but the project site is not within 300 feet of a sensitive receptor land use. There are no sensitive receptors within one mile of the project site. Construction and operation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, the proposed project would have a less-than-significant impact.

d) Less than Significant Impact. Any project with the potential to frequently expose members of the public to objectionable odors would be deemed to have a significant impact. As a general matter, the types of development that pose potential odor problems include agriculture, food processing, dairies, rendering, refineries, chemical plants, wastewater treatment plants, landfills, composting facilities, and transfer stations. Convenience stores and fueling stations do not typically pose potential odor problems and there are no sensitive receptors within one mile of the project site. Therefore, the proposed project would have a less-than-significant impact for other emissions or odors.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	IV. BIOLOGICAL RESOURCES - Would the project:				
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

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

San Bernardino County General Plan, 2007*; *Submitted Project Materials; Add in Studies here

A biological resources assessment was completed for this Proposed Project by HELIX Environmental Planning, Inc. (HELIX). Prior to conducting field surveys, a thorough review of relevant maps, databases, and literature pertaining to biological resources known to occur within the project vicinity was performed. Recent and historical aerial imagery (Google 2019), topographic maps (U.S. Geological Survey 1975), soils maps (U.S. Department of Agriculture [USDA] 2019), and other maps of the project site and vicinity were acquired and reviewed to obtain updated information on the natural environmental setting.

In addition, a query of sensitive species and habitats databases within five miles of the project site was conducted, including the U.S. Fish and Wildlife Service (USFWS) Critical Habitat Portal (2019a), USFWS species records (USFWS 2019b), California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB; CDFW 2019), and California Native Plant Society (CNPS) Electronic Inventory (CNPS 2019). The USFWS' National Wetlands Inventory (NWI) was also reviewed (USFWS 2019c). Recorded locations of species, habitat types, wetlands, and other resources were mapped and overlaid onto aerial imagery using Geographic Information Systems (GIS). Environmental documentation and survey findings from nearby projects were also referenced (BLM 2011).

The property is characterized by disturbed and developed land occupied by a residential dwelling, Southern California Edison (SCE) distribution line, telecommunications facility, disturbed desert scrub, and an arrangement of scattered trash and debris piles. Several off-highway vehicle (OHV) roads traverse the sites that are regularly used.

The surrounding area includes Yates Well Road to the immediate south, I-15 to the immediate west, disturbed desert scrub. Further to the north is I-15 and Primm Valley Golf Club. Further to the east is Ivanpah Dry Lake, and further to the west is the Ivanpah solar facility. The Mojave National Preserve occurs approximately 5 miles south of the site. The nearest critical habitat unit designated by the U.S. Fish and Wildlife Service (USFWS) is for desert tortoise, approximate 3 miles to the east of the site; the site is separated from this critical habitat by Ivanpah Dry Lake. Evidence of heavy disturbance was observed throughout the site, including OVH use, scattered trash and debris, domestic dog use, and vegetation clearing. The site is further enclosed by perimeter fencing and subject to ongoing noise and night lighting from I-15.

No special-status plant species were observed during the survey and none have a moderate or high potential to occur. Disturbance factors and overall poor-quality habitat strongly reduce the potential for special-status plants to occur. The OHV and dumping disturbances have modified the landscape, soil, and vegetation composition of the site. No special-status animals were observed during the survey and none have a moderate or high potential to occur. The potential for special-status animal species to occur within the project site is low due to existing perimeter fencing, adjacent developments, and the disturbed state of the site and surrounding lands. The site does not support an abundance of trees, shrubs, and other cover and resources that would attract and sustain special-status animal species that occur in the region. The existing uses and regular human activity at the site and in the local area would likely preclude most special-status animals from moving onto the site. Existing uses and disturbances, proximity to developments, and lack of suitable habitat strongly reduce the potential for special-status animals to occur.

a) Less than Significant with Mitigation Incorporated. None of the special-status plant species known to occur in the region have potential to occur on the project site, primarily due to the degraded state of the existing habitat. The site is characterized by disturbed Mojave creosote bush scrub and disturbed land. These communities are very common and widespread throughout the region, and when degraded and situated in proximity of more-urbanized desert areas, are unlikely to support special-status plants. The site is relatively small, with the majority containing evidence of regular surface disturbance from pedestrian use, OHV use and illegal dumping.

Where this disturbance is not evident on the site, the conditions are degraded with scattered trash and very common desert plant species. Therefore, special-status plant species are not likely to occur and the project would have no impact on such species.

The survey concluded that the desert tortoise (*Gopherus agassizii*) is currently not likely to occur on the project site, primarily due to the geographic isolation of the site, perimeter fencing, and degradation of the on-site habitat. Additional factors confirmed during the habitat assessment include presence of humans, domestic dog, and common raven on the site. The habitat assessment details are provided above. No desert tortoise or tortoise sign were observed during the survey, including any burrows capable of supporting the species. Therefore, the desert tortoise is not likely to occur based on current conditions. However, because the potential for the species to move onto the site in the future cannot be entirely ruled out, pre-construction take avoidance surveys shall be completed by the project proponent pursuant to mitigation measure BIO-1 to ensure that no inadvertent and unauthorized take of the species occurs.

Mitigation Measure BIO-1. Desert Tortoise. A pre-construction take avoidance survey for desert tortoise will be conducted no less than 14 days prior to initiating ground disturbance activities following current USFWS protocol. A final survey shall be conducted within 24 hours prior to ground disturbance. Regardless of the results of the survey, the applicant will install a fence to prevent desert tortoises from entering the site during construction. The applicant will ensure that a qualified biologist who is experienced with the installation of temporary fencing oversees the installation. (Desert tortoises reside in habitat that is adjacent to the proposed convenience store. They are attracted to water, which the applicant will most likely use to control dust during construction.)

In the unexpected event that tortoise is found, then the following consultation, avoidance and minimization measures shall be implemented prior to any ground disturbance activities at the site:

- The project proponent shall notify and formally consult with the USFWS and CDFW pursuant to the requirements of the federal and State endangered species acts.
- Preparation and implementation of a Desert Tortoise Mitigation Plan approved by USFWS and CDFW. (The applicant shall install exclusion fencing regardless of the surveys.)
- If the applicant finds a desert tortoise on-site, contact USFWS and CDFW for appropriate measures.

Mitigation Measure-BIO-2. Common Raven. Because of the proximity of the site to areas where desert tortoises reside, the greatest concern with regard to the proposed convenience store is that its construction and operation will attract common ravens (*Corvus corax*), which prey on desert tortoises. The construction and operation of the Terrible Herbst facility would likely lead to a local increase in the number of common ravens; these birds are highly attracted to human activity and the proposed project would provide subsidies to them in the form of food and sites for nesting, roosting, and perching that are not currently present in the area. In addition to food wastes that construction and operation of the facility may generate, common ravens may also use various structures in the project area, for shade, perching, roosting, or nesting. Common ravens prey on desert tortoises and, for this reason, any local increase in the number of common ravens may have detrimental effects on the desert tortoise, both near and distant, from the proposed facility, as these birds travel large distances on a daily basis between various areas that provide them with food, water, and shelter.

In order to reduce the attractiveness of the proposed action to common ravens, the applicant shall apply the following requirements. These measures include but are not limited to:

•educating workers to not feed common ravens and to secure their food where common ravens cannot steal it;

•reducing as much as possible standing water from which common ravens can drink;

•designing structures in a manner that reduces the opportunities for nesting and perching;

•removing inactive nests of common ravens; and

•reporting any nesting by common ravens within the site to the Service. If a nest were present, the Service would coordinate with the owner and request permission to access the property to manage it.

Even with the implementation of all such measures, it is anticipated that at least some common ravens will obtain food, water or shelter from the facility. To mitigate these residual effects, the applicant will be required to contribute the appropriate amount to the regional management program for common ravens. The Desert Managers Group manages this program; the program includes wide-scale surveys for common ravens, monitoring of the effectiveness of management actions, outreach to control subsidies, and increased levels of population control when necessary. The contribution consists of a one-time payment of $105 per acre to the National Fish and Wildlife Foundation; the USFWS can provide the appropriate contacts with the National Fish and Wildlife Foundation and forms upon request.

Mitigation Measure-BIO-3. Nesting Migratory Birds. Portions of the project site support trees and shrubs with the potential to support common (non-sensitive) nesting birds protected under the MBTA and CFG Code. Compliance with the MBTA and CFG Code is a regulatory requirement. Mitigation measure BIO-3 shall be completed by the project proponent within 4 days of the onset of ground-disturbing activities because many species of birds can initiate nest building and lay eggs within 4 days. to ensure that no impacts occur to nesting birds.

If the removal of trees and shrubs must occur during the general bird breeding season (February 1 to August 31), a qualified biologist shall conduct a nesting bird survey within 4 days of removal activities to determine the presence or absence of nesting birds. If no active nests belonging to nesting birds are found during the pre-construction surveys, then no additional action shall be required. If an active nest is found, then the nest and an appropriate buffer shall be avoided. The initial size of the avoidance buffer shall be 300 feet for passerines and 500 feet for raptors and shall be reduced at the discretion of the qualified biologist depending on the species and level of disturbance. Activities shall be allowed to proceed within the avoidance buffer once the young have fledged and the nest is confirmed no longer active, as determined by the qualified biologist.

Mitigation measures BIO-1, BIO-2 and BIO-3 would ensure no impacts occur to desert tortoise, common raven and nesting migratory birds pursuant to regulatory requirements.

b) No Impact. Project development would be restricted to common upland habitat types that are not riparian habitat types or sensitive natural communities and do not require mitigation. Therefore, no impacts to riparian habitat or sensitive natural communities would occur, and no mitigation is recommended.

c) No Impact. No federally protected wetlands as defined by CWA Section 404 occur on the site; none will be impacted by the project. No potential jurisdictional resources occur on the site. Therefore, the project would result in no impacts on federally protected wetlands or other potential jurisdictional resources, and no mitigation is recommended.

d) Less than Significant Impact. The project site encompasses disturbed and developed land outside of any areas targeted for conservation, including areas that could potentially serve as a corridor or linkage. The site is highly disturbed and adjacent to several developments, including the I-15 freeway. The site is further encompassed by perimeter fencing. Its function to facilitate wildlife movement in the local and regional area is limited due to existing impediments and lack of live-in and dispersal habitat. Common small mammals, small reptiles, and birds could potentially use portions of the site for dispersal and foraging; however, they would not use the site as a wildlife corridor, specific travel route, or when traveling to and from nursery sites due to existing impediments and lack of suitable habitat and resources. Although the project would introduce new developments to the site, wildlife would still be expected to move through the local and regional area unimpeded. Therefore, the potential impacts of the project on wildlife movement and nursery sites would be less than significant, and no mitigation is recommended.

e) No Impact. There are no local policies or ordinances that are applicable to the project based on the findings of the biological resources technical study. Therefore, the project would have no conflict and no impact, and no mitigation is recommended.

f) No Impact. The project does not occur within the boundaries of any adopted conservation plans. No impact would occur, and no mitigation is recommended.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	V. CULTURAL RESOURCES – Would the project:				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒

b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those outside of formal cemeteries?	☐	☐	☒	☐

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

San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials

a) No Impact. Applied EarthWorks, Inc. (Æ) conducted a cultural resource investigation in accordance with CEQA standards. Their report details the methods and results of the cultural resource investigation of the Project area, including a records search and literature review, a Sacred Lands File (SLF) Search with the Native American Heritage Commission (NAHC), and an archaeological survey of the Project area. The results of the cultural resources investigation are summarized herein. The full report is presented in Appendix C, including detailed prehistoric and historic use of the region surrounding the Proposed Project site.

The purpose of the investigation was to determine the potential for the Proposed Project to affect cultural resources eligible for or listed on the California Register of Historic Resources (CRHR). The literature and records search at the South Central Coastal Information Center (SCCIC) of the California Historical Resources Information System indicated 19 previous cultural resource investigations and 23 cultural resources within the Project area with a one-mile-wide buffer (Study Area). Two of these previously recorded cultural resources were within the Project area, a prehistoric archaeological site (36-002393) and historic-period rural property with buildings and associated structures (36-021632). Site 36-021632 was previously evaluated and recommended ineligible for listing on the CRHR. The NAHC completed the SLF search with negative results.

Archaeologist Evan Mills completed an intensive pedestrian surface survey of the Project area on February 26, 2020. During the survey, he attempted to re-identify the two previously recorded cultural resources reported within the Project area.

Prehistoric site (36-002393) had been reported as destroyed and Mills observed no site evidence. The built-environment resource (36-021632) is in poor condition—all the buildings and structures are in disrepair and modern refuse is strewn throughout. No additional cultural resources were encountered within the Project area during the survey.

The ground surface throughout the majority of the Project area is disturbed extensively (i.e., excavated trench, ditch, discarded construction materials). Digital soil data are not available presently for the Project area; however, Arizo soils are mapped on the west side of the I-15; these soil series do not include a buried A (Ab) horizon but have moderate potential to contain archaeological deposits. However, the recent nature of the soils and the proximity to an ancient lakeshore creates moderate potential for former stable surfaces to have been covered during a time period of human occupation. Nonetheless, due to the extensively disturbed nature of the Project area and the lack of surface indicators for prehistoric resources, construction-related activities are unlikely to affect intact and significant buried archaeological resources. Therefore, no further cultural resource management of the Project area is recommended.

b) Less than Significant Impact with Mitigation Incorporated. Development of this site is not expected to cause a substantial adverse impact on cultural resources; however, it is always possible that unforeseen artifacts could become uncovered during construction activities. The Project site does not lie near any known cemeteries, but as noted in the Phase 1 ESA discussed in the Hazards section above, there is evidence of illegal dumping, including burial of illegally dumped materials. The potential for finding human remains on the site is highly unlikely, and potential impacts are less than significant, but the following mitigation measures are recommended as required conditions of approval to be implemented in the event that cultural artifacts, or human remains are discovered during grading and construction activities.

Mitigation Measure CR-1. In the event that human remains are discovered during grading and construction activities, the Project Applicant and its contractors would be required to adhere to all County and State of California procedures, including CEQA Guidelines §15064.5, regarding stoppage of work, handling of uncovered resources, and notification of proper authorities to ensure that the Project would not have an adverse
effect on such resources.

Mitigation Measure CR-2. In the unlikely event that human remains are exposed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list which will consult and determine and notify a Mostly Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. In addition, if at any time any human remains are discovered the applicant and contractor are required to notify San Bernardino County Land Use Service Department in writing of the discovery within 24 hours. Compliance with this State code section would ensure that impacts would be below a level of significance.

Mitigation Measure CR-3. If avoidance of a prehistoric cultural resources site found during construction is infeasible, the resources should be left in-situ or reburied in a nearby area, after consultation with the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's

list. The Tribes should be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, or artifacts are identified during ground disturbance. Colorado River Indian Tribe request consultation in the event this should occur.

c) Less than Significant Impact. The proposed Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable mandatory provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin. 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 by the Coroner.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	VI. ENERGY – 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?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Materials

a) Less than Significant. All new development in California is required to be built in strict conformance with the State's building codes, including a range of energy efficient design features such as insulation, energy efficient appliances, lighting, building materials and HVAC systems. For example, energy efficient features for the convenience store and fueling station include:

Building Envelope

- Enhanced wall and roof insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher).
- Enhanced window insulation (0.28 or less U-factor, 0.22 or less SHGC).

- Enhanced cool roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance).

Indoor Space Efficiencies

- Heating/Cooling distribution system with enhanced Duct Insulation (R-8).
- Space Heating/Cooling equipment with improved efficiency HVAC (EER 14/65% AFUE or 8 HSPF).
- Improved Efficiency Water Heater (0.675 Energy Factor).
- High efficiency artificial lighting, with 25% of in-unit fixtures considered high efficiency defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures; 60 lumens/watt for fixtures >40 watt.

Irrigation and Landscaping

- Water efficient landscaping with native species moderate water using plants.

Renewable Fuel/Low Emissions Vehicles (EV Charging Stations)

- Electric Vehicles: Provide one public charging station for use by an electric vehicle.

These energy efficient construction and operations measures shall be included as building permit conditions and verified prior to the issuance of the final certificate of occupancy. Subsequent highway commercial development on the remainder of the property will be required to meet similar standards as applicable. Therefore, the proposed convenience store and fueling station, and subsequent highway commercial development will not result in wasteful, inefficient, or unnecessary consumption of energy resources.

b) Less than Significant. As described above, the energy efficiency features incorporated in building design and operations systems are in conformance with state and local energy efficiency plans, including the San Bernardino County GHG Reduction Plan (discussed under greenhouse gases below). Therefore, the proposed convenience store and fueling station, and subsequent highway commercial development will not conflict with or obstruct any state or local plan for renewable energy or energy efficiency.

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

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
VII. GEOLOGY AND SOILS - Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

SUBSTANTIATION:	*(Check ☐ if project is located in the Geologic Hazards Overlay District):* ***San Bernardino County General Plan, 2007; Submitted Project Materials***
San Bernardino County General Plan, 2007; Submitted Project Materials	

A geotechnical assessment and percolation testing were prepared for the Proposed Project site by Landmark Consultants, Inc., and was used as a basis for this impact assessment. Their original reports are attached as Appendix F. The Project area lies in Ivanpah Valley along Ivanpah Dry Lake, a flat playa at the base of the Ivanpah-Mescal-Clark mountain range of the Mojave Desert geomorphic province. Mountain ranges and valleys are known as the Basin and Range Province within the larger Great Basin. Most of the valleys of the Great Basin are drained internally so that rain that falls within these basins and ranges does not make it back to the ocean.

The Project area is located within the Ivanpah Valley, just off the western shore of Ivanpah Dry Lake. Summers are long and hot, with the average high temperature in July, the warmest month, at 108.3 degrees Fahrenheit (ºF) (average low 88.3ºF). Winters are mild, with the average high temperature in December, the coolest month, at 63.4ºF (average low 42.0ºF). Average annual precipitation is approximately 4.5 to 6 inches, and annual evaporation rates exceed 6 feet. Most months receive 0.4 to 0.5 inch of rainfall, although rainfall in May and June is very rare, and rainfall in August is above the monthly average.

While the Natural Resource Conservation Service (NRCS) has not yet digitized the soil data within the Project area, the Arizo series is the only soil unit mapped in the immediate vicinity—west of the Project area, across I-15 (Soil Survey Staff 2020a). Since these soils are on the same alluvial fan as the one in the Project area, the following official soil series description is likely pertinent to the Project as well.

Arizo series soils consist of very deep, excessively drained soils that formed in mixed alluvium on gentle slopes of recent alluvial fans, inset fans, fan skirts, stream terraces, and floodplains of intermittent streams and channels. These soils are Entisols, and, as such, are young and retain mineral soil materials with an absence of distinct horizons. The typical stratigraphy of Arizo soils begins with an 8-inch-thick A horizon of light brownish-gray (10YR 6/2) very gravelly fine sand with 35 percent gravel. The underlying B horizon (28 inches thick) consists of light brownish gray (10YR 6/2) extremely gravelly sand (60 percent gravel, 10 percent cobbles) with few very thin coats of calcium carbonate on undersides of gravel. The C horizon (to 62 inches) consists of light brownish gray (10YR 6/2) extremely gravelly sand (60 percent gravel, 20 percent cobbles, 3 percent stones). Arizo soils lack a buried A (Ab) horizon.

a) i-iv) No Impact. The purpose of the Alquist-Priolo Earthquake Fault Zoning Act is to mitigate the hazard of surface faulting by preventing the construction of buildings used for human occupancy over an area with known faults. The nearest major fault is the Garlock Fault located approximately 54 miles west of the site. Unlike damage from ground shaking, which can occur at great distances from the fault, impacts from fault rupture are limited to the immediate area of the fault zone where the fault breaks along the ground surface. Liquefaction can occur under saturated conditions, but in this case the water table lies approximately 88 to 90 feet below ground surface, and the potential for liquefaction is very low. The proposed Project and subsequent commercial development would not expose people or structures to risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides. The Ivanpah Valley is not within an Alquist-Priolo Earthquake Fault Zone.

The Ivanpah Valley is located in Seismic Zone 3, which is relatively stable. However, in the event of a major seismic event, moderate ground shaking is expected. Structures in the region are required to be designed in accordance with the values and parameters given within the CBC standards for Seismic Zone 3 classification. Surface rupture is considered unlikely in the Proposed Project area. All development in the County is subject to construction requirements of CBC standards for Seismic Zone 3 classification and the County's Building Department review. Therefore, potential impacts would be less than significant.

b) No Impact. Commercial development of the site allowed under the GPA and CUP would be landscaped and partially covered with asphalt or concrete upon completion of development and would not be susceptible to erosion. The site is level and is not subject to substantial soil erosion. Grading of the site would presumably include cut and fill for foundations. A geotechnical (soils) report and grading and erosion control plan would be required as a condition for development approval and in accordance with the requirement of the County's grading permit application.

A geotechnical (soils) report and a grading and erosion control plan must be submitted for plan check and approval by the County Engineering Department prior to final approval of the individual construction projects. Short-term erosion effects during subsequent construction would be prevented through implementation of the erosion control plan, which includes the implementation of standard practices such as sandbags, silt fencing, and temporary detention to control on-site and off-site erosion. In order to reduce the potential for wind erosion, regular watering is required during grading Thus, substantial soil erosion or loss of topsoil is not likely to result from the GPA, CUP, and subsequent commercial development.

c & d) No Impact. Issues regarding on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse are discussed in Response 1a) above.

The Proposed Project site does not represent a significant impact regarding lateral spreading, subsidence, liquefaction, or collapse. Therefore, potential impacts would be considered less than significant. In addition, subsequent developments would be designed in accordance with applicable standards and specifications for seismic safety identified in the CBC and the San Bernardino County Building Code(s). Therefore, the potential for subsequent commercial development to result in unstable soil conditions would be less than significant.

e) No Impact. Soils testing, including percolation tests conducted by Landmark Consultants Inc. concluded that soils on the property are suitable for use of septic tanks to serve the proposed development. The final engineering plans will include identification of the septic leach field, and a separate location for a future replacement field. As a condition of approval a geotechnical (soils) report will be submitted to the County for review and approval. Therefore, no impact is anticipated, and no mitigation is recommended.

f) No Impact. No paleontological resources or unique geological features were detected during any of the site surveys undertaken in the preparation of this environmental assessment. The potential for finding fossils on the site is highly unlikely, and potential impacts are less than significant, but the following mitigation measure is recommended as a required condition of approval to be implemented in the event that fossils are discovered during grading and construction activities.

Mitigation Measure Geo-1 In the event that fossils are discovered during grading and construction activities, the Project Applicant and its contractors would be required to stop work in that area and contact the County Land Use Services office. A qualified geologist must consulted to determine whether the discovered materials are a unique paleontological resource, and to recommend appropriate handling and recovery actions to be taken, if needed to ensure that the Project would not have an adverse effect on such resources.

Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required. Mitigation measure Paleo 1 is included as a contingency measure for an unlikely potential impact.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	VIII. GREENHOUSE GAS EMISSIONS – Would the project:				
a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b)		☐	☒	☐	☐

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

SUBSTANTIATION:
San Bernardino County General Plan, 2007; Submitted Project Materials

This greenhouse gas (GHG) emissions analysis is consistent with the methods described in San Bernardino County's Greenhouse Gas Emissions Development Review Processes.[4] **Appendix A** provides a background on GHG emissions, GHG emissions regulatory framework and supporting GHG emissions calculations.

a) Less than Significant Impact with Mitigation. San Bernardino County adopted the Greenhouse Gas Reduction Plan5 (GHG Plan) in September 2011, which provides guidance on how to analyze GHG emissions and determine significance during CEQA review of proposed development projects within the County. The County includes a GHG Development Review Process that specifies a two-step approach in quantifying GHG emissions. First, a screening threshold of 3,000 metric tons of (carbon dioxide equivalents) (CO_2e) per year is used to determine if additional analysis is required. Projects that do not exceed the screening threshold of 3,000 metric tons of CO_2e per year are considered consistent with the County's GHG Plan and would be determined to have a less than significant individual and cumulative impact for GHG emissions. Projects that exceed the screening threshold of 3,000 metric tons of CO_2e per year are required to achieve a minimum 100 points per the Screening Tables or are required to achieve the equivalent level of GHG emissions efficiency as a 100-point project per the Screening Tables. Consistent with CEQA guidelines, such projects would be considered consistent with the County's GHG Plan and would be determined to have a less than significant individual and cumulative impact for GHG emissions.

CalEEMod was used to quantify GHG emissions associated with proposed project construction activities, as well as long-term operational emissions produced by motor vehicles, landscape maintenance, natural gas combustion for space and water heating, electricity use, water/wastewater conveyance and solid waste. Emission rates associated with electricity consumption were based on Southern California Edison's projected 2021 CO_2 intensity rate of 419 pounds of CO_2e per megawatt hour of electricity delivered consistent with the State's Renewable Portfolio Standard targets.6

4 San Bernardino County. *Greenhouse Gas Emissions, Development Review Processes, County of San Bernardino, California*, March 2015, http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGUpdate.pdf
5 San Bernardino County, *Greenhouse Gas Emissions Reduction Plan*, September 2011. http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGFull.pdf
6 Navigant, Analysis of the Role of Gas for a Low-Carbon California Future, July 2018, https://www.socalgas.com/1443741887279/SoCalGas_Renewable_Gas_Final-Report.pdf

Construction of the proposed project was estimated to generate approximately 238 metric tons of CO_2e in 2020. Per guidance from the South Coast Air Quality Management District (SCAQMD), construction emissions are amortized over a 30-year period to account for the contribution of construction emissions over the lifetime of the proposed project. Amortizing the emissions from construction of the proposed project over a 30-year period would result in an annual contribution of approximately 7.9 metric tons of CO_2e per year.

Operational emissions estimates assume an operational year of 2021 (the first full year the project could conceivably operate) and emissions would decrease annually in subsequent years of operation due to the phase-out of higher polluting vehicles and the implementation of more stringent emission standards. Estimated annual GHG emissions from the proposed project are presented in **Table GHG-1**.

Table GHG-1: Estimated Annual GHG Emissions (metric tons)

Emissions Source	Annual CO_2e Emissions (metric tons)
Amortized Construction Emissions	7.9
Area Sources	<0.01
Energy	20.2
Mobile Sources	7,354.6
Solid Waste	1.2
Water Usage	1.2
Total Annual Emissions Year 2021	7,385
San Bernardino County Screening Threshold	3,000
Exceeds Screening Threshold (Yes or No)	Yes

SOURCE: CalEEMod Version 2016.3.2.
NOTE: Values reflect rounding.

As shown in **Table GHG-1**, estimated annual GHG emissions from the proposed project would exceed the County's screening threshold of 3,000 metric tons of CO_2e per year. Commercial projects that exceed the screening threshold of 3,000 metric tons of CO_2e per year are required to achieve a minimum 100 points per the Screening Table for Implementation of GHG Reduction Measures for Commercial Development. **Mitigation Measure GHG-1** contains the GHG reduction measures that the proposed project would implement to achieve the minimum 100 points. (The proposed project would achieve 101 points and the full screening table for the proposed project is in **Appendix A**).

Consistent with CEQA guidelines, the proposed project with implementation of **Mitigation Measure GHG-1** would be consistent with the County's GHG Plan and would have a less than significant individual and cumulative impact for GHG emissions.

Mitigation Measure GHG-1. The Applicant shall implement the following GHG reduction measures from the County's Screening Table for Implementation of GHG Reduction Measures for Commercial Development:

- Building Envelope – Insulation: Greatly enhanced insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher). [20 points]

- Building Envelope – Windows: Greatly enhanced window insulation (0.28 or less U-factor, 0.22 or less SHGC). [12 points]
- Building Envelope – Cool Roof: Greatly enhanced cool roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance). [16 points]
- Indoor Space Efficiencies – Heating/Cooling Distribution System: Enhanced Duct Insulation (R-8). [10 points]
- Indoor Space Efficiencies – Space Heating/Cooling Equipment: Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF). [7 points]
- Indoor Space Efficiencies – Water Heaters: Improved Efficiency Water Heater (0.675 Energy Factor). [14 points]
- Indoor Space Efficiencies – Artificial Lighting: Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures; 60 lumens/watt for fixtures >40 watt). [9 points]
- Irrigation and Landscaping – Water Efficient Landscaping: Only moderate water using plants. [3 points]
- Renewable Fuel/Low Emissions Vehicles (EV Charging Stations) – Electric Vehicles: Provide one public charging station for use by an electric vehicle. [10 points]

The GHG Reduction measures shall be included as building permit conditions and verified prior to the issuance of the final certificate of occupancy.

b) Less than Significant Impact with Mitigation. The County of San Bernardino has adopted a Greenhouse Gas Reduction Plan as discussed in Impact GHG-1 above. As noted previously, the proposed project would exceed the County's screening threshold of 3,000 metric tons of CO_2e per year and would be required to achieve a minimum 100 points per the Screening Table for Implementation of GHG Reduction Measures for Commercial Development. The proposed project would implement Mitigation Measure GHG-1 to achieve the required minimum 100 points (the proposed project would achieve 101 points and the full screening table for the proposed project is in Appendix A) per the Screening Table for Implementation of GHG Reduction Measures for Commercial Development. Consistent with CEQA guidelines, the proposed project with implementation of Mitigation Measure GHG-1 would be consistent with the County's Greenhouse Gas Reduction Plan and would have a less than significant individual and cumulative impact for GHG emissions.

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
IX. **HAZARDS AND HAZARDOUS MATERIALS – Would the project:**				

a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☒	☐	☐
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 or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

a) Less than Significant Impact. The proposed Project, convenience store and fueling station, and subsequent commercial development is unlikely to generate or result in the transport of hazardous materials. Construction activities would likely involve the short-term use of hazardous materials such as oil, gas, tar, and cleaning solvents. Equipment maintenance or other activities that may release hazardous materials during construction would be conducted in accordance with existing regulations, such as National Pollution Discharge Elimination System (NPDES), to prevent soil and water contamination and accidents. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. Compliance with pertinent hazardous material regulations would reduce the potential for significant adverse impacts to below a level of significance.

b) Less than Significant Impact. The proposed Project, convenience store, fueling station and likely subsequent commercial development does not involve processes or other actions that would be likely to result in an upset or accident condition that could release significant levels of hazardous materials to the environment. The transport, use, and storage of hazardous materials on the site during construction would be limited and confined to small quantities (e.g., hydraulic oil, cleaning fluids, grease, or lubricating oils). Fuel station operations would conform to all applicable regulatory standards and will be identical to operations of fuel station throughout the State that do not result in significant hazards. The Project would not significantly impact the public or the environment through reasonably foreseeable upset and accident conditions.

c) No Impact: The Proposed Project would not use acutely hazardous materials other than gasoline and diesel fuels that will be contained and dispensed in state-of-the-art tanks and pump equipment. There is no school within one-quarter mile of the site. The nearest school is located in the City of Primm approximately five miles north of the Proposed Project site.

d) Less than Significant Impact with Mitigation. The Westmark Group (Westmark) conducted a Phase I Environmental Site Assessment (ESA) to evaluate the potential for hazardous materials on the entire ±23-acre parcel. Their assessment and recommendations are summarized here, and their full report is attached as Appendix E. The findings and conclusions discussed in the ESA are based on a site reconnaissance performed on August 20, 2019, an offsite reconnaissance of nearby properties, a regulatory records review, and a review of ownership/land use history described in detail in the report.

The ESA conformed with the scope and limitations of ASTM Practice E 1527-13. The Property was evaluated for Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), and Controlled Recognized Environmental Conditions (CRECs), and *de minimis* conditions existing onsite or resulting from offsite activities. A “de minimis condition” is defined as:

A condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions. (Source: ASTM Standard E 1527-13).

Setting

The Property is located within a predominantly vacant area with some commercial developments in the vicinity. Vacant land borders the Property to the North. Yates Well Road borders the Property to the south, beyond which lies vacant land. Vacant land borders the Property to the east. I-15 borders the Property to the west, beyond which lies vacant land.

The Property is currently developed with permanent structures and a water well system in the southern portion. All of these structures appear vacated and/or abandoned. The southeast portion of the Property is occupied by an operational cellular communication tower. For the purposes of this report, the area delineated by the functioning cellular tower compound are considered a part of the Property, however, access to within this compound was not made available at the time of our site visit or during the preparation of this report.

Evidence of past use of the Property was apparent during the site walk in the form of what appears to be a previous travel stop with a diner, potential gasoline station, automotive garage, a potential mobile home park, and a scrap yard. The Property is comprised of abandoned/vacated permanent structures in the form of mobile homes and a potential restaurant, potential gasoline station, and automotive garage. A water well structure was also observed on the Property.

Auto Garage – Various automotive, household cleaning chemicals, and paints, full or partially full containers of various capacities including shelf-size, gallon, 5-gallon, and 55-gallon volumes; including various petroleum-based chemicals observed. These containers were observed to be scattered throughout the garage in an unorganized fashion.

Metal Storage Structure – chemicals and paints, full or partially full containers of various capacities including shelf-size, gallon, 5-gallon volumes; including various petroleum-based chemicals observed.

Diner Structure and Kitchen and Storage Closet – various household cleaning chemicals observed.

Mobile Home/Trailers – various household chemicals in shelf-size volumes 55-gallon drums were also observed scattered across the southern portion of the Property. Contents of these drums were not verified, although some appeared filled with dirt or concrete. The drums had no observable labels or lettering. The drums also appeared to be scrap or repurposed as structural components or barriers. Small containers of benzene, old cans and containers of general automobile chemicals, motor oil, and lubricant were also found in some of the mobile homes onsite, particularly in the auto shop building.

Evidence of Stained or Discolored Soil, Pavement, and Vegetation

No evidence of significant spills or releases of hazardous substances was observed.

Evidence of Spills or Releases

No evidence of significant spills or releases of hazardous substances was observed on the site.

Evidence of Landfills, Dumping or Burial Activities

Evidence of dumping activities was noted on the Property in the form of miscellaneous items such as drums, wood scraps, and other materials. These items were localized in the southern area of Property around the former structures.

Significant dumping and material accumulation were observed at the wash located in the northern portion of the Property. The northern area was also discussed in the aerial photograph section. Beginning in the 1983 aerial photograph reviewed, an area near the northeast corner of the Property appeared graded with dirt-surfaced roads extending from this area to the west/south and east/south.

Although direct evidence of dumping cannot be ascertained from the aerial photograph review, the evidence observed during our site visit combined with the information gathered during the aerial photograph review suggest that dumping may have occurred and the possibility exists that this material could be buried.

Electrical Transformers and Other Potential PCB Sources

Various pole-mounted transformers were observed during the site walk on the north, south, east, and west fences of the Property.

Groundwater Wells

One private water well was noted on the Property. The well was denoted by a surface-grade pump and associated piping and appurtenances. The well system was located in the southern-central portion of the Property. A water storage tank and apparent distribution system was included near the water well.

Septic Systems

A septic system is reportedly located at the southwest corner of the Property. However, Westmark did not encounter this septic system during their site visit.

Findings

Based on the data reviewed, it is Westmark's opinion that no HRECs or CRECs exist at the Property. Two conditions were observed that are considered as Recognized Environmental Conditions (RECs) as a result of this Phase I ESA.

The first REC is the evidence of a former automotive refueling station observed in aerial photographs reviewed beginning with the 1975 aerial photograph. Surface markings in the aerial photographs are indicative of a concrete pad adjoining a building that could have been used as a parking area for the refueling of automobiles. No other evidence of an automotive refueling facility at this location was encountered during the preparation of the ESA. However, given the remote location of this Property as well as the historical practice of keeping few to no records on remote service stations, it is likely that this facility could have operated as an automotive refueling station with little to no readily-available records to indicate such.

Therefore, Westmark has determined, for the purposes of this Phase I ESA, that this facility qualifies as a REC based on the "likely presence of any hazardous substances or petroleum products in, on, or at the property" due to "conditions indicative of a release to the environment". The conditions indicative of a release in this instance is the expectation (based on precedence) of UTS from this era having a likelihood of failure which can result in the release of petroleum products into the surrounding native environmental media (soil and possibly groundwater).

The second REC is the evidence of dumping near the north/northeast corner of the Property as observed in aerial photographs beginning with the 1983 aerial photograph reviewed. Surface markings in this area depict a dirt roadway entering and exiting a larger, graded area along the north/northeast portion of the Property. There is little to no other indication in the aerial photograph as to the purpose of this graded area. Therefore, Westmark has inferred that earthwork activities have occurred in this area of the Property.

Given the remote location of this Property, and this awareness that "desert dumping" is an actual practice that is generally understood to have occurred in these remote parts of the southwestern United States, Westmark has concluded that it is likely that there was dumping of unknown material at this location with subsequent burial of such material. Given the unknown nature of this condition, Westmark has considered this a REC based on the likelihood that there could be buried hazardous materials at this location.

Westmark identified five *de minimis* conditions during the preparation of this Phase I ESA. These *de minimis* conditions are discussed below.

1. Various containers of chemicals were observed in the automobile garage of the Property. These chemicals consisted of regulated substances (benzene and other petroleum-based products) and unknown chemicals. Due to the large number of containers in the auto garage and the unorganized state of the containers, Westmark was unable to identify each individual container's contents. The automobile garage consists of a cement floor, so if any chemicals spilled, they would not likely be in direct contact with the soil or groundwater onsite. Therefore, Westmark believes the presence of these chemicals constitutes a *de minimis* condition.

2. Similar to the automobile garage, various chemicals were observed in the metal storage structure on the Property. These chemicals were also in an unorganized fashion and consisted of various petroleum-based products in various sizes. Poor housekeeping of these chemicals and the cement floor of the storage structure do not indicate a likely release to the environment. Therefore, Westmark believes the poor housekeeping of these chemicals constitutes a *de minimis* condition.
3. The AST located in the compound north of the diner is considered a *de minimis* condition by Westmark. The AST is located in an area on the Property that Westmark believes might have been a fueling station. The AST does not have any secondary containment. There were no holes observed on the AST. Additionally, there is a pipe leading from the underside of the AST. There were no compliance records known to be available on this AST.
4. A corroded drum was observed in the wash in the northeast corner of the Property. The drum was observed with holes and in poor condition. However, there were no chemicals observed in the drum that could be released to the Property. Additionally, it is unknown what chemicals, if any, were stored in the drum in the past.
5. Evidence of a water production well was observed on the Property. The operational condition of this well and its infrastructure was not evaluated as part of this Phase I ESA. However, this well represents a *de minimis* condition in that it is a potential conduit for surface contaminants to migrate into its serviceable groundwater aquifer.

Lastly, a discussion of the Las Vegas Paving Corporation facility that appears on the regulatory review database report as being on and/or near the southwestern corner of the Property, as well as being observed in the aerial photographs reviewed, is warranted. Although the southern half of the Property shows up in the EDR Radius Map under the Las Vegas Paving Corporation facility, Westmark could not find any additional recorded information about the details of these findings. A records request was submitted with US EPA regarding the site and whether any releases occurred. Records do not indicate a release occurring from this facility. Further, review of the available aerial photographs for the Property indicate a facility near the southwest corner of the Property, but not on the Property, existed for a short period of time around 2009. Therefore, Westmark does not believe the presence of the Las Vegas Paving Corporation facility in the Radius Map constitutes an REC.

Recommended mitigation measures regarding future activities and development of the Property with regard to potentially hazardous substance are listed below and will reduce potential impacts levels that are less than significant.

Mitigation Measure Haz-1. Evidence of a former automotive refueling facility was observed during the preparation of this Phase I ESA. Prior to beginning construction, performance of additional studies is required to determine whether a gasoline service station operated at this Property. The study should include the performance of a subsurface investigation using acceptable methods for reducing the uncertainty of the presence of petroleum products in the subsurface.

Mitigation Measure Haz-2. Prior to beginning construction, a subsurface study is required in the area of the observed potential dumping near the northeast corner of the Property.

Mitigation Measure Haz-3. Prior to beginning construction, the various containers of chemicals in the

auto garage, storage shed, mobile homes, and any other structures on the Property shall be properly identified, inventoried, and properly removed and disposed.

Mitigation Measure Haz-4. Prior to beginning construction, a subsurface study is required in the area near the corroded drum in the southwest area of the Property.

Mitigation Measure Haz-5. Prior to beginning construction, information on the water production well should be researched with a goal to reveal the construction specifications of this well. Further, it would be beneficial to attempt to resume water production from this well or obtain a manual grab sample in an effort to obtain a water sample for evaluation of groundwater quality. This information may prove useful if any hazardous materials are identified in the subsurface soil.

e) No Impact. The Proposed Project site is not located within two miles of any airport, and therefore the project would not represent a safety hazard for people residing or working in the project vicinity.

f) No Impact. The proposed project location does not have a private airport near the site, therefore, the construction and operations of the Proposed Project would not represent any related safety hazard for people residing or working in the area.

g) No Impact. The project site is not used for emergency response to or evacuation from adjacent areas. The proposed Project and related commercial development would not impair implementation of or physically interfere with any adopted emergency response plan or emergency evacuation plan by San Bernardino County, and no related impacts would occur.

h) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. The project would not expose people or property to wildland fire hazards. Subsequent commercial development will be constructed in accordance with fire codes established in the UBC, CBC, and County Fire Department laws, ordinances, regulations, and standards. Fire related risks are concluded to be less than significant.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	X. HYDROLOGY AND WATER QUALITY – Would the project:				
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
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 offsite;	☐	☒	☐	☐
	iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	☐	☒	☐	☐
	iv. impede or redirect flood flows?	☐	☒	☐	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

a) Less than Significant Impact with Mitigation. There is no local or regional wastewater treatment system that the proposed highway commercial development could connect to, and the proposal includes development of an onsite septic tank and leach field system for wastewater management. As a part of its review of the development application, the County Land Development Division requested that a geotechnical assessment identify site-specific requirements for the proposed sewer leach field. Landmark Consultants, Inc. conducted a total of four (4) percolation tests on November 6 and 7, 2019 at this site to evaluate whether soils on site are suitable for use with septic system to serve the project, whether there is sufficient space on the property to accommodate the leach field system, and whether the system can be built with adequate separation from the underlying water table. The results of their assessment are summarized here; their complete "Soil Percolation Report" is presented in Appendix G.

The percolation tests were performed to the San Bernardino County percolation report standard, as described in the "*On-Site Waste Water Disposal System*" document published by the San Bernardino County Department of Environmental Health. The tests were performed using a 6-inch diameter, hand auger boreholes made to a depth of 4.0 feet below the existing ground surface. The test pits were filled with water (5 gallons bottle) and tests were performed the next day after two consecutive 30 minutes readings with more than 6 inches drop in the test holes. Based on these two readings the "sandy soil" test criteria were determined to exist at the site and six (6) 10-minute interval readings were taken for an hour period until a stabilized drop was recorded.

The test results indicate that the stabilized percolation rate (based on the average of the last 3 readings) in the soil ranges from 3.8 minute per inch to 4.1 minutes per inch, The fines content of the native sand is 20% to 36% passing the #200 (0.08 mm) sieve and 79% to 88% passing the #10 (2 mm) sieve. Based on the data presented in the report and using the recommendations set forth, Landmark concluded that there is sufficient area on the subject parcel to support on-site sewage disposal (leach field) that will meet the current standards of the Regional Water Quality Control Board.

Groundwater was not encountered in the borings. Well information collected near the subject site has indicated that the ground water level ranges from elevation 2520 to 2521 (88 to 90 feet below the ground surfaces) in the last 50 years. Therefore, Landmark also concluded that the groundwater table will not encroach within the current allowable limit set forth by County and State requirements. Landmark's recommendations for the septic system design are included as a required condition of project approval as the following mitigation measure and will reduce potential impacts to levels that are less than significant.

Mitigation Measure HYDRO-1. A maximum soil percolation rate of 3.8 minutes per inch (mpi), and the design rate of 0.83 sq-ft/gal/day may be used for leach field design. The leach lines shall be designed with 18-inch soil cover with 12 inches of leach field rock below the leach lines and 2 inches of leach field rock above the leach lines. The designed system shall be located at the depth of the percolation tests performed (4 feet bgs).

b) No Impact. The proposed commercial development will be supplied by an on-site well and storage tank system. Water consumption on-site would be commensurate with the proposed commercial land use. They would also be consistent with the County's commercial land uses and zoning. Therefore, the proposed project would not have a significant impact on groundwater supplies and would not interfere with groundwater recharge. There is no applicable sustainable groundwater management plan for this groundwater basin.

c. i-iv) Less than Significant Impact with Mitigation. No existing drainages cross the site, and the property is essentially level ground with no potential to produce scouring runoff that could result in erosion or siltation on adjoining lands. Development of the site would result in construction of multiple structures, impervious surfaces, and landscaped areas on a relatively flat and previously graded parcel. It would not significantly impact the existing drainage pattern of the site and would route stormwater for detention within the site.

Implementation of the SWMP and site construction and post-construction BMPs in compliance with the regional NPDES permit would ensure that site grading would not substantially alter the existing drainage pattern of the site or area. Subsequent development would be required to design all storm water facilities to meet or exceed County requirements and would identify and include these facilities in construction documents and specifications. The Project would improve the existing drainage pattern and would not create or contribute to the exceeding capacity of an existing stormwater drainage system.

During subsequent development construction activities will include installation of new buildings, surface parking, and landscape / hardscape improvements during which time there is a potential for pollutants to enter stormwater runoff. These include loose soils and organic matter, construction wastes, equipment fluids, and cleaning and maintenance solvents. Conveyance of these materials into the storm drain system would lead to pollutants which could degrade stormwater quality and down-gradient runoff.

The stormwater management system will be designed so that runoff is controlled to prevent erosion during construction and during the postconstruction period. Because the disturbed area is greater than one-acre coverage must be obtained under the Statewide Construction General Order (2009-0009-DWQ). The County and Water Board require a Stormwater Pollution Control Plan be prepared that identifies applicable stormwater Best Management Practices (BMPs) and defines how they are to be implemented. The link to the general order is:

https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

The following mitigation measure is recommended as a condition of project approval and will reduce potential impacts levels that are less than significant.

Mitigation Measure HYDRO-2. Prior to commencing construction, a Stormwater Pollution Control Plan must be prepared that identifies applicable stormwater Best Management Practices (BMPs) and defines how they are to be implemented. The stormwater management system will be designed so that runoff is controlled to prevent erosion during construction and during the postconstruction period. Because the disturbed area is greater than one-acre coverage must be obtained under the Statewide

Construction General Order (2009-0009-DWQ).

d) No Impact. Development of general commercial uses at the site would not expose people or structures to a significant risk of loss, injury, or death of flooding. The project site is approximately 2,625 feet above MSL and more than 250 miles from the Pacific Ocean and is not subject to tsunamis. The property is surrounded by level lands and there are no potential impacts associated with a seismic seiche. Therefore, there are no impacts associated with flooding from tsunami or seiche or related risk of pollutants being released. The property is not located within the 100-year floodplain of any local water body and there will be no potential for related flood hazard impacts.

e) No Impact. The proposed project is required to conform with all applicable water quality protection requirements and will not conflict with or obstruct implementation of a water quality control plan. There is no applicable sustainable groundwater management plan adopted for the Ivanpah Valley.

The Lahontan Regional Water Quality Control Board (Water Board) provided recommendations to the County pertaining to the proposed water and wastewater treatment systems to be developed to serve the proposed development at the project site, and regarding stormwater management. (Email from Jay Cass, P.E., Senior Water Resources Control Engineer at the Lahontan Water Board to Magda Gonzalez, Senior Planner, San Bernardino County, April 15, 2020.)

There is an existing well on the site that served the previous diner, gas station and RV park on the property. That well will be destroyed according to the California Department of Water Resources (DWR) Well Standards Bulletins 74-81 and 74-90.

A new well and water storage tank will be constructed at the northeast corner of the property. Well construction will conform to California Department of Water Resources Well Standards as defined in DWR Bulletins 74-81 and 74-90. The new well will be located on the site to ensure minimum separation distances are maintained between the well and leach field, including the future replacement leach field.

The onsite wastewater treatment system (OWTS) septic tank and conventional leach field are shown on the site plan to be located on the west side of the property adjacent to the I-15 northbound on-ramp. A 100% replacement area leach field must also be shown. The OWTS discharges must conform to the approved San Bernardino County Local Agency Management Program (LAMP) in terms of discharge flow for the lot size, and to ensure that OWTS discharges are protective of receiving groundwater quality.

The Lahontan Water Board also recommended that existing groundwater quality data should be collected from either the existing well or proposed new well and provided to the County as a permanent record of baseline, pre-project conditions. Analysis should include all general minerals (including nitrate and total dissolved solids) and bacteria. The Water Board also notes that Chevron Corporation remains responsible for groundwater cleanup at the New Ivanpah Evaporation Pond, located 8,000 feet east of the project site. Groundwater at that location contains elevated total dissolved solids, radionuclides, and nitrate. The regional topography slopes from west to east in the area where the project site is located which is generally indicative of the groundwater flow direction, and it is not likely that Ivanpah New Evaporation Pond groundwater plume extends this far west and upgradient, however, further analysis is necessary to determine whether the project's proposed new well would be affected by these constituents, or whether the new well would affect the Ivanpah New Evaporation Pond groundwater plume.

The following mitigation measures are recommended as conditions of project approval and will reduce potential impacts levels that are less than significant.

Mitigation Measure HYDRO-3. The existing well on the site will be destroyed according to the California Department of Water Resources (DWR) Well Standards Bulletins 74-81 and 74-90.

Mitigation Measure HYDRO-4. Construction of the new well and water storage tank will conform to California Department of Water Resources Well Standards as defined in DWR Bulletins 74-81 and 74-90. The new well will be developed on the site in a location that provides minimum separation distances are maintained between the well and leach field, including the future replacement leach field.

Mitigation Measure HYDRO-5. Prior to approval of the final map, a 100% replacement area leach field must be identified. Leach field discharges must conform to the approved San Bernardino County Local Agency Management Program (LAMP) in terms of discharge flow for the lot size, and to ensure that discharges are protective of receiving groundwater quality.

Mitigation Measure HYDRO-6. Prior to commencing construction, existing groundwater quality data should be collected from either the existing well or proposed new well and provided to the County as a permanent record of baseline, pre-project conditions. Testing should include all general minerals (including nitrate and total dissolved solids) and bacteria.

Mitigation Measure HYDRO-7. Prior to development of the new well, a qualified hydrogeologist should be consulted to evaluate likely pumping rates and groundwater conditions to determine whether the project's new well could be affected by the constituents in the groundwater cleanup at the New Ivanpah Evaporation Pond, or whether the new well would affect the Ivanpah New Evaporation Pond groundwater plume.

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XI. LAND USE AND PLANNING – Would the project:				

a)	Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☐	☒

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

a) No Impact. The project site is located at a fully functioning interstate highway interchange at an isolated location south of the California / Nevada border. There is no established community in the vicinity of the property, and it is a highly suitable location for a highway commercial development intended to serve passing motorists on this busy travel corridor between the Los Angeles region and Las Vegas. The Project has no potential to divide an established community.

b) No Impact. The property is designated as a resource conservation zone in the County's General Plan, and the Applicant has applied for General Plan Amendment (GPA) to designate the property for highway commercial development. A Conditional Use Permit (CUP) has also been requested to allow initial development of the property with the proposed Terrible Herbst convenience store and fueling station. Subsequent highway commercial development will be subject to separate project specific assessment, including review under CEQA. Future uses are unknown at this time and therefore too speculative to assess. However, the nature of typical highway commercial development is not likely to include proposed uses that would conflict with land use policies to avoid or mitigate adverse environmental effects.

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

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	XII. MINERAL RESOURCES - Would the project:				
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	

SUBSTANTIATION: *(Check ☐ if project is located within the Mineral Resource Zone Overlay):*

San Bernardino County General Plan, 2007; Submitted Project Materials

a & b) No Impact. There are no significant or valuable mineral deposit sites within the vicinity of the project site. The project site does not contain a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, the project would have no impact on mineral resources.

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

Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XIII. **NOISE - 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?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

SUBSTANTIATION:	*(Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the General Plan Noise Element ☐):*
San Bernardino County General Plan, 2007; Submitted Project Materials	

a) Less than Significant. Existing noise levels at this property come from traffic along the I-15 corridor and are experienced 24 hours a day. Noise sensitive receptors (land uses associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise) typically include residential dwellings, hospitals, nursing homes, educational facilities, and libraries. Surrounding land uses contain no sensitive receptors and noise associated with construction and subsequent commercial activities would be typical of such operations throughout the County. Therefore, noise associated with the proposed Project, convenience store and fueling station and subsequent commercial development would not have significant adverse impacts and noise reduction mitigation measures are not required.

b) Less than Significant. For subsequent commercial development consistent with the proposed Project, construction activities would create noise from construction equipment operation and vibration from grading activities. Soil grading and compaction would also occur during construction of buildings. Project construction may cause temporary, intermittent, minor increases in groundborne vibration and groundborne noise levels. Standard earth moving construction equipment such as rubber-tired loaders, excavators, and haul trucks would be used during construction in accordance with County regulations. However, this standard construction equipment would not be expected to cause excessive groundborne vibration or groundborne noise levels, and there are no sensitive receptors in the area. Therefore, there are no potential impacts associated with excessive groundborne vibration or noise levels.

c) No Impact. The project site is not located in the vicinity of a public airport or airstrip that would result in any impacts, either on-site or off-site, and there is no potential for impacts related to these issues.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIV. POPULATION AND HOUSING - 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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials.

a) No Impact. Subsequent commercial development allowed with the proposed Project would not include the extension of off-site roadways or other major infrastructure which could lead to substantial population growth. Commercial development would provide employment opportunities for residents in San Bernardino County. Therefore, the Project would not directly or indirectly induce substantial growth, and there would be no adverse impact to population and housing.

b) No Impact. No existing housing would be displaced. The site is currently designated “Resource Conservation” and was previously used for a diner, gas station and small RV Park. The GPA “General Commercial” designation to allow commercial development instead is not expected to substantially increase the demand on local housing for employees. The employment opportunities for the short-term construction and commercial uses of the property would be expected to be met through the local and existing workforce. No significant impacts to housing would occur.

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

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

XV. PUBLIC SERVICES

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

Fire Protection?	☐	☒	☐	☐
Police Protection?	☐	☐	☒	☐
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other Public Facilities?	☐	☐	☐	☒

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

a). i***.Fire protection***

Less than Significant Impact with Mitigation Incorporation. There are no potential "*physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities"* that will result from the proposed land use change and highway commercial development. The property is not in close proximity to a County or City fire department.

The Proposed Project includes a 7,500 square foot convenience store, standard vehicle fueling stations under a canopy, truck fueling stations under a separate canopy, and underground fuel farms serving the filling stations. The convenience store building is planned to be sprinklered, and will meet Type V-A construction standards for structural framing and bearing walls to have a one-hour fire-resistance rating, meaning a fire would take an hour to burn through the wall. The canopies will be sized to be within area limitations such that sprinklers will not be required for the canopies. The site is not served by a municipal water supply. The County General Plan designates this property as being within the Fire Safety Review Area and all future construction shall adhere to all applicable standards and requirements of the overlay district.

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

The County Fire Prevention Specialist Curtis Markloff has developed fire conditions for the initial development of the convenience store and fueling station (San Bernardino County Fire Protection District, letter to GK3 Architecture July 16, 2019, included in Appendix G). Fire conditions for subsequent highway commercial development on the property are too speculative to develop at this time, and each subsequent development proposal will need to go through a separate application review process.

Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The fire flow required for the 7,500 square-feet convenience store shall be 1,500 gallons per minute (GPM) for a two-hour duration at 20 pounds per square-inch (psi) residual operating pressure.

Fire Conditions cover an extensive range of specifications for equipment, signage, building standards, site access, construction timing, vegetation control and more. Because there is always potential for fire to occur at a fueling station, adherence to all of the identified fire conditions is identified as a mitigation measure, and when fully implemented, will reduce the potential for fire emergencies to a level that is less than significant.

Mitigation Measure PS-1. Prior to initiating construction at the site, the Applicant shall consult with the San Bernardino County Fire Protection District for final review of site design, building specification, and fire safety systems and obtain all applicable Fire Condition construction permits. Final plans and specifications must include all aspects of the July 16, 2019 letter from the Fire Protection District contained in Appendix F of this IS/MND. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Fire Protection District.

ii. *Police Protection*

Less than Significant Impact. There are no potential "*physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities"* that will result from the proposed land use change and highway commercial development. The property is not in close proximity to a County or City sheriffs or police department. California Highway Patrol does patrol the I-15, and patrol cars pass Yates Well Road on a regular basis.

Although they are likely to be similar, security conditions for subsequent highway commercial development on the property are too speculative to develop at this time, and each subsequent development proposal will need to go through a separate application review process.

For the convenience store and fueling station security cameras will be installed covering the main driveway, all areas around the fueling canopies, and multiple vantage points within the convenience store. Cameras will be connected to a secure server, with 24-hour recording downloaded and maintained for at least 14 days. Other than the main entry way for customers, building doors will alarmed and locked except when in use for deliveries. These systems should provide adequate security for the convenience store and fueling station, and with these design features in place, demand for police services would be less than significant. No additional mitigation measures are recommended.

iii. – v *Schools, parks, or other public facilities*

No Impact. Typical highway commercial development would not have a direct physical impact on any school, park, libraries, or other public facilities. The Project does not include a residential component and therefore would not result in a direct population increase or direct or indirect effect on such facilities or services. There are no schools, parks, or other public facilities in the vicinity.

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	XVI. RECREATION				
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☐	☒
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?	☐	☐	☐	☒
	SUBSTANTIATION:				
	San Bernardino County General Plan, 2007; Submitted Project Materials				

a, b) No Impact. The proposed Project and subsequent commercial development would not require the expansion of existing recreational facilities or the construction of new recreational facilities. Therefore, the proposed project would not impact any proposed recreational facilities in the area.

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

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
	XVII. TRANSPORTATION – Would the project:				
a)		☐	☐	☒	☐

	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☒	☐
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d)	Result in inadequate emergency access?	☐	☐	☒	☐

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials

A comprehensive Traffic Impact Assessment (TIA) was prepared for the project by Urban Crossroads, Inc. for the project based upon initial consultation and scoping with the County and Caltrans. Findings and recommended measures to be incorporated as mitigation for this project identified in the TIA are summarized in this section. The complete TIA is presented in Appendix D. The CEQA Guidelines have been updated to reflect current policy for assessing the environmental effects of projects, with an emphasis on "Vehicle Miles Traveled" rather than "Levels of Service" as has been done in the past, (2020 CEQA Guidelines, §15064.3). The County and Caltrans are also concerned about traffic safety, flow, and congestion. For that reason, this assessment starts with the four questions posed in the CEQA Guidelines Appendix G checklist shown above, followed by presentation of traffic impact considerations and recommendations developed in the TIA.

a) Less than Significant Impact. The Proposed Project includes a new highway commercial development in an area of very limited development. It is designed to take advantage of the existing traffic flow on the adjacent I-15 corridor by providing services and basic goods to passing travelers. Therefore, the only existing circulation system in question is the existing short segment of Yates Well Road extending from the interstate ramps to the project site and proposed driveways, and proposed circulation internal to the proposed project site. The General Plan does identify a potential long-term circulation system involving this segment of Yates Well Road, which is discussed in the TIA and included below. There is no provision of transit, bicycle, or pedestrian facilities in the area, and the Proposed Project has no significant adverse impacts and no mitigation measures are required.

Traffic Impact Assessment

This traffic impact analysis (TIA) has been prepared for the proposed project, and addresses both short term and long term traffic conditions that will occur with the initial development of the convenience store and fueling station, and the ultimate buildout of the property with related highway commercial development.

The purpose of this traffic impact analysis is to evaluate the potential circulation system deficiencies that may result from the development of the proposed Project, and to recommend improvements to achieve acceptable circulation system operational conditions. This traffic study has been prepared in accordance with the San Bernardino County Congestion Management Program (CMP) *Guidelines for CMP Traffic Impact Analysis Reports* (Appendix B, 2016 Update), the *San Bernardino County Transportation Impact Study Guidelines* (July 9, 2019), and through consultation with County of San Bernardino staff during the scoping process.

Vehicular and truck traffic access will be provided via one driveway located near the east edge of the Project site, providing access via Yates Well Road. Emergency access will also be available via a gated access at the I-15 northbound Ramp. Regional access to the Project site is available from the I-15 freeway via the Yates Well Road interchange. (See Exhibits 1-1 and 1-2.)

Trips generated by the Project's proposed land uses have been estimated based on trip generation rates included in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, 2017. The Project is estimated to generate a net total of 5,071 trip-ends per day on a typical weekday with approximately 618 AM peak hour trips and 506 PM peak hour trips, and a major portion of these trips are already traveling on the adjacent freeway and are diverted to/from the project (3,651 daily, 446 AM peak hour, and 364 PM peak hour diverted trips).

For the purposes of this traffic study, potential impacts to traffic and circulation have been assessed for each of the following conditions:

- Existing (2019)
- Opening Year Cumulative (2021) Without Project
- Opening Year Cumulative (2021) With Project
- Horizon Year (2040) Without Project
- Horizon Year (2040) With Project ±15 Acre Commercial

The proposed commercial development will require County approval of a General Plan Amendment (GPA), rezoning and a Conditional Use Permit (CUP) to designate the property for "Commercial Highway" (CH) use. The applicant proposes that the GPA and rezoning will apply to a ±20-acre parcel, with a Tentative Parcel Map (TPM) to divide the five-acres for the convenience store and fueling station. Cross access will be provided to the northern ±15-acre portion of the site for possible future development. The Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial scenario will account for future traffic conditions with development of the entire ±23.50-acre parcel.

Existing (2019) Conditions

Existing (2019) conditions represents the baseline traffic conditions as they existed at the time this report was prepared. Peak period traffic counts have been conducted at the existing ramp intersections along Yates Well Road and mainline I-15 volumes have been extracted from Caltrans Performance Measurement System (PeMS) database for a typical Fall 2019 week (October 13 to October 19).

Opening Year Cumulative (2021) Conditions

To account for growth in traffic between Existing (2019) traffic conditions and the Project Opening Year Cumulative (2021), a growth rate of 4.04 percent was assumed (2.0 percent per year, compounded annually over 2 years). The 2.0 percent annual growth rate is intended to capture non-specific ambient traffic growth.

Horizon Year (2040) Conditions

Traffic projections for Horizon Year (2040) with Project conditions were derived from the San Bernardino County General Plan. The Horizon Year (2040) conditions analysis are utilized to determine long range cumulative lane requirements.

Study Area Intersections

The following three study area intersections listed in Table 1-1 and shown on Exhibit 1-2 were selected for this TIA:

Table 1-1: Intersection Analysis Locations

ID	Intersection Location
1	I-15 Southbound Ramps & Yates Well Road
2	I-15 Northbound Ramps & Yates Well Road
3	Project Driveway & Yates Well Road

Study Area Freeway Mainline Segments

The freeway mainline analysis locations include the segments on either side of the I-15 Freeway and Yates Well Road interchange. The study area freeway mainline analysis locations include four I-15 Freeway mainline segments for the northbound and southbound directions of flow as listed in Table 1-2.

Table 1-2: Freeway Mainline Segment Analysis Locations

ID	Freeway Mainline Segments
1	I-15 Freeway – Southbound, North of Yates Well Road
2	I-15 Freeway – Southbound, South of Yates Well Road
3	I-15 Freeway – Northbound, North of Yates Well Road
4	I-15 Freeway – Northbound, South of Yates Well Road

Study Area Freeway Merge/Diverge Ramp Junctions

The study area freeway merge/diverge ramp junction analysis locations include four I-15 freeway ramp junctions for both northbound and southbound directions of flow as listed in Table 1-3:

Table 1-3: Freeway Merge/Diverge Ramp Junction Analysis Locations

ID	Freeway Merge/Diverge Ramp Junction Analysis Locations
1	I-15 Freeway – Southbound, Off-Ramp at Yates Well Road
2	I-15 Freeway – Southbound, On-Ramp at Yates Well Road
3	I-15 Freeway – Northbound, On-Ramp at Yates Well Road
4	I-15 Freeway – Northbound, Off-Ramp at Yates Well Road

Levels of Service

This section provides a summary of study area service levels. Section 2 *Methodologies* provides information on the methodologies used in the analysis and Section 5 *Opening Year Cumulative (2021) Traffic Conditions*, and Section 6 *Horizon Year (2040) Traffic Conditions* includes the detailed analysis.

Existing (2019) Conditions

The two existing study area intersections (I-15 Southbound Ramps at Yates Well Road and I-15 Northbound Ramps at Yates Well Road) were found to operate at an acceptable LOS (LOS D or better) during the peak hours under Existing traffic conditions.

Opening Year Cumulative (2021) Conditions

The study area intersections are anticipated to operate at an acceptable LOS during the peak hours under Opening Year Cumulative (2021) Without Project and With Project traffic conditions, with access improvements. Basic freeway segment analysis and freeway merge / diverge analysis do not result in any study area deficiencies for Opening Year Cumulative (2021) Without Project and With Project traffic conditions.

Horizon Year (2040) Conditions

Study area intersections are anticipated to operate at an acceptable LOS during the peak hours under Horizon Year (2040) Without Project conditions. Without added lane improvements, the following study area intersections are anticipated to operate at a deficient LOS during one or both peak hours under Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial traffic conditions:

- I-15 Southbound Ramps & Yates Well Road (#1) – LOS F AM and PM peak hours
- I-15 Northbound Ramps & Yates Well Road (#2) – LOS E PM peak hour only
- Project Driveway & Yates Well Road (#3) – LOS F AM and PM peak hours

With cumulative future lane improvements (see Exhibit 6-5), acceptable LOS operations are provided at study area intersections.

Basic freeway segment analysis and freeway merge / diverge analysis do not result in study area deficiencies for Horizon Year (2040) Without Project and With Project traffic conditions.

Friday and Weekend Traffic Conditions

This section provides information regarding peak hours on a Friday and weekend day (Sunday), when traffic conditions are worse than typical mid-week peak hours. Directional mainline I-15 traffic volumes on weekdays, Friday, and weekend days have been extracted from the Caltrans Performance Measurement System (PeMS) database for a typical Fall 2019 week (October 13 to October 19). These volumes are utilized to estimate traffic conditions with the project in the study area for afternoon peak hours on a Friday and peak weekend day (Sunday).

The results of the Friday and weekend Opening Year (2021) With Project conditions indicates that study area intersections experience acceptable operations, with Project access improvements (see Exhibit 5-3). Basic freeway segment analysis and freeway merge / diverge analysis do not result in any study area deficiencies for Friday and weekend Opening Year Cumulative (2021) With Project traffic conditions.

As part of the conditions of approval for the proposed Project the applicant shall comply with all requirements stipulated by the San Bernardino County Traffic Division and Caltrans, which will include:

1) Opening Year Cumulative (2021) With Project Roadway Segment Improvements. The following roadway segment improvements are necessary to accommodate site access:

    - Between the I-15 northbound intersection and the main Project entry, a transitioning width of paved roadway is required on the north side of the roadway centerline as shown on Exhibit 5-3.
    - Between the I-15 northbound intersection and the main Project entry, Yates Well Road shall be improved to accommodate one eastbound travel lane on Exhibit 5-3.

2) Opening Year Cumulative (2021) With Project Right-of-Way Dedication. The Project should dedicate 52 feet of right-of-way for ultimate provision of a Major Highway half section along the Project frontage as indicated on Exhibit 5-3.

3) Opening Year Cumulative (2021) With Project Intersection Improvements

Project Driveway & Yates Well Road (#3)

Construct the Project driveway at Yates Well Road as follows:

- Provide stop control for travelers exiting the Project driveway
- Construct north leg with one shared outbound left/right turn lane, and one inbound lane
- Provide eastbound shared left/through lane

- Provide appropriate paved roadway transitions to existing dirt roads east and south of the intersection (see Exhibit 5-3).

4) Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial Roadway Segment Improvements

Contribute on a fair share basis to the following roadway segment improvements to accommodate future cumulative conditions and maintain consistency with the San Bernardino General Plan:

Yates Well Road should ultimately be widened to provide Major Highway half-section width, including one westbound through lane, one westbound right turn lane (for I-15 northbound ramp access), one eastbound left turn lane, one eastbound through lane, and one eastbound right turn lane (for the Yates Well Road – Ivanpah Road corridor) along the Project frontage.

5) Horizon Year (2040) With Project and Adjacent ±15 Acre Commercial Intersection Improvements

Contribute on a fair share basis to the following intersection improvements to accommodate future cumulative conditions and maintain consistency with the San Bernardino County General Plan:

I-15 Southbound Ramps & Yates Well Road (#1) –

- Provide traffic signal control
- Add southbound left turn lane

I-15 Northbound Ramps & Yates Well Road (#2) –

- Provide traffic signal control
- Add northbound right turn lane

Project Driveway & Yates Well Road (#3) – Update the Project driveway intersection configuration at Yates Well Road as follows:

- Provide traffic signal control
- Construct south leg of the intersection to include one northbound left turn lane and one northbound shared through/right lane
- Provide separate southbound right turn lane
- Provide separate eastbound left turn lane
- Provide separate eastbound right turn lane.

Truck turning paths are addressed in coordination with site lane recommendations on Exhibit 5-3 (for Opening Year 2021) and 6-5 (for Horizon Year 2040).

Vehicle Miles Travelled (VMT)

CEQA procedures for determination of transportation impacts have recently changed to an evaluation of Vehicle Miles Traveled (VMT) rather than vehicle delay or level of service, due to Senate Bill 743 (SB 743). The County of San Bernardino VMT Analysis Guidelines provide a structure for evaluating VMT on a project level basis. Vehicle delay and level of service are still used in County of San Bernardino traffic studies, as presented in earlier sections of this traffic study.

San Bernardino County VMT Analysis Guidelines

The Transportation Impact Study Guidelines for San Bernardino County includes a CEQA Assessment - VMT Analysis section providing recommendations regarding VMT analysis procedures. Projects are first screened to determine if they serve the local community and have the potential to reduce VMT.

Although the Project is not serving a local community, it provides services to an existing adjacent freeway corridor, resulting in very short trip lengths for traffic that is diverted from the freeway to interact with the gas station and convenience store.

For purposes of SB 743 compliance, the County requires a VMT analysis for land use projects as deemed necessary by the Traffic Division, typically if the Project has the potential to increase the average VMT per Service Population (SP), which in this case consists of employment and visitors.

Normalizing to VMT per SP provides a transportation efficiency that allows for comparison of the project to the remainder of the unincorporated area for purposes of identifying transportation impacts.

Based on the SCAG Connect SoCal Plan Draft PEIR (December 2019), VMT/capita for all vehicles in 2019 was estimated at 28.27 for San Bernardino County. The county average of 28.27 VMT was applied to the Project primary trips which represent potential induced travel activity associated with the Project. The nearest city to the Project (Primm, Nevada) is approximately 13 miles away, so 28 miles per trip is a reasonable estimate for primary Project trips.

The mileage per diverted trip was developed via calculating the length of travel for vehicles exiting the I-15 southbound, traveling to the Project and back to the I-15 southbound in comparison to continuing on the I-15 southbound through the study area. This diversion of less than a mile was then applied as the average Project diverted trip length.

Project Employment, Visitation, and VMT Estimates

Approximately 30 employees and 2,506 visitors per day are anticipated for the Terrible Herbst Convenience Store and Fueling Station. The estimate of visitors to the Project is consistent with Client forecasts as well as trip generation estimates.

Approximately 72% of the trips generated by the Project are not new trips, but instead would be trips already traveling on the adjacent freeway that are diverted to the project. Diverted linked trips occur when vehicles already traveling on I-15 exit the freeway to purchase gas or food at the project, then continue back onto the freeway.

The following summary presents the Project VMT for both primary and diverted trips.

Project Travel Component	Daily Trip Generation	Average Trip Length	Project VMT
Primary Trips	1,420	28.2	40,044
Diverted Trips	3,621	0.67	2,426
Total	5,041	8.42	42,470

The resulting total Project VMT amounts to approximately 42,470 annual vehicle miles traveled. When compared to the total Service Population (SP) of 2,536 (30 employees and 2,506 visitors), the resulting VMT / SP is 16.7, which is less than the County average per SP and considered a less than significant impact based upon County criteria.

b) Less than Significant Impact. CEQA Guidelines section 15064.3, subdivision (b)(1) pertains to criteria for analyzing transportation projects for land use projects, and states in part:

> *"Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant traffic impact."*

The Proposed Project is located at the Interstate 15 on and off ramps accessing Yates Well Road and is therefore determined to have no conflicts or inconsistency with the applicable CEQA Guidelines.

c) Less than Significant Impact. The existing interstate ramp system and segment of Yates Well Road accessing the property do not present any hazards due to geometric design, or conflicts with incompatible uses such as farm equipment. All intersections do have potential hazards related to high traffic volume, which are routinely addressed with signage and signalization. These are unrelated to "Vehicle Miles Traveled" but do pose significant safety and traffic flow issues which are addressed in the subsequent presentation of the TIA findings and recommendations. As part of the conditions of approval the applicant will comply with County Traffic and Caltrans rules and regulations.

d) Less than Significant Impact. As shown in the site plan, primary access to the project site would be from ingress and egress driveways on the north side of Yates Well Road. A secondary emergency ingress and egress access is part of the proposed plan and extends from the northbound I-15 on ramp to the convenience store and fueling station parking areas. Additional emergency access that may be needed for subsequent commercial development of the balance of the property will be determined as a part of environmental review when those proposed uses are better defined. As a condition of approval the applicant shall comply with all County Fire requirements including providing two points of access.

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

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials

a & b) No Impact. The County did send letters offering to consult with all local and regional tribal organizations that have requested to be consulted for all County projects. The only tribal response was from the Colorado River Indian Tribes (CRIT). CRIT stated that they do not have any specific comment on the proposed project and instead defer to the comments of other affiliated tribes. They did note concern about the potential removal of artifacts from this area and corresponding destruction of the Tribes' footprint on this landscape, and they requested that all prehistoric cultural resources, including both known and yet-to-be-discovered sites, be avoided if feasible. If avoidance of a prehistoric cultural resources site is infeasible, then the Tribes request a mitigation measure(s) be added as a condition of project approval that the resources be left in-situ or reburied in a nearby area, after consultation. Finally, CRIT requested to be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, artifacts are identified during ground disturbance. This mitigation measure has been added in this Initial Study.

The site does not contain any buildings, structures, or sites which could be designated as historic resources. The change in land use designation will not have any effects on cultural resources. (See also Cultural Resources section herein, and the detailed Cultural Resources Assessment in Appendix C.) Subsequent development is not expected to cause a substantial adverse impact on cultural resources, however, it is always possible that unforeseen artifacts could become uncovered during construction activities. In that event, the Project Applicant and its contractors would be required to adhere to all County and State of California procedures, including CEQA Guidelines §15064.5, regarding stoppage of work, handling of uncovered resources, and notification of proper authorities to ensure that the Project would not have an adverse effect on such resources.

The Project site does not lie near any known cemeteries. Therefore, the potential for finding human remains on the site is highly unlikely. In the unlikely event that human remains are exposed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) and all tribal organizations that have requested to be on the County's list which will consult and determine and notify a Mostly Likely Descendent (MLD). The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. In addition, if at any time any human remains are discovered the applicant and contractor are required to notify the San Bernardino County Land Use Service Department in writing in writing of the discovery within 24 hours. Compliance with this State code section would ensure that impacts would be below a level of significance. These requirements are included as a mitigation measure (CULT-2) in the cultural resources section above.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XIX.	**UTILITIES AND SERVICE SYSTEMS -** 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?	☐	☐	☐	☒
b)	Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

SUBSTANTIATION:

County of San Bernardino General Plan 2007; Submitted Project Materials

a) No Impact. The Proposed Project does not require relocation or construction of new utilities that could cause significant environmental effects. The development would be served by a new water well on the property, with wastewater disposal using a septic tank and leach field. As discussed in the hydrology section above, stormwater will also be managed on site and will not connect to any regional stormwater system. Southern California Edison Company (SCE) has confirmed that electric power for the convenience store and fueling station can be served from the existing 33kV circuit that crosses the property. Subsequent highway commercial development will need to coordinate with SCE to determine load requirements and available capacity as development applications are being prepared. There is no natural gas line extending to the property at present and no proposed uses that would rely upon natural gas. A cellular telecommunications tower is located on the southeast corner of the property and will not require relocation or new construction. Therefore, the Proposed Project has no potential to result in significant adverse effects related to these utilities and service systems.

b) No Impact. The Proposed Project will obtain all needed water supplies from a new well to be developed on the property and will not rely upon a surface water system or municipal water system that is subject to variable supplies in dry and multiple dry years. The groundwater basin is classified as "very low" priority by the California Department of Water Resources (DWR), based upon its evaluation of multiple criteria including:

1. The population overlying the basin or subbasin.
2. The rate of current and projected growth of the population overlying the basin or subbasin.
3. The number of public supply wells that draw from the basin or subbasin.
4. The total number of wells that draw from the basin or subbasin.
5. The irrigated acreage overlying the basin or subbasin.
6. The degree to which persons overlying the basin or subbasin rely on groundwater as their primary source of water.
7. Any documented impacts on the groundwater within the basin or subbasin, including overdraft, subsidence, saline intrusion, and other water quality degradation.
8. Any other information determined to be relevant by the department, including adverse impacts on local habitat and local streamflows.[7]

Therefore, it is concluded that a groundwater well should provide sufficient water supplies to serve the proposed convenience store and fueling station and subsequent highway commercial development during normal, dry, and multiple dry years.

c) No Impact. Wastewater disposal would be managed using a septic tank and leach field onsite and will not place any demands on a local or regional wastewater treatment provider.

d) No Impact. The proposed highway commercial development does not include any unique aspects that would result in the generation of excessive solid waste, or impede recycling and waste reduction goals, and would not result in exceeding the capacity of local or regional waste management facilities.

e) No Impact. All development within the County is required to comply with all federal, State and local regulations related to solid waste such as the California Integrated Waste Management Act and County recycling programs; therefore, no significant impacts related to waste management would occur.

[7] Source: https://water.ca.gov/Programs/Groundwater-Management/Basin-Prioritization

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

	Issues	*Potentially Significant Impact*	*Less than Significant with Mitigation Incorporated*	*Less than Significant*	*No Impact*
XX.	**WILDFIRE:** 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?	☐	☐	☐	☒
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
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?	☐	☐	☐	☒

SUBSTANTIATION:

County of San Bernardino General Plan 2007; Submitted Project Materials

a) No Impact. The Proposed Project has no potential to impede implementation an emergency response or evacuation plan and is located along the I-15 corridor providing ready evacuation from the site if an emergency were to occur on the property.

b) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. The project would not expose people or property to wildland fire hazards. Subsequent commercial development will be constructed in accordance with fire codes established in the UBC, CBC, and County Fire Department laws, ordinances, regulations, and standards. Fire related risks are concluded to be less than significant.

c) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. No roads, fuel breaks, or emergency water sources, power lines or other utilities will be created as a result of the project that could exacerbate fire risk wildland fire related risk.

d) No Impact. The Proposed Project site is within a desert area of San Bernardino County that has very low potential wildland fires. The project site is essentially level and has no active drainage channels that could result in downslope or downstream effects. Fire related risks are concluded to be less than significant.

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

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

a) No Impact. The site has been disturbed by construction of the adjacent interstate, previous development, and illegal dumping over decades. The project site does not contain high quality habitat for fish or wildlife species, and subsequent land development at this location will not cause a fish or wildlife population to drop below self-sustaining levels, to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The site does not contain any structures or other features that would be considered important examples of the major periods of California history or prehistory.

b) No Impact. The change in land use designation for the 23-acre parcel would not contribute to cumulative impacts on the environment. Subsequent commercial development would contribute to new economic development in the community which is a goal of the County. No cumulative effects are identified or foreseeable at this time.

c) No Impact. Information contained in this Initial Study supports the conclusion that the proposed Project and subsequent commercial uses of this project site would not have significant adverse environmental effects, including social or economic, that would cause substantial adverse effects on human beings either directly or indirectly. No negative social effects would be expected from implementation of the proposed project, which has the potential to provide services, create employment opportunities, and generate property and sales taxes in San Bernardino County.

This section summarizes the findings and conclusions of the individual resource topic discussed in the checklist items above. Specifically, this section addresses the broader question concerning whether impacts may be cumulatively significant, or if there would be direct or indirect effects that have not been considered above in the checklist items. All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

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

XVIII MITIGATION MEASURES.

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

Mitigation Measure BIO-1. Desert Tortoise. A pre-construction take avoidance survey for desert tortoise will be conducted no less than 14 days prior to initiating ground disturbance activities following current USFWS protocol. A final survey shall be conducted within 24 hours prior to ground disturbance. Regardless of the results of the survey, the applicant will install a fence to prevent desert tortoises from entering the site during construction. The applicant will ensure that a qualified biologist who is experienced with the installation of temporary fencing oversees the installation. (Desert tortoises reside in habitat that is adjacent to the proposed convenience store. They are attracted to water, which the applicant will most likely use to control dust during construction.)

In the unexpected event that tortoise is found, then the following consultation, avoidance and minimization measures shall be implemented prior to any ground disturbance activities at the site:

- The project proponent shall notify and formally consult with the USFWS and CDFW pursuant to the requirements of the federal and State endangered species acts.
- Preparation and implementation of a Desert Tortoise Mitigation Plan approved by USFWS and CDFW. (The applicant shall install exclusion fencing regardless of the surveys.)
- If the applicant finds a desert tortoise on-site, contact USFWS and CDFW for appropriate measures.

Mitigation Measure-BIO-2. Common Raven. Because of the proximity of the site to areas where desert tortoises reside, the greatest concern with regard to the proposed convenience store is that its construction and operation will attract common ravens (*Corvus corax*), which prey on desert tortoises. The construction and operation of the Terrible Herbst facility would likely lead to a local increase in the number of common ravens; these birds are highly attracted to human activity and the proposed project would provide subsidies to them in the form of food and sites for nesting, roosting, and perching that are not currently present in the area. In addition to food wastes that construction and operation of the facility may generate, common ravens may also use various structures in the project area, for shade, perching, roosting, or nesting. Common ravens prey on desert tortoises and, for this reason, any local increase in the number of common ravens may have detrimental effects on the desert tortoise, both near and distant, from the proposed facility, as these birds travel large distances on a daily basis between various areas that provide them with food, water, and shelter.

In order to reduce the attractiveness of the proposed action to common ravens, the applicant shall apply the following requirements. These measures include but are not limited to:

- •Educating workers to not feed common ravens and to secure their food where common ravens cannot steal it;
- •Reducing as much as possible standing water from which common ravens can drink;
- •Designing structures in a manner that reduces the opportunities for nesting and perching;
- •Removing inactive nests of common ravens; and
- •Reporting any nesting by common ravens within the site to the Service. If a nest were present, the Service would coordinate with the owner and request permission to access the property to manage it.

Even with the implementation of all such measures, it is anticipated that at least some common ravens will obtain food, water or shelter from the facility. To mitigate these residual effects, the applicant will be required to contribute the appropriate amount to the regional management program for common ravens. The Desert Managers Group manages this program; the program includes wide-scale surveys for common ravens, monitoring of the effectiveness of management actions, outreach to control subsidies, and increased levels of population control when necessary. The contribution consists of a one-time payment of $105 per acre to the National Fish and Wildlife Foundation; the USFWS can provide the appropriate contacts with the National Fish and Wildlife Foundation and forms upon request.

Mitigation Measure-BIO-3. Nesting Migratory Birds. Portions of the project site support trees and shrubs with the potential to support common (non-sensitive) nesting birds protected under the MBTA and CFG Code. Compliance with the MBTA and CFG Code is a regulatory requirement. Mitigation measure BIO-3 shall be completed by the project proponent within 4 days of the onset of ground-disturbing activities because many species of birds can initiate nest building and lay eggs within 4 days. to ensure that no impacts occur to nesting birds.

If the removal of trees and shrubs must occur during the general bird breeding season (February 1 to August 31), a qualified biologist shall conduct a nesting bird survey within 4 days of removal activities to determine the presence or absence of nesting birds. If no active nests belonging to nesting birds are found during the pre-construction surveys, then no additional action shall be required. If an active nest is found, then the nest and an appropriate buffer shall be avoided. The initial size of the avoidance buffer shall be 300 feet for passerines and 500 feet for raptors and shall be reduced at the discretion of the qualified biologist depending on the species and level of disturbance. Activities shall be allowed to proceed within the avoidance buffer once the young have fledged and the nest is confirmed no longer active, as determined by the qualified biologist.

Mitigation Measure CR-1. In the event that human remains are discovered during grading and construction activities, the Project Applicant and its contractors would be required to adhere to all County and State of California procedures, including CEQA Guidelines §15064.5, regarding stoppage of work, handling of uncovered resources, and notification of proper authorities to ensure that the Project would not have an adverse effect on such resources.

Mitigation Measure CR-2. In the unlikely event that human remains are exposed during construction, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the human remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list which will consult and determine and notify a Mostly Likely Descendent (MLD).

The MLD shall complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. In addition, if at any time any human remains are discovered the applicant and contractor are required to notify San Bernardino County Land Use Service Department in writing of the discovery within 24 hours. Compliance with this State code section would ensure that impacts would be below a level of significance.

Mitigation Measure CR-3. If avoidance of a prehistoric cultural resources site found during construction is infeasible, the resources should be left in-situ or reburied in a nearby area, after consultation with the Native American Heritage Commission (NAHC) and tribes that have requested to be on the County's list. The Tribes should be contacted within 48 hours if any human remains or objects subject to provision of the Native American Graves Protection and Repatriation Act, or cultural resources such as sites, trails, or artifacts are identified during ground disturbance. Colorado River Indian Tribe request consultation in the event this should occur.

Mitigation Measure Geo-1. In the event that fossils are discovered during grading and construction activities, the Project Applicant and its contractors would be required to stop work in that area and contact the County Land Use Services office. A qualified geologist must consulted to determine whether the discovered materials are a unique paleontological resource, and to recommend appropriate handling and recovery actions to be taken, if needed to ensure that the Project would not have an adverse effect on such resources.

Mitigation Measure GHG-1. The Applicant shall implement the following GHG reduction measures from the County's Screening Table for Implementation of GHG Reduction Measures for Commercial Development:

- Building Envelope – Insulation: Greatly enhanced insulation (spray foam insulated walls R-15 or higher, roof/attic R-38 or higher). [20 points]
- Building Envelope – Windows: Greatly enhanced window insulation (0.28 or less U-factor, 0.22 or less SHGC). [12 points]
- Building Envelope – Cool Roof: Greatly enhanced cool roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance). [16 points]
- Indoor Space Efficiencies – Heating/Cooling Distribution System: Enhanced Duct Insulation (R-8). [10 points]
- Indoor Space Efficiencies – Space Heating/Cooling Equipment: Improved Efficiency HVAC (EER 14/65% AFUE or 8 HSPF). [7 points]
- Indoor Space Efficiencies – Water Heaters: Improved Efficiency Water Heater (0.675 Energy Factor). [14 points]
- Indoor Space Efficiencies – Artificial Lighting: Efficient Lights (25% of in-unit fixtures considered high efficacy. High efficacy is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures; 60 lumens/watt for fixtures >40 watt). [9 points]
- Irrigation and Landscaping – Water Efficient Landscaping: Only moderate water using plants. [3 points]
- Renewable Fuel/Low Emissions Vehicles (EV Charging Stations) – Electric Vehicles: Provide one public charging station for use by an electric vehicle. [10 points]

Mitigation Measure Haz-1. Evidence of a former automotive refueling facility was observed during the preparation of this Phase I ESA. Prior to beginning construction, performance of additional studies is required to determine whether a gasoline service station operated at this Property. The study should include the performance of a subsurface investigation using acceptable methods for reducing the uncertainty of the presence of petroleum products in the subsurface.

Mitigation Measure Haz-2. Prior to beginning construction, a subsurface study is required in the area of the observed potential dumping near the northeast corner of the Property.

Mitigation Measure Haz-3. Prior to beginning construction, the various containers of chemicals in the auto garage, storage shed, mobile homes, and any other structures on the Property shall be properly identified, inventoried, and properly removed and disposed.

Mitigation Measure Haz-4. Prior to beginning construction, a subsurface study is required in the area near the corroded drum in the southwest area of the Property.

Mitigation Measure Haz-5. Prior to beginning construction, information on the water production well should be researched with a goal to reveal the construction specifications of this well. Further, it would be beneficial to attempt to resume water production from this well or obtain a manual grab sample in an effort to obtain a water sample for evaluation of groundwater quality. This information may prove useful if any hazardous materials are identified in the subsurface soil.

Mitigation Measure HYDRO-1. A maximum soil percolation rate of 3.8 minutes per inch (mpi), and the design rate of 0.83 sq-ft/gal/day may be used for leach field design. The leach lines shall be designed with 18-inch soil cover with 12 inches of leach field rock below the leach lines and 2 inches of leach field rock above the leach lines. The designed system shall be located at the depth of the percolation tests performed (4 feet bgs).

Mitigation Measure HYDRO-2. Prior to commencing construction, a Stormwater Pollution Control Plan must be prepared that identifies applicable stormwater Best Management Practices (BMPs) and defines how they are to be implemented. The stormwater management system will be designed so that runoff is controlled to prevent erosion during construction and during the postconstruction period. Because the disturbed area is greater than one-acre coverage must be obtained under the Statewide Construction General Order (2009-0009-DWQ).

Mitigation Measure HYDRO-3. The existing well on the site will be destroyed according to the California Department of Water Resources (DWR) Well Standards Bulletins 74-81 and 74-90.

Mitigation Measure HYDRO-4. Construction of the new well and water storage tank will conform to California Department of Water Resources Well Standards as defined in DWR Bulletins 74-81 and 74-90. The new well will be developed on the site in a location that provides minimum separation distances are maintained between the well and leach field, including the future replacement leach field.

Mitigation Measure HYDRO-5. Prior to approval of the final map, a 100% replacement area leach field must be identified. Leach field discharges must conform to the approved San Bernardino County Local Agency Management Program (LAMP) in terms of discharge flow for the lot size, and to ensure that discharges are protective of receiving groundwater quality.

Mitigation Measure HYDRO-6. Prior to commencing construction, existing groundwater quality data should be collected from either the existing well or proposed new well and provided to the County as a permanent record of baseline, pre-project conditions. Testing should include all general minerals (including nitrate and total dissolved solids) and bacteria.

Mitigation Measure HYDRO-7. Prior to development of the new well, a qualified hydrogeologist should be consulted to evaluate likely pumping rates and groundwater conditions to determine whether the project's new well could be affected by the constituents in the groundwater cleanup at the New Ivanpah Evaporation Pond, or whether the new well would affect the Ivanpah New Evaporation Pond groundwater plume.

Mitigation Measure PS-1. Prior to initiating construction at the site, the Applicant shall consult with the San Bernardino County Fire Protection District for final review of site design, building specification, and fire safety systems and obtain all applicable Fire Condition construction permits. Final plans and specifications must include all aspects of the July 16, 2019 letter from the Fire Protection District contained in Appendix F of this IS/MND. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to the Fire Protection District.

GENERAL REFERENCES

California Environmental Quality Act, Statute and CEQA Guidelines, 2020; Association of Environmental Professionals (AEP)

United States EPA, National Pollutant Discharge Elimination System General Permit for Discharges from Construction Activities, February 6, 2012

San Bernardino County, *San Bernardino County 2007 General Plan*, last amended April 24, 2014

PROJECT-SPECIFIC REFERENCES

California Air Pollution Control Officer's Association (CAPCOA) *Quantifying Greenhouse Gas Mitigation Measures*, August 2010, http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf

California Water Code - Division 6. Conservation, Development, And Utilization of State Water Resources [10000 - 12999], Part 2.11. Groundwater Monitoring [10920 - 10936], Chapter 3. Groundwater Monitoring Program [10927 - 10936]; https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=10933.&lawCode=WAT; accessed 04/27/20

Mojave Desert Air Quality Management District, *California Environmental Quality Act (CEQA) and Federal Conformity Guidelines*, August 2016, Planning, Rule Making and Grants Section, Air Monitoring Section. http://mdaqmd.ca.gov/home/showdocument?id=538

Mojave Desert Air Quality Management District, *2004 Ozone Attainment Plan (State and Federal)*, April 26, 2004, http://mdaqmd.ca.gov/home/showdocument?id=174

Navigant, Analysis of the Role of Gas for a Low-Carbon California Future, July 2018, https://www.socalgas.com/1443741887279/SoCalGas_Renewable_Gas_Final-Report.pdf

San Bernardino County. *Greenhouse Gas Emissions, Development Review Processes, County of San Bernardino, California*, March 2015, http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGUpdate.pdf

San Bernardino County, *Greenhouse Gas Emissions Reduction Plan*, September 2011. http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGFull.pdf

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