Initial Study/Mitigated Negative Declaration
Nipton Communication Site Project
San Bernardino County, California

Prepared for:

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Acronyms and Abbreviations

Acronym/Abbreviation	Definition
AB	Assembly Bill
ACEC	Area of Critical Environmental Concern
APE	area of potential effects
APM	Applicant Proposed Measure
BLM	Bureau of Land Management
BMP	best management practice
CARB	California Air Resources Board
CDCA	California Desert Conservation Area
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFGC	California Fish and Game Code
CMA	conservation and management action
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	CO_2 equivalent
County	San Bernardino County
CRPR	California Rare Plant Rank
CWP	San Bernardino County Countywide Plan
dBA	A-weighted decibels
DRECP	Desert Renewable Energy Conservation Plan
EIR	Environmental Impact Report
ERMA	Extensive Recreation Management Area
FCR	Field Contract Representative
GHG	greenhouse gas
HCP	Habitat Conservation Plan
HVAC	heating, ventilation, and air conditioning
I	Interstate
ITP	Incidental Take Permit
LSA	Lake and Streambed Alteration
LUPA	Land Use Plan Amendment
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MLD	Most Likely Descendant
MM	Mitigation Measure
MRZ	Mineral Resource Zone
MT	metric tons
NAHC	Native American Heritage Commission
NEMO	Northern and Eastern Mojave Desert Management Plan
NO_x	oxides of nitrogen
O_3	ozone
O&M	operations and maintenance
PM_{10}	particulate matter equal to or less than 10 micrometers in diameter
$PM_{2.5}$	particulate matter equal to or less than 2.5 micrometers in diameter
PRC	California Public Resources Code

Acronym/Abbreviation	Definition
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SBCFPD	San Bernardino County Fire Protection District
SO_X	sulfur oxides
SWPPP	Stormwater Pollution Prevention Plan
TAC	toxic air contaminant
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VMT	vehicle miles traveled
VOC	volatile organic compound
WEAP	Worker Environmental Awareness Program

1 Introduction

1.1 Introduction and Regulatory Guidance

InterConnect Towers, LLC (Applicant), proposes the Nipton Communication Site Project (proposed Project or Project) and has applied to the California Department of Fish and Wildlife (CDFW) for a 30-year Incidental Take Permit[1] (ITP) for a California Endangered Species Act listed species (California Fish and Game Code [CFGC] Section 2081[b] and [c]; also refer to 14 CCR 783.0 et seq.), as well as Lake and Streambed Alteration (LSA) Agreement[2] for a term of 5 years or less, unless extended in accordance with CFGC Section 1605(b) (CFGC Section 1600 et seq). The ITP application is included as Appendix A herein. The ITP and LSA Agreement are collectively referred to as "the permits" in this Initial Study.

More specifically, the ITP is being requested for desert tortoise (*Gopherus agassizii*) under Section 2081(b) of the California Endangered Species Act (refer to CFGC Section 2050 et seq. and 14 CCR 783.0 et seq.). The ITP, if issued, would authorize "take" as defined by CFGC Section 86, subject to various conditions, incidental to the Applicant's otherwise lawful, construction, operations and maintenance (O&M), and decommissioning activities. In this respect the ITP, if issued, would condition how the Applicant implements certain activities to protect covered species that are subject to CDFW's regulatory authority and permitting jurisdiction under the California Endangered Species Act. The proposed issuance of the ITP requested by the Applicant is the proposed discretionary approval of a project requiring CDFW to comply with the California Environmental Quality Act (CEQA) (refer to California Public Resources Code [PRC], Section 21080[a]).

CDFW and the Applicant also expect Project activities in certain instances will be subject to CDFW's regulatory authority under CFGC Section 1600 et seq. In such circumstances, pre-activity notification to CDFW is required and, if CDFW determines the activity may substantially adversely affect fish and wildlife, CDFW will issue an LSA Agreement that includes reasonable measures necessary to protect the resources subject to this aspect of CDFW's regulatory authority (refer to CFCG Section 1602). The proposed issuance of an LSA Agreement, like the requested ITP, is the proposed discretionary approval of a project requiring CDFW to comply with CEQA. CDFW and the Applicant expect certain Project activities to be subject to CDFW's LSA Agreement regulatory authority; therefore, that prospect and related environmental effects are also addressed in this Initial Study.

CDFW will consider the issuance of the permits as provided by the CFGC, informed by, among other things, the broader CEQA lead agency analysis to be conducted under CEQA of potentially significant environmental effects of the "whole of the action." CDFW will also do so consistent with its central mission and trustee mandate. CDFW's mission under the CFGC is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public (CFGC Section 712.1[a][1]; also refer to CFGC Sections 703.3 and 703.5). CDFW is California's trustee agency for fish and wildlife resources and holds those resources in trust and exercises related jurisdiction by statute for all the people of the state (CFGC Sections 711.7[a] and 1802; also refer to PRC Section 21070 and 14 CCR 15386[a]). CDFW will also consider the proposed Project and related effects on fish and wildlife in the broader context of the public trust.

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1 An ITP allows take of a species listed under the California Endangered Species Act if such take is incidental to, and not the purpose of, carrying out an otherwise lawful activity.

2 The LSA Program reviews projects that would alter any river, stream, or lake and conditions projects to conserve existing fish and wildlife resources.

The requested permits, as noted, are the proposed discretionary approvals requiring CDFW to comply with CEQA. However, these proposed actions do not include or involve the proposed approval of the Applicant's decommissioning plan. The ITP, if issued, will condition how the Applicant implements certain decommissioning activities in the future during the term of the ITP.

Notwithstanding the proposed approval under the CFGC, CEQA requires CDFW as a lead agency to consider the broader environmental consequences of approving the proposed Project as the whole of the action (refer to PRC Sections 21002.1[d] and 21100[b]; 14 CCR 783.3[b]; 14 CCR 15126). CDFW is the CEQA lead agency in this specific instance because there is no other state or local agency action subject to CEQA that is a necessary precondition to the proposed approval by CDFW under the CFGC (14 CCR 783.3[b]; also refer to PRC Section 21067 and 14 CCR 15367). Because CDFW is a CEQA lead agency for the requested ITP, specifically, this Initial Study also serves as the initial environmental analysis prepared under its CEQA-certified regulatory program for lead agency ITP permitting under the California Endangered Species Act (14 CCR 783.3[b]; 14 CCR 783.5[d]; and 14 CCR 15251[o]; also refer to PRC Section 21080.5).

The scope of CDFW's lead agency analysis of the potentially significant environmental effects that may result with issuance of the requested permits is guided by the concept of the "project" under CEQA. Pursuant to CEQA Guidelines Section 15378(a), a "project" is defined as the whole of the action that has the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment, and is an activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. CEQA Guidelines Section 15378(c) also describes a "project" for purposes of CEQA as the activity which is being approved and that may be subject to several discretionary approvals by governmental agencies, and not each separate governmental approval. These are important principles guiding CDFW's analysis and disclosure in this Initial Study of potential direct and reasonably foreseeable indirect environmental impacts that may result if CDFW issues the requested permits under the CFGC. These important principles also inform CDFW's lead agency consideration of, and its broader approval of, the proposed Project as the whole of the action under CEQA.

This Initial Study and its appendices have been prepared in accordance with state administrative guidelines to comply with CEQA. Based on the results of the Initial Study, included in Chapter 3 of this document, CDFW will determine the appropriate CEQA document (mitigated negative declaration or environmental impact report) for the proposed Project.

CEQA requires that public agencies identify the environmental consequences of their discretionary actions and consider mitigation measures, if necessary, that could avoid or reduce significant adverse impacts when avoidance or minimization is not feasible. It also gives the public and other public agencies an opportunity to comment on the proposed Project.

In this Initial Study, Applicant Proposed Measures (APMs) are considered in the evaluation of environmental impacts pursuant to CEQA (refer to Chapter 3). Refer to Section 2.5, Applicant Proposed Measures, for a complete list of the APMs.

The Project entails construction, O&M, and decommissioning and restoration of a multi-carrier communication site and ancillary components on Bureau of Land Management (BLM) administered land located in San Bernardino County, California. The Project would involve a 30-year right-of-way (ROW) grant from BLM for construction, O&M, and decommissioning of the Project.

1.2 CEQA Tribal Consultation and CDFW's Communication and Consultation Policy

Per CEQA, tribal cultural resources are primarily identified through outreach to the Native American Heritage Commission (NAHC) and government-to-government consultation between the lead agency and appropriate California Native American tribes. On June 1, 2021, CDFW sent a request to the NAHC for a search of the Sacred Lands File and a list of tribes that may be affiliated with the area of the Project. The NAHC performed a record search of the Sacred Lands File and provided a list of Native American tribes who may have an interest in the cultural resources within the Project area on June 9, 2021. On July 15, 2021, CDFW provided notification of the proposed Project under CEQA Section 21080.3.1 and CDFW's Tribal Communication and Consultation Policy to the Twenty-Nine Palms Band of Mission Indians and Chemehuevi Indian Tribe identified by the NAHC and CDFW. No response was received from either tribe during the 30-day period.

1.3 Documentation Organization

This Initial Study is organized to provide an analysis of the potentially significant environmental impacts of the proposed Project. To describe the direct and indirect impacts, how measures volunteered and committed to by the Applicant (APMs) would avoid or substantially reduce potentially significant environmental effects, and, if needed, how additional mitigation measures could avoid or substantially lessen potentially significant environmental effects to the extent feasible of the proposed Project, this Initial Study is organized as follows:

- **Chapter 1, Introduction**, serves as a foreword to the Initial Study, introducing the applicable environmental review procedures, intended purpose of the Initial Study, and format of the Initial Study and summarizing conclusions of the environmental analysis.
- **Chapter 2, Project Description**, provides a description of the proposed Project components, including construction equipment and schedule.
- **Chapter 3, Initial Study,** provides a description of the existing environmental setting and an analysis of the potentially significant environmental impacts identified for the proposed Project, provides resource specific APMs the Applicant has committed to incorporate as part of the proposed Project, and, where needed, identifies mitigation measures to avoid or substantially reduce potentially significant environmental effects to the extent feasible.
- **Chapter 4, List of Preparers**, lists members of the Initial Study team that contributed to the preparation of this document.
- **Chapter 5, References**, lists references used in preparation of the Initial Study.
- **Appendices** include various information and technical studies prepared for the proposed Project, as listed in the Table of Contents.

1.4 Summary of Findings

Chapter 3 of this document contains the analysis and discussion of potential environmental impacts of the proposed Project. Based on the issues evaluated in Chapter 3, it was determined that with the Applicant's commitment to incorporate resource specific APMs as part of the Project and adhere to regulatory codes and requirements, the proposed Project would have no impact or a less-than-significant impact on the following issue areas:

- Aesthetics
- Agricultural/Forestry Resources
- Air Quality
- Cultural Resources
- Energy
- Geology/Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities/Service Systems
- Wildfire

Furthermore, with the Applicant's commitment to incorporate biological resources APMs as part of the Project as identified in in Section 3.4.2, as well as to implement biological resources mitigation measures identified in Section 3.4.3, impacts to Biological Resources would be less than significant.

2 Project Description

2.1 Introduction

The Applicant seeks to provide improved cellular communication capability within the Interstate (I) 15 corridor and surrounding lands in the Ivanpah Valley and Mountain Pass areas. I-15 is a heavily traveled roadway that carries regional traffic between Southern California and Las Vegas, with an average daily traffic count along this segment typically surpassing 44,000 vehicles per day (Caltrans 2017). This segment of I-15 and adjacent lands have been identified as having inadequate cellular transmission coverage, largely due to signal shadowing caused by topographic features. Of particular concern are the areas where I-15 passes through the Clark Mountain Range before entering the Ivanpah Valley. Wireless telecommunication providers (i.e., Verizon, AT&T) have determined a need for an additional communication site based on any or all of the following criteria:

- Need to provide signal coverage to an area or zone
- Need to strengthen/densify coverage to an area or zone
- Customer demand for coverage
- Emergency response agency demand for coverage
- Law enforcement agency demand for coverage
- Federal/homeland security demand for coverage

The proposed Project would remedy the existing coverage deficiencies in the area and would meet one or more of the objectives outlined above. The facility would be made available for collocated use by existing wireless telecommunication providers and other telecommunication service providers.

2.2 Description of the Project

The Project entails construction, O&M, and decommissioning and restoration of a multi-carrier communication site and ancillary components, including an access road, which would occur entirely on BLM-administered land. The Project is within the California Desert Conservation Area (CDCA) Plan Utility Corridor "BB," which permits the expansion of utility facilities for the purpose of telecommunication, electricity, gas, water, and other commodities (BLM 1980). The Applicant has filed an application for a 30-year ROW grant from BLM for construction and O&M of the Project; the Project site is not ancillary to an existing ROW. The proposed Project would be a multi-tenant wireless communication facility and would be designed to accommodate a minimum of four national carriers, as well as government agencies (police, fire, and highway patrol), for a total of six tenants.

The Project is located in San Bernardino County, California, approximately 10 miles south of the California-Nevada state line, 1.25 miles southwest of the junction of I-15 and Nipton Road (Figure 2-1, Project Location). The Project includes the following elements:

- A 17,248-square-foot communication site that includes a single, three-legged, 196-foot freestanding, self-supporting lattice communication tower with four 5-foot-tall, 3-foot-wide, and 4-foot-deep cabinets to house equipment; three 21-foot by 80-foot solar arrays; and up to three 35-kilowatt backup generators with up to three 2,000-gallon propane tanks.

- A new access road approximately 8,953 feet in length starting from Nipton Road and ending at the Project site. The new access road includes five 25-foot by 100-foot passing lanes at intervals along the roadway.
- An 80-foot by 100-foot staging area in a previously disturbed area adjacent to the I-15/Nipton Road interchange.

The total Project area is 6.13 acres, of which 5.86 acres are native habitat and 0.27 acres are existing developed or maintained areas. Areas of new, permanent disturbance would include the communication site and the new access road discussed above. All new disturbances would be considered permanent in nature given the sensitivity of desert ecosystems to ground-disturbing activities. Areas of new disturbance would total approximately 5.86 acres.

The staging area would be adjacent to the I-15/Nipton Road interchange and is currently used for vehicle parking and vehicle turnaround purposes; therefore, this area is considered already disturbed. The existing access road segment is also already disturbed. Use of these areas would not be a part of the new disturbance area, since the areas are already disturbed and would not require additional improvement or expansion. The previously disturbed area total is 0.27 acres.

Land ownership as it pertains to the Project ROW and surrounding area is depicted in Figure 2-2, Land Management Status. Figure 2-3 illustrates the communication site plan and Figure 2-4 illustrates the access road alignment.

Tower

The tower would be a self-supporting, three-legged, lattice-style structure that is 196 feet in height and would be designed by Sabre, a national tower manufacturing company, to Motorola R56 Standards (Motorola 2005). The tower would serve as the structure upon which the communication equipment would be mounted. The tower would be placed upon a 28-foot by 28-foot concrete slab foundation, and would consist of either cast-in-place caissons or shallow foundations designed to carry axial loads and moments of force applied by wind and other factors on the tower. The tower, foundations, and all other structures on the site would be built to professional standards and applicable building codes. Soil tests and other investigations would be performed within the location of the proposed site to determine the specific foundation requirements.

The structural members and bracing units of the tower would be constructed of industry-standard galvanized steel with a silver-gray color tone. The types of communication equipment installed on the tower would depend upon the specific carriers housed at the site and the equipment requirements for their specific systems, but would likely include a rectangular antenna array, omni antennas, and microwave dishes.

Equipment Cabinets, Backup Generators, Supporting Components, and Solar Arrays

The Project would include four equipment cabinets adjacent to the tower to house interior communication equipment. The cabinets would be 5 feet tall, 3 feet wide, and 4 feet deep. The equipment cabinets and associated supporting components would be designed consistent with Motorola R56 Standards (Motorola 2005), including a full site grounding ring, designed by Sabre. The equipment cabinets would be brought to the site by truck and installed on site. The cabinets may include an environmental control system for heating, ventilation, and air conditioning (HVAC) to keep the interior within the temperature range required for the operation of the electronic communication equipment inside.

The compound would also include standby generators located within the compound and mounted on concrete pads. The generators would provide electric power in the event of failure of the site's solar power source. The generators would be powered by propane-fed steel tanks located within the compound and would include mufflers on the power units to minimize noise. The propane tanks would also be mounted on concrete pads.

While a tie-in to the electrical grid was originally considered in 2015, the proposed Project includes no tie-in to the electrical grid in order to reduce impacts to desert tortoise habitat. Instead, electric power would be provided via photovoltaic solar panels. The solar power would consist of three 21-foot by 80-foot panels approximately 8 feet in height that would be mounted on concrete pads. The communication site would be enclosed within a chain-link fence measuring 8 feet in height, with three strands of barbed wire on the top, bringing the total height to 9 feet. Galvanized hardware mesh of 1-inch by 2-inch dimensions would be attached to the lower 18 inches of the chain-link fencing and buried to a 12-inch depth, in accordance with standard specifications for fencing in possible desert tortoise habitat. A gate would provide access into the compound for persons and vehicles. A downward-shielded security light would be mounted within the compound and would be activated by a motion sensor.

Road Access

Access to the site would begin at the I-15/Nipton Road interchange and would travel northwesterly along an existing graded dirt road for approximately 270 feet. From this point, a new dirt roadway would be graded in a southwesterly direction approximately 8,953 feet to the proposed communication site at the top of the hill. The total elevation gain from the base of the hill to the proposed communication site location is approximately 1,050 feet.

The 270 feet of existing roadway (BLM-designated route) at the beginning of the alignment is of adequate width and condition and will not require substantial improvement. The new 8,953-foot roadway segment to the communication site, however, would require new construction and include a number of switchbacks near the top of the alignment to maintain a suitable grade up the slope. The roadway would be constructed to a standard width of 14 feet to accommodate trucks and other large vehicles required during the construction and operation of the site. Up to 50 feet of upslope and downslope fall-off disturbance could occur on either side of the roadway along the steeper stretches. For purposes of acreage calculations, it has therefore been assumed that the average width of disturbance along the entire roadway would be 25 feet.

The initial portion of the new roadway would travel for approximately 450 feet adjacent to an ephemeral desert wash before circling around a low hill and passing through a low saddle. The roadway would then cross another ephemeral wash and begin to climb up a ridge to the site. Five pull-off/passing areas measuring 25 feet by 100 feet would be located at appropriate intervals along the route.

The new roadway segment would cross the second aforementioned ephemeral desert wash approximately 3,650 feet from the beginning of the alignment. At the location of this proposed crossing, the wash is approximately 16 feet in width. While substantial surface flows within this desert wash are infrequent, improvements at the crossing would need to be made to ensure serviceability of the roadway following major stormwater runoff events. This may be accomplished by the placement of ribbed galvanized steel pipes directly on the streambed. The pipes would then be overlain with rock riprap and gravel. Alternatively, the road may be graded to drop into and out of this wash area with a slope not to exceed 20% into and out of this wash. Inflow and outflow areas may also be hardened with riprap to prevent scouring both upstream and downstream from the crossing. The quantity and size of the pipes at the crossing would be designed to accommodate projected peak flows along the watercourse, but preliminary indications based upon experience with similar projects in similar locations indicate that two pipes would be required. The roadway surface at the crossing would be 14 feet in width, consistent with the rest of the roadway.

Construction of the new access road would occur in a biologically inactive season (e.g., winter or summer) to the extent feasible and take up to 30 days.

A gate would be constructed across the roadway just before the first passing lane along the alignment. The gate would be positioned in a suitable location to deter vehicles from driving around it.

2.3 Project Construction

Temporary access and staging would be required for construction and are discussed in additional detail below. The number of workers at the Project site on any given day during construction would typically vary between four and six. Table 2-1 shows the estimated number of construction equipment types anticipated. Flagging would be completed by a licensed land surveyor under BLM supervision. Site grading and clearing would be required. Total days of construction would be approximately 60 to 120 days. Construction is anticipated to take 4 months, and would likely occur from late 2022 to early 2023. Construction would occur 6 days a week from the hours of 7:00 a.m. to 5:00 p.m. There would be no fill imported or exported for construction of the Project, as all cut and fill would be balanced on the site. Therefore, construction trips would be limited to construction worker trips and material deliveries. Tower foundation, fence, and solar panels and carrier equipment would be delivered on a heavy-duty truck from approximately 110 miles away from the Project site. Light- and medium-duty trucks and off-road equipment would also be used during construction. Water trucks would be required to import water for construction activities, which is expected to total approximately 36,400 gallons. Equipment would be staged at the Project site for the duration of construction, limiting the number of construction trips to mobilization and demobilization.

Contingency plans are to be at the direction of BLM. All industry safety requirements would be strictly adhered to at all times. No industrial waste or toxic substances would be generated or created during the construction process. Common hazardous substances including oil, fuel, coolants, lubricants, and batteries would be used during construction and transported within the ROW.

Table 2-1. Construction Equipment

Equipment Type	Quantity
Drill Rig/Boring Machine	1
Tractor/Loader/Backhoe	1
Bulldozer	1
Grader	1
Water Truck	1
Cement/Mortar Mixer	2
Crane	1
Portable Generator	1
Pickup Truck and Other Light/Medium Duty Road Vehicle	4

Source: ICT 2020.

Access Road

The 270 feet of existing dirt roadway that would be utilized to approach the site is of sufficient width and condition that it would not require improvement to construct the site. The new segment, however, would be an all-new roadway and would be graded to a width of 14 feet. This would be accomplished with a bulldozer or grader, with

associated spoils pushed to the sides of the roadway. Cut soil would be placed on downslope side of the road. Any earthen berms thus created would be rounded off to not inhibit travel by desert tortoise. A number of switchbacks would be installed along the last 0.5 miles of the roadway near the top of the ridge to maintain a suitable grade up the slope, which is a maximum of 20%. Up to 50 feet of upslope and downslope fall-off disturbance could occur on either side of the roadway along the steeper stretches, particularly at switchback locations. No paving or similar hardening of the road surface is anticipated. Construction of the new access road would occur in a biologically inactive season (e.g., winter or summer) and take up to 30 days.

Communication Site

Construction of the tower, equipment cabinets, backup generators, supporting components, and solar arrays would comply with the standards discussed in Standards and Guidelines for Communication Sites (Motorola 2005). Prior to construction of the tower at the communication site, the soils and substrate at the site would be sampled and tested to assist in tower foundation design. Typically, a mobile boring machine would be utilized to bore a single 6- to 8-inch-diameter hole using a hollow boring auger. These tests would only be conducted within the area of the proposed tower footprint. Soils density tests would be performed at specified levels, and samples would be collected for laboratory analysis. This information would be used to determine the tower foundation designs and methods of construction. The hole would be backfilled immediately following the drilling and analysis processes and prior to moving to the next boring location.

Construction at the communication site would proceed with site preparation and grading occurring first, followed by excavation for tower footings. The site is generally level, but some grading would be needed to adequately prepare the site. Depending on tower foundation design, auguring could be required for the placement of caissons. At this time, it is estimated that the tower would require a 6-foot maximum foundation depth, the solar would require a 3-foot maximum foundation depth, and the generator and other features would require between 4- and 6-inch foundation depths. Spoils or excess soil materials resulting from excavations or borings would be distributed evenly across the site. It is anticipated that the site would be accessible by concrete trucks so that premixed concrete could be delivered directly to the site. Should this prove infeasible, a batch concrete mixing station would be on site with water provided by truck.

Concrete mixing and other staging operations would take place within a temporary staging area adjacent to the I-15/Nipton Road interchange. This area would also provide space for other temporary disturbance activities such as vehicle turn-around and parking, staging, and material laydown.

Rebar for the tower foundation footings would be installed and the anchor bolts for the tower mounts would be installed in place. The concrete foundation would be poured in a single day for both the tower and building/pad. Following placement of necessary foundations, the equipment cabinets, solar arrays, tower, and supporting components would be erected. Upon completion of the cabinets, internal and external equipment would be installed. Propane tanks and generators would be mounted on concrete-bermed foundations to contain spills or leaks that could occur during O&M, fuel replenishment, and maintenance. The surrounding chain-link fence and gate would also be installed.

Construction equipment to be used on site would vary based upon the type of work currently underway, but equipment would likely be confined to that listed in Table 2-1. All equipment listed in the table might not be necessary, nor would it all be operating at the same time. Vehicle speeds would be limited to 15 miles per hour on the access road to reduce fugitive dust generation.

2.4 Project Operation

Following construction, the site would operate 24 hours a day, 7 days a week for the duration of the lease period. The electronic equipment housed in the equipment cabinets would be temperature controlled by wall-mounted HVAC units. During warmer periods, the cooling units could periodically be in operation 24 hours a day.

Minor Maintenance Activities

The Project would entail mostly minor maintenance activities throughout the lease duration. Maintenance activities at the site would primarily consist of monthly visits by technicians associated with each of the carriers with equipment at the site. While the number of site visits would vary depending upon specific maintenance requirements and other activities, the number of separate visits would likely be three visits per month, though this number could be greater and more frequent during the initial installation of carrier equipment. Workers would typically arrive in crews of one to three persons in standard road vehicles. A typical monthly visit could be concluded in as little as 1 hour, but could extend to a full day or multiple days depending upon the task undertaken. Safety standards would be observed concurrent with industry standards when operating, maintaining, and repairing equipment on or associated with the Project site. In addition, industrial waste and toxic substances would be removed and properly disposed of as needed.

The on-site emergency standby generators would typically switch on automatically once per week and run for a period of approximately 30 minutes to ensure the maintenance of adequate lubrication within the units and to test them for proper operation. The units would be equipped with sensors to report their operational status; in the event of a fault, a technician would be dispatched to conduct repairs.

Refills of the propane fuel for the generators would require periodic visits by a fuel delivery truck. Fuel levels would be monitored by a remote system, and refills would occur as needed, probably once quarterly, assuming that no prolonged outages to the on-site solar array occur that would require prolonged generator operation. The solar panels would be coated with Rain Ex or similar product and placed at a 45-degree angle.

The gates and fences associated with the Project site would be monitored for repair. It is estimated that maintenance repairs would occur approximately once every 10 years. Routine road maintenance activities would be limited to minor smoothing using a front-end loader or grader during dry conditions. No road widening would occur during site operations. Any maintenance performed would be in compliance with a Low Volume Resource Road and the design standards provided in the BLM 9113 – Roads Manual (BLM 2011).

Major Maintenance Activities

The new access road could require occasional major maintenance following heavy rainfall events since the road is located nearby and would cross an ephemeral desert wash. The Applicant would coordinate with and receive authorization from BLM prior to completing major maintenance activities associated with heavy rainfall events. As discussed above, these road maintenance activities would simply involve smoothing of the road surface into and out of the wash, and only if necessary, for vehicles to pass safely.

2.5 Applicant Proposed Measures

Sections 2.5.1 through 2.5.8 provide a list of APMs specific to the Project. The Applicant commits to incorporating the following APMs into the proposed Project to avoid or substantially lessen potentially significant impacts to the extent feasible during construction, operation and maintenance, and decommissioning. These feasible measures have been built into the Project description and are an integral part of the Project description. This Initial Study assumes incorporation of all APMs as part of the proposed Project. However, where other impacts are identified that are not addressed by these APMs, or where the APMs are not adequate to reduce impacts to less-than-significant levels, the Initial Study identifies additional potentially feasible mitigation measures, if any, that if implemented would further reduce significant effects to a less-than-significant level. All feasible mitigation measures and APMs will be incorporated into the Project's Mitigation Monitoring and Reporting Program, and the Applicant will implement all monitoring and reporting obligations for the APMs and mitigation measures as detailed in this Initial Study.

2.5.1 Aesthetics

APM AES-1 **Glare Prevention.** The building plan notes shall specify that reflective materials, coatings, and/or paint shall not be utilized on the tower. Galvanized steel on structures shall be allowed to weather naturally to prevent glare.

APM AES-2 **Road Contrasts.** Non-toxic coloring agents shall be used on disturbed soils to mimic the dark weathering patterns on soil and rocks in arid environments as needed to reduce contrast created from disturbance along portions of the proposed access road visible from I-15, particularly those areas requiring cut and fill along the upper reaches of the roadway. Stain application rates and color tint shall be site specific, depending on the adjacent natural landscape. The stain shall be applied with backpacks or from a truck-mounted sprayer. Permeon (Product of SoilTech, Las Vegas, Nevada) or similar for rocks and ACT (Product of SoilTech, Las Vegas, Nevada) or similar product for soils may be used.

APM AES-3 **Natural Vegetation and Topography Retention.** The grading plans shall identify that natural vegetation and topography shall be retained to the extent feasible. Regarding topography, roadway grading shall avoid unnecessary cuts and fills when upgrading existing roads and constructing new road segments. Impacts to natural vegetation shall avoid straight line edges–scalloped, irregular cleared edges are more natural looking.

APM AES-4 **Lighting.** Building plans shall demonstrate that all exterior lighting for Project elements shall be shielded, downward focused, and activated by motion detectors.

2.5.2 Cultural Resources

APM CUL-1 **Unanticipated Discovery.** In the event that previously unknown cultural resources (sites, features, or artifacts) are exposed during grading or other construction activities, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may record the find and allow work to continue. If the

discovery proves significant in the independent professional judgment of the archaeologist, including based on the National Register of Historic Places or California Register of Historical Resources list eligibility criteria, a specific resource documentation or recovery shall be implemented, including preparation of an archaeological treatment plan, testing, or data recovery. During the assessment and recovery time, construction work may proceed in other areas.

APM CUL-2 **Treatment of Human Remains.** In accordance with state law (California Health and Safety Code Section 7050.5; California Public Resources Code, Section 5097.98), if human remains are found, all ground-disturbing activities shall halt within 165 feet (50 meters) of the discovery. The Bureau of Land Management and County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie potential remains shall occur until the County Coroner has determined whether the remains are subject to his or her authority. The County Coroner must make this determination within 2 working days of notification of the discovery (pursuant to California Health and Safety Code Section 7050.5[b]). If the County Coroner determines that the remains do not require an assessment of cause of death and that the remains are, or are believed to be, Native American, the Coroner must notify the Native American Heritage Commission by telephone within 24 hours, which must in turn immediately notify those persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD shall complete their inspection and make recommendations within 48 hours of being granted access to the site. The MLD may recommend means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods.

2.5.3 Geology and Soils

APM GEO-1 A site-specific geotechnical investigation will be completed by a California Board of Engineering registered geologist in accordance with the California Building Code requirements, and the recommended measures will be incorporated into the Project design. This assessment shall specifically address rock fall and incorporate rockfall prevention measures if determined necessary by the engineering geologist.

APM GEO-2 If potential paleontological resources are discovered, all ground disturbance shall immediately cease within a 25-foot radius of the discovery until a qualified paleontologist can mobilize to the site to examine the discovery, evaluate its significance, and make further recommendations as appropriate. A qualified paleontologist is as defined in the Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources prepared by the Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee in 2010. The evaluation and, if applicable, salvage and curation shall also be conducted in accordance with these standard procedures. In addition, refer to APM HWQ-1 through APM HWQ-4.

2.5.4 Hazards and Hazardous Materials

APM HAZ-1 Project construction, operations and maintenance, and decommissioning shall be in compliance with all state and federal regulations pertaining to the transport, use, storage and disposal of hazardous materials as defined by the California Health and Safety Code, Division 20, Chapter 6.5 and the California Code of Regulations Title 22. As appliable, a Risk Management Plan and associated hazardous fluid spill prevention plan shall be prepared in accordance with the California

Accidental Release Program (Chapter 6.95, 2). As applicable, the hazardous fluid spill prevention plan shall be implemented during construction, operations and maintenance, and decommissioning activities, and shall require the following:

1. Equipment operators and other personnel shall be informed of specific measures to be implemented in the event of a detected hazardous material fluid leak, including the use of spill containment material, which shall be carried with the equipment or vehicle.
2. Equipment shall be inspected daily to ensure proper functioning condition and to minimize the potential for fluid leaks. Fluids shall be stored in appropriate containers on pallets, inside rubber berms, indoors, or under a cover, as shall other materials that could impact stormwater runoff. Equipment maintenance activities shall be prohibited within the Project area.
3. Propane tanks and generators shall be mounted on concrete-bermed foundations to contain spills or generator oil leaks that could occur during operation, fuel replenishment, and maintenance.

APM HAZ-2 All non-vegetative construction debris and waste materials shall be removed from the site within 2 weeks of the completion of construction activities, transported, and disposed of at an approved facility in accordance with applicable regulations, such California Code of Regulations, Title 22, Division 4.5. Operations and maintenance and decommissioning activities shall also comply with California Code of Regulations, Title 22, Division 4.5.

2.5.5 Hydrology and Water Quality

APM HWQ-1 Where erosion and sediment may occur within disturbed areas, soil loss shall be controlled through best management practices such as erosion-control blankets/mats, straw wattles, gravel bags, silt fencing, stabilized construction entrances, and scheduling management. Construction equipment staging and access and disposal or temporary placement of excess fill within drainages shall be prohibited.

APM HWQ-2 Slopes where erosion occurs shall be protected with straw wattles or blankets. All straw wattles, straw bales, or hay bales shall be certified weed-free.

APM HWQ-3 During construction prior to forecasted rain events, best management practices shall be inspected and repaired. Damaged or worn silt fences, straw wattles, gravel bags, and other best management practices shall be replaced.

APM HWQ-4 Equipment shall be inspected daily to ensure proper functioning condition and to minimize the potential for fluid leaks. Fluids shall be stored in appropriate containers on pallets, inside rubber berms, indoors, or under a cover, as shall other materials that could impact stormwater runoff. Equipment maintenance activities shall be prohibited within the Project area.

APM HWQ-5 Approved portable toilets shall be utilized during construction activity and shall be regularly maintained in a sanitary condition.

2.5.6 Noise

APM N-1 The Project construction plans shall demonstrate that all on-site generators shall include factory-approved sound-attenuating weather enclosures and accompanying combustion exhaust mufflers on the power units to minimize noise.

2.5.7 Tribal Cultural Resources

APM TCR-1 **Unanticipated Discovery.** In the event, as provided by APM CUL-1, that previously unknown cultural resources (sites, features, or artifacts) are exposed during grading or other construction activities, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. As part of this evaluation, the qualified archaeologist shall solicit input from geographically and culturally affiliated tribal representatives as identified by the Native American Heritage Commission to identify feasible ways to protect the significance and tribal value of the resource.

2.5.8 Wildfire

APM FIRE-1 Project construction, operations and maintenance, and decommissioning shall comply with all applicable federal, state, and local fire codes, including but not limited to the San Bernardino County Fire Protection District Fire Code and the California Fire Code. Prior to the start of construction, the Bureau of Land Management and San Bernardino County Fire Protection District shall be consulted to ensure all requirements are met. The procedures that shall be implemented for minimizing potential ignition during construction, operations and maintenance, and decommissioning activities include, but are not limited to:

- Vegetation and debris clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions.
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days.
- Equipment and personnel shall stay within the Project footprint.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors and kept in good working condition.
- Construction and maintenance trucks shall be equipped with fire extinguishers or other fire-fighting equipment.
- A fire watch personnel shall be designated during construction activities.
- The Worker Environmental Awareness Program (MM BIO-11) shall discuss fire prevention and protection measures to be implemented on site, including but not limited to parking restrictions over flammable vegetation, training on proper use of fire-fighting equipment for initial attack and reporting of fire incidents, and restricting the use of open flames while working within vegetation. A crew lead shall be identified and shall be responsible for reporting fire incidents and/or calling emergency services if necessary.

2.6 Decommissioning and Restoration

Upon termination of the ROW grant, the Applicant would restore (under the direction of BLM) the premises to as close to its original condition as possible. A decommissioning plan would be prepared and would provide detail for the following procedures:

- All structures, tower, fencing, and buildings would be deconstructed and removed from the Project site.
- Any cement foundations would be covered over with local soils from within the compound.
- Any access gates would be removed.
- Revegetation would be allowed to occur naturally to blend with the surrounding area.

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3 Initial Study

1. **Project Title:**

   Nipton Communication Site Project

2. **Lead Agency Name and Address:**

   California Department of Fish and Wildlife
   Inland Deserts Region (Region 6)
   3602 Inland Empire Boulevard, Suite C-220
   Ontario, California 91764

3. **Contact Person and Phone Number:**

   Julia Karo
   Environmental Scientist
   Inland Deserts Region
   Julia.Karo@wildlife.ca.gov909.278.2950

4. **Project Location:**

   The Project is located in San Bernardino County, California, approximately 10 miles south of the California-Nevada state line, 1.25 miles southwest of the junction of I-15 and Nipton Road. The proposed communication site, the access road, and all ancillary components would be entirely on BLM-managed lands.

   The Project is within the CDCA Plan Utility Corridor "BB," which permits the expansion of utility facilities for the purpose of telecommunication, electricity, gas, water, and other commodities (BLM 1980). Corridor BB is a 3-mile-wide utility corridor that contains coaxial and fiber-optic communications cable, a pipeline, a 131-kilovolt transmission line, electrical distribution lines and microwave communication sites.

   The Project site is within the boundary of the Desert Renewable Energy Conservation Plan (DRECP) Land Use Plan Amendment (LUPA) (BLM 2016), within the Ivanpah Area of Critical Environmental Concern (ACEC). The Ivanpah ACEC is composed of approximately 78,320 acres of BLM-managed lands and is designated to manage the area in accordance with the Desert Tortoise Recovery Plan; protect biological values, including habitat quality, populations of sensitive species, and landscape connectivity while providing for compatible public uses; and provide protection and special management attention for sensitive cultural resources that will enhance their status and condition while providing for uses that are compatible with the protection and enhancement of sensitive resources.

5. **Project Proponent's Name and Address:**

   InterConnect Towers, LLC
   27762 Antonio Parkway No. 471
   Ladera Ranch, California 92694

6. **General Plan/Zoning Designation:**

   The Project site is located on federal land and is designated for Resource/Land Management (RLM) (San Bernardino County 2020a). General Plan/zoning designations do not apply to federal land.

7. **Description of Project:**

   Refer to Chapter 2, Project Description.

8. **Surrounding Land Uses and Setting:**

   The Project includes approximately 6.13 acres of land, all of which is administered by BLM. The Project is located within unincorporated San Bernardino County. Surrounding land uses include vacant desert lands, utility lines, and I-15. A portion of the Mojave National Preserve, managed by the National Park Service, lies to the south of the I-15/Nipton Road interchange.

9. **Required Agency Approvals:**

   CDFW is lead agency for the Project and would be responsible for approving the environmental document. CDFW specifically has discretionary authority for the issuance of an ITP. Issuance of the ITP by CDFW subject to specific conditions would authorize "take" as defined by state law of desert tortoise incidental to the Applicant's otherwise lawful construction, O&M, and decommissioning of the Project. CDFW may issue an ITP for an otherwise lawful activity if, among other things, all the impacts of the taking are minimized and fully mitigated, there is adequate funding for the mitigation measures, and the take does not jeopardize the continued existence of the species. Similarly, where CDFW determines that an activity may substantially adversely affect an existing fish and wildlife resources subject to CDFW LSA Agreement regulatory authority, CDFW may condition implementation of that activity through an agreement that includes reasonable necessary measures to protect those resources. The ITP Application is included as Appendix A. Overall, other agency approvals that may be necessary pending review include the following:

   - **U.S. Fish and Wildlife Service (USFWS):** Endangered Species Act compliance
   - **Regional Water Quality Control Board (RWQCB):** Porter-Cologne Water Quality Control Act
   - **BLM:** Notice to Proceed

10. **Native American Tribes:**

    On June 1, 2021, CDFW sent a request to the NAHC for a search of the Sacred Lands File and a list of tribes that may be affiliated with the Project area. NAHC performed a record search of the Sacred Lands File and provided a list of Native American tribes who may have knowledge of cultural resources within the Project area. On July 15, 2021, CDFW provided notification of the Project under CEQA Section 21080.3.1 and CDFW's Tribal Communication and Consultation Policy to the two tribes identified by NAHC. The notification letters included a description of the Project and potential impacts to tribal interests and invited consultation pursuant to CEQA and CDFW's Tribal Communication and Consultation Policy. Refer to Section 3.18, Tribal Cultural Resources, of this document for additional information regarding tribal outreach conducted by CDFW.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

As indicated by the checklist in Sections 3.1 through 3.21, and summarized in the checklist below, none of the environmental factors considered in this analysis would be subject to an impact that would be "potentially significant." Potential impacts identified in this Initial Study would be avoided (i.e., no impact) or reduced to less than significant with the Applicant's commitment to incorporate APMs as part of the Project, as well as their commitment to implement additional feasible biological resources mitigation measures identified to avoid or substantially lessen potentially significant effects. The environmental factors checked below would be less then significant with mitigation incorporated.

☐ Aesthetics	☐ Agriculture/Forestry Resources	☐ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☐ Hazards and 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

EVALUATION OF ENVIRONMENTAL IMPACTS

This section analyzes the potential environmental impacts that could result from the Project. Impacts are evaluated by statement of the questions relevant to each section from the Initial Study Checklist, followed by answers determined through the analysis undertaken as part of the Initial Study. Impacts considered in the analysis include potential short-term (construction-related) impacts as well as long-term, operational or day-to-day impacts. For each question, there are four possible conclusions as described below.

1. ***No Impact.*** Future development arising from the Project's implementation will not have any measurable impact on the environment and no additional analysis is required.
2. ***Less than Significant Impact.*** The development associated with Project implementation will have the potential to impact the environment; these impacts, however, will be less than the levels or thresholds that are considered significant, and no additional analysis is required.
3. ***Potentially Significant Unless Mitigated.*** The development will have the potential to generate impacts that may be considered as a significant effect on the environment, although mitigation measures or changes to the Project's physical or operational characteristics can reduce these impacts to levels that are less than significant.
4. ***Potentially Significant Impact.*** Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less-than-significant levels.

ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

☐ I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the 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.

☐ I find that although the 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 Project, nothing further is required.

DocuSigned by:
Richard Burg
6D63DA991A5245F...

3/16/2022

Signature

Date

Richard Burg, Acting Regional Manager
California Department of Fish and Wildlife
Inland Deserts Region

ENVIRONMENTAL CHECKLIST

3.1 Aesthetics

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.1 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 nonurbanized 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 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 would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

3.1.1 Environmental Setting

The Project site is adjacent to and north of I-15 in the unincorporated community of Nipton, San Bernardino County, California. The Project site is approximately 10 miles from the California-Nevada state line and approximately 11 miles southwest of Primm, Nevada. In the Project area, I-15 provides motorists views of the Mojave National Preserve, located south of the Project site and south of I-15, and the Clark Mountain Range, located northwest of the Project site. While the site is not located within the Mojave National Preserve or East Mojave National Scenic Area, this preserve and scenic area are located to the southeast of the site across the I-15 and the site is within the viewshed of these visual resources (NPS 2003) (Figure 2-2). Section 2(b)(1) of the California Desert Protection Act requires California desert parks and wilderness areas to "Preserve unrivaled scenic, geologic and wildlife values associated with these unique natural landscapes." The I-15 corridor adjacent to the Project area is not designated as a County Scenic Route, State Scenic Highway, or Eligible State Scenic Highway (San Bernardino County 2020b). Along with an open pit rare earth mine in the Mountain Pass area and mountainous terrain, I-15 is a noticeable visual element in the Project area. I-15 is configured with two lanes in each direction with associated on- and off-ramps at the I-15/Nipton Road interchange, which is just southeast of the Project site. An existing communication facility is on the north side of the interchange, and consists of several equipment shelters and a fiberglass antenna mounted to a standard 40-foot wooden utility pole.

Vegetation in the area is sparse, with creosote bush being the most conspicuous plant. Depending on the time of year and the amount of rain the area has received, the vegetation could be green or brown in color. From the distance of the freeway, occasional green blotches would be seen on the low hills and mountains in the middle background. These blotches represent individual creosote bushes. Any trees present are low in stature, generally restricted to ephemeral wash areas, and are not prominent features.

Lastly, approximately 4 miles north of the Project site and in the Ivanpah Valley, which is crossed by a dry lake, is the BrightSource Energy Ivanpah Solar Electric Generating System. This facility is composed of three solar thermal power tower systems on approximately 3,500 acres of public land. The facility is highly visible from I-15 due to the presence of over 300,000 heliostats and three, 459-foot-tall towers that are topped with a solar receiver/boiler that shines bright from reflected sunlight. Rack mounted photovoltaic solar generating facilities are also located east and west of I-15 near Primm and are visible from the interstate.

Existing photographs of the Project site and surrounding area are included on Figure 3.1-1, Existing Visual Setting: Project Site and Surrounding Area.

The segment of I-15 in the vicinity of the I-15/Nipton Road interchange carries approximately 44,000 vehicles per day (Caltrans 2017). The lands on either side of the interstate receive comparatively light public use by viewer groups including recreationists. Recreational facilities to the east of the Project site and in the Ivanpah Valley include Primm Valley Golf Club (6 miles to the northeast), the Ivanpah Windsailing Special Recreation Management Area (Ivanpah Dry Lake; located 5.5 miles away), and an Off-Highway Vehicle Designated Area to the east of Nipton and off Joshua Tree Highway (within the Southern Nevada Extensive Recreation Management Area approximately 16 miles to the east in Nevada). Dispersed recreation also occurs in the mountain terrain to the north of the Project site that coincides with federally designated wilderness. However, due to the remote location of these areas, lack of access, and lack of developed facilities, use of federal wilderness in the surrounding area is anticipated to be low. Due to distance, the Project site is not clearly perceptible from local wilderness or recreational facilities in the Ivanpah Valley. As such, most people who view the Project area view it while traveling along I-15. A person traveling northbound on I-15 approaching the Project area recognizes that they are traveling through a mountain pass, with hills and mountains on either side. A person traveling southbound on I-15 from the Nevada state line is surrounded by a broad valley (Ivanpah Valley), with the Clark Mountain Range defining the horizon to the south, southwest, and west.

3.1.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APMs into the proposed Project to avoid or substantially lessen potentially significant impacts on aesthetics to the extent feasible. The APMs, where applicable, are discussed in the impact discussion in Section 3.1.3.

APM AES-1 **Glare Prevention.** The building plan notes shall specify that reflective materials, coatings, and/or paint shall not be utilized on the tower. Galvanized steel on structures shall be allowed to weather naturally to prevent glare.

APM AES-2 **Road Contrasts.** Non-toxic coloring agents shall be used on disturbed soils to mimic the dark weathering patterns on soil and rocks in arid environments as needed to reduce contrast created from disturbance along portions of the proposed access road visible from I-15, particularly those areas requiring cut and fill along the upper reaches of the roadway. Stain application rates and color tint shall be site specific, depending on the adjacent natural landscape. The stain shall be applied with backpacks or from a truck-mounted sprayer. Permeon (Product of SoilTech, Las Vegas,

Nevada) or similar for rocks and ACT (Product of SoilTech, Las Vegas, Nevada) or similar product for soils may be used.

APM AES-3 **Natural Vegetation and Topography Retention.** The grading plans shall identify that natural vegetation and topography shall be retained to the extent feasible. Regarding topography, roadway grading shall avoid unnecessary cuts and fills when upgrading existing roads and constructing new road segments. Impacts to natural vegetation shall avoid straight line edges–scalloped, irregular cleared edges are more natural looking.

APM AES-4 **Lighting.** Building plans shall demonstrate that all exterior lighting for Project elements shall be shielded, downward focused, and activated by motion detectors.

3.1.3 Impact Analysis

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

The proposed tower and ancillary facilities within the communication site would be within the I-15 viewshed as motorists approach the California-Nevada state line from the west and east. For eastbound motorists, the I-15 viewshed is defined by the rugged Clark Mountains, Mescal Range, and Mineral Hill that border the interstate corridor to the north and south. On the approach to the mountain pass from the east, westbound motorists travel through the broad and dry Ivanpah Valley and climb towards Nipton Road and the mountainous terrain of the Clark Range. As described previously, the I-15 viewshed near the Project site includes the natural landscape of the Mojave National Preserve and the Clark Mountain Range, as well as human-made features such as solar facilities, a communication facility, an open pit rare earth mine, and the I-15 roadway itself.

The Project is adjacent to heavily trafficked I-15 and, due to the tall scale of the 196-foot-high lattice communication tower and associated silhouetting against the sky, the tower feature would be visible to passing interstate motorists in the immediate area. To demonstrate anticipated visibility of the lattice communication tower, visual simulations of the communication tower as viewed from two locations on I-15 were prepared and are included in this Initial Study (refer to Figure 3.1-2, Key Observation Point 1, and Figure 3.1-3, Key Observation Point 2). As shown in figures, the tall, vertical form and darker color of the tower would be visible from I-15 due primarily to the silhouetting of the feature against the desert sky. Despite being visible, the tower and communication site would be set back from the interstate and would not result in the obstruction of scenic features in views from the interstate. While the communication tower may attract the attention of motorists, the duration of clear, foreground views to the communication tower would be relatively brief assuming travel at prevailing interstate speeds. Furthermore, the tower would display a thin profile and steel lattice materials would contribute to a semi-transparency that would reduce overall visibility.

Incorporation of APMs into the Project would include specifications that the communication tower be constructed off/finished with non-reflective materials (APM AES-1) to reduce potential glare and color contrasts that may attract attention and unduly interrupt available views. Incorporation of this APM into the Project would reduce potential contrast and visibility of the communication tower and reduce the potential for the structure to be a strong focal point for motorists and other viewers in the area.

In addition to the communication tower, the proposed access road is anticipated to be visible to travelers on southbound I-15, particularly along the steep upper stretches where switchbacks and larger areas of

cut and fill would be required (refer to Figure 3.1-4, Anticipated Visibility to Access Road from I-15). Switchbacks and proposed cut and fill areas would result in new exposure of underlying soils that would display a noticeable difference in soil color and texture (and unnatural, straight lines) when viewed alongside adjacent natural slopes, as shown in red on Figure 3.1-4 for location demonstration purposes only. If contrasts are not reduced, roads may attract the attention of interstate motorists as they approach and pass the Project site. The applicant (through APM AES-2) would provide for the application of nontoxic coloring agents that would mimic the dark weathering patterns on soil and rocks to reduce the contrast of the proposed access road visible from I-15. In addition, APM AES-3 would require natural vegetation and topography to be retained to the extent feasible and unnecessary cuts and fills to be avoided, which would further reduce landscape contrasts associated with access road construction on slopes visible from I-15.

The Project would also include the staging of equipment and vehicles; however, this activity would be temporary. Temporary construction activities including the use of equipment and vehicles, the addition of construction personnel to the Project area, and additional vehicles on local area roads would not substantially affect a scenic vista. Ground-disturbing activities including grading and site preparation would likely generate dust that could indirectly affect the availability of scenic views in the surrounding area. However, dust generation during construction would be reduced through incorporation of APM AES-3 (which entails limiting surface disturbance) into the Project and because dust would only be generated during initial construction activities. As such, the dust generated would be limited to the immediate Project vicinity and would be temporary (limited to 60 to 120 days).

Overall, the Project would not result in substantial adverse effects on scenic vistas. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the specified APMs, would result in **less-than-significant** impacts.

Mitigation Measures: With incorporation of APM AES-1 to APM AES-3, no mitigation is required.

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

There are no state designated scenic highways in the vicinity of the Project. The nearest eligible state scenic highway, Route 127 from I-15 near Baker north to the Nevada state line (approximately 50 miles in length), is approximately 36 miles west of the Project site (Caltrans 2021). The officially designated state scenic highway, State Route 190 through Death Valley National Park (approximately 55 miles in length), is located over 90 miles to the northwest of the Project site (Caltrans 2021). As motorists on the nearest state scenic highways would be distant and buffered from the Project by intervening terrain and vegetation, no views of the Project would be available to state scenic highway motorists. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant** impacts to scenic resources within a state scenic highway.

Mitigation Measures: No mitigation is required.

c) In nonurbanized 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 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?

The site is located within a nonurbanized area. As previously discussed, the Project site is visible from I-15, which includes a substantial number of viewers (approximately 44,000 vehicles per day [Caltrans 2017]). As described in Response 3.1.3(a), there are nearby unique features (mountains, valleys, and the Mojave National Preserve), as well as other existing utilities in the area. The Project would entail a new telecommunication tower, ancillary facilities, and a new access road. The tower would attract the attention of travelers on I-15 for a short period of time; however, motorists would experience views of the tower at typical interstate speeds of 60–70 miles per hour, which would limit view duration within the foreground/middle ground. Travelers' views would not be dominated by the Project, as its distance from the freeway would reduce the apparent scale of the tower and would prevent the tower's vertical lines from dominating the characteristic landscape and views. Still, the communication tower may create perceptible color contrast that would be heightened due to the silhouetting of the feature against the wide desert sky. The proposed access road would also be visible to travelers on southbound I-15, particularly the steep upper stretches of the access road where switchbacks and areas of cut and fill would be required. Switchbacks and visible areas of cut and fill would create new, unnatural lines in the characteristic mountain terrain that would contrast with adjacent natural slopes.

Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of APM AES-1 through APM AES-3, would result in **less-than-significant** impacts to visual character and quality of public views.

Mitigation Measures: With incorporation of APM AES-1 to APM AES-3, no mitigation is required.

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

Except for I-15 and related traffic, the immediate Project vicinity contains limited sources of light and glare.

Temporary construction activities would not occur during evening hours and, as such, no construction light and glare impacts are anticipated. During operations, the communication site would include operable security lighting and would consist of metallic support poles that, depending on finish, could be potentially reflective and capable of generating glare. While sensitive occupied properties are not located in the area, undeveloped lands are in the immediate vicinity and unnecessary illumination of or exposure to glare is for purposes of this assessment considered a potentially significant impact. However, the communication site would include a downward-shielded security light, which would be activated by a motion sensor (APM AES-4). In addition, communication tower materials, coatings, and paints and finishes would be non-reflective (APM AES-1). For these reasons, the Project would not result in substantial adverse light or glare effects on daytime or nighttime views in the Project area. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the specified APMs, would result in **less-than-significant impacts** related to substantial light and glare.

Mitigation Measures: With incorporation of APM AES-1 and APM AES-4, no mitigation is required.

3.2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.2 AGRICULTURE AND FORESTRY RESORUCES – 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 nonagricultural 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?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

3.2.1 Environmental Setting

The Project area is located within unincorporated San Bernardino County approximately 10 miles south of the California-Nevada state line. The Project site consists of rural desert land.

The California Department of Conservation Farmland Mapping and Monitoring Program was established to assess the location and quantity of agricultural lands and conversion of these lands to other uses. Since the Project site is in unincorporated San Bernardino, the San Bernardino County Countywide Plan (CWP) was used in conjunction with the Farmland Mapping and Monitoring Program to assess potential Project impacts on agricultural and forest resources (San Bernardino County 2020a).

The Project is located on federal land. The CWP designates the Project area as resource conservation land. Resource conservation is designated to encourage limited rural development that maximizes preservation of open space, watershed, and wildlife habitat areas; to identify areas where rural residences may be established on lands with limited grazing potential but which have significant open space values; to prevent inappropriate urban population densities in remote and/or hazardous areas of the county; and to establish areas where open space and non-agricultural activities are the primary use of the land, but where agriculture and compatible uses may co-exist.

3.2.2 Applicant Proposed Measures

No APMs or other measures regarding agriculture and forestry resources are required.

3.2.3 Impact Analysis

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

There is no mapped important farmland at the Project site (DOC 2016). There are also no existing agricultural uses nearby. Therefore, the Project would not result in the conversion of any land to non-agricultural use. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** to farmland.

Mitigation Measure: No mitigation is required.

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

The Project would not affect any properties zoned for agricultural use or currently under a Williamson Act contract. No Williamson Act contract lands are located within the Project area (DOC 2016; San Bernardino County 2020a). Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** to agricultural zoning or Williamson Act contract.

Mitigation Measure: No mitigation is required.

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

The Project is not located on designated timberland, as defined by the PRC. The Project is also not located on timberland zoned as timberland production, as defined by California Government Code. Desert woodland habitat is to the west and south of the Project site; however, the Project would not entail new or expanded encroachment into these areas. There has been no timber harvest in San Bernardino County since 2005 and no such resources are expected to be impacted by the project (San Bernardino County 2020b). Therefore, there is no potential for conflict with PRC Section 12220(g), PRC Section 4526, or Government Code 51104(g). As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** to land zoned for forestry resources.

Mitigation Measure: No mitigation is required.

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

As discussed in Response 3.2.3(c), desert woodland is to the west and south of the Project site (San Bernardino County 2007) and the Project site is mapped entirely as desert scrub. Therefore, the Project would not result in the loss of forest land or conversion of forest land to non-forest use. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** to forest land.

Mitigation Measure: No mitigation is required.

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

There is no farmland, agricultural use, or forest land on the Project site. While the Project would provide improved communication coverage in the area, the Project is unlikely to result in additional population, which could result in future farmland or forest land conversion, because the strengthening of communication coverage is not a main factor that induces population growth. Therefore, the Project would not contribute to increases in the conversion of farmland to non-agricultural use or forest land to non-forest use. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to other inadvertent conversion of farmland.

Mitigation Measure: No mitigation is required.

3.3 Air Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.3 AIR QUALITY – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
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?	☐	☐	☒	☐

3.3.1 Environmental Setting

The Project is located in unincorporated San Bernardino County, within the Mojave Desert Air Basin (MDAB) and within the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD).

Proposed construction activities for the Project were analyzed to determine whether those activities would result in emissions of criteria air pollutants that may cause exceedances of the National Ambient Air Quality Standards or California Ambient Air Quality Standards or contribute to existing nonattainment of ambient air quality standards. Criteria air pollutants include ozone (O_3), nitrogen dioxide, carbon monoxide (CO), sulfur dioxide, particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM_{10}), particulate matter with an aerodynamic diameter less than or equal to 2.5 microns ($PM_{2.5}$), and lead. Pollutants that are evaluated herein include volatile organic compounds (VOCs) and oxides of nitrogen (NO_x), which are precursors to O_3 (i.e., O_3 is not directly emitted), as well as CO, sulfur oxides (SO_x), PM_{10}, and $PM_{2.5}$.

The MDAB is designated nonattainment for federal and state O_3 and PM_{10} standards. The MDAB is nonattainment for the state $PM_{2.5}$ standard as well. The MDAB is designated as an attainment or unclassifiable/attainment area for federal and state CO, nitrogen dioxide, sulfur dioxide, and lead standards.

Appendix G of the CEQA Guidelines states that significance criteria established by the applicable air district may be relied upon to determine whether a project would have a significant impact on air quality. The MDAQMD CEQA Air and Federal Conformity Guidelines (MDAQMD 2020) sets forth quantitative emission significance thresholds for criteria air pollutants below which a project would not have a significant impact on ambient air quality within the MDAB. Project-related criteria air pollutant emissions estimated in this environmental analysis would be considered significant if any of the following MDAQMD significance thresholds would be exceeded: 548,000 pounds per day of greenhouse gases (GHGs) (carbon dioxide equivalent [CO_2e]), 137 pounds per day for VOCs, 137 pounds per day for NO_x, 548 pounds per day for CO, 137 pounds per day for SO_x, 82 pounds per day for PM_{10}, 65 pounds per day for $PM_{2.5,}$ 54 pounds per day for hydrogen sulfide, and 3 pounds per day for lead. The MDAQMD has also identified quantitative annual emission significance thresholds for criteria pollutants. Project-related criteria air pollutant emissions would be considered significant if the following annual thresholds would be exceeded: 100,000 short tons (tons) of CO_2e, 25 tons per year of VOCs, 25 tons per year for NO_x, 100 tons per year for CO, 25 tons per year for SO_x, 15 tons per year for PM_{10}, 12 tons per year for $PM_{2.}5$, 10 tons per year of hydrogen sulfide, and 0.6 tons per year of lead. Because regional air quality standards have been established for these criteria pollutants to protect the public with a margin of safety from adverse health impacts due to exposure to air pollution, these thresholds of significance can also be used to assess Project emissions and inform the Project's impacts to regional air quality and health risks under CEQA. Refer to Section 3.8 regarding GHG emissions.

3.3.2 Applicant Proposed Measures

No APMs or other measures regarding air quality are required.

3.3.3 Impact Analysis

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

Air quality plans describe the air pollution control strategies to be implemented by a city, county, or regional air district. The primary purpose of an air quality plan is to bring an area that does not attain the National

Ambient Air Quality Standards and the California Ambient Air Quality Standards into compliance with those standards pursuant to the requirements of the federal Clean Air Act and California Clean Air Act.

As stated previously, the Project is within the jurisdiction of the MDAQMD. Accordingly, the applicable air quality plan for the Project is prepared by the MDAQMD and is intended to improve air quality in the region. The MDAQMD has adopted a variety of attainment plans for the pollutants that are in nonattainment in the region, such as the 2017 Federal 8-Hour Ozone Attainment Plan, 2008 Federal Ozone Attainment Plan, 2004 State and Federal Ozone Attainment Plan, and the 1995 Federal PM_{10} Attainment Plan (refer to MDAQMD 2020, Table 2). Consistency with the air quality plans is determined through evaluation of Project-related air quality impacts and demonstration that Project-related emissions would not increase the frequency or severity of existing violations or contribute to a new violation of the National Ambient Air Quality Standards or California Ambient Air Quality Standards. As explained in the MDAQMD CEQA Guidelines, consistency with the MDAQMD attainment plans is also determined through consistency with the existing land use plan (MDAQMD 2020).

The Project would involve construction activities, which are short-term (60–120 days) and temporary in nature. Approximately four to six workers would be at the Project site on any given day during construction. Construction equipment to be used on site would vary based upon the type of work currently underway, but equipment would likely be confined to that listed in Table 2-1. All of the equipment listed in the table might not be necessary, nor would it all be operating at the same time.

The Project would construct and operate a communications site and ancillary facilities within an existing BLM-designated utility corridor and the BLM-granted ROW for the Project. As such, the Project would be consistent with the existing land uses. Therefore, the Project would be consistent with the applicable MDAQMD attainment plans.

Following construction, the site would operate 24 hours a day, 7 days a week for the duration of the lease period. The electronic equipment housed in the equipment cabinets would be temperature controlled by wall-mounted HVAC units. During warmer periods, the cooling units could periodically be in operation 24 hours a day. Electric power would be provided via photovoltaic solar panels and backup emergency generators. The Project would entail mostly minor maintenance activities throughout the lease duration. Maintenance activities at the site would primarily consist of monthly visits by technicians associated with each of the carriers with equipment at the site.

Since the Project would be consistent with the existing land use, would not result in growth-inducing development, and would not increase the construction activity or emissions above assumptions in the applicable air quality attainment plans, the Project would not impede achievement of the air quality goals of the region. Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant** impacts to implementation of the applicable air quality plan.

Mitigation Measure: No mitigation is required.

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

The cumulative analysis of construction and operational emissions focuses on whether a specific project would result in a cumulatively considerable increase in emissions. By its very nature, air pollution is largely

a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and this regional impact is cumulative rather than attributable to any one source.

Construction of the proposed Project would generate temporary emissions of VOC, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$. VOC, NO_X, CO, and SO_X emissions are associated primarily with mobile equipment exhaust, including off-road construction equipment and on-road motor vehicles. Fugitive dust emissions (PM_{10} and $PM_{2.5}$) are associated primarily with site preparation and vary as a function of parameters such as soil silt content, soil moisture, wind speed, acreage of disturbance area, and miles traveled by construction vehicles.

Construction emissions for the Project were estimated using emission factors from the California Air Resources Board (CARB) OFFROAD2017 and EMFAC2017 database models (CARB 2019). Construction emissions from the operation of diesel-fueled off-road equipment were estimated by multiplying daily usage (i.e., hours per day) and total days of construction by OFFROAD equipment-specific factors. Emissions from on-road motor vehicles were estimated using vehicle trips, vehicle miles traveled (VMT), and EMFAC 2017 mobile source emission factors. The emission factors represent the fleet-wide average emission factors within San Bernardino County. Fugitive dust emissions were estimated using the U.S. Environmental Protection Agency Compilation of Air Pollutant Factors (AP-42) and are based on earthwork estimates and VMT on paved and unpaved roads.

While construction of the Project is currently anticipated to begin in 2022, this air quality emissions analysis conservatively assumes construction would begin in 2020. Due to advancements in engine technology and turnover in equipment fleet, this assumption is considered to result in a conservative air emissions analysis. The analysis assumed six workers would travel to the site daily, resulting in approximately 12 worker trips per day. Equipment would be staged at the Project site for the duration of construction, limiting the number of construction trips for mobilization and demobilization. In addition, the analysis assumed tower foundation, fence, and solar panels and carrier equipment would be delivered on a heavy-duty truck from approximately 110 miles away from the Project site. It was also assumed that any spoils or excess soil materials resulting from excavations or borings would be distributed evenly across the site.

As shown in Table 3.3-1, construction activities for the Project would generate maximum daily emissions of approximately 2 pounds of VOC, 11 pounds of CO, 16 pounds of NO_X, less than 1 pound of SO_X, 31 pounds of PM_{10}, and 9 pounds of $PM_{2.5}$. Additional modeling assumptions and details are provided in Appendix B, Air Quality and Greenhouse Gas Emissions Estimates.

Table 3.3-1. Unmitigated Daily and Annual Construction Emissions

	VOC	CO	NO_X	SO_X	PM_{10}[1]	$PM_{2.5}$[1]
Maximum Daily Emissions (lbs/day)	1.52	11.02	16.18	0.11	31.03	9.47
Daily Threshold of Significance (lbs/day)[2]	137	548	137	137	82	65
Significant Impact?	*No*	*No*	*No*	*No*	*No*	*No*
Maximum Annual Emissions (tons/year)	0.04	0.28	0.40	<0.00	0.45	0.21
Annual Threshold of Significance (tons/year)[2]	25	100	25	25	15	12
Significant Impact?	*No*	*No*	*No*	*No*	*No*	*No*

Source: Appendix B.

Notes: VOC = volatile organic compounds; NO_X = nitrogen oxides; CO = carbon monoxide; SOx = sulfur oxides; PM_{10} = suspended particulate matter; $PM_{2.5}$ = fine particulate matter; lbs/day = pound per day.

1 Fugitive dust emissions include reductions associated with limiting vehicle speeds on unpaved roads to 15 miles per hour as described in Section 2.3, Project Construction.

2 Thresholds based on the MDAQMD CEQA Guidelines (MDAQMD 2020).

As shown in Table 3.3-1, maximum daily and annual construction emissions of VOC, NO_X, CO, SO_X, PM_{10}, and $PM_{2.5}$ would not exceed the recommended thresholds of significance. These thresholds are designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards. Projects that would not exceed the thresholds of significance would not contribute a considerable amount of criteria air pollutant emissions to the region's emissions profile, and would not impede attainment and maintenance of ambient air quality standards. Therefore, construction activities associated with the Project would not be cumulatively considerable.

Following construction, operation of the Project would entail mostly minor maintenance activities throughout the lease duration. As such, emissions would be limited to mobile source emissions from monthly visits by technicians and stationary source emissions from the back-up emergency generators. Operational emissions were also quantified using CARB OFFROAD2017 and EMFAC2017 database models. While the number of site visits would vary depending upon specific maintenance requirements and other activities, the analysis assumed approximately three visits per month by three separate carriers. The analysis also assumed up to three 35-kilowatt backup generators that would switch on automatically once per week and run for a period of approximately 30 minutes to ensure the maintenance of adequate lubrication within the units and to test them for proper operation.

As shown in Table 3.3-2, operational emissions would also not exceed the recommended thresholds of significance. Additional modeling assumptions and details are provided in Appendix B.

Table 3.3-2. Unmitigated Daily and Annual Operational Emissions

	VOC	CO	NO_X	SO_X	PM_{10}[1]	$PM_{2.5}$
Maximum Daily Emissions (lbs/day)	0.56	1.36	0.96	0.00	19.11	1.78
Daily Threshold of Significance (lbs/day)[1]	137	548	137	137	82	65
Significant Impact?	*No*	*No*	*No*	*No*	*No*	*No*
Maximum Annual Emissions (tons/year)	0.01	0.03	0.02	0.00	0.12	0.01
Annual Threshold of Significance (tons/year)[1]	25	100	25	25	15	12
Significant Impact?	*No*	*No*	*No*	*No*	*No*	*No*

Source: Appendix B.
Notes: VOC = volatile organic compounds; NO_X = nitrogen oxides; CO = carbon monoxide; SOx = sulfur oxides; PM_{10} = suspended particulate matter; $PM_{2.5}$ = fine particulate matter; lbs/day = pound per day.
[1] Thresholds based on the MDAQMD CEQA Guidelines (MDAQMD 2020).

As shown in Tables 3.3-1 and 3.3-2, the Project would result in construction and operational emissions that would not exceed MDAQMD thresholds of significance. Activities associated with decommissioning after the lease period (30 years) are anticipated to be similar to construction activities. As such, due to advancements in engine technology and turnover in equipment fleet, emissions related to decommissioning are anticipated to be similar or less than those determined for the construction phase of the Project. Therefore, the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant** impacts related to the emission of non-attainment criteria pollutants.

Mitigation Measures: No mitigation is required.

c) Expose sensitive receptors to substantial pollutant concentrations?

Some members of the population are especially sensitive to air pollutant emissions and should be given special consideration when projects' air quality impacts are evaluated. The groups include children, older adults, and persons with preexisting respiratory or cardiovascular illnesses. The MDAQMD defines sensitive receptor land uses to include residences, schools, daycare centers, playgrounds, and medical facilities.

The Project is located in rural desert open space, adjacent to I-15. The nearest property with potential to be occupied is approximately 0.7 miles (approximately 3,700 feet) southwest of the communication site. The next nearest residence is approximately 1.3 miles southeast of the existing access road and staging area.

As shown in Tables 3.3-1 and 3.3-2, construction and operation of the Project would result in emissions of criteria air pollutants, but at levels that would not exceed MDAQMD thresholds of significance. The thresholds of significance were designed to identify those projects that would result in significant levels of air pollution and to assist the region in attaining the applicable state and federal ambient air quality standards, which were established using health-based criteria to protect the public with a margin of safety from adverse health impacts due to exposure to air pollution. As such, the construction-related criteria air pollutant emissions associated with the proposed Project would not expose sensitive receptors to substantial pollutant concentrations.

In addition to criteria air pollutants, construction of the Project would also generate toxic air contaminant (TAC) emissions, specifically diesel particulate matter, associated with heavy-duty construction equipment operations. The Office of Environmental Health Hazard Assessment developed a Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2015). According to Office of Environmental Health Hazard Assessment methodology, health effects from carcinogenic TACs are usually described in terms of individual cancer risk, which is based on a 30-year lifetime exposure to TAC emissions. Construction activities for the Project are anticipated to last approximately 60–120 days and would cease following completion of the Project.

Due the Project's limited construction timeframe, workforce and equipment assumptions, and substantial distance to the nearest sensitive receptors, the Project would not generate substantial pollutant concentrations. Following construction and installation of carrier equipment, maintenance activities would be intermittent (three visits per month with crews of one to three persons in standard road vehicles) and would not generate substantial pollutant concentrations. Following heavy rainfall events, there is the potential for the new access road to require occasional maintenance to allow vehicles to reach the communication site safely. However, this work would be intermittent and infrequent in nature and would not generate substantial pollutant concentrations. In addition, the Project is not one of the project types that are substantial sources of TAC emissions, and the nearest sensitive receptors are located at greater distances than identified in the MDAQMD CEQA and Federal Conformity Guidelines (MDAQMD 2020).[3] Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant** impacts related to the exposure of sensitive receptors to substantial pollutant concentrations.

Mitigation Measure: No mitigation is required.

[3] The MDAQMD CEQA and Federal Conformity Guidelines identifies project types as substantial sources of TAC emissions which must be evaluated within the specified distance to an existing or planned sensitive receptor land use to be any industrial project within 1,000 feet, a distribution center (40 or more trucks per day) within 1,000 feet, a major transportation project (50,000 or more vehicles per day) within 1,000 feet, a dry cleaner using perchloroethylene within 500 feet, a gasoline dispensing facility within 300 feet (MDAQMD 2020).

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

The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. While offensive odors rarely cause any physical harm, they can still be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

The Project would not generate any notable sources of odors. Potential construction-related sources of odors include diesel-powered construction equipment. Light- and medium-duty trucks and off-road equipment would emit diesel exhaust odors. However, because of the number and types of equipment, the temporary nature of these emissions, and the highly diffusive properties of diesel exhaust, nearby receptors would not be affected by odors associated with Project construction. Operation of the Project would entail intermittent maintenance activities (three visits per month with crews of one to three persons in standard road vehicles) and occasional road maintenance following heavy rainfall events, which would not generate notable sources of odors. Future decommissioning activities would be similar to construction activities and may therefore also emit odors, including exhaust from diesel equipment and heavy-duty trucks. After decommissioning, all associated odors would cease. As a result, the Project would not create objectionable odors affecting a substantial number of people. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant** impacts related to the exposure of a substantial number of people to other emissions such as odors.

Mitigation Measure: No mitigation is required.

3.4 Biological Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.4 BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
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?	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
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?	☐	☐	☒	☐

3.4.1 Environmental Setting

Biological resource information in this section was gathered from the proposed Project's Pre-Project Botanical Survey Results Report (Appendix C), Jurisdictional Delineation of Arid Streams for the Proposed Nipton Communication Site (Appendix D.1), and Nipton Communication Project Request for Information Alternative Locations for Access Road along East Drainage (Appendix D.2) prepared by AECOM. An update to the jurisdictional delineation study area acreages was completed in an update memorandum based on the changes to the Project area (Appendix D.3). Concurrence on the jurisdictional delineation from the RWQCB and U.S. Army Corps of Engineers (USACE) was provided (Appendices D.4 and D.5, respectively). Biological survey data associated with the Ivanpah Solar Electric Generating System Project located approximately 5 miles (1.6 kilometers) north of the Project site were also reviewed (BLM 2010). The CDFW California Natural Diversity Database (CDFW 2019a), Consortium of California Herbaria (CCH 2019), and USFWS Information for Planning and Consultation Tool (USFWS 2019) were reviewed to search for known biological resources located within an approximate 5-mile radius of the Project. The California Natural Diversity Database special plant list evaluation and CDFW special animal list reviews also prepared by AECOM are included as Appendices E and F, respectively. Based on the analysis completed, a Desert Tortoise Pre-Project Survey Report was completed and is included as Appendix G.

Sensitive and special-status biological resources are defined as follows:

- Sensitive vegetation communities are those designated by NatureServe's Heritage Methodology as S1–S3 (CDFW 2019b). NatureServe's Heritage Methodology ranks vegetation communities as follows: S1 = Critically Imperiled – Critically imperiled in the state because of extreme rarity, 5 or fewer occurrences; S2 = Imperiled – Imperiled in the state because of rarity due to very restricted range, 20 or fewer occurrences; S3 = Vulnerable – Vulnerable in the state due to a restricted range, 80 or fewer occurrences; S4 = Apparently Secure – Uncommon but not rare; some cause for long-term concern due to declines or other factors; S5 = Secure – Common, widespread, and abundant in the state.
- Special-status plant species include species designated as rare, candidate, threatened, or endangered by CDFW or USFWS under the federal Endangered Species Act or California Endangered Species Act (CDFW 2020a); California Species of Special Concern (CDFW 2020a); BLM sensitive species (CDFW 2020a); and species listed by the California Native Plant Society as California Rare Plant Rank (CRPR) 1A (presumed extirpated in California and either rare or extinct elsewhere), 1B (rare, threatened, and endangered in California and elsewhere), 2A (presumed extirpated in California but common elsewhere), 2B (rare, threatened, or endangered in California but more common elsewhere), 3 (plants for which more information is needed [a review list]), or 4 (plants of limited distribution [watch list]) (CNPS 2019a).
- Special-status wildlife species include species designated as rare, candidate, threatened, or endangered by CDFW or USFWS under the federal Endangered Species Act or California Endangered Species Act (CDFW 2020b); USFWS Birds of Conservation Concern (CDFW 2020b); California Species of Special Concern (CDFW 2020b); CDFW fully protected species (CDFW 2020b); BLM sensitive species (CDFW 2020b); and species covered as a state protected furbearing mammal (14 CCR 460).

The following sections summarize the existing biological resource information applicable to the biological study area and the proposed Project site.

Sensitive Vegetation Communities

Vegetation communities were mapped in spring 2013, 2014, and 2015[4] in accordance with the classification system presented in Holland (1986) (Table 3.4-1). Vegetation was mapped within Project work areas (communication site, new access road, and temporary staging area), plus a surrounding 200-meter (approximately 650-foot) buffer around each work area. Following completion of 2013 surveys, the Project was refined and reduced to minimize impacts to biological resources. More specifically, the tie-in to the electrical grid was eliminated from the Project, and instead solar is proposed within the lease area (refer to Figure 2-3). Results for the previous larger survey area were documented in the initial reports (Appendix C and D.1) and are shown for existing conditions context, but the previous project footprint is not utilized for impact analysis or discussed further in this document. The updated study area information is included in the Update Memorandum (Appendix D.3) and is utilized further in the impact analysis.

Vegetation in the survey area is composed mainly of Mojave creosote bush scrub (Figure 3.4-1, Vegetation Communities). While shrub cover is sparse, common shrubs within the survey area for this community include creosote bush (*Larrea tridentata*) as a co-dominant in the shrub canopy with brittle bush (*Encelia farinosa*), desert trumpet (*Eriogonum inflatum*), beavertail cactus (*Opuntia basilaris*), buckhorn cholla (*Cylindropuntia*

[4] Note that the jurisdictional delineation conducted in 2019 utilized the criteria described in A Manual of California Vegetation, Second Edition (Sawyer et al. 2009) to describe the vegetation communities within the survey area. The vegetation communities identified during the delineation crosswalk to those provided in Holland (1986) and therefore, to provide consistency, this Initial Study utilizes the vegetation communities identified during the vegetation mapping (i.e., Holland 1986).

acanthocarpa), California barrel cactus (*Ferocactus cylindraceus*), white bursage (*Ambrosia dumosa*), cheesebush (*Ambrosia salsola*), white ratany (*Krameria bicolor*), leafy California buckwheat (*Eriogonum fasciculatum* var. *foliolosum*), Eastern Mojave buckwheat (*Eriogonum fasciculatum* var. *polifolium*), Mojave yucca (*Yucca schidigera*), and eastern Joshua tree (*Yucca brevifolia* var. *jaegeriana*). Common annual plant species include distant phacelia (*Phacelia distans*), trailing windmills (*Allionia incarnata*), Coulter's spiderling (*Boerhavia coulteri*), Wright's spiderling (*Boerhavia wrightii*), needle grama (*Bouteloua aristoides* var. *aristoides*), sixweeks grama (*Bouteloua barbata* var. *barbata*), and nine-awned pappus grass (*Enneapogon desvauxii*). Emergent eastern Joshua trees are present in low cover. Mojave creosote bush occurs within small washes, rills, alluvial fans, bajadas, colluvium on upland slopes. Soils are typically well drained, are rocky, may have desert pavement surfaces, and are often derived from granitic or volcanic rock. The majority of the study area is composed of this vegetation community, with the exception of the eastern portion within the desert wash. Observed pre-existing disturbances were the developed section to the east at the terminus of Nipton Road. This vegetation community is known as the creosote bush–brittle bush scrub (*Larrea tridentata–Encelia farinosa* shrubland) alliance in the Manual of California Vegetation (CNPS 2019b) and has state rarity ranking of S4. Therefore, this is not considered a sensitive vegetation community.

Mojave desert wash scrub habitat was also found within the survey area. Common shrubs within this habitat include catclaw (*Senegalia greggii*), bladder sage (*Scutellaria mexicana*), woolly bluestar (*Amsonia tomentosa*), and big galleta (*Hilaria rigida*). The vegetation in the washes is known as cheesebush – sweetbush scrub (*Ambrosia salsola – Bebbia juncea* Shrubland) alliance in in the Manual of California Vegetation (CNPS 2019b) and has a state rarity ranking of S4. Therefore, this is not considered a sensitive vegetation community. Developed/maintained land cover was also mapped in the survey area.

Table 3.4-1. Acreage of Vegetation Communities and Land Cover Types

Vegetation Community and Land Cover Type	Communication Site	Access Road (Existing and New)	Staging Area	Total
Mojave Creosote Bush Scrub	0.39	5.38	0.01	5.78
Mojave Desert Wash Scrub	—	0.08	—	0.08
Subtotal Impacts to Native Habitat	*0.39*	*5.46*	*0.01*	*5.86*
Developed/Maintained	—	0.10	0.17	0.27
Total	**0.39**	**5.56**	**0.18**	**6.13**

Source: Appendices D.1 to D.3.

Jurisdictional Aquatic Resources

Waters were delineated on the Project site that could be subject to the regulatory authority of CDFW, USACE, and the State Water Resources Control Board or the appropriate RWQCB, as detailed in Appendix D.4. A jurisdictional waters delineation was conducted in January 2019 and is included as Appendix D.1. Methods used during the delineation followed standard federal and state guidance and procedures, including (1) mapping the ordinary high water mark, which is used by USACE for determining waters of the United States and indirectly used by the RWQCB for determining waters of the state, and (2) mapping episodic stream activity (where applicable) as utilized by CDFW. The jurisdictional waters/streams study area includes the proposed route of the new access road plus a 25-foot buffer in any direction out from the road, and the communication tower site. In late 2019, adjustments were made to the drainage east alignment, as summarized in a memorandum to the RWQCB (Appendix D.4).

The results of the delineation identified two unnamed watercourses within the jurisdictional waters study area subject to RWQCB and CDFW jurisdiction. Numerous swales situated along a slope to the north of I-15 were mapped within the jurisdictional waters study area that may be subject to CDFW jurisdiction.

Waters of the United States

Jurisdictional waters of the United States defined in the Clean Water Act include interstate waters such as lakes, rivers, streams (including intermittent streams), and their tributaries, but exclude ephemeral channels. In the case of intrastate waters (i.e., the ephemeral or intermittent drainage channels on the site), federal jurisdiction of waters of the United States applies only where degradation or destruction could affect interstate or foreign commerce.

No wetlands or waters of the United States are within the Project area or jurisdictional waters study area. The Project is within the Ivanpah-Pahrump Valleys Watershed, which is internally drained, with no outlet to coastal areas or navigable waterways. Therefore, potential federal jurisdictional features within the jurisdictional waters study area are considered isolated, and thus not under USACE jurisdiction.

Waters of the State

"Waters of the state" are defined to include "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code, Section 13050[e]). Unlike waters of the United States, no surface connection to larger water bodies is required under the state definition.

Streams

The only jurisdictional waters found within the Project sites were two ephemeral streams.

The delineation for waters of the state has been reviewed by the regulatory agencies and they have concurred with the delineation, as indicated in the email provided by RWQCB in Appendix D.4 and the USACE determination provided in Appendix D.5. Pending CDFW review, any mapped or unmapped swales may be determined jurisdictional through the LSA Agreement. Table 3.4-2 summarizes the amount and type of jurisdictional waters determined to occur within the jurisdictional waters study area. Figure 3.4-2 details the locations of potential jurisdictional waters of the state within the jurisdictional survey area.

Table 3.4-2. Ephemeral Drainage Features within the Jurisdictional Waters Study Area

	Waters of the State (acres)	CDFW Streambeds (acres)	Linear Feet
Drainage East	0.10	0.47	567
Drainage West	0.001	0.01	18
Total	**0.10**	**0.48**	**585**

Source: Appendices D.1 to D.3.

Special-Status Plants

Rare plant surveys were conducted in spring and fall 2013, April 2014, and April 2015 within Project work areas (communication site, new access road, and temporary staging area), plus a surrounding 100-foot buffer around each work area (Appendix C). Following completion of 2015 surveys, the Project was refined and reduced to minimize impacts to biological resources as discussed above. Results for the previous survey area are shown for context in the Pre-Project Botanical Survey Results Report, but impacts are assessed on the currently proposed footprint.

Federally and State-Listed Plant Species

No federally or state-listed plant species were observed nor do any have potential to occur in the survey area.

Non-Listed Special-Status Plant Species

Three non-listed special-status plant species were observed: desert pincushion (*Coryphantha chlorantha*), nine-awned pappus grass, and skyblue phacelia (*Phacelia coerulea*). One individual of desert pincushion was detected in the western portion of the Project area during 2014 surveys (Figure 3.4-3, Special-Status Plants). This species has a CRPR of 2B.1, "seriously endangered in California, but more common elsewhere."

Hundreds of individuals of nine-awned pappus grass were observed during 2013 fall surveys (Figure 3.4-3). This species has a CRPR of 2B.2, "fairly endangered in California, but more common elsewhere." Nine-awned pappus grass grows and flowers in summer and fall after summer monsoon rains. Populations may expand significantly following favorable summer rainy seasons, or contract if the summer rain is meager. Fall 2013 surveys were conducted in a better than average summer rainfall season so the plant appeared in significant numbers. This species was found in abundance at the Ivanpah solar site, at the Stateline solar site, and in adjacent Nevada in 2013 and 2014 after sufficient summer rainfall (LaPre, pers. comm. 2014a). There are also known records surrounding the Project site in the CCH database (CCH 2019).

Skyblue phacelia was observed in one small localized area at the south end of a previously proposed electric distribution line during 2015 spring surveys (Figure 3.4-3). Several plants were observed in the large sandy wash at this location growing near the existing access road. This species has a CRPR of 2B.3, "not very endangered in California, more common elsewhere."

An additional 75 non-listed special-status plant species were identified from the California Natural Diversity Database search as occurring in the vicinity of the survey area. Of those 75, 3 species have been detected within the survey area (discussed above) (Table 3.4-3). A complete list of species evaluated for potential to occur within the survey area is included in Appendix E.

Table 3.4-3. Special-Status Plant Species Observed or Expected to Occur in the Nipton Communication Site Survey Area

Scientific Name	Common Name	Status[1]	Habitat	Probability of Occurrence
Coryphantha chlorantha	desert pincushion	CRPR: 2B.1	Occurs in Mojavean desert scrub, Sonoran desert scrub, Joshua tree woodland, and pinyon and juniper woodland on calcareous substrates and in rocky and gravelly sites. Elevation 300–2,400 meters. Perennial stem succulent that blooms April–September.	**Detected.** One individual was detected on the hill slope in the southern portion of the survey area.

Table 3.4-3. Special-Status Plant Species Observed or Expected to Occur in the Nipton Communication Site Survey Area

Scientific Name	Common Name	Status[1]	Habitat	Probability of Occurrence
Enneapogon desvauxii	nine-awned pappus grass	CRPR: 2B.2	Occurs in pinyon and juniper woodland on decomposed granite or in gravelly limestone soils. Elevation 1,240–1,825 meters. Perennial herb that blooms August–September.	**Detected**. A large population of this species occurs within the survey area.
Phacelia coerulea	sky-blue phacelia	CRPR: 2B.3	Occurs in Mojavean desert scrub, pinyon-juniper woodland. Elevation 1,400–2,000 meters. Annual herb that blooms April–May.	**Detected**. One individual located along the previously proposed electric distribution line.

Source: Appendix E.

[1] **Status Key**

CRPR 2B – rare, threatened, or endangered in California but more common elsewhere
CRPR 4 – plants of limited distribution (watch list)
-.1 Seriously endangered in California
-.2 Fairly endangered in California
-.3 Not very endangered in California

Invasive, Non-Native Plant Species

Three invasive, non-native plant species were documented within the Project area during biological surveys performed between 2013 and 2015 (including rare plant and vegetation mapping surveys): Mediterranean grass (*Schismus arabicus*), red brome (*Bromus madritensis* ssp. *rubens*), and redstem filaree (*Erodium cicutarium*). These species were documented sporadically throughout the Project area, and none were observed in high numbers or in notably dense occurrences.

Special-Status Wildlife

The entire survey area contained suitable habitat for desert tortoise, and 100% coverage presence-or-absence desert tortoise pre-Project surveys were performed in accordance with USFWS (2010) survey protocol in April 2013, 2014, and 2015 within Project work areas (communication site, new access road, and temporary staging area). In addition, three belt transects (buffer transects) out to 656 feet (200 meters) and spaced at 217-foot (66-meter) intervals parallel to and/or encircling the Project perimeter at 217, 433, and 650 feet (66, 132, and 198 meters, respectively) from the perimeter of the Project site were also surveyed, per BLM direction (LaPre, pers. comm. 2014b). General wildlife surveys were also conducted simultaneous with desert tortoise surveys. Biologists evaluated habitat suitability and potential for occurrence of special-status wildlife. Any special-status wildlife incidentally detected during surveys were recorded. Following completion of 2015 surveys, the Project was refined and reduced to minimize impacts to biological resources as discussed above. Results for the previous survey area are shown for context in the desert tortoise report, but the impact analysis herein is based on the current proposed Project footprint.

Federally and State-Listed Wildlife Species

One federally and state-listed species, desert tortoise, was detected during biological surveys. No other federally or state-listed species are considered to have potential to occur in the survey area (Table 3.4-4).

Desert Tortoise

Desert tortoise is a state-listed threatened and candidate endangered species under the California Endangered Species Act. Desert tortoise is also federally listed by USFWS as threatened under the federal Endangered Species Act. Designated critical habitat for desert tortoise does not occur within the Project area; the nearest desert tortoise critical habitat (Ivanpah Unit) occurs on the southeast side of I-15 approximately 600 feet from the Project area. The Ivanpah Desert Wildlife Management Area, a BLM-established area to protect high-quality desert tortoise habitat, also occurs on the east side of I-15 to the southeast of the Project area. The Project site is within a DRECP-designated linkage area for this species (Ivanpah Valley Linkage), but it is not within a Desert Tortoise Conservation Area.

Desert tortoise pre-Project surveys were performed in accordance with USFWS (2010) survey protocol in April 2013, 2014, and 2015, as documented in Appendix G. During 2013 desert tortoise pre-Project surveys, one Class 4 burrow (deteriorated condition, possibly desert tortoise) was observed. No individual desert tortoise or other definitive desert tortoise sign was observed in 2013. During desert tortoise pre-Project surveys on April 23 and 24, 2014, the following were observed: four adult tortoises, one Class 1 burrow (currently active, with desert tortoise or recent desert tortoise sign), two Class 2 burrows (one a pallet) (good condition, definitely desert tortoise; no evidence of recent use), one Class 4 burrow (likely same burrow as observed in 2013; deteriorated condition, possibly desert tortoise), one Class 5 burrow (good condition; possibly desert tortoise), and four desert tortoise scat (one Class 1 [wet but not from rain or dew, or freshly dried; obvious odor], one Class 2 [dried with glaze; some odor; dark brown], and two Class 4 [dried; light brown to pale yellow; loose material; scaly]). None of these observations of desert tortoise individuals and sign occurred within the communication site that would support the communication tower. However, all four desert tortoise adults and four burrows (one definitely desert tortoise, three possibly desert tortoise) were observed along the proposed access road. An adult desert tortoise was also incidentally observed near a pallet (later classified as a Class 2 pallet [good condition, definitely tortoise; no evidence of recent use]) during rare plant surveys in April 2014. No desert tortoise or desert tortoise sign was observed during 2015 surveys. Desert tortoise survey results are displayed in Figure 3.4-4, Special-Status Wildlife Observations.

Non-Listed Special-Status Wildlife Species

Two non-listed special-status wildlife species were detected: American badger (*Taxidea taxus*) and Nelson's bighorn sheep (*Ovis canadensis nelson*). An additional 12 non-listed special-status wildlife species were identified from the California Natural Diversity Database search as occurring in the vicinity of the survey area. Of those 12, 4 species have a moderate probability to occur within the survey area (Table 3.4-4). A complete list of species evaluated for potential to occur within the survey area is included in Appendix F.

American Badger

American badger is a CDFW Species of Special Concern. American badger claw marks were observed during pre-Project surveys for desert tortoise. There was no additional sign and it could not be determined if digging detected in the survey area was a foraging dig or burrow/den. This species has been detected in Wheaton Wash along I-15 approximately 1.5 miles west of the communication site (CDFW 2019a). Prey species (e.g., antelope squirrel, woodrat, mice, etc.) for American badgers are present within the survey area. This species is a resident of level,

gentle terrain in open areas in grasslands, agricultural areas, and open shrub habitats. The badger dig was detected along a flat area of belt transect for desert tortoise and likely limits its movement to this gentle terrain as opposed to the more rocky, steep terrain near the communication site. Badger are closely tied to prey abundance and the flatter area of the study area is more suitable; the rocky terrain is not suitable habitat due to lack of burrowing ability and low prey resources.

Nelson's Bighorn Sheep

Nelson's bighorn sheep is a CDFW Fully Protected and BLM Sensitive Species. Nelson's bighorn sheep scat was observed along a game trail within the Project area during pre-Project surveys for desert tortoise. The Project area is immediately north of I-15 and at the eastern edge of the Clark Mountain/Mescal ranges. These ranges provide rugged and relatively isolated habitat preferred by the species for lambing; a population of desert bighorn sheep is known from Clark Mountain. Bighorn sheep are particularly sensitive to human disturbances (including from freeways, off-road vehicles, construction activities, and aircraft) (USFWS 2000a). Therefore, given that the Project area is in proximity to I-15, it is anticipated that the species would prefer more rugged and generally isolated habitat farther northwest and southwest of the Project area for lambing and more regular use. Use of the Project area by Nelson's bighorn sheep would likely be limited to occasional movements and foraging.

Table 3.4-4. Special-Status Wildlife Species Known or Expected to Occur at the Nipton Communication Site Survey Area

Common Name	Scientific Name	Sensitivity Status	Habitat	Probability of Occurrence in Project Area
Reptiles				
Desert tortoise	*Gopherus agassizii*	Federally threatened; state-threatened and candidate endangered	Alluvial fans and plains and rocky slopes with vegetation such as creosote bush (*Larrea tridentate*), blackbrush (*Coleogyne ramosissima*), and Joshua tree (*Yucca brevifolia*) habitat. At higher elevations, the species can be found in juniper woodlands and, at lower elevations, saltbush (*Atriplex* sp.) habitat is suitable. In general, the species prefers creosote bush habitat.	**Detected**: Desert tortoise adults and sign were observed in the Project area during 2013/2014 surveys for the species.
Birds				
Loggerhead shrike	*Lanius ludovicianus*	CDFW Species of Special Concern	Occurs in semi-open country with desert scrub vegetation for nesting. Uses nearby structures (fences, posts, thorny vegetation) for perching and impaling prey items.	**Moderate potential**: Species detected at Ivanpah Solar Electric Generating System (BLM 2010), and is a common breeder in desert environments in sparsely vegetated areas. Species can nest in relatively short, sparse vegetation.

Table 3.4-4. Special-Status Wildlife Species Known or Expected to Occur at the Nipton Communication Site Survey Area

Common Name	Scientific Name	Sensitivity Status	Habitat	Probability of Occurrence in Project Area
Mammals				
American badger	*Taxidea taxus*	CDFW Species of Special Concern	Required habitat includes plains, prairies, deserts, open valleys, woodland edges, and alpine meadows.	**Detected**: Suitable habitat is present within the survey area, and sign was detected during biological surveys.
Desert bighorn sheep	*Ovis canadensis nelson*	CDFW Fully Protected; BLM Sensitive	Requires a variety of habitat characteristics related to topography, visibility, forage quality and quantity, and water availability. Prefers areas on or near mountainous terrain that are visually open, as well as steep and rocky. Steep, rugged terrain is used for escape and lambing. Alluvial fans and washes in flatter terrain are also used for forage and water and as connectivity habitat between more rugged areas.	**Detected**: Scat observed in the Project area. The Project area is generally not rugged enough for lambing. However, the species likely occasionally moves through and forages in the Project area.

Source: Appendix F.

Migratory Birds

The Project area supports nesting, foraging, and stopover habitat for a variety of migratory bird species. Most avian species with potential to occupy the study area are afforded protection under the Migratory Bird Treaty Act. Each of the avian species recorded during biological surveys is protected by the Migratory Bird Treaty Act. These and other migratory birds that nest, forage, or stop over in desert scrub habitats (e.g., Mojave creosote bush scrub or Mojave desert wash scrub) may at least temporarily occupy the Project area and vicinity.

Invasive, Non-Native Wildlife Species

No invasive, non-native wildlife species or sign of such species was observed during biological surveys conducted between 2013 and 2015.

Wildlife Movement Corridors

Wildlife species recorded during biological surveys conducted for the Project are typical of those common in Mojave creosote bush scrub and Mojave desert wash scrub habitats. At the local level, wildlife species are likely to use the Project area and surrounding undeveloped habitat for movement related to dispersal and home range activities. The Project site is within a DRECP-designated linkage area for desert tortoise (Ivanpah Valley Linkage). The area is noted as a critical

tortoise habitat linkage between the Mojave National Preserve and land managed by BLM. Larger-scale movements for tortoise and other terrestrial wildlife are likely hindered by I-15. This heavily traveled roadway is approximately 400 feet south of the Project area at its closest point and presents a significant barrier to terrestrial wildlife movement. Desert tortoise fencing has also been placed along I-15 as mitigation for solar projects in the area to prevent tortoise from entering the highway. An undercrossing associated with Wheaton Wash, approximately 1.4 miles southwest of the Project area, likely provides a usable corridor for terrestrial wildlife to safely move between open space north and south of I-15. Otherwise, terrestrial wildlife species making larger-scale movements likely cross I-15 at-grade or through smaller undercrossings (e.g., culverts) to access habitats on either side of the roadway.

3.4.2 Applicant Proposed Measures

The Applicant commits to incorporating APM AES-4 (Section 3.1.2) and APM HWQ-1 through APM HWQ-5 (Section 3.10.2) into the proposed Project to avoid or substantially lessen potentially significant impacts on biological resources to the extent feasible. Refer to Section 3.1.2, Section 3.10.2, and Section 2.5 of this Initial Study for the full text of these APMs. The APMs, where applicable, are discussed in the impact discussion in Section 3.4.3.

3.4.3 Impact Analysis

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

Special-Status Plant Species

Federal and State-Listed Plant Species

No federally or state-listed plant species were detected nor do any have any potential to occur within the Project area or immediate vicinity (within approximately 100 feet of the Project area).

Non-Listed Special-Status Plant Species

Three non-listed special-status plant species were detected within the Project area or immediate vicinity. Skyblue phacelia and desert pincushion were detected outside the Project area. Nine-awned pappus grass was found in significant number near the beginning of the proposed access road with the majority of observations located outside the proposed alignment. No other species have a moderate or high potential to occur within the Project area or immediate vicinity.

Permanent direct impacts will occur to nine-awned pappus from crushing, trampling, and soil disturbance during Project activities. There is the potential for both temporary and permanent indirect impacts to non-listed special-status plant species occurring in the area surrounding the work areas as a result of construction and operation activities.

Potential indirect impacts to the three non-listed special-status plant species detected may occur from fugitive dust and the establishment or spread of weedy invasive plant species. Construction and operation-generated fugitive dust can adversely affect plants by reducing the rates of metabolic processes such as photosynthesis and respiration. Exotic species are opportunistic and often occupy disturbed soils such as

those created in road alignments and areas of exposed bare ground resulting from ground-disturbing activities within work areas.

To ensure that impacts to non-listed special-status plants are reduced to a less-than-significant level, the Applicant would implement Worker Environmental Awareness Program (WEAP) training and biological monitoring (Mitigation Measure [MM] BIO-11) and avoid individual plants to the greatest extent possible through biological monitoring and flagging (or another clear marking scheme). This would include a pre-construction survey and clearance sweeps to identify any non-listed special-status plant species within the Project work areas (MM BIO-7 and MM BIO-12). Any special-status plants observed within the work areas and buffer would be flagged for avoidance to the extent feasible, to avoid crushing, trampling, or destroying them. Dust would be controlled by minimizing the impact footprint and speed limits (MM BIO-1 and MM BIO-2). Habitat compensation for desert tortoise would also benefit plant species (MM BIO-23).

Potential direct and indirect impacts to non-listed special-status plant species would be reduced to a less-than-significant level through implementation of MM BIO-1, MM BIO-2, MM BIO-7, MM BIO-11, MM BIO-12, and MM BIO-23. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts to plant species with implementation of these mitigation measures**.

Special-Status Wildlife Species

Federal and State-Listed Wildlife Species

Desert Tortoise

The Project has the potential to result in injury or mortality of desert tortoise during construction and operation. During construction, desert tortoise could collide with heavy equipment (e.g., bulldozers and graders), individuals could be crushed or entombed in their burrows, and noise or vibrations during use of heavy equipment could result in disruption of desert tortoise behaviors or damage to the hearing apparatus of an individual. There is also potential for vehicles to kill or injure desert tortoise individuals accidentally. Desert tortoise also often take shelter under parked vehicles and heavy equipment and could be crushed when vehicles or heavy equipment is moved.

The Project would result in approximately 5.86 acres of impacts to occupied desert tortoise habitat (includes all areas of native habitat within the 6.13-acre Project area). All habitat disturbance is considered permanent in nature given the sensitivity of desert ecosystems to ground-disturbing activities. Disturbance to occupied habitat would primarily include compaction of soils and removal of vegetation that may provide forage and cover for the species. During and following construction, desert tortoise would be excluded from the communication site by desert tortoise exclusion fencing designed per USFWS (2009) guidelines. However, while soils would be compacted and vegetation would be removed, desert tortoise would likely continue to occasionally occupy the access road alignment. Construction and operation of the communication site and the access road would not appreciably reduce connectivity or movement within the Project area. Given the small size of the fenced communication site, desert tortoise are expected to move around the fenced barrier with minimal impact to energy expenditure. Disturbance to occupied desert tortoise habitat during construction may also include the destruction of suitable but unoccupied burrows. Loss of suitable burrows in the Project area could result in exposure of individuals to temperature extremes, predation, or increased intraspecific competition.

Operation of the Project would not result in any additional disturbance to suitable desert tortoise habitat; the communication site and access road would be maintained relatively devoid of vegetation, and soil compaction and exclusion fencing (around the communication site only) would preclude burrow construction in these areas. Indirect effects to desert tortoise could also occur as a result of increased common raven (*Corvus corax*) presence, increased dispersed recreational use, introduction of invasive non-native plant species, and increased runoff and sedimentation during heavy rain events.

As agreed upon by BLM, the Applicant would mitigate for disturbance to desert tortoise habitat resulting from construction of the proposed Project by compensating at a 3:1 rate (i.e., 3 acre of compensation for each acre disturbed). Final mitigation acreage would be based on the impact totals of as-built conditions. A land disturbance survey would be conducted within 90 days following construction completion. To compensate for desert tortoise habitat loss, the Applicant is proposing to restore undesignated off-highway vehicle routes (i.e., unauthorized disturbance areas) in the vicinity. The Applicant would work closely with BLM in selecting lands most beneficial to the conservation and recovery efforts. Potential mitigation areas are shown in Figure 3.4-5 and restoration techniques are included as Appendix H. Refer to Applicant-proposed desert tortoise avoidance and minimization measure DT-15 in the BLM Environmental Assessment (DOI-BLM-CA-D090-2018-0017-EA), Appendix C, Page C-8 (BLM 2018). Impacts to desert tortoise would be avoided or minimized through implementation of MM BIO-1 through MM BIO-24. In addition to the restoration of off-highway vehicle routes per the Applicant's mitigation required by BLM, the Applicant would mitigate for permanent impacts to 5.86 acres of desert tortoise habitat within an ACEC, at a ratio of 3:1, for a total of 17.58 acres, per MM BIO-23. Mitigation would either occur in the form of purchase of 17.58 desert tortoise species credits from a mitigation or conservation bank approved by CDFW or the acquisition, permanent protection, and perpetual management of 17.58 acres of CDFW approved high-quality occupied desert tortoise compensatory habitat. In addition, after decommissioning activities, 1,000 linear feet of the access road starting at the turn-off from Nipton Road shall be camouflaged using a combination of techniques identified in Appendix H as described in MM BIO-24.

A total of 35.16 acres of habitat would be provided as compensation (17.58 acres of restoration/enhancement as required by BLM and 17.58 acres of desert tortoise species credits or compensatory habitat). Also, camouflaging of the base of the access road would discourage use of the access road after decommissioning of the communication site. Therefore, with implementation of the applicable mitigation measures listed above, CDFW's issuance of the ITP and its broader approval of the whole of the action under CEQA would result in less-than-significant impacts to desert tortoise.

As previously mentioned, the Applicant has submitted an ITP application to CDFW for impacts to desert tortoise. In addition to the mitigation measures provided below, the Applicant will be required to implement and adhere to the measures outlined in the final permit issued by CDFW.

Non-Listed Special-Status Wildlife Species

Nelson's Bighorn Sheep

The Project would result in approximately 5.86 acres of impacts to potential Nelson's bighorn sheep foraging habitat. While potential foraging habitat would be removed to allow for construction of the Project, this minimal loss of foraging habitat is not expected to result in a substantial decrease in nutrients available to the species given the availability of higher-quality foraging habitat surrounding the Project area.

Construction of the fenced communication site and the access road would not permanently impede bighorn sheep movement through the Project area; thus, direct effects to movement habitat would not occur.

If present during construction or maintenance activities, bighorn sheep individuals foraging or moving through the Project area could be directly affected through accidental collisions with vehicles traveling on the access road. Collisions could result in injury or death to individuals. Probability of collisions with bighorn sheep is considered low given that use of the Project area by the species is expected to be occasional and sporadic.

Potential indirect effects to Nelson's bighorn sheep include increased noise levels, airborne dust resulting in respiratory distress, and human use and the potential for long-term unauthorized trespass, as well as the potential introduction and proliferation of invasive non-native plant species. These indirect effects have the potential to degrade bighorn sheep foraging and movement habitat and alter behaviors. These indirect effects are expected to have minimal to no effect on the species given that the species is expected to only periodically occupy the Project area.

Impacts to Nelson's bighorn sheep would be avoided or minimized through implementation of MM BIO-1 through MM BIO-6 and MM BIO-11. In addition, the Field Contract Representative (FCR) assigned to the Project would halt ground-disturbing construction and maintenance activities if bighorn sheep were observed in proximity of such activities until the sheep dispersed on their own accord or until the FCR determined that individuals were no longer at risk of direct or indirect effects (MM BIO-9).

American Badger

The Project would result in approximately 5.86 acres of impacts to American badger habitat. While potential foraging habitat would be removed to allow for construction of the Project, this minimal loss of foraging habitat is not expected to result in a substantial decreased prey availability to the species given the availability of higher-quality foraging habitat surrounding the Project area. Construction of the fenced communication site and the access road would not permanently impede badger movement through the Project area; thus, direct effects to movement habitat would not occur.

If present during construction or maintenance activities, badger individuals foraging or moving through the Project area could be directly affected through accidental collisions with vehicles traveling on the access road. Collisions could result in injury or death to individuals. Construction could also result in the crushing of occupied burrows. Similar to bighorn sheep, potential indirect effects to badger include increased noise levels, airborne dust resulting in respiratory distress, and human use and the potential for long-term unauthorized trespass, as well as the potential introduction and proliferation of invasive non-native plant species. These indirect effects have the potential to degrade foraging and movement habitat and alter behaviors.

Impacts to badger would be avoided or minimized through implementation of MM BIO-1 through MM BIO-6, MM BIO-11, and MM BIO-12. In addition, habitat compensation for desert tortoise would also benefit American badger (MM BIO-23).

Migratory Birds

Potential direct impacts to migratory birds protected by the Migratory Bird Treaty Act, including the non-listed special-status species loggerhead shrike (*Lanius ludovicianus*), which has moderate potential to occur, would result from removal of nesting and foraging habitat during construction. The degree of impact

on individual migratory bird species would vary depending on species-specific behaviors in the Project area and habitat requirements. Potential impacts to migratory bird nest sites would be more detrimental relative to effects to foraging habitat for such species. Direct impacts to tree or cliff raptor nest sites are not expected given that these features are generally absent from the Project area.

Potential direct impacts to migratory birds also include potential injury or mortality. Injury or mortality may occur during construction if individuals are struck by equipment or vehicles. Injury or mortality to avian species resulting from construction most frequently occurs during vegetation clearing and involves eggs, nestlings, and recently fledged young that cannot safely avoid equipment. Injury or mortality may also result from collisions with the communication tower. Avian collisions with communication towers and overhead power lines are a widespread problem with potentially significant impacts on migratory birds, especially night-migrating species (USFWS 2000b; CEC 2002). The level of collision risk depends on a combination of biological and physical factors, such as weather, design and placement of structures, and species-specific behavior. Free-standing towers, such as the lattice tower of the Project, generally pose less collision risk to migratory birds than towers requiring guy wires. No power lines are proposed for the Project to avoid this collision risk to migratory birds.

Potential indirect impacts to migratory birds include increased noise levels; human use; and the potential for long-term erosion, sedimentation, and stormwater contaminant runoff, as well as the potential introduction and proliferation of invasive non-native plant species. These indirect impacts have the potential to degrade migratory bird habitat and alter breeding, foraging, and migratory behaviors.

Potential direct and indirect impacts to migratory birds would be avoided or minimized through implementation of MM BIO-1 through MM BIO-8, MM BIO-11 and MM BIO-12, pre-construction nest surveys (MM BIO-23), and noise abatement (MM BIO-25). In addition, habitat compensation for desert tortoise would also benefit migratory birds (MM BIO-23).

In summary, direct and indirect Project impacts on desert tortoise and other non-listed special-status wildlife species would be reduced to a less-than-significant level through implementation of MM BIO-1 through MM BIO-26. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts to wildlife species with implementation of these mitigation measures**.

Mitigation Measures: MM BIO-1 through MM BIO-26 would be required.

MM BIO-1 Prior to ground disturbance or vegetation clearing, areas of allowed surface disturbance during construction and operations and maintenance (O&M) shall be delineated and marked with centerline brush pins every 100 to 300 feet. All surface disturbances during construction and O&M shall be limited to the minimum area possible and any disturbance outside of that area shall be restricted. This restriction shall apply to the communication site and road alignment, as well as temporary staging and parking areas.

MM BIO-2 Vehicle speeds shall be limited to 15 miles per hour on the proposed access road during construction and operations and maintenance. Prior to the initiation of grading within the lease area, small signs posting this speed limit shall be placed at intervals along the road.

MM BIO-3 A number of invasive plant species are known to occur in the region, and control measures shall be implemented during construction and operations and maintenance to limit the further spread of these species. Best management practices to be implemented as needed include the following:

a. Prior to the initiation of grading, a monitoring and treatment plan shall be developed to address the presence of specific invasive species, as appropriate.
b. Weed-free gravel, base materials, and other imported earthen products shall be procured and washed prior to transport to the Project area.
c. A vehicle and equipment wash station shall be located at an off-site area to minimize the inadvertent transport of noxious weed seeds into undisturbed areas. Mud and other material on equipment that could contain noxious weed seeds shall be removed at a location where the equipment washing process itself shall not introduce noxious weeds into unaffected areas.
d. Soil disturbance shall be minimized to include only those areas specifically required for construction and operation of the Project.

MM BIO-4 During grading, construction, operations and maintenance, and decommissioning, workers shall be prohibited from bringing pets (e.g., dogs) to the Project area.

MM BIO-5 All drill holes and other voids in the earth that could entrap wildlife shall be backfilled as soon as practicable, covered, or an escape ramp placed no greater than a 30-degree angle to assist wildlife to escape if left overnight. Entrapment inspections shall be performed by the on-site biologist approved by the California Department of Fish and Wildlife (CDFW) for the task a minimum of twice a day and just prior to backfilling. If a desert tortoise becomes trapped, all project activities shall be halted and the individual shall be allowed to escape unimpeded or shall be moved by a biologist approved for the task by CDFW and U.S. Fish and Wildlife Service. During drilling for geotechnical analysis, all drill holes shall be filled immediately following the drilling and analysis processes, and prior to moving to the next boring location.

MM BIO-6 Any earthen berms created during road building or other activities shall be rounded off to avoid inhibiting travel by desert tortoise and other wildlife.

MM BIO-7 The following measures shall be undertaken with respect to plant salvage of all cacti and yucca species. 30 days or less prior to construction activities, qualified botanists shall conduct a survey for species of yucca and cacti. Those individuals identified shall be transplanted from all areas to be disturbed, including cut and fill construction areas, to locations approved by the Bureau of Land Management (BLM) under the supervision of a qualified botanist and in accordance with the following criteria:

a. Plant salvage shall be conducted in concert with all areas of surface disturbing activity. The salvaged plants shall be assembled and shaded until surface disturbing activities are concluded. Prior to removal of these plants, the north facing side of each plant shall be marked. When transplanted, the plants shall be oriented in their original direction.

b. Suitable sites shall be identified by a qualified botanist for transplanting of the salvaged material within BLM-approved areas. The selection shall be done so that other native plants do not create a competitive situation with in situ plants. Inspection of the plants shall be made monthly during the first 4 months of transplantation to ensure that the plants are recovering.

c. Each plant or plant cluster shall be identified with a numbered metal tag that is attached to a rod placed in the ground adjacent to the transplanted specimen. A listing of each number and the corresponding plant, by scientific name, shall be prepared.

d. A plotting of the relative locations of the transplanted specimens shall be drafted, as well as a map exhibiting the location of the transplantation itself. These maps and listings of the nursery sites shall be submitted to the BLM Needles Field Office upon preparation.

MM BIO-8 Prior to the initiation of construction, the Applicant shall provide the California Department of Fish and Wildlife proof of a raven management contribution at a rate $105 per acre of new disturbance for the life of the 30-year Project (i.e., term of the right-of-way grant) to the Desert Managers Group account established with the National Fish and Wildlife Foundation to contribute to a region-wide raven control plan to help address raven predation on desert tortoise.

MM BIO-9 Prior to any grading or vegetation clearing, the Applicant shall designate a Field Contact Representative (FCR) who shall be responsible for overseeing compliance with protective stipulations for special-status species, nesting birds, desert tortoise, and other on-site resources and for coordination on compliance with the Bureau of Land Management. The FCR shall be on site during all ground-disturbing construction, operations and maintenance (O&M), restoration, and decommissioning activities and shall have the authority to halt all activities that are in violation of protective measures. The FCR shall have a copy of all measures when ground-disturbing construction or O&M activities are being conducted in the Project area. The FCR may be a crew chief or field supervisor, a project manager, any other employee of the Applicant, or a contracted biologist.

MM BIO-10 The Applicant shall designate "Authorized Biologists" and "Biological Monitors" subject to approval by the California Department of Fish and Wildlife (CDFW) to oversee and implement desert tortoise-specific measures. An "Authorized Biologist" is defined as a biologist who is knowledgeable of the biology and natural history of desert tortoise through education, trainings, field experience, and experience as an Authorized Biologist on similar projects, and extensive experience monitoring compliance of projects in desert tortoise habitat. Additionally, the Authorized Biologist shall have extensive experience with excavating burrows; handling and temporarily holding desert tortoises; translocating desert tortoises; reconstructing desert tortoise burrows; locating, identifying, and recording all forms of desert tortoise sign; conducting health assessments; attaching and removing transmitters; handling and moving eggs; and conducting protocol level presence/absence and clearance surveys. A "Biological Monitor" is defined as a biologist who is knowledgeable of the biology and natural history of the covered species through education, trainings, field experience, and/or experience as a biologist on similar projects, and experience monitoring compliance of projects in desert tortoise habitat. The Applicant shall

submit the name(s) of proposed Authorized Biologist(s) and Biological Monitor(s) to the U.S. Fish and Wildlife Service and CDFW for review and approval at least 45 days prior to the onset of ground-disturbing construction activities.

MM BIO-11 All construction and operations and maintenance personnel shall participate in a Worker Environmental Awareness Program (WEAP) prior to working on site. The Applicant shall be responsible for ensuring that the education program is developed and presented to the appropriate personnel, and interpretation will be provided for non-English speaking workers. More than one training may be required to ensure new employees receive formal training. This training shall be repeated at least once annually for long-term and/or permanent employees that will be conducting work in the Project Area. The WEAP shall be received, reviewed, and approved by the Bureau of Land Management and a California Department of Fish and Wildlife approved Authorized Biologist at least 15 days prior to the presentation of the program. The WEAP shall consist of a class presented by an Authorized Biologist or Biological Monitor or a videotaped presentation. The WEAP shall:

a. Place special emphasis on the natural history of the desert tortoise, including information on physical characteristics, photographs, distribution, behavior, ecology, and sensitivity to human activities
b. Describe construction activities that may affect the desert tortoise, the required protective measures for the Project, legal protections and penalties, and reporting requirements
c. Be developed by or in consultation with the Authorized Biologist(s) and consist of a presentation in which supporting written material and electronic media, including photographs of protected species, are made available to all participants
d. Provide an explanation of the purpose and function of the desert tortoise avoidance and minimization measures and the possible penalties for not adhering to them
e. Inform workers that the Authorized Biologist(s) and Biological Monitor(s) have the authority to halt work in any area where an unauthorized adverse impact to biological resources may occur if the activities continued
f. Discuss general safety protocols such as hazardous substance spill prevention and containment measures and fire prevention and protection measures;
g. Provide an explanation of the sensitivity and locations of the vegetation, biological resources, and habitat within and adjacent to work areas, and proper identification of these resources
h. Provide contact information for the authorized biologists and desert tortoise monitors to handle late comments and questions about the material discussed in the program, as well as notification of any dead or injured wildlife species encountered during Project-related activities
i. Direct all workers to report all observations of listed species and their sign to an authorized biologist for inclusion in the quarterly and/or yearly compliance report, whichever comes first
j. Include a training acknowledgment form to be signed by each worker indicating that they received training and shall abide by the guidelines

k. Provide information regarding the effects of predation on the desert tortoise by common ravens and other predators and describe preventative measures that reduce the likelihood that predators will be attracted to the Project area

MM BIO-12 Prior to grading and construction of the access road, an Authorized Biologist shall participate in micro-siting of the access route and shall flag the proposed route to avoid and minimize disturbance of burrows, non-listed special-status plant species, and vegetation at a reasonable buffer as determined by the Authorized Biologist to the extent feasible. The Applicant shall prohibit Project personnel from driving off road or performing ground-disturbing activities outside of designated areas unless specifically approved to do so by the California Department of Fish and Wildlife, which may require an amendment to the Incidental Take Permit.

MM BIO-13 Prior to construction of the tower communication site area, the entire 17,248-square-foot communication site and the temporary staging area shall be fenced with desert tortoise-proof fencing and an effective desert tortoise-proof gate. The fence shall be constructed under the direction of an Authorized Biologist. To the extent possible, the fence shall be placed so that burrows are on the outside of the enclosure. Fence construction shall follow current fence specifications established by the U.S. Fish and Wildlife Service in the 2009 Desert Tortoise Field Manual. Where burial of the fence is not possible, the lower 12 inches shall be folded outward against the ground and fastened to the ground to prevent desert tortoises from entering the communication tower site and staging area. Gate(s) shall be desert tortoise-proof and shall remain closed except for the immediate passage of vehicles. Shade structures at regular intervals along fencing shall be provided for desert tortoises that exhibit fence-pacing behavior. The fence shall be checked daily during construction activities and at the end of the workday by the Authorized Biologist, and after major rainfall events. Repairs shall be made by the Applicant when necessary to ensure its integrity. Following construction, the desert tortoise fencing surrounding the staging area shall be removed by the Applicant. Permanent desert tortoise fencing shall be attached to the chain-link fence surrounding the communication tower site. Permanent desert tortoise fencing on the chain-link fence shall be checked biannually during operations and maintenance and after major rainfall events, and the date and inspector name logged into a record book to be kept on site and available for review by the California Department of Fish and Wildlife or Bureau of Land Management staff upon request, and repairs shall be made by the Applicant when necessary to ensure its integrity.

MM BIO-14 After the fence installation around the tower communication site and the staging area and prior to the start of construction, the Authorized Biologist shall conduct a thorough clearance survey for desert tortoises within the fenced areas and shall relocate any desert tortoises that are found in accordance with the 2009 U.S. Fish and Wildlife Service Desert Tortoise Field Manual. Additionally, a clearance survey shall also be performed by the Authorized Biologist within the fenced areas after any fencing repairs to ensure desert tortoise did not enter the area through the compromised fencing. Relocation shall occur at the discretion of the Authorized Biologist, but tortoises shall not be moved outside their home range (i.e., more than 1,000 feet).

MM BIO-15 Desert tortoise exclusionary fencing shall not be installed along access road segments. Prior to initial grubbing and grading of the all-new access road, a pre-construction clearance survey shall be conducted to locate and remove desert tortoise and nests found in harm's way. The survey shall be conducted by an Authorized Biologist within 24 hours of the onset of initial grubbing and grading. Pre-construction clearance surveys shall be conducted in accordance with the 2009 U.S. Fish and Wildlife Service Desert Tortoise Field Manual guidelines. Burrows that cannot be avoided shall be hand excavated during the clearance survey. Relocation shall occur at the discretion of the Authorized Biologist, but tortoises shall not be moved outside their home range (i.e., more than 1,000 feet). The Authorized Biologist, and Biological Monitors as needed for complete visual coverage, shall be on site to monitor all construction activities along the access road. During construction of the communication site and access road, the Authorized Biologist or Biological Monitor shall escort all project personnel to the Project site. The Authorized Biologist or Biological Monitor shall stop the vehicle in areas of low visibility due to terrain and exit the vehicle to review the roadway ahead to confirm the covered species in not within the roadway before proceeding. If a desert tortoise is encountered, drivers shall stop (or remain stopped), wait for the covered species to move off the road on its own accord, out of harm's way, or until the Authorized Biologist(s) has relocated the covered species.

MM BIO-16 An appropriate number of Authorized Biologists or Biological Monitors shall be on site to monitor all ground-disturbing construction, operations and maintenance, restoration, and decommissioning activities. The Authorized Biologist shall determine the number of monitors needed to ensure that all areas of construction are covered by biological monitoring. If a desert tortoise is observed and may be adversely affected by activities, ground-disturbing activities shall be stopped immediately until the Authorized Biologist or Biological Monitor has verified that the individual has moved from harm's way under its own power. The determination of which activities may adversely affect the desert tortoise shall be made in the field by the Authorized Biologist. The Authorized Biologist or Biological Monitor shall monitor the desert tortoise until it is confirmed to be out of harm's way. If the Authorized Biologist determines that the desert tortoise shall not passively relocate (i.e., move from harm's way under its own power within a reasonable period of time), the Authorized Biologist may actively relocate the individual out of harm's way.

Potential handling of desert tortoise for active relocation shall not occur until an Authorized Biologist is approved by the Bureau of Land Management, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife. Active relocation of desert tortoise from harm's way shall be conducted in accordance with the 2009 USFWS Desert Tortoise Field Manual, as well as the Desert Tortoise Relocation Plan as conditioned through the Incidental Take Permit. The Authorized Biologist shall be allowed some judgment and discretion to ensure that the survival of the desert tortoise is likely while following the guidelines of the Desert Tortoise Field Manual and Desert Tortoise Relocation Plan.

Desert tortoises actively moved from harm's way shall be marked for future identification in the event that a dead desert tortoise is found later within the Project area. An identification number using the acrylic paint/epoxy covering technique shall be placed on the fourth left costal scute. In handling desert tortoises, the Authorized Biologist shall follow the techniques for handling desert tortoises in the 2009 Desert Tortoise Field Manual or

latest version. If a tortoise voids its bladder during handling, the Authorized Biologist shall rehydrate the individual by soaking it in tepid water in accordance with the Desert Tortoise Field Manual.

The Authorized Biologist shall maintain a record of all desert tortoises handled. This information shall include the following for each desert tortoise:

a. the locations (narrative and maps) and dates of observations
b. general condition and health, including injuries and state of healing and whether the animals voided their bladders
c. the location from which the animal was collected and the location in which it was released
d. diagnostic markings (i.e., identification numbers or marked lateral scutes)
e. photographs of each handled desert tortoise as described above

MM BIO-17 Prior to and during all construction, operations and maintenance, restoration, and decommissioning activities, all equipment storage and parking shall be confined to the maximum extent possible to previously disturbed areas that have been fenced and cleared of desert tortoises.

No heavy equipment shall be moved into the fenced area until the area is clear of desert tortoises. An Authorized Biologist or Biological Monitor shall walk in front of equipment during the initial site entry to ensure that no desert tortoises or their burrows are harmed.

Workers shall inspect for desert tortoises under a vehicle prior to moving it. If personnel encounter a desert tortoise, they shall contact an Authorized Biologist. The desert tortoise shall be allowed to move a safe distance away prior to moving the vehicle, or the Authorized Biologist may move the desert tortoise to a safe location to allow for movement of the vehicle. If the tortoise must be moved, the Authorized Biologist shall ensure that the desert tortoise is relocated in accordance with the 2009 U.S. Fish and Wildlife Service Desert Tortoise Field Manual and Desert Tortoise Relocation Plan, as described in MM BIO-22. All observations of desert tortoises and their sign shall be reported to the Authorized Biologist immediately.

MM BIO-18 During both construction and operations and maintenance, the Applicant shall contain all trash associated with the Project that could provide subsidies to predators in secure, self-closing receptacles; receptacles shall be removed from the Project area at least once a week and prior to periods of inactivity. The Applicant shall also remove and dispose of all road-killed animals on the Project to prevent the introduction of subsidized food resources for common ravens and coyotes.

MM BIO-19 For site water needs during both construction and operations and maintenance, the Applicant shall use closed tanks for water storage to eliminate open water sources.

MM BIO-20 No later than 90 days after completion of construction or termination of construction activities, the Field Contract Representative and Authorized Biologist shall prepare a report for the Bureau of Land Management, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife documenting the effectiveness and practicality of the

avoidance and minimization measures, the number of desert tortoises excavated from burrows, the number of desert tortoises moved, the number of desert tortoises killed or injured, and the specific information for each desert tortoise as described previously. The report shall address compliance with all avoidance and minimization measures. The report may make recommendations for modifying the measures to enhance protection of the desert tortoise or to make it more workable during operations and maintenance activities. The report shall provide an estimate of the actual acreage disturbed by construction.

MM BIO-21 Upon locating a dead or injured desert tortoise during construction, operations and maintenance, restoration, or decommissioning, the Applicant shall immediately notify the California Department of Fish and Wildlife (CDFW) and the Bureau of Land Management (BLM). BLM will then notify the U.S. Fish and Wildlife Service (USFWS) Palm Springs Fish and Wildlife Office by telephone within 3 days of the finding. Written notification shall be made within 5 days of the finding, both to the Palm Springs Fish and Wildlife Office and to USFWS's Division of Law Enforcement in Torrance. The information provided shall include the date and time of the finding or incident (if known), location of the carcass or injured animal, a photograph, cause of death (if known), and other pertinent information.

An injured animal shall be transported to a qualified and CDFW-approved veterinarian for treatment at the expense of the Applicant. If an injured animal recovers, the animal shall be placed at a CDFW and Palm Springs Fish and Wildlife Office approved wildlife rehabilitation facility or placement.

BLM will endeavor to place the remains of intact desert tortoise carcasses with educational or research institutions holding the appropriate state and federal permits according to their instructions. If such institutions are not available or the animal's remains are in poor condition, the information noted above shall be obtained and the carcass left in place. If left in place and sufficient pieces are available, the carcass shall be marked to ensure that it is not reported again. Arrangements for disposition to a museum shall be made prior to removing the carcass from the field.

MM BIO-22 The Applicant shall prepare a Desert Tortoise Translocation Plan (DTTP) and submit it to the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) for approval prior to construction. The plan shall include the following sections: procedures, seasonal constraints, temperature restrictions, handling and release, and monitoring and reporting. All USFWS and CDFW change requests or comments shall be incorporated into the DTTP before it is approved and finalized. Project activities are not authorized to start until the DTTP is approved in writing by CDFW. The DTTP shall follow the most current guidelines provided by USFWS and CDFW regarding desert tortoise translocation and requirements of the Incidental Take Permit to minimize potential impacts to desert tortoise. The plan shall include methodology the Authorized Biologist shall follow for project specific instances of short distance translocation (i.e., moving individuals out immediate harm). If desert tortoises are to be moved to federal land, private lands, state lands, or any other land governance, landowner consent is necessary.

MM BIO-23 The Applicant shall mitigate for the 5.86 acres of ground disturbance to native habitat by purchasing 17.58 acres of compensation lands suitable for the desert tortoise (i.e., a 3:1

ratio) of equal or higher desert tortoise habitat quality than the lands being impacted. The 17.58 acres of compensation lands are expected to be in the form of a purchase of habitat credits from a mitigation bank approved by the California Department of Fish and Wildlife (CDFW) but may also be the acquisition, protection, and perpetual management of occupied desert tortoise habitat. The Applicant shall provide funding or bonding, subject to the review and approval of CDFW, if the 17.58 acres of compensation lands are not acquired, conserved, and endowed prior to initiating project construction.

MM BIO- 24 The Applicant shall camouflage 100 linear feet of the constructed access road starting at the edge of Nipton Road within 1 week of completion of decommissioning activities using a combination of techniques including vertical mulching, soil decompaction, mechanical ripping, soil/vertical pitting, soil imprinting, placement of previously displaced rocks, planting local native vegetation, and/or seeding. Completion of camouflaging activities shall be demonstrated to the California Department of Fish and Wildlife through submission of a report for review and approval.

MM BIO-25 To the extent possible, construction shall occur outside the typical avian breeding season (February 15 through September 15). If construction must occur during the general avian breeding season, a pre-construction nest survey shall be conducted within the Project area and a 500-foot buffer by a California Department of Fish and Wildlife–approved Biological Monitor no more than 3 days prior to the start of construction in any given area of the Project area. Construction crews shall coordinate with the Biological Monitor at least 3 days prior to the start of construction activity in a given area to ensure that the construction area has been adequately surveyed. If no active nests are discovered, construction may proceed. If active nests are observed that could be disturbed by construction activities, these nests and an appropriately sized buffer (typically a 500-foot buffer for non-raptor nests and at least a 500-foot buffer for raptor nests) shall be avoided until the young have fledged and/or the monitor determines based on the noise sensitivity of the species, location of the nest relative to the activities, and the nature of the activities that no substantial impacts are anticipated to the nesting birds or their young. The Biological Monitor shall be responsible for coordinating with the U.S. Fish and Wildlife Service to determine if construction activities could disturb an active nest, the appropriately sized buffer to avoid active nests, and when nests are no longer active. If construction ceases for 14 or more consecutive days during the nesting season, repeat nesting bird surveys shall be required to ensure new nesting locations have not been established within the impact area and the defined buffers.

MM BIO-26 During grading and construction, the following measures shall be incorporated to minimize noise generated from construction activities:

a. Heavy equipment shall be repaired as far as practical from habitats where nesting birds may be present. The Biological Monitor shall determine where heavy equipment repair may take place on site.
b. Construction equipment, including generators and compressors, shall be equipped with manufacturers' standard noise-control devices or better (e.g., mufflers, acoustical lagging, and/or engine enclosures).

c. The construction contractor shall maintain all construction vehicles and equipment in proper operating condition and provide mufflers on all equipment.

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

Construction of the Project would require vegetation removal and grading for installation of the new access road and communication site. All habitat disturbance associated with the Project is considered permanent in nature given the sensitivity of desert ecosystems to ground-disturbing activities. Approximately 5.86 acres of vegetation would be disturbed during construction. An additional 0.27 acres of developed/maintained area would also be impacted; however, these areas are not considered sensitive. The majority of effects would occur to Mojave creosote bush scrub since it is the most prevalent community in the Project area; however, direct impacts to Mojave desert wash scrub, a vegetation community that supports riparian habitat, would also result during construction of the new access road. Most of the temporary staging area (0.17 acres) would be in a previously disturbed area adjacent to the I-15/Nipton Road interchange but would also result in impacts to a small area (0.01 acres) of Mojave creosote bush scrub. Both Mojave desert wash scrub and Mojave creosote bush scrub have a state rarity ranking of S4; therefore, neither of these vegetation communities are considered a sensitive vegetation community. However, since this 5.86 acres of vegetation is considered habitat for sensitive wildlife species and plants, mitigation through MM BIO-23 shall be provided at a 3:1 ratio through purchase of desert tortoise species credits or compensatory habitat. Therefore, per agreement with BLM (BLM 2018) and MM BIO-23, a total of 35.16 acres of habitat would be provided as compensation (17.58 acres of restoration/enhancement and 17.58 acres of desert tortoise species credits or compensatory habitat). To ensure that impacts do not occur outside of the defined limits, areas of allowed surface disturbance during construction and O&M shall be delineated and marked with centerline brush pins every 100 to 300 feet (MM BIO-1).

Activities associated with construction and O&M of the Project have the potential to introduce non-native plant species, thereby degrading Mojave desert wash scrub in the Project area. Seeds of non-native plant species may be introduced to the Project area from outside sources on vehicles, people, and equipment. Ground disturbance associated with Project activities could promote the establishment and spread of opportunistic non-native plants introduced to the Project area. Implementation of MM BIO-3 would minimize impacts associated with invasive plant species.

Construction and O&M of the Project also have the potential to create airborne dust, sedimentation, and erosion, all of which could also degrade Mojave desert wash scrub in the Project area. Airborne dust may result from grading, vehicle travel on dirt access roads, and other ground-disturbing activities. Airborne dust can affect plants by reducing the rates of metabolic processes such as photosynthesis and respiration. Grading and vegetation clearing associated with construction may also result in increased erosion and sedimentation in the Project area. With the Applicant's commitment to Incorporation of APM HWQ-1 through APM HWQ-5, and implementation of MM BIO-2 impacts to vegetation communities associated with dust, sedimentation, and erosion would be minimized.

As such, implementation of MM BIO-1 through MM BIO-3 and MM BIO-23, as well as incorporation of APM HWQ-1 through APM HWQ-5, would reduce potential impacts to Mojave desert wash scrub to less than significant. CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts to riparian habitat associated with Mojave desert wash scrub**

with implementation of these mitigation measures and incorporation of HWQ APMs listed above (refer to Section 3.10.2 for full text of HWQ APMs).

Mitigation Measures: APM HWQ-1 through APM HWQ-5 would be incorporated, and MM BIO-1 through MM BIO-3, and MM BIO-23 would be required.

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

Permanent direct impacts to state-regulated jurisdictional streams subject to RWQCB and CDFW jurisdiction within the Project work areas would result from grading/leveling activities associated with the new access road. In addition, a stream crossing at the wash, approximately 16 feet in width, would be established to ensure serviceability of the roadway following major stormwater runoff events. This would be accomplished by the placement of ribbed galvanized steel pipes placed directly on the streambed. The pipes would then be overlain with rock riprap and gravel. No wetlands or waters of the United States are within the Project area. Table 3.4-5 summarizes potential impacts to jurisdictional waters of the state within the Project work areas. Impacts to state-regulated jurisdictional streams would be mitigated at a minimum 0.074 acres, or minimum 1:1 ratio, through MM BIO-29.

Potential indirect impacts may occur to state-regulated jurisdictional streams where they occur adjacent to the limits of designated work areas. State-regulated jurisdictional streams may be indirectly impacted from invasion of exotic species from temporary impact areas and from increased or altered water flow from runoff if site contours are appreciably changed within work areas.

To ensure that impacts to state-regulated jurisdictional streams are reduced to a less-than-significant level, the Applicant would implement several mitigation measures. The Applicant would ensure that all surface disturbances during construction and O&M be limited to the minimum area possible, and any disturbance outside of that area shall be restricted. These areas would be delineated and marked with brush pins every 100 to 300 feet (MM BIO-1). Other measures include implementing water quality control measures to minimize sediment transport (APM HWQ-1 through APM HWQ-5) and conducting WEAP training and monitoring during all ground-disturbing work activities (MM BIO-11). In addition, impacts would be minimized through best management practices (BMPs) at ephemeral drainage crossings (MM BIO-27 and MM BIO-28) and mitigated through MM BIO-29.

Table 3.4-5. Overview of Anticipated Impacts within the Study Area

Drainage	Waters of the State – Ordinary High Water Mark (acres)	CDFW Streambeds – Top of Bank (acres)	Linear Feet	Total (acres/linear feet)
Drainage East	0.01	0.04	50	0.05/50
Drainage West	0.006	0.018	25	0.024/25
Total	**0.016**	**0.058**	**75**	**0.074/75**

Source: Appendices D.1 to D.3.

Prior to initiating Project activities, the Applicant would also obtain the necessary permit from RWQCB to authorize the work within state-regulated jurisdictional streams.[5] It should be noted that this permit may require additional measures to avoid, minimize, or mitigate impacts to waters of the state. Furthermore, the Applicant has submitted an LSA Agreement notification to CDFW under CFGC Section 1602. If approved by CDFW, the LSA will be conditioned with reasonable measures necessary to protect fish and wildlife, which may include additional required mitigation compensation.

In summary, impacts to state-regulated jurisdictional streams would be reduced to a less-than-significant level through implementation of MM BIO-1, MM BIO-11, MM BIO-27, MM BIO-28, and MM BIO-29; incorporation of APM HWQ-1 through AMP-HWQ-5; and compliance with the permits from RWQCB and CDFW. CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts to state-regulated jurisdictional streams with implementation of these mitigation measures** and incorporation of the HWQ APMs listed above (refer to Section 3.10.2 for full text of HWQ APMs).

Mitigation Measures: APM HWQ-1 through APM HWQ-5 would be incorporated, and MM BIO-1, MM BIO-11, MM BIO-27, MM BIO-28, and MM BIO-29 would be required.

MM BIO-27 Prior to grading, the proposed Project shall prepare a Best Management Practices Plan in order to obtain authorization for impacts to waters of the state through General WDR R6T-2003-0004.

MM BIO-28 Upon the completion of construction and prior to operations, post-construction erosion/sediment control best management practices shall be implemented, including the installation fiber rolls on slopes with exposed soil. Align fiber rolls with slope contours and space 10 feet apart; at a minimum a roll should be installed at the top, toe, and at grade breaks of the impacted sloped areas. There shall be a minimum of 2 feet of lateral overlap where the fiber roll and contour intersect the new road edge and the next fiber roll to be installed downslope starts, to prevent concentrated flow. Fiber rolls should be composed entirely of biodegradable materials and be trenched in place and secured to the slope with wooden stakes per California Department of Transportation 2015 Standard Plan RSP H51 (Fiber Roll Type 1). Fiber rolls should not be trenched through drainages to allow water to flow freely beneath the fiber rolls but still serve to control sediment transport. Following fiber roll installation, impacted non-sloped areas, not including the 14-foot-wide road and associated pull-outs, should be hydroseeded with regionally appropriate species, followed by an application of weed-free straw, and covered with plant-based tackifier.

MM BIO-29 Prior to initiating Project activities, Project impacts to 0.074 acres of streams associated with Mojave desert wash scrub shall be mitigated by providing compensatory mitigation. Compensatory mitigation is expected to be in the form of a purchase of habitat credits from a mitigation bank approved by the California Department of Fish and Wildlife (CDFW) but may also be the acquisition, protection, and perpetual management of Mojave desert wash scrub

[5] Potentially federal jurisdictional features within the study area are considered isolated, and thus not under USACE jurisdiction. Because USACE is not expected to regulate project activities under Section 404 of the Clean Water Act (CWA), no application (or associated Ordinary High Water Mark Data forms, Preliminary Jurisdictional Determination form) for a USACE Clean Water Act Section 404 dredge/fill permit is expected to be required. It is recommended to obtain a letter from USACE confirming that the waters in the study area are isolated and not subject to USACE regulation. The project as proposed would potentially affect waters of the state/streambeds subject to RWQCB and CDFW jurisdiction.

or habitat of equivalent biological value as approved by CDFW. CDFW will calculate and identify the final amount of required compensatory mitigation as provided by this measure at a minimum 1:1 ratio prior to issuance of the Lake and Streambed Alteration Agreement.

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?

Temporary direct impacts as a result of Project implementation to local wildlife movement may include elevated noise, vibration, and increased human presence. This may cause some wildlife species to avoid the area, not cross access roads, or alter their behavior while Project personnel and vehicles are in the area.

As discussed above, wildlife species are likely to use the Project area and surrounding undeveloped habitat for movement related to dispersal and home range activities; however, larger-scale movements are likely hindered by I-15. I-15 presents a significant barrier to terrestrial wildlife movement, but there are several undercrossings associated with desert washes that likely provide a usable corridor.

Project activities may also temporarily affect local movement and dispersal for desert tortoise and other non-listed special-status wildlife species. Although desert tortoise is not a migratory species, opportunities for local movements within their home ranges and juvenile dispersal are important for maintaining viable populations. However, construction and operation of the communication site and the access road would not appreciably reduce connectivity or movement within the Project area. Given the small size of the fenced communication site, desert tortoise and other non-listed special-status species are expected to move around the fenced barrier during local movements with minimal impact to energy expenditure.

To ensure that impacts to wildlife movement are reduced to a less-than-significant level, all vehicle speeds within the access road would be limited to 15 miles per hour, to reduce the potential for colliding with wildlife (MM BIO-2). All drill holes and other voids that could entrap wildlife shall be backfilled as soon as practicable or covered if left overnight in order to avoid wildlife pitfalls and entrapment (MM BIO-5). Implementation of MM BIO-6 will ensure that any earthen berms created during road building or other activities shall be rounded off to avoid inhibiting travel by desert tortoise and other wildlife. Any special-status species observed in the Project area would be permitted to safely move across them without harm (or be moved out of harm's way by an Authorized Biologist [for desert tortoise] (MM BIO-14 through MM BIO-17). In addition, no fencing would be installed along the access road (MM BIO-15) and any exterior lighting would be shielded, downward focused, and activated by motion detectors (APM AES-4). Implementation of MM BIO-25 and MM BIO-26 would minimize impacts to migratory birds by limiting construction activity to outside the typical avian breeding season and reducing construction noise impacts to nesting migratory birds.

In summary, direct and indirect Project impacts on wildlife movement corridors would be reduced to a less-than-significant level through implementation of MM BIO-2, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-11, MM BIO-14 through MM BIO-17, MM BIO-25, and MM BIO-26 and incorporation of APM AES-4. CDFW's issuance of the permit and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts to wildlife corridors and nursery sites with implementation of these mitigation measures** and incorporation of the AES APM listed above (refer to Section 3.1.2 for full text of the AES APM).

Mitigation Measures: APM AES-4 would be incorporated, and MM BIO-2, MM BIO-5, MM BIO-6, MM BIO-7, MM BIO-11, MM BIO-14 through MM BIO-17, MM BIO-25, and MM BIO-26 would be required.

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

The CWP includes policies that implement the County's habitat conservation and natural resource management plans, as well as support mitigation banking to protect biological resources (San Bernardino County 2020a). Division 8 of the County's Development Code also includes plant protection and management regulations to promote and sustain the health of plants and protect native trees and plants (San Bernardino County 2019a).

The Project would not conflict with any local policies or ordinances protecting biological resources as the Project work is proposed within an existing utility corridor and would result in minimal ground disturbance. The Project would also conform to the mitigation requirements of the DRECP. Therefore, no impact would occur. Furthermore, the mitigation measures listed above and incorporation of the APMs listed in Section 3.4.2 are included in the Project, which would ensure consistency with policies and regulations adopted for the purpose of avoiding or minimizing environmental impacts. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to conflicts with policies or ordinances protection biological resources.

Mitigation Measures: No mitigation is required.

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

A substantial adverse effect would occur if the Project conflicts with an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or state HCP that a project proponent is party to, or impacts a permittee's ability to implement one of these plans, if applicable. There are no applicable HCPs or NCCPs in the Project area. While the Project is within the boundary of the DRECP LUPA, this plan is not an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan (also refer Response 3.11.3[b]). CDFW appreciates that the Project site and surrounding public lands are managed by BLM under the DRECP LUPA (amendment to the CDCA of 1980), a regional federal land management plan. BLM has reviewed the Project under the DRECP LUPA. The BLM Environmental Assessment for the Project site includes review of management direction for the ACEC and Ivanpah Valley Extensive Recreation Management Area (ERMA) and describes that the Environmental Assessment APMs comply with the relevant DRECP LUPA conservation and management action (CMAs) (BLM 2018). BLM's land use determination regarding the Project's consistency with the DRECP under federal law is entitled to deference by CDFW. From a CEQA perspective, CDFW as a lead agency has not identified any inconsistency in its independent judgment between the Project and the DRECP. Similarly, CDFW has not identified and is not aware of any conflict between the DRECP and the proposed Project that may cause a physical change to the environment not already considered in this Initial Study. MM BIO-1 through MM BIO-29 in this Initial Study are intended to minimize impacts to the environment, and are also consistent with the relevant CMAs included in the LUPA. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would not result in conflicts with adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan. Impacts would be **less than significant**.

Mitigation Measures: No mitigation is required.

3.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.5 CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

3.5.1 Environmental Setting

The Project area of potential effects (APE) as described under federal law and included here for purposes of CEQA consists of approximately 37 acres. This includes the communication site, the staging area, the new access road segment, and the existing access road segment. The APE also consists of a buffer of 50 feet around the communication site, staging area, and on either side of the access road alignment. Analyses completed for the APE included archival research at the San Bernardino Archaeological Information Center at the San Bernardino County Museum, consultation of historic topographic maps, field surveys to determine the presence of cultural resources within the APE, and evaluation of the significance of cultural resources within the APE that could be affected by the Project. These efforts are reported in the Cultural Resources Survey for the Interconnect Towers Nipton Communication Site, San Bernardino County, California, which is included as Appendix I of this Initial Study. This section summarizes the findings of these analyses and evaluates the eligibility of the identified resources for the National Register of Historic Places and the California Register of Historical Resources.

The archival records search identified 10 survey-level investigations, two environmental impact evaluations, a literature overview, and an ethnographic study that were previously conducted around the APE. Of these, a survey-level investigation and the literature overview overlap portions of the APE but cover 10% or less of the APE. The archival records search identified 18 sites and 6 isolates, resulting in 24 previously recorded cultural resources within 1 mile of the Project. Of these resources, none are within the boundaries of the APE.

Historic U.S. Geological Survey (USGS) topographic maps from 1892 through 1956 were also consulted to identify historic architecture resources. No historic structures were observed within the Project APE on any of the historic maps.

In 2014 and 2015, intensive pedestrian surveys of the APE resulted in the identification of two new archaeological resources: CA-SBR-17217H and CA-SBR-17218H. Both archaeological resources identified in the APE are historic in age. CA-SBR-17217H consists of six 1950s-era bottles. CASBR-17218H is a historic site consisting of two loci and an associated mining trail. The first locus appears to be a multi-use mining camp with an associated large refuse scatter, while the second locus consists of a prospecting pit with an associated tailings pile.

The significance of CA-SBR-17217 and CA-SBR-17218 was assessed in the cultural resources report through application of the National Register of Historic Places eligibility criteria as defined in Title 36 of the Code of Federal Regulations, Part 60.4. It was concluded that neither site is associated with important past persons or events (Criteria A and B); contains attributes that represent a distinct style, type, or design (Criterion C); or presents potential to contain information important to prehistory or history (Criterion D). Based on this evaluation, these resources are also considered ineligible for the California Register of Historical Resources based on the analogous four criteria defined in Section 5024.1 of the PRC; they are not associated with events or persons important to California's history and cultural heritage, do not embody distinctive characteristics of construction, and are unlikely to yield information important to history and prehistory.

3.5.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APMs into the proposed Project to avoid or substantially lessen potentially significant impacts on cultural resources that may occur during construction. The APMs, where applicable, are discussed in the impact discussion in Section 3.5.3.

APM CUL-1 **Unanticipated Discovery.** In the event that previously unknown cultural resources (sites, features, or artifacts) are exposed during grading or other construction activities, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find, the archaeologist may record the find and allow work to continue. If the discovery proves significant in the independent professional judgment of the archaeologist, including based on the National Register of Historic Places or California Register of Historical Resources list eligibility criteria, a specific resource documentation or recovery shall be implemented, including preparation of an archaeological treatment plan, testing, or data recovery. During the assessment and recovery time, construction work may proceed in other areas.

APM CUL-2 **Treatment of Human Remains.** In accordance with state law (California Health and Safety Code Section 7050.5; California Public Resources Code, Section 5097.98), if human remains are found, all ground-disturbing activities shall halt within 165 feet (50 meters) of the discovery. The Bureau of Land Management and County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie potential remains shall occur until the County Coroner has determined whether the remains are subject to his or her authority. The County Coroner must make this determination within 2 working days of notification of the discovery (pursuant to California Health and Safety Code Section 7050.5[b]). If the County Coroner determines that the remains do not require an assessment of cause of death and that the remains are, or are believed to be, Native American, the Coroner must notify the Native American Heritage Commission by telephone within 24 hours, which must in turn immediately notify those persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD shall complete their inspection and make recommendations within 48 hours of being granted access to the site. The MLD may recommend means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods.

3.5.3 Impact Analysis

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

There are no historic properties present in the APE, as discussed in Section 3.5.1 and detailed in Appendix I. As such, there would be no adverse effect to such resources as a result of implementing the Project. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** to a significant historical resource.

Mitigation Measure: No mitigation is required.

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

The archaeological sites in the APE are not eligible for the California Register of Historical Resources and do not qualify as historical resources, as discussed above and detailed in Appendix I. Table 3.5-1 summarizes the findings and resource eligibility recommendations for each of the two archaeological sites within the APE. The table also lists the potential effects to these resources as a result of implementing the Project. These data are presented in detail in the Project cultural resources technical report included as Appendix I. In addition, incorporation of APM CUL-1 into the Project would reduce potential impacts to unanticipated archaeological resource discoveries to less than significant. Based on these findings, Project activities would not cause an adverse change in the significance of these resources. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APM, would result in **less-than-significant** impacts to archaeological resources.

Table 3.5-1. Summary of Potential Direct Effects to Archaeological Sites in the APE

Site	Age	Description	NRHP Eligibility Recommendation	Potential Effects
CA-SBR-17217H	Historic	Six 1950s-era bottles	Not eligible	No adverse effect
CA-SBR-17218H	Historic	Mining prospect, mining camp, and refuse scatter	Not eligible	No adverse effect

Source: Appendix I.
Note: NRHP = National Register of Historic Places.

Mitigation Measure: With incorporation of APM CUL-1, no mitigation is required.

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

There are no known locations of human remains in the APE. As described in Response 3.5.3(b), ground disturbance associated with Project implementation would occur; however, if human remains are encountered, work should immediately be halted and an archaeologist contacted in accordance with California Health and Safety Code Section 7050.5 and PRC Section 5097.98 (refer to APM CUL-2). Incorporation of APM CUL-2 into the Project would reduce potential impacts to human remains to less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APM, would result in **less-than-significant** impacts to human remains.

Mitigation Measure: With incorporation of APM CUL-2, no mitigation is required.

3.6 Energy

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.6 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?	☐	☐	☒	☐

3.6.1 Environmental Setting

The Project is within the CDCA Plan Utility Corridor BB, which permits the expansion of utility facilities for the purpose of telecommunication, electricity, gas, water, and other commodities (BLM 1980). The Project site is also within the boundary of the DRECP LUPA, which identifies areas appropriate for the utility-scale development of wind, solar, and geothermal energy projects, while providing for the long-term conservation and management of covered species, other natural resources, recreational areas, and scenic values (BLM 2016). The Project site is not within a designated renewable energy Development Focus Area or areas where energy variances apply (BLM 2016).

3.6.2 Applicant Proposed Measures

No APMs or other measures regarding energy are required.

3.6.3 Impact Analysis

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

Construction activities would be short in duration and would require minimal construction equipment. Furthermore, electric power would be provided via photovoltaic solar panels. Lighting for the Project would consist of a downward-shielded security light, which would be activated by a motion sensor. Maintenance activities during operation would consist of monthly visits by technicians. Therefore, neither construction nor operation of the Project would result in wasteful, inefficient, or unnecessary consumption of energy resources. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant** impacts related to wasteful energy usage.

Mitigation Measure: No mitigation is required.

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

Refer to Response 3.6.3(a). The Project would be constructed within a 3-mile-wide designated utility corridor that contains existing coaxial and fiber-optic communications cable, a pipeline, a 131-kilovolt transmission line, electrical distribution lines, and microwave communication sites. As discussed above, the Project site is also within the boundary of the DRECP LUPA, but is not located within a designated renewable energy focus area or an area where energy variances apply. Therefore, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant** impacts related to conflicts with energy plans.

Mitigation Measure: No mitigation is required.

3.7 Geology and Soils

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.7 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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.7.1 Environmental Setting

The Project site is within the USGS Mineral Hill quadrangle located in the Mojave Desert on the east slope of the Clark Mountain Range adjacent to the Ivanpah Valley (Appendix D.1). These mountains are part of the Basin and Range physiographic province, which in the vicinity of the site consists of north-south–trending mountain ranges and valleys. The mountains are often associated with normal and strike slip faults that also trend northwest-southeast although no mapped faults occur within the Project area. All rainfall at the site drains into Ivanpah Lake, the lowest point in the Ivanpah Valley. The Project site consists of two main geologic units: Qha/mr (hillslope deposits/metamorphic rock) on the steeper slopes of the Clark Mountain Range and Qya (young alluvial fan deposit; Holocene and latest Pleistocene) + Qaa (active alluvial fan deposit; latest Holocene) at the lower elevation area at the Project's northeast end. Most of the site is situated in an erosional landscape, and a smaller proportion is composed of alluvial/debris-flow deposits.

There are several named and unnamed faults in the vicinity of the Project. The Stateline Fault is approximately 9 miles northeast of the Project site and is a quaternary fault. Pre-quaternary faults are located in the vicinity of the Project including the Ivanpah Fault, approximately 2 miles northeast of the Project site; the Clark Mountain Fault, approximately 2.5 miles southwest of the Project site; and the Mesquite Pass Fault, approximately 7 miles northwest of the Project site. Alquist-Priolo Fault Zones regulate construction of habitable structures in the vicinity of active faults. The nearest Alquist-Priolo Fault Zone is the Garlock Fault, approximately 50 miles northwest of the Project site (DOC 2010).

3.7.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APMs into the proposed Project to avoid or substantially lessen potentially significant impacts on geology, soils, and paleontological resources. The APMs, where applicable, are discussed in the impact discussion in Section 3.7.3.

APM GEO-1 A site-specific geotechnical investigation will be completed by a California Board of Engineering registered geologist in accordance with the California Building Code requirements, and the recommended measures will be incorporated into the Project design. This assessment shall specifically address rock fall and incorporate rockfall prevention measures if determined necessary by the engineering geologist.

APM GEO-2 If potential paleontological resources are discovered, all ground disturbance shall immediately cease within a 25-foot radius of the discovery until a qualified paleontologist can mobilize to the site to examine the discovery, evaluate its significance, and make further recommendations as appropriate. A qualified paleontologist is as defined in the Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources prepared by the Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee in 2010. The evaluation and, if applicable, salvage and curation shall also be conducted in accordance with these standard procedures. In addition, refer to APM HWQ-1 through APM HWQ-4.

Refer to Section 3.10.2 and Section 2.5 of this Initial Study for the full text of APM HWQ-1 through APM HWQ-4.

3.7.3 Impact Analysis

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.

The Project is not located on a known, active fault based on the most recent Alquist-Priolo Earthquake Fault Zoning Map (CGS 2021). The Project's ground-disturbing activities would be minimal, which would not exacerbate the potential for rupture of nearby faults. Construction of the communication tower and ancillary facilities would also adhere to all industry safety requirements. Therefore, impacts related to fault rupture would be less than significant. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to faults.

Mitigation Measure: No mitigation is required.

ii) Strong seismic ground shaking?

The Project site is in a low hazard area for earthquake shaking potential because it is distant from known, active faults and would therefore experience lower levels of shaking than sites closer to active faults (San Bernardino County 2020a). Furthermore, the Project elements would be designed to resist the effects of ground shaking due to earthquakes and would adhere to all industry safety requirements. Therefore, impacts associated with strong seismic ground shaking would be less than significant. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to seismic ground shaking.

Mitigation Measure: No mitigation is required.

iii) Seismic-related ground failure, including liquefaction?

Liquefaction, which occurs when unconsolidated, water-laden soils are shaken and lose cohesion, is most prevalent in areas of alluvial silts or sands and in areas with high groundwater levels. The Project area is not mapped for seismic-related ground failure or liquefaction potential (San Bernardino County 2020a). Therefore, impacts associated with seismic-related ground failure,

including liquefaction, would be less than significant. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to seismic ground failure.

Mitigation Measure: No mitigation is required.

iv) Landslides?

The Project area is not mapped for landslide potential; however, unmapped landslides and areas of localized slope instability may be locally present (San Bernardino County 2020a). Project construction at the communicate site and for the access road would involve grading on moderate to steep slopes in soils and rocks of varying strength. With incorporation of APM GEO-1 into the Project, the cuts and fills needed for Project grading would be formed to create stable slopes to avoid susceptibility to land sliding and would not increase the potential for landslides on the existing slopes. All construction activities would be limited to the staked Project work area and several erosion control and rock fall prevention measures would be implemented, as needed. As a result, it is unlikely that Project activities would cause slope instability and associated slope failure. Considering the Project includes APM GEO-1 and APM HWQ-1 through APM HWQ-4 (refer to Section 3.10.2), these impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant** impacts related to landslides.

Mitigation Measures: With incorporation of APM GEO-1 and APM HWQ-1 through APM HWQ-4, no mitigation is required.

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

As described above, grading and leveling would be required to construct the communication tower and the new access road. Such grading could result in erosion-induced sedimentation of downstream drainages, which in turn could result in adverse impacts. The Project would use a previously disturbed area for staging and a small portion of the access road. Use of these existing disturbed areas would minimize increased erosion potential.

Because the Project would involve construction on an area greater than 1 acre, it would require compliance with the General Construction Activity National Pollutant Discharge Elimination System Permit (Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ, National Pollutant Discharge Elimination System No. CAS000002), which requires the construction contractor to prepare and comply with erosion control measures detailed in a Stormwater Pollution Prevention Plan (SWPPP). Incorporation of APM HWQ-1 through APM HWQ-5 into the Project would also reduce potential impacts to erosion and water quality.

The Project site is in an area designated for medium wind erosion potential. As discussed in Section 2.3, Project Construction, vehicle speeds would be limited to 15 miles per hour on the access road to reduce fugitive dust generation.

Overall, the Project would not result in substantial soil erosion or the loss of topsoil. Considering the Project includes APM HWQ-1 through APM HWQ-5 (refer to Section 3.10.2), impacts would be less than significant.

Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant** impacts related to soil erosion.

Mitigation Measures: With incorporation of APM HWQ-1 through APM HWQ-4, no mitigation is required.

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

Refer to Response 3.7.3(a). The Project would not increase the potential for unstable soils, on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. With incorporation of APM GEO-1 into the Project, the cuts and fills needed for Project grading would be formed to create stable slopes to limit the potential for rock fall or soil slope failures. Furthermore, the grading would be designed such that it would not increase the potential for landslides on the existing slopes, either on or off site. The soil and rock present at the site are not susceptible to lateral spreading, subsidence, liquefaction, or collapse. Considering the Project includes APM GEO-1 and APM HWQ-1 through APM HWQ-4 (refer to Section 3.10.2), impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts.**

Mitigation Measures: With incorporation of APM GEO-1 and APM HWQ-1 through APM HWQ-4, no mitigation is required.

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?

Expansive soils are typically characterized by clayey material that shrinks as it dries and swells as it becomes wet. The Project area is underlain by Copperworld association soils, which range from 5% to 18% clay, and Arizo loamy sand soils, which does not consist of clay (USDA 2019). None of these soils are characterized by a majority of clayey materials. Regardless, the Project would be built in accordance with all industry safety standards. Therefore, expansive soil impacts would be less than significant. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to expansive soils.

Mitigation Measure: No mitigation is required.

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

The Project would improve communication coverage in the Project area by constructing and operating a community tower, ancillary facilities, and a new access road. There are no plans or need for subsurface infrastructure such as sewer or septic. Therefore, no impacts would occur with respect to wastewater disposal. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to septic systems.

Mitigation Measure: No mitigation is required.

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

A paleontological records search was requested and a literature review was conducted in September 2019 by AECOM. The paleontological analysis of existing data included a geologic map review, a literature search, and institutional records search. The institutional records search was conducted by the National History Museum of Los Angeles County. A pedestrian survey of the Project site was also conducted in October 2019. These efforts are reported in the Paleontological Resources Survey for the Interconnect Towers Nipton Project San Bernardino County, California, which is included as Appendix J of this Initial Study. This section summarizes the findings of these analyses and evaluates the potential for resources.

The records search returned no documented paleontological localities within the boundaries of the Project area and there are no known pertinent paleontological sites nearby. The paleontological pedestrian survey resulted in the detection of no paleontological resources, and the sediments encountered are judged to have little paleontological potential. In addition, the Project includes APM GEO-2 to address any unexpected discoveries during construction. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts.**

Mitigation Measure: With incorporation of APM GEO-2, no mitigation is required.

3.8 Greenhouse Gas Emissions

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

3.8.1 Environmental Setting

Global climate change refers to changes in average climatic conditions on the earth as a whole, including temperature, wind patterns, precipitation, and storms. Earth's temperature depends on the balance between energy entering and leaving the planet's system, and many factors, including those both natural and anthropogenic, can cause changes in Earth's energy balance. The greenhouse effect is the way in which heat is trapped close to the surface of Earth by greenhouse gases (GHGs). GHGs play a critical role in determining Earth's surface temperature and create a livable environment on Earth. GHGs are present in the atmosphere naturally and are released by natural sources, such as the respiration of humans, animals, and plants; decomposition of organic matter; and evaporation from the oceans. However, in the last century, anthropogenic activities, such as the combustion of fossil fuels, waste treatment, and agricultural processes, have emitted additional GHGs to the atmosphere,

thus enhancing the greenhouse effect and causing Earth's surface temperature to rise. Global climate change is a cumulative impact; a project contributes to this impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. Thus, GHG impacts are recognized as cumulative impacts (CAPCOA 2008).

As defined in California Health and Safety Code Section 38505(g) for purposes of administering many of the state's primary GHG emissions reduction programs, GHGs include carbon dioxide (CO_2), methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride (14 CCR 15364.5). Global warming potential is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to CO_2. The global warming potential of a GHG is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time (i.e., lifetime) that the gas remains in the atmosphere (atmospheric lifetime). The concept of CO_2 equivalents (CO_2e) is used to account for the different global warming potentials of GHGs to absorb infrared radiation.

In March 2015, San Bernardino County updated its GHG Emissions Development Review Processes and established a review standard of 3,000 metric tons (MT) CO_2e per year. Projects that do not exceed 3,000 MT CO_2e per year are considered consistent with the County of San Bernardino GHG Reduction Plan (discussed in Response 3.8.3[b]) and determined to have a less-than-significant individual and cumulative impact for GHG emissions. The San Bernardino County standard review threshold of 3,000 MT CO_2e is based on an emission capture rate of 90% based on a sample of primarily commercial, residential, and mixed-use projects to identify projects that would be required to implement GHG reduction measures (San Bernardino County 2015). The threshold methodology also includes amortized construction period GHG emissions over the 30-year lifetime of projects. In addition, the MDAQMD CEQA Air and Federal Conformity Guidelines (MDAQMD 2020) sets forth a quantitative emission significance threshold for GHG emissions of 100,000 tons of CO_2e. Although this project type is closest to an industrial project (i.e., does not contain residential or commercial land uses), this analysis compares the Project emissions to the more conservative, San Bernardino County standard review threshold. It is not the intent of this CEQA document to cause the adoption of this threshold as a mass emissions limit for this or other projects, but rather provide this additional information to put the Project-generated GHG emissions in the appropriate statewide context.

3.8.2 Applicant Proposed Measures

No APMs or other measures regarding GHG emissions are required.

3.8.3 Impact Analysis

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

Construction-related GHG exhaust emissions are generated by sources such as heavy-duty off-road equipment, employee travel, and material-delivery truck trips. As described previously, following construction, the Project would entail mostly minor maintenance activities throughout the lease duration. Maintenance activities at the site would primarily consist of monthly visits by technicians at the site. As such, operational GHG emissions associated with operations would be generated by vehicle trips from monthly visits by technicians and stationary source emissions from the back-up emergency generators. Total construction-related and operational GHG emissions were estimated using the same methodology discussed earlier in Section 3.3, Air Quality. Table 3.8-1 shows the GHG emissions associated with construction and operation of the Project.

Table 3.8-1. GHG Emissions

Source	GHG Emissions (tons CO_2e)
Construction GHG Emissions	104
Decommissioning Activities GHG Emissions	104
Amortized Construction and Decommissioning[1]	7
Operational GHG Emissions	3
Total GHG Emissions	10
San Bernardino County Threshold[2]	3,000
MDAQMD Threshold[3]	100,000
Exceed Significance?	No

Source: Appendix B.
Notes: GHG = greenhouse gas; MDAQMD = Mojave Desert Air Quality Management District; CO_2e = carbon dioxide equivalent. Totals may not add due to rounding after summation.
1 Based on a project lease period of 30 years.
2 San Bernardino County 2015.
3 MDAQMD 2016.

Total GHG emissions associated with construction of the proposed Project were estimated to be 104 MT CO_2e; likewise, decommissioning is also estimated to result in 104 MT CO_2e. Construction and decommissioning emissions amortized over the assumed lifetime of the Project (i.e., 30 years) and operational emissions would total 10 MT CO_2e per year. Therefore, both the construction and operational GHG emissions are less than the MDAQMD and San Bernardino County annual thresholds. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to GHG emissions.

Mitigation Measure: No mitigation is required.

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

In September 2011, San Bernardino County adopted a GHG Reduction Plan to establish a set of actions to reduce County GHG emissions to 15% below current levels by 2020, consistent with the Assembly Bill (AB) 32 Scoping Plan (San Bernardino County 2021). Strategies and measures include GHG emissions reduction from the following sectors: transportation and land use, building energy, stationary source, water, solid waste, and agriculture and resource conservation. The Project would be confined to the BLM-designated utility corridor and the ROW granted for the Project and as such none of the actions listed in the GHG Reduction Plan would be applicable to the Project, and the Project would not conflict with the County of San Bernardino GHG Reduction Plan.

In December 2008, CARB adopted the Climate Change Scoping Plan, which contains the main strategies California will implement to achieve the required GHG reductions required by AB 32 (CARB 2008). CARB approved the First Update to the Climate Change Scoping Plan: Building on the Framework, in June 2014 (CARB 2014). The scoping plan update includes a status of the 2008 Scoping Plan measures and other federal, state, and local efforts to reduce GHG emissions in California, as well as potential actions to further reduce GHG emissions by 2020. In response to Senate Bill (SB) 32 and the companion legislation of AB 197, CARB approved the Final Proposed 2017 Scoping Plan Update: The Strategy for Achieving California's

2030 GHG Target in November 2017. The 2017 Scoping Plan draws from the previous plans to present strategies to reaching California's 2030 GHG reduction target.

While the scoping plan updates do include measures that would indirectly address GHG emissions associated with construction and operational activities, including the phasing in of cleaner technology for diesel engine fleets (including construction equipment) and Low Carbon Fuel Standard, successful implementation of these measures predominantly depends on the development of laws and policies at the state level. As such, none of these statewide plans or policies constitutes a regulation to adopt or implement a regional or local plan for reduction or mitigation of GHG emissions. Thus, it is assumed that any requirements or policies formulated under the mandate of AB 32 and SB 32 that would be applicable to the Project, either directly or indirectly, would be implemented consistent with statewide policies and laws. Electric power to the site would be provided via photovoltaic solar panels and, as such, would not generate indirect GHG emissions from electricity consumption. Therefore, it is assumed that Project construction and operation would not conflict with the scoping plan updates. Furthermore, because the proposed Project would not generate construction emissions that would exceed the MDAQMD or San Bernardino County GHG emission thresholds, and because operational emissions would be minimal relative to the 3,000 $MTCO_2E$ San Bernardino County threshold, the proposed Project would not impede attainment of the statewide GHG reduction goals for 2030 or 2050 identified in Executive Order S-3-05 and SB 32.

The proposed Project would not conflict with the San Bernardino County GHG Reduction Plan; Scoping Plan updates; or any other plans, policies, or regulations for the purpose of reducing GHG emissions. The proposed Project would also not generate GHG emissions that would have a significant impact on the environment. Therefore, the proposed Project would not conflict with any applicable plan, policy, or regulation for the purpose of reducing GHG emissions. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to GHG emission reduction plans.

Mitigation Measure: No mitigation is required.

3.9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.9 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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐

3.9.1 Environmental Setting

Existing and past land use activities are used as potential indicators of hazardous material storage and use. For example, many sites, historic and current, have soil or groundwater contamination as a result of spills of hazardous substances and petroleum products. Other hazardous materials sources include leaking underground storage tanks. Land uses within the Project area generally consist of undeveloped land including designated open space, rural desert land, and dispersed residential and industrial (mining) uses. Based on a review of the following sources, no active hazardous materials sites are located within 1,000 feet of the Project: the California Department of Toxic Substances Control EnviroStor database (DTSC 2019), which consists of federal National Priorities List sites, state response sites, military evaluation sites, voluntary cleanup sites, and school cleanup sites; the California Environmental Protection Agency's Cortese List (CalEPA 2019); and the State Water Resources Control Board's GeoTracker database (SWRCB 2019), which consists of leaking underground storage tank cleanup sites, Department of Defense Sites, other cleanup program sites, irrigated lands, oil and gas production, operating permitted underground storage tanks, and land disposal sites.

The nearest cleanup sites are located approximately 2 miles northeast and 3 miles west of the Project site. The site 2 miles northeast of the Project site is a permitted Waste Discharge Requirement site at the Mountain Pass Joint Point of Entry on Yates Well Road (SWRCB 2019). The sites 3 miles west of the Project site are located at 67750 Bailey Road and are associated with an active rare earth mine. In this location are one closed site, which was closed (with respect to regulatory compliance) on December 10, 2003; one inactive site that needs evaluation; and one tiered permit cleanup site where no cleanup action is required (DTSC 2019).

3.9.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APMs into the proposed Project to avoid or substantially lessen potentially significant impacts on hazards and hazardous materials. The APMs, where applicable, are discussed in the impact discussion in Section 3.9.3.

APM HAZ-1 Project construction, operations and maintenance, and decommissioning shall be in compliance with all state and federal regulations pertaining to the transport, use, storage and disposal of hazardous materials as defined by the California Health and Safety Code, Division 20, Chapter 6.5 and the California Code of Regulations Title 22. As appliable, a Risk Management Plan and associated hazardous fluid spill prevention plan shall be prepared in accordance with the California Accidental Release Program (Chapter 6.95,). As applicable, the hazardous fluid spill prevention plan shall be implemented during construction, operations and maintenance, and decommissioning activities, and shall require the following:

1. Equipment operators and other personnel shall be informed of specific measures to be implemented in the event of a detected hazardous material fluid leak, including the use of spill containment material, which shall be carried with the equipment or vehicle.
2. Equipment shall be inspected daily to ensure proper functioning condition and to minimize the potential for fluid leaks. Fluids shall be stored in appropriate containers on pallets, inside rubber berms, indoors, or under a cover, as shall other materials that could impact stormwater runoff. Equipment maintenance activities shall be prohibited within the Project area.
3. Propane tanks and generators shall be mounted on concrete-bermed foundations to contain spills or generator oil leaks that could occur during operation, fuel replenishment, and maintenance.

APM HAZ-2 All non-vegetative construction debris and waste materials shall be removed from the site by the Applicant within 2 weeks of the completion of construction activities, transported, and disposed of at an approved facility in accordance with applicable regulations, such California Code of Regulations, Title 22, Division 4.5. Operations and maintenance and decommissioning activities shall also comply with California Code of Regulations, Title 22, Division 4.5.

3.9.3 Impact Analysis

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

Project construction activities would potentially include the use of small quantities of hazardous materials such as chemical agents, solvents, or paints. In addition, petroleum products (e.g., gasoline, diesel fuel, crankcase oil, lubricants, and cleaning solvents) would be present within the Project site during

construction and operation. Incidental spills of these fluids could seep into on-site soils and nearby drainages, resulting in potentially significant water quality impacts.

Although small amounts of hazardous materials may be used during the course of Project construction, O&M, and decommissioning, any hazardous waste generated by the Project would be disposed of in accordance with applicable federal, state, and local regulations. Petroleum products, which would be used to fuel, lubricate, and clean vehicles and equipment, would be transported in containerized trucks or in other approved containers. Hazardous materials would be properly stored in centralized locations and in secondary containment to prevent spills into on-site soils and nearby water bodies. These materials would not be drained onto the ground or into drainage areas. All construction waste, including trash and litter, garbage, other solid wastes, concrete washout, petroleum products, and other potentially hazardous materials, would be removed to a disposal facility authorized to accept such materials. Decommissioning may also involve hazardous materials related to equipment and vehicles. No additional hazardous materials would be transported to the Project area or handled as part of Project construction or operation. Compliance with regulations and implementation of Project features described above, including APM HAZ-1 and APM HAZ-2, would avoid potentially significant hazardous material impacts. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts** related to hazardous materials.

Mitigation Measures: With incorporation of APM HAZ-1 and APM HAZ-2, no mitigation is required.

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

Refer to Response 3.8.3(a). Project construction activities would potentially include the use of small quantities of hazardous materials such as chemical agents, solvents, or paints. In addition, petroleum products (e.g., gasoline, diesel fuel, crankcase oil, lubricants, and cleaning solvents) would be present within the Project site during Project activities. Future decommissioning may also involve hazardous materials. Incidental spills of these fluids could potentially seep into on-site soils and nearby drainages, resulting in potentially significant water quality impacts. Compliance with regulations and incorporation of APM HAZ-1 and APM HAZ-2 into the Project would ensure potential impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts**.

Mitigation Measures: With incorporation of APM HAZ-1 and APM HAZ-2, no mitigation is required.

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

The Project would not involve handling hazardous materials within 0.25 miles of a school. The closest schools to the Project area are in the community of Baker, approximately 36 miles southwest of the Project site. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to emissions near a school.

Mitigation Measure: No mitigation is required.

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

As previously discussed, based on a review of the Department of Toxic Substances Control EnviroStor database, California Environmental Protection Agency's Cortese List, and State Water Resources Control Board's GeoTracker database, no hazardous materials sites are located within 1,000 feet of the Project site. Accordingly, the potential for the Project to result in a significant hazard to the public or environment due to existing soil contamination within the Project site is low. Therefore, the Project would not be located on a hazardous materials site that would have the potential to cause a significant hazard to the public or environment. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to hazardous materials sites.

Mitigation Measure: No mitigation is required.

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

No public or private airports are located within 2 miles of the Project site. The nearest public use airport is the Baker Airport, approximately 36 miles southwest of the Project site (San Bernardino County Department of Airports 2019). The nearest private use airport is the Hart Mine Airport, approximately 20 miles southeast of the Project site (Airport-data.com 2019). People residing or working in the Project area would not be subject to any airport-related hazards. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to airports.

Mitigation Measure: No mitigation is required.

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

San Bernardino County has an adopted San Bernardino County Emergency Operations Plan as amended in 2018 (San Bernardino County 2018). I-15 is a County evacuation route (San Bernardino County 2020a). Project activities would be limited to the communication site, access road, and staging area; there would be no activities that would cross I-15 and disrupt operations of emergency service providers. The Project itself would enhance communication coverage in the Project area, including coverage for emergency response. No decrease in emergency access would result from implementation of the Project. Overall, the Project would not physically interfere with the County's adopted emergency response or evacuation plans. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** to adopted emergency response or evacuation plans.

Mitigation Measure: No mitigation is required.

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

Construction activities have the potential to result in activation of wildfires as a result of construction, O&M, and decommissioning activities because the Project would result in potential ignition sources such as

welders, excavators, gasoline-powered equipment, and hot vehicle mufflers. Refer to Section 3.4, Biological Resources, and Section 3.20, Wildfire, for additional details regarding potential impacts regarding wildland fires. As discussed in Section 3.20, the Project would adhere to the San Bernardino County Uniform Fire Code and 2019 California Fire Code (CFC), which would reduce the potential for significant impacts from wildfires. Furthermore, with the requirement to attend WEAP training during construction (MM BIO-11; refer to Section 3.4.3), general safety protocols such as fire prevention and protection measures would be conveyed to contractors. With adherence to regulatory codes and WEAP training that would occur with implementation of MM BIO-11, impacts relative to wildland fires would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** relative to wildland fires.

Mitigation Measure: No mitigation is required.

3.10 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.10 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 deplete 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 polluted runoff; or	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

3.10.1 Environmental Setting

In general, the Project's watershed is an isolated, inland, desert system, with flows originating in the Mescal Range, a small mountain range in the eastern Mojave Desert, and flowing down to and across the Mojave Desert floor, where the majority, if not all, of the surface water typically dissipates prior to reaching the dry playa, Ivanpah Lake, the watershed's terminal water body (approximately 4 miles east of the Project site). The Ivanpah-Pahrump Valleys Watershed is internally drained, with no outlet to coastal areas or navigable waterways.

Two ephemeral drainages under jurisdiction of CDFW and RWQCB, both unnamed, and several small, unnamed non-jurisdictional features north of I-15 were observed within the Project vicinity. The drainage in the eastern portion of the Project site is mainly a single, trapezoidal-shaped channel, with a sandy unvegetated bottom, that transitions to a large, wide floodplain downstream of the Project site. Two smaller washes flow into this aquatic feature at the upstream end of the access road's intersection with the wash. A second wash that flows through the middle portion of the Project area is mainly a single, trapezoidal-shaped channel, with a sandy unvegetated bottom, draining into another unnamed wash to the south. Several non-jurisdictional swales are also present and are high-gradient, small ephemeral drainages that are single-thread channels, with some either converging downstream or flowing into a larger drainage feature to the south.

The Project site consists of two main geologic units: Qha/mr (hillslope deposits/metamorphic rock) on the steeper slopes of the Clark Mountain Range and Qya (young alluvial fan deposit; Holocene and latest Pleistocene) + Qaa (active alluvial fan deposit; latest Holocene) at the lower elevation area at the Project's northeast end. Most of the site is situated in an erosional landscape and a smaller proportion is composed of alluvial/debris-flow deposits.

3.10.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APMs into the proposed Project to avoid or substantially lessen potentially significant impacts on hydrology and water quality. The APMs, where applicable, are discussed in the impact discussion in Section 3.10.3.

APM HWQ-1 Where erosion and sediment may occur within disturbed areas, soil loss shall be controlled through best management practices such as erosion-control blankets/mats, straw wattles, gravel bags, silt fencing, stabilized construction entrances, and scheduling management. Construction equipment staging and access and disposal or temporary placement of excess fill within drainages shall be prohibited.

APM HWQ-2 Slopes where erosion occurs shall be protected with straw wattles or blankets. All straw wattles, straw bales, or hay bales shall be certified weed-free.

APM HWQ-3 During construction prior to forecasted rain events, best management practices shall be inspected and repaired. Damaged or worn silt fences, straw wattles, gravel bags, and other best management practices shall be replaced.

APM HWQ-4 Equipment shall be inspected daily to ensure proper functioning condition and to minimize the potential for fluid leaks. Fluids shall be stored in appropriate containers on pallets, inside rubber berms, indoors, or under a cover, as shall other materials that could impact stormwater runoff. Equipment maintenance activities shall be prohibited within the Project area.

APM HWQ-5 Approved portable toilets shall be utilized during construction activity and shall be regularly maintained in a sanitary condition.

In addition, APM HAZ-1 also provides hydrology and water quality protection. Refer to Section 3.9.2 and Section 2.5 of this Initial study for the full text of this APM.

3.10.3 Impact Analysis

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

Incidental spills or disposal of potentially harmful materials used during construction could occur during equipment refueling or maintenance. Small amounts of liquids, including oil, fuel, coolants, and lubricants, could potentially wash into and pollute surface waters or groundwater and result in significant water quality impacts. However, APM HWQ-1 through APM HWQ-5 would minimize sediment transport from the site and minimize risk associated with contaminants and other impacts to water quality and soils. Furthermore, incorporation of APM HAZ-1 into the Project (refer to full text of the measure in in Section 3.9.2) would minimize the probability of a spill adversely impacting water quality in the Project vicinity during operation.

The communication site is generally level, but some grading would be required to adequately prepare the site. The Project would involve more intensive grading for the new access road. Such grading could result in erosion-induced sedimentation of ephemeral desert washes, which in turn could impact biological resources. The new access road crosses two ephemeral washes and a portion of the alignment is located along one ephemeral drainage. Construction of the new access road at these crossings would ensure serviceability of the road following major stormwater runoff events, which could be accomplished by the placement of steel pipes directly on the stream overlain with riprap and gravel. Incorporation of APM HWQ-1 through APM HWQ-3 into the Project would ensure BMPs are implemented during and after construction to minimize sediment transport.

Because the Project would involve construction on an area greater than 1 acre, it would require compliance with the General Construction Activity National Pollutant Discharge Elimination System Permit (Order No. 2009-0009-DWQ, as amended by Order No. 2010-0014-DWQ, CAS000002), which requires the construction contractor to prepare and comply with erosion control measures and spill prevention/control measures detailed in a SWPPP.

With incorporation of spill prevention/control measures (APM HWQ-1 through APM HWQ-5 and APM HAZ-1) into the Project and the Project-specific SWPPP that includes erosion control measures, impacts concerning potential violation of water quality standards or waste discharge requirements would be less than significant (refer to Section 3.9.2). Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts**.

Mitigation Measure: With incorporation of APM HAZ-1 and APM HWQ-1 through APM HWQ-5, no mitigation is required.

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

Minimal water use would be required for construction activities and would be limited to vehicle washing. Project operation would entail limited water use for solar panel washing, anticipated once a year for the duration of the grant lease. The water used for such activities would be obtained off site and would not deplete groundwater resources substantially or impact groundwater recharge.

The Project would result in a minor amount of new impervious surface. The communication site would be approximately 17,248 square feet (approximately 0.39 acres), which would entail a 32-foot by 32-foot concrete slab foundation for the tower. The Project's three 21-foot by 80-foot solar panels would be mounted on concrete pads. The Project's standby generators and propane tanks would also be mounted on concrete pads. The Project would also entail a new dirt access road. As such, the Project would not result in the construction of large impervious surface areas that would reduce groundwater infiltration. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to groundwater.

Mitigation Measure: No mitigation is required.

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

i) Result in substantial erosion or siltation on- or off-site;

As described in Response 3.10.3(a), ground-disturbing activities could temporarily affect the potential for erosion during construction. Incorporation of APM HWQ-1 through APM HWQ-3 into the Project would minimize sediment transport from the site. A Project-specific SWPPP and associated BMPs would also be implemented to further reduce erosion and sedimentation. In addition, as discussed in Response 3.4.3(c), prior to initiating Project activities, authorization would be obtained from CDFW and RWQCB for work in jurisdictional ephemeral drainages. It should be noted that this authorization may require additional measures to avoid, minimize, or mitigate impacts to erosion. With incorporation of APM HWQ-1 through APM HWQ-3 into the Project, and the Project-specific SWPPP, impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts**.

Mitigation Measure: With incorporation of APM HWQ-1 through APM HWQ-3, no mitigation is required.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

Refer to Response 3.10.3(b). A limited amount of water would be used during construction and O&M, and water used for such activities would be obtained off site. The Project would also result in a minor amount of new impervious surface, which would be unlikely to increase the rate or amount of surface runoff that would result in flooding. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to surface runoff rates.

Mitigation Measure: No mitigation is required.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

Refer to Responses 3.10.3(c)(i) and 3.10.3(c)(ii). APM HWQ-1 through APM HWQ-5 would be incorporated into the Project during and after Project construction to ensure that runoff from the site does not substantially increase compared to existing conditions. With incorporation of APM HWQ-1 through APM HWQ-5 into the Project, impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts**.

Mitigation Measure: With incorporation of APM HWQ-1 through APM HWQ-5, no mitigation is required.

iv) Impede or redirect flood flows?

Refer to Responses 3.10.3(a), 3.10.3(c)(i), and 3.10.3(c)(ii). As discussed above, the new access road would cross ephemeral drainages. To ensure serviceability of the road, steel pipes may be placed directly on the stream overlain with riprap and gravel. This would ensure flood flows are not impeded or redirected. It should be noted that the permit authorization to install pipes within the drainages may require additional measures to avoid, minimize, or mitigate impacts related to impeding or redirecting flows. Also as discussed above, the Project would entail minor amounts of new impervious surfaces associated with concrete foundations and pads for the communication tower, ancillary facilities, and solar panels. Incorporation of APM HWQ-1 through APM HWQ-3 into the Project would ensure BMPs are implemented during and after construction to minimize sediment transport. APM HWQ-1 through APM HWQ-3 would be incorporated into the Project during and after Project construction to ensure that runoff from the site does not impede or redirect flood flows. With incorporation of APM HWQ-1 through APM HWQ-3, impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts**.

Mitigation Measure: With incorporation of APM HWQ-1 through APM HWQ-3, no mitigation is required.

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

The Project site is not located in a 100- or 500-year Federal Emergency Management Agency flood zone or in a 100-year Department of Water Resources Flood Awareness area (San Bernardino County 2020a). Therefore, **no impacts** would occur with respect to flooding.

The potential risk of inundation from a tsunami would not occur because the Project site is approximately 190 miles northeast of the Pacific Ocean at its closest point. **No impacts** would occur with respect to tsunamis.

Seiches can be generated in lakes or partially enclosed bodies of water by seismic events or wind. Flooding associated with seiches typically only occurs immediately adjacent to the water bodies, due to sloshing of the water. There are no bodies of water within 30 miles of the Project site. Due to distance of the water bodies to the Project site, no impacts would occur as a result of seiches. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to flood hazards.

Mitigation Measure: No mitigation is required.

*e) **Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

The Project is subject to the water quality standards and control measures for surface waters and groundwaters contained within the Water Quality Control Plan for the Lahontan Region (CalEPA 2016). As noted above, incorporation of APM HWQ-1 through APM HWQ-5 into the Project would minimize risk associated with impacts to water quality. The Project would not also affect groundwater resources as it does not involve installation of a well. No impacts would occur with respect to conflicting with a water quality control plan or sustainable groundwater management plan. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts**.

Mitigation Measure: No mitigation is required.

3.11 Land Use and Planning

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.11 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 applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

3.11.1 Environmental Setting

The Project is located within unincorporated San Bernardino County. Land uses surrounding the Project area generally consist of open space and rural desert land. The Project is located entirely on federal land (BLM), as

depicted in Figure 2-2. The CWP designates the Project area as resource conservation land, which encourages limited rural development that maximizes preservation of open space, watershed, and wildlife habitat areas.

3.11.2 Applicant Proposed Measures

No APMs or other measures regarding land use and planning are required.

3.11.3 Impact Analysis

a) Would the Project physically divide an established community?

The Project entails constructing, operating, and decommissioning a communication tower, ancillary facilities, and a new access road within an existing BLM-designated utility corridor adjacent to I-15 to improve communication coverage. No change in land use on adjoining properties would result from implementation of the Project. In addition, the Project would not disrupt the community as the Project would not displace or affect existing housing in the area. Therefore, implementation of the Project would not divide an established community. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to dividing a community.

Mitigation Measure: No mitigation is required.

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

The Project would not conflict with a specific plan, local coastal program, or the CWP. The existing land use designations and zoning for the site would not be modified as a result of the Project, nor would the land use or operation on the site change from existing conditions.

The Project area is within a region that is covered by several regional plans and policies related to habitat conservation and resource management, including the BLM CDCA Plan and associated plan amendments (Northern and Eastern Mojave Desert Management Plan [NEMO] and the DRECP). The following analysis is performed to determine whether implementation of the Project would affect the implementing agencies' ability to implement these plans as envisioned.

California Desert Conservation Area Plan

The CDCA Plan provides a framework for multiple-use resource management in the CDCA, which covers all BLM-managed lands in the California Desert region (BLM 1980). The CDCA Plan established direction on uses and management actions on BLM-managed lands addressing a range of plan elements, including cultural, Native American, wildlife, vegetation, wilderness, wild horse and burro, livestock grazing, recreation, motorized-vehicle access, geology, energy and mineral resources, energy production and utility corridors, and land tenure adjustment. The CDCA Plan also established multiple-use classes and ACECs on BLM-managed lands in the CDCA.

The CDCA Plan has been amended several times, including major land use plan amendments in the Project area referred to as NEMO (BLM 2002) and DRECP (BLM 2016). NEMO amended the CDCA Plan to provide

updated management direction for BLM-managed lands in the northern and eastern Mojave Desert region. The Project site overlaps with the NEMO plan area. Further discussion regarding NEMO is provided below.

In 2016, BLM made a major amendment to the CDCA Plan referred to as the DRECP LUPA. The DRECP LUPA made substantial changes to the CDCA Plan framework and superseded many previous decisions and amendments for BLM-managed lands in the California Desert region, including NEMO. The DRECP LUPA eliminated multiple-use classes and replaced them with CMAs, established new National Conservation Lands, revised and added ACECs, and established other designations on BLM-managed lands for renewable energy and recreation, among other changes. The Project is within the DRECP LUPA area. No state or local agency, including CDFW, has adopted or approved the DRECP. CDFW recognizes the DRECP under federal law as a land use plan for BLM. It is also a relevant regional plan for purposes of CDFW's lead agency review of the Project under CEQA as the whole of the action, including the DRECP's landscape-level focus on the conservation of, among other things, unique desert ecosystems in the plan area, which includes the Project area. Further discussion regarding DRECP is provided below.

As it pertains to the proposed Project, the ROW to be granted is within a CDCA Plan-designated utility corridor (Corridor BB). Although the CDCA Plan was amended by NEMO and later by the DRECP LUPA, the proposed Project would be considered consistent with the allowed and designated uses that the CDCA Plan established. Furthermore, the proposed Project requires a BLM Notice to Proceed to be implemented on BLM-managed lands. Therefore, implementation of the proposed Project would not prevent or preclude BLM from implementing the CDCA Plan; refer to discussion below for an evaluation of the proposed Project relative to the relevant major CDCA Plan amendments: NEMO and DRECP LUPA.

Northern and Eastern Mojave Desert Management Plan

The Project site overlaps with the NEMO plan area. NEMO is a landscape-scale, multi-agency planning effort envisioned to protect and conserve natural resources on federal lands while simultaneously balancing human uses in the northeastern CDCA, primarily the eastern Mojave Desert and western basin and rangelands surrounding Death Valley National Park (BLM 2002). NEMO amended the CDCA Plan on BLM-managed lands in this portion of the CDCA. NEMO provided subregional resource management direction for BLM-managed lands in this portion of the CDCA, including new land designations referred to as Desert Wildlife Management Areas and Wildlife Habitat Management Areas, and revised management decisions and strategies. As noted above under the CDCA Plan discussion, the DRECP LUPA (discussed below) amended the CDCA Plan in 2016 and superseded NEMO.

As it pertains to the Project, the Project is within a CDCA Plan-designated utility corridor, which was an existing designation at the time of NEMO approval. Although NEMO was later amended by the DRECP LUPA, the Project would be considered consistent with the allowed and designated uses of NEMO. Furthermore, the Project would require a lease from BLM for the Project to be implemented on BLM-managed lands. Therefore, implementation of the Project would not prevent or preclude BLM from implementing NEMO; refer to discussion below for an evaluation of the Project relative to the DRECP LUPA.

Desert Renewable Energy Conservation Plan

The DRECP was originally envisioned as an interagency landscape-scale plan designed to facilitate renewable energy development through streamlined permitting while conserving sensitive desert resources. In 2016, BLM approved the DRECP LUPA, which amended the CDCA Plan and superseded many previous CDCA Plan amendments (including NEMO) and resource management decisions in the California

Desert. The DRECP LUPA established new and revised conservation designations (National Conservation Lands and ACECs), established other designations on BLM-managed lands for renewable energy and recreation (Development Focus Areas, Special Recreation Management Areas, and ERMAs), and replaced multiple-use classes with CMAs. The Project is within the DRECP LUPA area.

The Project is within a CDCA Plan-designated utility corridor, which was an existing designation at the time of DRECP LUPA decisions. The Project would be considered consistent with the allowed and designated uses of the DRECP LUPA. Furthermore, the Project would require a lease from BLM for the Project to be implemented on BLM-managed lands. Therefore, once implemented, the Project would be within a valid ROW grant in an existing designated utility corridor that is consistent with the DRECP LUPA.

Since BLM approval would be required for implementation of the Project, the discussion below evaluates whether implementation of the Project would prevent or preclude BLM from implementing the current resource management directives applicable to BLM-managed lands in this area, as specified by the DRECP LUPA.

The Project is within the following DRECP LUPA land designations applicable to BLM-managed lands:

- Ivanpah Valley ACEC, which supports the Desert Tortoise Recovery Plan. Protects biological values, including habitat quality, populations of sensitive species, and landscape connectivity while providing for compatible public uses. Provides protection and special management attention for sensitive cultural resources that will enhance their status and condition while providing for uses that are compatible with the protection and enhancement of sensitive resources. Appropriate multiple uses for this ACEC are allowed, consistent with the goals of the ACEC and the CMAs in the LUPA. Management direction for this ACEC allows for new land use authorization proposals to be analyzed on a case-by-case basis to assess whether they are compatible with the ACEC and its management goals.
- Ivanpah ERMA, which is managed for outstanding views and disbursed recreational use. Primary activities in the ERMA include camping, hiking, star gazing, and backcountry touring. The ERMA provides a feeling of remoteness while close to amenities.

Implementation of the Project would not prevent or preclude BLM from implementing the management directives pertinent to these DRECP LUPA land designations. The Project would not alter the resource values for which these designations were established and would provide significantly more wireless communication coverage to the localized area, which could provide an increased value to the visitor experience within the ERMA. Furthermore, implementation of biological resources mitigation measures (MM BIO-1 through BIO-29; refer to Section 3.4 for full text of all measures) would avoid and minimize potential effects of the Project on the resource values in these designations, as discussed below.

As described in Section 3.4, implementation of the Project would result in temporary and permanent impacts that have the potential to affect special-status plant and wildlife species, sensitive vegetation communities, waters of the state and wetlands, and wildlife movement corridors. To avoid, minimize, and compensate for the effects of the Project's impacts relative to biological resources, MM BIO-1 through MM BIO-29 would be implemented.

Based on a review of the DRECP LUPA CMAs, the mitigation measures relative to biological resources are consistent with the purpose and intent of the DRECP LUPA CMAs. Implementation of the Project, with the required mitigation measures relative to biological resources (MM BIO-1 through MM BIO-29), would not preclude BLM from implementing the DRECP LUPA. Any potential conflicts with the DRECP LUPA are less

than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts**.

Mitigation Measures: No mitigation is required.

3.12 Mineral Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.12 MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

3.12.1 Environmental Setting

The Project site is designated as Mineral Resource Zone (MRZ) 4 (areas of unknown mineral resource potential) (San Bernardino County 2020c). Areas to the west and north of the Project area are designated as MRZ-2 (areas that contain identified mineral resources) and MRZ-3 (areas of undetermined mineral resource significance). An approximately 1,200-acre active rare earth elements mine (Mountain Pass Mine) is approximately 3.4 miles west of the Project site (USGS 2019). The USGS Mineral Resources Data System indicates that two mineral resource sites are within 0.5 miles of the Project site. These sites include one unnamed copper prospect (located along the new access road alignment) and one unnamed barium-barite adit (approximately 0.5 miles southwest of the communication site) (USGS 2019). Several other mines (both past or present producers) are located northwest and southwest of the Project site within the Clark Mountain Range.

3.12.2 Applicant Proposed Measures

No APMs or other measures regarding mineral resources are required.

3.12.3 Impact Analysis

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

Two mineral resource sites have been identified within 0.5 miles of the Project site (as measured from the communication site), one of which is located along the new access road alignment. The USGS Mineral Resources Data System indicates that both sites were determined to not be significant economic deposits (USGS 2019). Construction and operation of the Project would occur entirely within the Project ROW and would not result in the loss of a known mineral resource that would be of value. Future prospects or mine development would be precluded from the Project site for the duration of the ROW grant; however, the recorded prospects within 0.5 miles of the Project site have been found to be of no economic significance. Furthermore, the Project would not result in the loss of availability of mineral resources outside of the Project site, such as those located northwest and southwest of the Project site, within the Clark Mountain Range. Once the ROW lease expires, the communication tower would be decommissioned, and the entire Project site would be restored to BLM standards. Therefore, the Project would not result in the loss of a known mineral resource that would be of value to the region and the residents of the state. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to mineral resources.

Mitigation Measure: No mitigation is required.

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

Refer to Response 3.11.3(a). The San Bernardino Countywide Plan designates the site as Resource/Land Management, which allows for mineral resource extraction and processing (San Bernardino County 2020b). Per the General Plan Policy Map NR-4 Mineral Resource Zones (San Bernardino County 2020c), the site is not identified as containing locally important mineral resources. In addition, once the ROW lease expires, the communication tower would be decommissioned, and the entire Project site would be restored to BLM standards. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to delineated mineral resources.

Mitigation Measure: No mitigation is required.

3.13 Noise

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. 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?	☐	☐	☐	☒

3.13.1 Environmental Setting

Noise- and vibration-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas would be considered noise and vibration sensitive and may warrant unique measures for protection from intruding noise. General noise sources surrounding the Project include automobile traffic and industrial traffic associated with the nearby mining operation. Noise-sensitive receptors near the Project generally include scattered rural residences approximately 0.7 miles southwest of the communication site and 1.3 miles southeast of the existing access road and staging area, and recreational wilderness.

The Project site is located in a region of San Bernardino County characterized as rural desert. Proximity to roadway traffic noise from I-15 is the primary influence on the existing outdoor ambient sound environment. Federal Transit Administration guidance suggests that for proximity to an interstate highway, the estimated day-night average sound level can range from 75 to 55 A-weighted decibels (dBA) for distances ranging from 10 feet to 800 feet (FTA 2006). For other roadways, such as busy urban streets or parkways with vehicle speeds of only 55 miles per hour, the day-night sound level would be about 5 dBA less. The nearest apparent occupied residential land use is approximately 500 feet from the northbound lanes of I-15 traffic, and would therefore be expected to experience 55 dBA L_{eq} during the daytime hours and 45 dBA L_{eq} at night. These estimated existing sound levels are the same as San Bernardino County's exterior noise standards for noise due to stationary noise sources (per Section 83.01.080.c.1 of the San Bernardino County Code).

3.13.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APM into the proposed Project to avoid or substantially lessen potentially significant impacts related to noise and vibration. The APM, where applicable, is discussed in the impact discussion in Section 3.13.3.

APM N-1 The Project construction plans shall demonstrate that all on-site generators shall include factory-approved sound-attenuating weather enclosures and accompanying combustion exhaust mufflers on the power units to minimize noise.

3.13.3 Impact Analysis

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

Construction Noise

As discussed above in Response 3.3.3(c), the Project is located in rural desert open space, adjacent to I-15. The nearest property with potential to be occupied is approximately 0.7 miles southwest of the communication site. The next nearest residence is approximately 1.3 miles southeast of the existing access road and staging area. Project activities during construction would require four to six workers per day during the 60- to 120-day construction timeframe and use the equipment listed in Table 2-1. Due to the distance of the Project to the nearest residences, construction is not anticipated to increase noise levels in excess of standards. Furthermore, all construction would occur during daytime hours, during which San Bernardino County exempts noise from its limits per Section 83.01.080.g.3 of the San Bernardino County Code. Hence, on this basis, potential construction noise impacts to the nearest occupied residential receptors under San Bernardino County jurisdiction would be less than significant. Refer to Section 3.4 for biological resource impacts related to noise.

Operational Noise

The Project would not result in substantial operational noise. Potential noise created by Project operation would be limited to noise from the wall-mounted HVAC unit that provides cooling for the on-site electrical equipment cabinet(s) and intermittent noise created during routine inspections and maintenance from standard road vehicle traffic. Operation of the on-site standby generators would also be a source of noise during infrequent regular testing and in the event of failure of the site's solar power source. The incorporation of APM N-1 into the Project would minimize noise from the generators. By way of illustration, sound data from a leading supplier (Cummins n.d.) of standby generators indicates that a 35-kilowatt generator equipped with a "Level 1" sound-attenuating weather enclosure and accompanying exhaust muffler would exhibit sound pressure levels ranging from 70 dBA to 73 dBA at a distance of 23 feet. Accounting for distance to the nearest occupied residential receptor (0.7 miles away) and ignoring any noise occlusion due to terrain features, the predicted noise from an operating generator would only be 25 dBA, which is far less than the San Bernardino County daytime limit and estimated outdoor ambient sound level of 55 dBA.

The wall-mounted HVAC expected to provide cooling for electrical equipment would likely resemble a 3–5 ton (refrigeration) externally mounted Bard unit (or comparable equipment from another supplier). Manufacturer data (Bard n.d.) suggests that such an HVAC unit exhibits 67 dBA at a distance of 10 feet, so its expected noise level at the same 0.7-mile distant residential receptor would be less than 15 dBA. This would be a less-than-significant impact based on comparison with the existing estimated outdoor sound level and the San Bernardino County stationary sound source thresholds.

Overall, operational noise impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant** impacts.

Mitigation Measure: With incorporation of APM N-1, no mitigation is required.

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

Heavy trucks transporting materials to and from the site have the potential to generate groundborne vibration. However, heavy trucks generally operate at very low speeds on site, and groundborne vibration induced by heavy truck traffic is not anticipated to be perceptible at distances greater than 25 feet. As discussed above, the Project site is 0.7 miles (approximately 3,700 feet) or more from noise- and vibration-sensitive land uses. In addition, groundborne vibration associated with construction equipment would be temporary and would occur only during daytime hours. More importantly, pickup trucks and other light and medium duty road vehicles are anticipated for construction, and the potential of these truck to produce groundborne vibration is very low. Other heavy equipment necessary for construction is listed in Table 2-1 and their use would be limited to the Project site during the duration of construction. Therefore, vibration-related impacts would be less than significant. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to generation of excessive groundborne vibration or groundborne noise levels.

Mitigation Measure: No mitigation is required.

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

As discussed in Response 3.9.3(e), no public or private airports are within 2 miles of the Project site. The nearest public use airport is the Baker Airport, approximately 36 miles southwest of the Project site (San Bernardino County Department of Airports 2019). The nearest private use airport is the Hart Mine Airport, approximately 20 miles southeast of the Project site (Airport-data.com 2019). Therefore, no excessive noise would occur due to the distance of the Project from the airport and airstrip. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to private airports.

Mitigation Measure: No mitigation is required.

3.14 Population and Housing

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.14 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?	☐	☐	☐	☒

3.14.1 Environmental Setting

The Project is located entirely on BLM-managed land within unincorporated San Bernardino County. Land uses within the Project area consist of rural desert land and highly dispersed residences. The nearest residential areas are the community of Baker (approximately 36 miles southwest of the Project site) and the Cities of Needles (approximately 64 miles southeast of the Project site) and Barstow (approximately 96 miles southwest of the Project site). No residential structures exist within the Project site.

3.14.2 Applicant Proposed Measures

No APMs or other measures regarding population and housing are required.

3.14.3 Impact Analysis

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

The Project would improve communication coverage in the Project area by constructing and operating a community tower, ancillary facilities, and a new access road. The Project does not propose new homes or businesses and therefore would not directly induce substantial unplanned population growth. While the Project would provide improved communication coverage in the area, the Project is unlikely to result in substantial population growth because the strengthening of communication coverage is not a main factor that induces population growth.

Project activities during construction would require four to six workers per day during the 60- to 120-day construction timeframe. Project activities during operation would require one to three workers for three

visits per month for the duration of the 30-year lease. Due to the limited number of workers required and the fact that all workers would be from the nearby community of Primm (approximately 10 miles northeast of the Project site in the state of Nevada) and would not be relocating to the surrounding area, their presence would not result in substantial population growth and the impact would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to unplanned growth.

Mitigation Measures: No mitigation is required.

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

The Project would improve communication coverage in the Project area by constructing and operating a community tower, ancillary facilities, and a new access road. There is no existing housing at the Project site. Therefore, the Project would not displace existing people or housing and would not necessitate the construction of replacement housing. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to replacement housing.

Mitigation Measures: No mitigation is required.

3.15 Public Services

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.15 PUBLIC SERVICES – Would the project:				
a) 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?	☐	☐	☐	☒

3.15.1 Environmental Setting

The Project is located entirely on BLM-managed land within unincorporated San Bernardino County. Land uses within the Project area consist of rural desert land and highly dispersed residences. County public services that would be provided during Project construction would come from within San Bernardino County. These services are focused in the rural community of Baker (approximately 36 miles southwest of the Project site) and the Cities of Needles (approximately 64 miles southeast of the Project site) and Barstow (approximately 96 miles southwest of the Project site).

The San Bernardino County Fire Protection District (SBCFPD) provides fire and emergency services to residents of unincorporated areas of San Bernardino County and to more than 60 communities and cities (SBCFPD 2019). The Project is located within SBCFPD North Desert Service Zone District 1 (SBCFPD 2021a). The nearest fire station to the Project site is at 72734 Baker Boulevard in the community of Baker (Station 53) approximately 47 miles from the Project site.

The San Bernardino County Sheriff's Department provides law enforcement services to the region via 22 patrol stations (San Bernardino County Sheriff's Department 2021). The nearest patrol station to the Project site is at 1111 Bailey Avenue in the City of Needles about 100 miles away, but sheriffs are mobile throughout San Bernardino County.

The Baker Valley Unified School District serves the Project area; all schools are in the community of Baker (Baker Valley Unified School District 2019).

The San Bernardino County Regional Parks Department maintains nine regional parks totaling approximately 9,200 acres, which provide areas for camping, fishing, group events, and picnicking and contain swim complexes with water slides, water play parks, and playgrounds (San Bernardino County Regional Parks Department 2019). Parks, open space, and wilderness areas near the Project area include the 6,963-acre Stateline Wilderness Area approximately 20 miles to the north and the 1.6-million-acre Mojave National Park located primarily to the south of the Project past the I-15, as well as encompassing the Clark Mountain area approximately 7 miles to the northwest.

The San Bernardino County Library System operates and maintains 32 libraries throughout the County (San Bernardino County Library 2019). The nearest library to the Project site is at 1111 Bailey Avenue in the City of Needles about 100 miles away.

3.15.2 Applicant Proposed Measures

No APMs or other measures regarding public services are required.

3.15.3 Impact Analysis

a) 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?

This response applies to all services listed in Section 3.15.3(a).

The Project would construct and operate a communication tower, ancillary facilities, and a new access road to provide increased signal coverage for customers and emergency response and law enforcement agencies. The Project would be built to all applicable standards and codes to ensure safety and the tower would be enclosed by an 8-foot chain-link fence with three strands of barbed wire at the top to deter trespassers. As discussed in Section 3.14.3, the Project would not induce population growth. Therefore, the Project would not require new or physically altered fire protection, police protection, schools, parks, or other public facilities. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to public facility improvements.

Mitigation Measures: No mitigation is required.

3.16 Recreation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.16 RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
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?	☐	☐	☒	☐

3.16.1 Environmental Setting

The San Bernardino County Regional Parks Department manages and maintains parks and recreation facilities within San Bernardino County. The San Bernardino County Regional Parks Department maintains nine regional parks totaling approximately 9,200 acres (San Bernardino County Regional Parks Department 2019). Regional parks provide areas for camping, fishing, group events, and picnicking and contain swim complexes with water slides, water play parks, and playgrounds. The nearest regional park to the Project is the Moabi Regional Park located approximately 75 miles southeast of the Project site.

The wilderness area nearest the Project is the Stateline Wilderness Area (approximately 12 miles north of the Project site) (BLM 2019). Parks near the Project include the Mojave National Park, which includes the Clark Mountain Camp, as discussed above in Section 13.5.1.

3.16.2 Applicant Proposed Measures

No APMs or other measures regarding recreation are required.

3.16.3 Impact Analysis

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

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?

This response applies to Sections 3.16.3(a) and (b).

The Project would improve communication coverage in a remote desert area and would not directly increase use of or demand for neighborhood parks, regional parks, or other recreation facilities. The Project has the potential to indirectly increase the use of the surrounding recreational facilities due to improved communication coverage. However, the Project would not increase use that would contribute to substantial physical deterioration of existing facilities or require new facilities because the area is remote with little to no accommodations nearby. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to recreation.

Mitigation Measure: No mitigation is required.

3.17 Transportation

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.17 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) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒

3.17.1 Environmental Setting

The regional route within the Project vicinity is I-15, which is under the jurisdiction of the California Department of Transportation and is south and east of the Project site. I-15 has an average daily traffic volume of approximately 44,000 (Caltrans 2017) at its junction with Nipton Road. Most of the roadways in the Project area are owned and maintained by San Bernardino County and are generally two-lane, undivided roadways. The Project is located in rural northeastern San Bernardino County; therefore, there are no transit options in the Project vicinity.

3.17.2 Applicant Proposed Measures

No APMs or other measures regarding transportation are required.

3.17.3 Impact Analysis

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

The Project would construct a communication tower, ancillary facilities, and a new access road, which would generate a limited number of trips during the 60- to 120-day construction timeframe. Operation of the Project would also generate a limited number of trips for maintenance and repairs over the course of the 30-year lease. As identified in the CWP Transportation and Circulation Element, the proposed XpressWest, a high speed rail service that would extend from Victorville to Las Vegas, would travel along I-15, largely within the existing ROW, in the vicinity of the Project (San Bernardino County 2020a). The Project would not conflict with this proposed service as the Project would be constructed outside of the I-15 ROW. The Project would comply with all other CWP Transportation and Mobility Element goals and policies related to roadway

capacity, road design standards, VMT, and transit. For example, while the Project would result in a new unpaved access road, which the County does not accept into their maintained road system, the road would be maintained by the Applicant and would be on federal land. The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to transportation planning.

Mitigation Measure: No mitigation is required.

b) Conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?

CEQA Guidelines Section 15064.3(b) focuses on VMT for determining the significance of transportation impacts. It is further divided into four subdivisions: (1) land use projects, (2) transportation projects, (3) qualitative analysis, and (4) methodology. Since the Project would generate temporary construction-related traffic and nominal operations and maintenance traffic, it would be categorized under CEQA Guidelines Section 15064.3(b)(3), qualitative analysis. Subdivision (b)(3) recognizes that lead agencies may not be able to quantitatively estimate VMT for every Project type. For many projects, a qualitative analysis of construction traffic may be appropriate. Per Section 15064.3(a), VMT refers to the amount and distance of automobile travel attributable to a Project. The term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. Heavy-duty truck VMT should not be included in the calculation of VMT.

The Project site is in rural northeastern San Bernardino County. Construction of the Project would occur for 60 to 120 days and approximately four to six construction workers would be present on site each day. Table 2-1 shows the equipment that would be used for construction. Tower foundation, fence, and solar panels and carrier equipment would be delivered on a heavy-duty truck from approximately 110 miles away from the Project site. Light- and medium-duty trucks and off-road equipment would also be used. There would be no import or export of soil needed during construction; therefore, no associated trips would occur. Approximately 12 truck trips per day would occur during construction. All construction-related trips are temporary and would not generate permanent trips. For these reasons, the VMT from construction traffic is not quantified. There are no applicable VMT thresholds of significance for temporary construction trips that may indicate a significant impact. Therefore, impacts due to temporary construction trips would be less than significant.

Operation of the Project would entail communication carriers accessing the site approximately three times per month total. It is likely that these communication carrier staff visit other communication towers in the region and would not embark on entirely separate trips to access this communication site. Regardless, the number of trips is low and would not exceed the small Project VMT screening threshold (i.e., projects that generate less than 110 daily vehicular trips are generally assumed to cause a less-than-significant transportation impact) used by the California Department of Transportation and San Bernardino County. Therefore, operation of the Project would not result in a transportation impact. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to VMT.

Mitigation Measure: No mitigation is required.

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

During construction, vehicles and equipment would access the site to construct and operate the Project. All vehicles and equipment would access the site using I-15 at the I-15/Nipton Road interchange. Project activities would be limited to the communication site, access road, and staging area; there would be no activities that would cross I-15, resulting in hazards. In addition, as discussed above, the Project would generate a limited number of trips during the 60- to 120-day construction timeframe, and operation of the Project would also generate a limited number of trips for maintenance and repairs over the course of the 30-year lease. The impact would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to transportation design hazards.

Mitigation Measure: No mitigation is required.

d) Result in inadequate emergency access?

I-15 is a County evacuation route. Project activities would be limited to the communication site, access road, and staging area; there would be no activities that would cross I-15 and disrupt operations of emergency service providers. The Project itself would enhance communication coverage in the Project area, including coverage for emergency response. No decrease in emergency access would result from implementation of the Project. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to emergency access.

Mitigation Measure: No mitigation is required.

3.18 Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3.18 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 §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:				

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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 §5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

3.18.1 Environmental Setting

As discussed in Section 3.5, Cultural Resources, a search of the Sacred Lands File was conducted by the California NAHC for the Project vicinity. The search revealed no sacred sites that would potentially be affected by the Project.

Per CEQA requirements, tribal cultural resources are primarily identified through outreach to the NAHC and government-to-government consultation between the lead agency and appropriate California Native American tribes. On June 1, 2021, CDFW sent a request to the NAHC for a search of the Sacred Lands File and a list of tribes that may be affiliated with the area of the Project. The NAHC performed a record search of the Sacred Lands File and provided a list of Native American tribes who may have knowledge of cultural resources in the Project area on June 9, 2021. On July 15, 2021, consistent with information provided by the NAHC, CDFW provided notification of the proposed Project under CEQA Section 21080.3.1 and CDFW's Tribal Communication and Consultation Policy to the Twenty-Nine Palms Band of Mission Indians and Chemehuevi Indian Tribe. Neither tribe responded to the notification or has otherwise identified any tribal cultural resources on or in the vicinity of the Project site. CDFW will continue to reach out to both tribes as its CEQA lead agency review of the Project continues.

3.18.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APM into the proposed Project to avoid or substantially lessen potentially significant impacts on tribal cultural resources that may be discovered during construction to the extent feasible. In addition, APM CUL-1 and APM CUL-2 are also incorporated into the proposed Project to protect inadvertent discoveries that may qualify as tribal cultural resources. Refer to Section 3.5.2 and Section 2.5 of this Initial Study for the full text of these APMs. These APMs, where applicable, are discussed in the impact discussion in Section 3.18.3.

APM TCR-1 **Unanticipated Discovery.** In the event, as provided by APM CUL-1, that previously unknown cultural resources (sites, features, or artifacts) are exposed during grading or other construction activities, all construction work occurring within 50 feet of the find shall immediately stop until a qualified archaeologist can evaluate the significance of the find and determine whether or not additional study is warranted. As part of this evaluation, the qualified archaeologist shall solicit input from geographically and culturally affiliated tribal representatives as identified by the Native American Heritage Commission to identify feasible ways to protect the significance and tribal value of the resource.

3.18.3 Impact Analysis

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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

As described in Section 3.18.1, the NAHC Sacred Lands File search was negative and neither tribe identified by the NAHC as geographically and culturally affiliated with the area responded to the CDFW letter providing notice of the proposed Project. CDFW has also received no other information that there are or may be tribal cultural resources that could be impacted by the Project. However, there is still the potential for discovery of significant archaeological deposits during construction that may be tribal cultural resources. Any impacts to inadvertent discoveries of possible tribal cultural resources would be treated by APM CUL-1, APM CUL-2, and APM TCR-1. Therefore, with incorporation of APMs, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less than significant impacts** related to known tribal cultural resources.

Mitigation Measure: With incorporation of APM TCR-1, APM CUL-1, and APM CUL-2, no mitigation is required.

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 §5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

As described in Section 3.18.1, the Sacred Lands File search was negative and neither tribe identified by the NAHC as geographically and culturally affiliated with the area responded to the CDFW letter providing notice of the proposed Project. CDFW has also received no other information that there are or may be tribal cultural resources that could be impacted by the Project. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impacts** related to known tribal cultural resources.

Mitigation Measure: No mitigation is required.

3.19 Utilities and Service Systems

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
3.19 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 waste water 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?	☐	☐	☒	☐

3.19.1 Environmental Setting

The Project site is located entirely on BLM-managed land within unincorporated San Bernardino County. There are no utilities or public service systems that serve the Project site.

3.19.2 Applicant Proposed Measures

No APMs regarding utilities and service systems are required.

3.19.3 Impact Analysis

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

The Project entails construction and operation of a communication tower, ancillary facilities, and a new access road for a 30-year period. Power for the Project would be solely via solar panels. The Project would also include three 35-kilowatt backup generators that would provide electric power in the event of failure of the site's solar power source. During construction, portable toilets would be used. Water for construction would be trucked in and no significant operational water use would occur. The Project would not require any other utilities or public services beyond those already included as a part of the Project. Therefore, no additional relocation or construction of utilities would be required and no impact related to additional utility needs would occur. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **no impact** related to utilities.

Mitigation Measures: No mitigation is required.

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

Construction of the Project has the potential to require water for use in a batch concrete mixing station should the Project site not be accessible by concrete trucks. Construction-related water usage would be trucked in and would total approximately 36,400 gallons. During O&M, workers would bring their own water to the site and additional water usage is not anticipated. Therefore, the Project would have sufficient water supplies. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to water supply.

Mitigation Measure: No mitigation is required.

c) Would the project result in a determination by the waste water 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?

Wastewater generated during construction would be from portable restroom facilities, which would be maintained for the duration of construction. Wastewater is not anticipated to be generated from the site during operations. Therefore, the Project would not interfere with any wastewater treatment provider's service capacity. The impact would be less than significant. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to wastewater treatment.

Mitigation Measure: No mitigation is required.

d) Would the project 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?

Project activities would generate a limited amount of construction waste, such as oil, fuel, coolants, lubricants, and batteries. No soil export is anticipated as a part of the Project. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts** related to attainment of solid waste reduction goals.

Mitigation Measure: No mitigation is required.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

The Project would comply with all federal, state, and local statutes and regulations related to solid waste. The work would not generate a substantial increase in the amount of solid waste or require the transport of substantial amounts of solid or hazardous waste. As such, the Project impact would result in less-than-significant-impacts related to solid waste. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts**.

Mitigation Measure: No mitigation is required.

3.20 Wildfire

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
3.20 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 a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☒	☐
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?	☐	☐	☒	☐

3.20.1 Environmental Setting

The Project area is located within unincorporated San Bernardino County approximately 10 miles south of the California-Nevada state line and is within a federal responsibility area and is classified as a moderate fire hazard severity zone (San Bernardino County 2020d). Though the Project site is within a federal responsibility area, the Project would consult with the SBCFPD and comply with all applicable fire regulations identified in the San Bernardino County Uniform Fire Code and the 2019 CFC.

Fire hazard designation is based on factors such as terrain/slope, weather, fuel, and other factors. The Project site is within the USGS Mineral Hill and is located in the Mojave Desert. The site is on an east-facing slope of the Clark Mountain Range. The Project site consists of steeper slopes within the Clark Mountain Range and lower elevations at the Project's northeast end. The climate within the Project is consistent with typical desert regions. From June to September is the hot season with an average temperature above 90°F and from November to February is the cold season with an average daily temperature of below 63°F. Wind direction varies throughout the year but most often comes from the south from June to October, the west from February to June, and from the east from October to February. The average wind speed on the Project site varies between 8 mph to 9.5 mph (Weather Spark 2021). Vegetation on the Project site is consistent with the rural desert landscape of the Mojave Desert. Vegetation in the area is sparse, with creosote bush being the most common plant. Any trees present are low in stature and generally restricted to ephemeral wash areas, and are not prominent features. No recorded fires have occurred in the immediate Project vicinity (CAL FIRE 2021). However, several fires have occurred in the larger regional area. The closest fire to the Project site was the Motor Fire in 2017 approximately 6 miles to the west. In addition, the Dome Fire occurred in 2020 in the Mojave National Preserve approximately 8 miles southwest of the Project site (CAL FIRE 2021).

3.20.2 Applicant Proposed Measures

The Applicant commits to incorporating the following APMs into the proposed Project to avoid or substantially lessen potentially significant impacts related to wildfire. The APMs, where applicable, are discussed in the impact discussion in Section 3.20.3.

APM FIRE-1 Project construction, operations and maintenance, and decommissioning shall comply with all applicable federal, state, and local fire codes, including but not limited to the San Bernardino County Fire Protection District Fire Code and the California Fire Code. Prior to the start of construction, the Bureau of Land Management and San Bernardino County Fire Protection District shall be consulted to ensure all requirements are met. The procedures that shall be implemented for minimizing potential ignition during construction, operations and maintenance, and decommissioning activities include, but are not limited to:

- Vegetation and debris clearing, parking requirements/restrictions, idling restrictions, smoking restrictions, proper use of gas-powered equipment, and hot work restrictions.
- Work restrictions during Red Flag Warnings and High to Extreme Fire Danger days.
- Equipment and personnel shall stay within the Project footprint.
- All internal combustion engines used at the Project site shall be equipped with spark arrestors and kept in good working condition.
- Construction and maintenance trucks shall be equipped with fire extinguishers or other fire-fighting equipment.

- A fire watch personnel shall be designated during construction activities.
- The Worker Environmental Awareness Program (MM BIO-11) shall discuss fire prevention and protection measures to be implemented on site, including but not limited to parking restrictions over flammable vegetation, training on proper use of fire-fighting equipment for initial attack and reporting of fire incidents, and restricting the use of open flames while working within vegetation. A crew lead shall be identified and shall be responsible for reporting fire incidents and/or calling emergency services if necessary.

In addition, APM GEO-1 (Section 3.7.2), APM HAZ-1 and APM HAZ-2 (Section 3.9.2), and APM HWQ-1 to 5 (Section 3.10.2) also provide wildfire protection measures. Refer to Section 3.7.2, Section 3.9.2, Section 3.10.2, and Section 2.5 of this Initial Study for the full text of these APMs.

3.20.3 Impact Analysis

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

The San Bernardino County Operational Area Emergency Operations Plan is an all-hazards plan that guides the County on how it will organize and respond to incidents (San Bernardino County 2018). The Emergency Operations Plan describes how agencies and organizations within the County will coordinate resources and response activities with other federal, state, local, and private sector entities to maximize the safety of the public and minimize property damage through an organized, efficient, and effective response to emergency events. Within the County, the Chief Executive Officer of the County will serve as the Director of Emergency Services. The San Bernardino County Operational Area includes all incorporated and unincorporated areas, Special Districts, and private and volunteer sectors within the County. The San Bernardino County Emergency Operations Center is the centralized location for decision making when an emergency or disaster occurs, has the potential to occur, or when any one city/town activates its emergency operations center for an emergency. The Emergency Operations Center will collect and disseminate information to the Operational Area, coordinate evacuations, and facilitate the Multiagency Coordination System. In addition, the Emergency Operations Plan will provide resources for the mitigation and recovery efforts within the County (San Bernardino County 2018). The Telephone Emergency Notification System and San Bernardino Ready App are the mass notification system for the County and are used to notify those who live and work in the County of the necessary information during emergency events such as disaster notifications and evacuation orders. The County would also activate the Weather & Incident Warning System to help alert residents of foreseen and active emergencies (SBCFPD 2021b).

San Bernardino County identifies wildland fires as a high-priority hazard (San Bernardino County 2018). The SBCFPD provides emergency operation response to the incorporated and unincorporated communities in the County. The Project is located within SBCFPD North Desert Service Zone District 1 (SBCFPD 2021a). There is one San Bernardino County Fire Station within proximity to the Project site, Station 53, located approximately 47 miles west of the Project.

As previously discussed in Section 3.17, Transportation, construction activities related to the Project would occur outside the I-15 ROW. The Project would construct a communication tower, ancillary facilities, and a new dirt access road. During construction activities, vehicles and equipment would access the site using the I-15/Nipton interchange. However, the Project is not anticipated to result in lane closures or result in an increase in traffic such that emergency access would be impacted. Once constructed, access to the

Project site would only be required for routine maintenance approximately three times a month. The Project itself is anticipated to have a positive impact on emergency response by enhancing communication coverage in the Project area. Furthermore, in the event of an emergency, the Project would comply with all instructions proved by the Emergency Operations Center and/or other public agencies tasked with emergency response. Therefore, the Project would not impair an adopted emergency response plan or emergency evacuation plan and the impact would be less than significant. As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less-than-significant impact** related to implementation of adopted emergency plans.

Mitigation Measure: No mitigation is required.

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

As discussed in Section 3.20.1, the Project is within a Federal Responsibility Area and classified as a moderate fire hazard severity zone on an east-facing slope of the Clark Mountain Range. The Project site consists of steeper slopes within the Clark Mountain Range and lower elevations at the Project's northeast end. Vegetation is consistent with the rural desert landscape of the Mojave Desert and is sparse, with creosote bush being the most common plant. In the immediate Project vicinity, no fires have occurred (CAL FIRE 2021). Wind direction on the Project site varies throughout the year but most often comes from the south from June to October, the west from February to June, and from the east from October to February. The average wind speed on the Project site varies between 8 mph to 9.5 mph (Weather Spark 2021). However, the area is also subjected to Santa Ana Winds that can occur anytime from late summer to early spring but typically peak in October. Wind gusts during these events can reach 74 mph or greater and can drive extreme fire behavior (Sosnowski 2021). The Project does not include any permanent occupants; however, there will be temporary occupation of the Project Site by construction workers, varying between four to six persons, during workday hours and InterConnect Towers, LLC, employees during the monthly visits.

Construction

Construction of the Project would occur outside of the I-15 ROW and would not substantially alter on-site slopes or influence prevailing wind or other factors in a way that would exacerbate wildfire risk. Construction would include creating a new access road and would be graded to a width of 14 feet. Switchbacks would be installed along the last half-mile of the roadway near the top of the ridge to maintain a suitable grade up the slope. The communication tower and supporting components would be located at the top of the hill where the site is generally level. Though the road construction would alter on-site slopes, slope steepness would be reduced. Furthermore, in the event of a fire, the road would be able to serve as a fuel break or staging area for incident attack.

The Project construction would temporarily introduce potential ignition sources due to the use of vehicles, heavy machinery, accidental human-caused ignitions, or any potential hot work. Per APM FIRE-1, the Applicant would implement fire safety and prevention procedures to reduce the risk of ignition. The Project would adhere to the San Bernardino County Uniform Fire Code and the 2019 CFC, and the Applicant would consult with BLM and SBCFPD to ensure all fire safety requirements are met. The Project would comply with Section 16 of the Uniform Fire Code and Section 23.0305 of the San Bernardino County Code of Ordinances for Desert Area Fire Hazard Abatement. The Project would also adhere to Chapter 33 of the CFC standards for fire safety during construction activities. The communication tower and ancillary facilities

would be constructed to the standards defined by the Telecommunications Industry Association Revision H of the American National Standards Institute (ANSI)/TIA-222 Structural Standard for Antenna Supporting Structures and Antennas and Small Wind Turbine Support Structures to ensure the tower would withstand high winds. The tower materials are 90% metal and considered non-flammable. No electrical lines are being used to power the Project. In addition, the WEAP (MM BIO-11) would include discussion of fire prevention and protection measures to be implemented on site, as well as training on how to minimize fire risk as outlined in APM FIRE-1. Finally, construction debris and waste materials would be removed from the Project site within 2 weeks of the completion of construction activities (APM HAZ-2), further minimizing fire risk.

Operation

Once the construction is complete, the site would operate 24 hours a day, 7 days a week for the duration of the lease period. Project site occupation would be limited to maintenance-related activities, which would occur monthly. During O&M, the Project would adhere to the San Bernardino County Uniform Fire Code and 2019 CFC. On-site power would be provided by solar panels and back-up generators; these energy systems would adhere to Chapter 12, Energy Systems, of the CFC. Propane would be stored and refueled on site per Chapter 50, Hazardous Materials-General Provisions, and Chapter 61, Liquefied Petroleum Gas, of the CFC. Furthermore, APM FIRE-1 would be incorporated into the Project, which would require the Applicant to coordinate with BLM and SBCFPD and employ fire prevention safety measures. In addition, APM HAZ-1 would be incorporated into the Project, which indicates that propane tanks and generators would be mounted on concrete-bermed foundations to contain spills or generator oil leaks that could occur during operation, fuel replenishment, and maintenance.

Decommissioning

After 30 years, the ROW grant would be terminated and the Applicant would restore, under the direction of BLM, the site as close to its original condition as possible. As with construction, there would be a temporary occupation of the site and potentially introduced ignition sources related to decommissioning activities. Decommissioning activities would also comply with APM FIRE-1 and regulations described above related to construction activities. In addition, the implementation of MM BIO-3 (invasive plant species BMPs) would further minimize the occurrence of invasive plants that could result in an increase in wildfire risk. However, once decommissioning is complete any introduced ignition sources would be removed.

With the implementation of safety standards and applicable codes and regulations the Project would not exacerbate wildfire risk and thereby expose Project occupants to pollutant concentrations from uncontrolled spread of a wildfire. Furthermore, upon decommissioning of the Project, the potential ignition sources related to construction and operation activities would be removed and the site would be restored to existing conditions. Also, wildfire risk would be reduced through implementation of MM BIO-3 and MM BIO-11 (refer to Section 3.4.3 for full text of these measures). Impacts would be less than significant with compliance with regulatory requirements, invasive plant species BMPs, WEAP implementation, and incorporation of APM HAZ-1 and APM HAZ-2 (refer to Section 3.9.2 for full text of these measures) and APM FIRE-1 (refer to Section 3.20.2 for full text of this measure).

Overall, wildfire or the uncontrolled spread of a wildfire impacts would be less than significant. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant** impacts.

Mitigation Measure: With incorporation of APM HAZ-1, APM HAZ-2, and APM FIRE-1, no mitigation is required.

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

The Project involves the construction and operation of a communication tower, ancillary facilities, and a new access road for a 30-year period. As discussed in Section 3.19, Utilities and Service Systems, the Project would not require the installation of public utilities or public infrastructure. However, the Project would involve the installation of on-site ancillary facilities and the Project itself consists of utility development. A 14-foot-wide unpaved access road would be installed with areas designated for passing, several switchbacks near the top of the alignment, and a maximum grade of 20%. Use of the access road would be limited to carriers and maintenance crews and would be at the direction of BLM; there would be no public access. A gate would be installed across the roadway to deter unauthorized vehicle access. During a fire, the access road could serve as a potential fuel break. As discussed above, during construction and operation-related activities there is potential for introduced ignition sources. However, per APM FIRE-1 the Project would implement fire safety and prevention measures and would adhere to applicable regulations in the San Bernardino Uniform Fire Code and in the 2019 CFC, including vegetation clearance. As included in APM FIRE-1, the Project would implement MM BIO-11 (WEAP) to train and educate workers and contractors on fire prevention and protection measures, require construction crew to carry fire extinguishers, implement a fire watch personnel, and educate workers on preventing vehicle caused ignitions. As discussed above in Response 3.20.3(b), the Project would observe all safety standards and applicable codes during construction and operation. The Project would not require the installation of powerlines and on-site energy systems would comply with CFC Chapter 12, Energy Systems.

Upon termination of the 30-year ROW grant, the Project site would be restored under the direction of BLM. All structures and related ancillary facilities would be deconstructed and removed. Removal activities would follow the regulations, as discussed in Section 2.6, Decommissioning and Restoration. The site would allow revegetation to occur naturally, to be consistent with the sparse Mojave Desert landscape discussed in Section 3.20.1. MM BIO-3 would be implemented during construction and decommission activities to minimize the risk of invasive species that could increase fire risk, as well as require a treatment and monitoring plan for invasive species. Further decommissioning of the site would remove any potential introduced ignition sources associated with construction and operation.

Although the Project would require the installation and maintenance of infrastructure as discussed above, the installation and maintenance of the associated infrastructure have been analyzed herein. Therefore, any potential temporary or ongoing environmental impacts have been accounted for and analyzed as part of the impact assessment conducted for the whole of the Project. In addition to APM FIRE-1, incorporation of APM HAZ-1 into the Project would ensure that hazardous (i.e., potentially flammable) materials are properly stored, and APM HAZ-2 would ensure that construction debris and waste materials would be removed within 2 weeks of the completion of construction activities, reducing potential fire hazards. Furthermore, wildfire risk would be reduced with implementation of MM BIO-3 and MM BIO-11. With compliance with regulatory requirements, incorporation of the APMs into the Project, and implementation of mitigation measures under biological resources described above, the Project would not exacerbate wildfire risk or result in impacts to the environment beyond those already disclosed in the Initial Study. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant** impacts.

Mitigation Measures: With incorporation of APM FIRE-1, APM HAZ-1, and APM HAZ-2, no mitigation is required.

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

Prior to the construction of the tower, the soils and substrate at the site would be sampled and tested to assist in tower foundation design. Depending on the tower foundation design, auguring could be required for the placement of caissons. Spoils or excess soil materials resulting from excavations or borings would be distributed evenly across the site. As discussed in Section 3.10.2, several BMPs would be implemented to minimize sediment transport from the site and minimize other impacts to water quality and soils (APM HWQ-1 through APM HWQ-4). There are no structures or residences in the vicinity of the Project site; however, the site would be temporarily occupied by construction workers and ITC employees during construction, O&M, and decommissioning.

The Project would include a new access road, which would not be paved, reducing runoff, and would be maintained throughout the 30-year lease as described in Section 2, Project Description. The associated spoils pushed to the sides of the roadway and cut soil would be placed on the downslope side of the road. Switchbacks would be installed along the last half-mile of the roadway near the top of the ridge to maintain a suitable grade up the slope, a maximum of 20%. No paving or similar hardening of the road surface is anticipated. In addition, per APM GEO-1 the communication site and existing/planned slopes would be evaluated prior to construction and include assessment of rockfall prevention measures that may be necessary. Routine road maintenance would consist of minor road smoothing.

As discussed in Section 3.10, Hydrology and Water Quality, the access road crosses two ephemeral washes and a portion of the alignment is located along one ephemeral drainage. Construction of the access road at these crossings would ensure serviceability of the road following major stormwater runoff events, which could be accomplished by the placement of steel pipes directly on the stream overlaid with riprap and gravel. Further maintenance following heavy rainfall would be coordinated and authorized by BLM. APM HWQ-1 through APM HWQ-5 would be incorporated into the Project during and after Project construction to ensure that runoff from the site does not substantially alter existing drainages.

The Project site is not located in a 100- or 500-year Federal Emergency Management Agency flood zone or a 100-year Department of Water Resources Flood Awareness area (San Bernardino County 2020a). Furthermore, there are limited impervious surfaces and runoff would not increase in a manner that would result in increased flooding.

As discussed in Section 3.7, Geology and Soils, the Project area is not mapped for landslide potential; however, unmapped landslides and areas of localized slope instability may be locally present (San Bernardino County 2020a). However, with the incorporation of APM GEO-1 into the Project, the Project would not increase the potential for landslides on the existing slopes. Construction activities would be limited to the staked Project work area. As a result, it is unlikely that Project activities would cause slope instability and associated slope failure.

Though the Project would entail activities that would affect the existing environment, with incorporation of APM HWQ-1 through APM HWQ-5 (refer to Section 3.10.2 for full text of this measure) and APM GEO-1 (refer to Section 3.7.2 for full text of this measure) into the Project as discussed above, the Project would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Therefore, the impact would be less than significant. As a result, CDFW's issuance of the permits

and its broader approval of the whole of the action under CEQA, including incorporation of the APMs, would result in **less-than-significant impacts**.

Mitigation Measures: With incorporation of APM HWQ-1 through APM HWQ-5 and APM GEO-1, no mitigation is required.

3.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less-Than-Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
3.21 MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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 will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, 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?

As documented in Section 3.4, the Project has the potential to result in impacts to sensitive species and habitat. All potential impacts to species and habitat would be mitigated through implementation of MM BIO-1 through MM BIO-29. As a result, impacts from the proposed Project on biological resources would be less

than significant with mitigation incorporated. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in **less-than-significant impacts to fish, wildlife, and plants with implementation of the mitigation** in addition to applicable APMs.

In addition, as documented in Section 3.5, the Project has the potential to result in impacts to inadvertent cultural resource discoveries and human remains. As documented in Section 3.18, the Project has the potential to result in impacts to inadvertent tribal cultural resource discoveries. These potential impacts would be reduced to a less-than-significant level through incorporation of APM CUL-1, APM CUL-2, and APM TCR-1 into the Project. Therefore, impacts from the proposed Project on cultural resources and tribal cultural resources would be less than significant**.** As a result, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA would result in a **less than significant impact** related to 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)?

As discussed in Sections 3.1 through 3.20, the majority of the potential impacts from the Project would occur during construction, with few lasting operational effects. Because the construction-related impacts of the Project would be temporary and localized to the Project site, they would only have the potential to combine with similar impacts of other projects if they occur at the same time and in proximity. Construction impacts caused by the Project (primarily related to biological resources) could combine with similar effects of other projects being built in the Project area at the same time. However, the Project area is remote and there are no current or future projects within a 5-mile radius of the Project site (Caltrans 2019; San Bernardino County 2019b, 2019c).

As discussed in Sections 3.1 through 3.20, impacts from the Project are considered less than significant or no impact after incorporation of mitigation measures and APMs. The Project's incremental effects on biological resources, when combined with other projects in the Project area, may have a cumulative impact. However, there are no cumulative projects in the Project area. Accordingly, the Project's incremental contribution to the cumulative vegetation and habitat impacts caused by other past, present, and probable future projects would **not be cumulatively considerable or significant**.

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

The purpose of the Project is to provide improved cellular communication capability within the I-15 corridor and surrounding lands in the Ivanpah Valley and Mountain Pass areas. The Project area is within an existing utility corridor. Project activities would include constructing, operating, and decommissioning a communication tower and ancillary facilities including an access road, solar panels, backup generators, and equipment cabinets. Based on the preceding analysis, the potential for adverse direct or indirect impacts on human beings was considered in the response to certain threshold questions in Sections 3.3, Air Quality; 3.5, Cultural Resources; 3.7, Geology and Soils; 3.8, Greenhouse Gas Emissions; 3.9, Hazards and Hazardous Materials; 3.10, Hydrology and Water Quality; 3.13, Noise; 3.14, Population and Housing; 3.15, Public Services; 3.16, Recreation; 3.17, Transportation; 3.18, Tribal Cultural Resources; 3.19, Utilities and Service Systems, and 3.20, Wildfire. With the Applicant's commitment to incorporate APMs as part Project, as described in each respective resource section, Project impacts would be less than significant. Furthermore, compliance with applicable federal, state, and local regulations would result in

the Project having no substantial adverse effects on human beings. Therefore, CDFW's issuance of the permits and its broader approval of the whole of the action under CEQA, including incorporation of APMs, would result in **less-than-significant impacts**.

4 List of Preparers

Preparation of CEQA documents is an interdisciplinary team effort. In addition, internal review of the document occurs throughout preparation at multiple levels. CDFW is the CEQA lead agency supported by their environmental contractor, Dudek, during the CEQA review process. On behalf of the Applicant, AECOM prepared the Administrative Draft CEQA document for CDFW review. The CDFW team and Dudek list of preparers are presented below.

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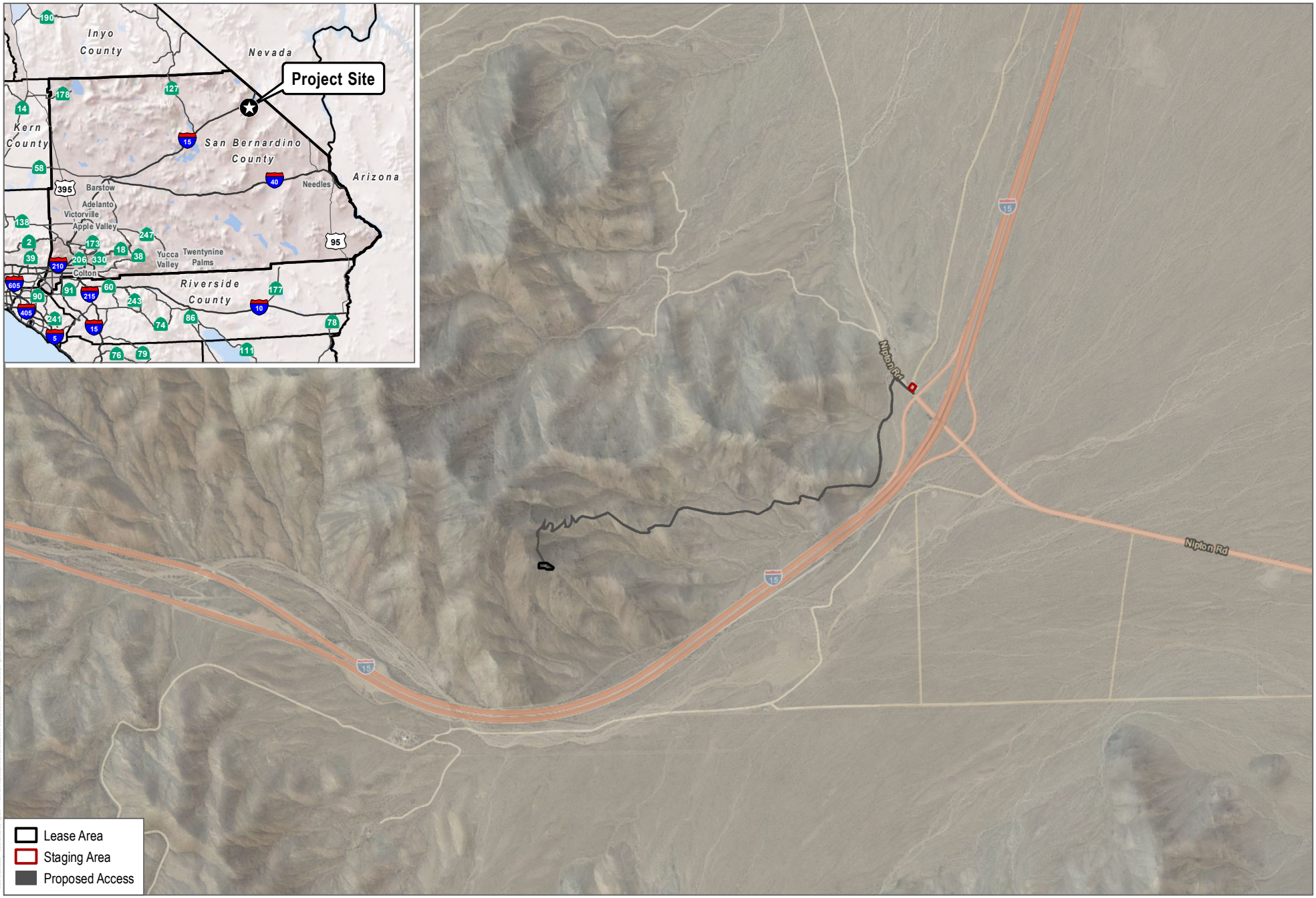
Figures



SOURCE: InterConnect Towers, LLC; County of San Bernardino; Bing Maps

DUDEK

0 1,000 2,000 Feet

FIGURE 2-1

Project Location

Nipton Communication Site Project

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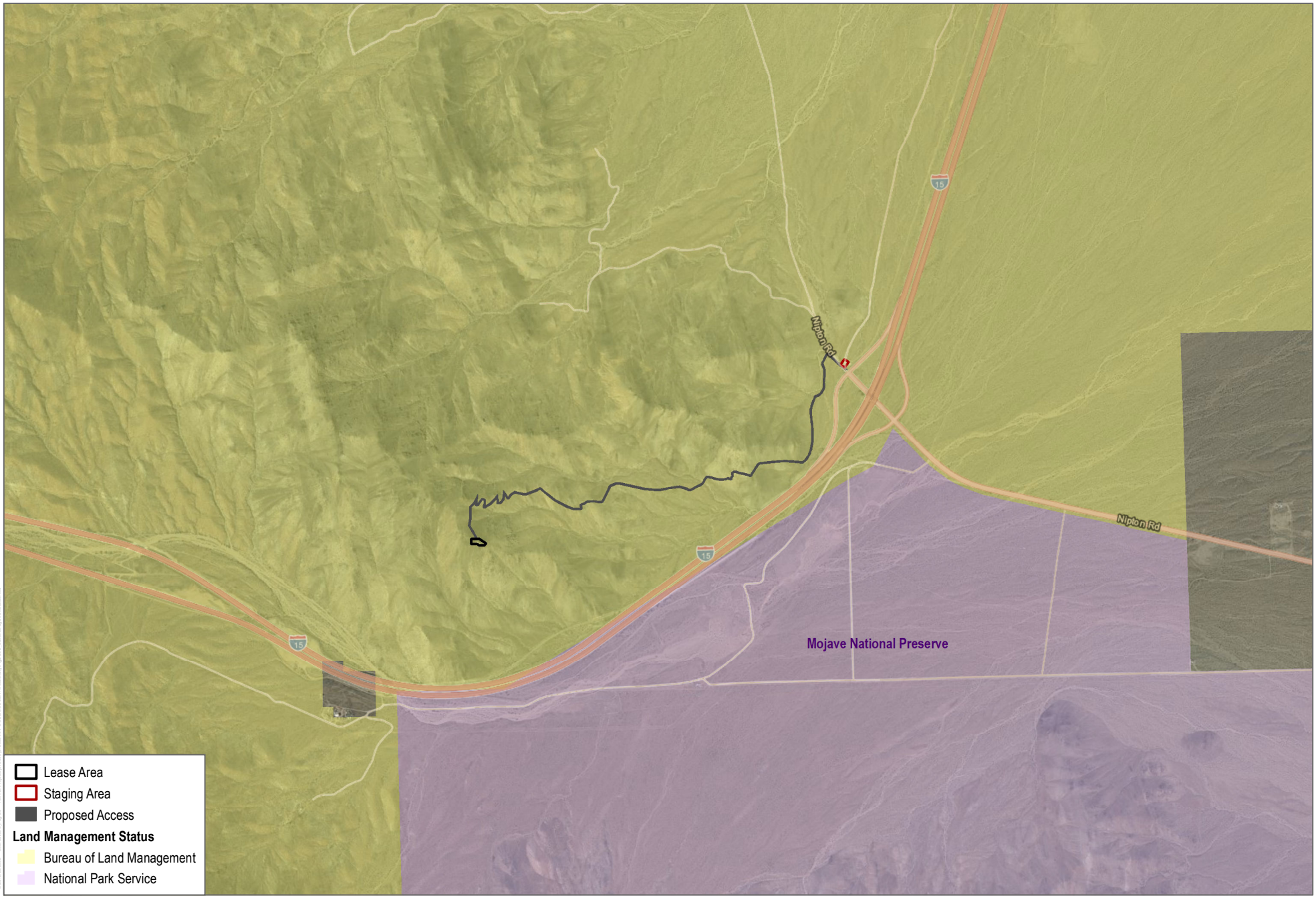

SOURCE: InterConnect Towers, LLC; County of San Bernardino; BLM; Bing Maps

DUDEK

0 1,000 2,000 Feet

FIGURE 2-2

Land Management Status

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SOURCE: InterConnect Towers, LLC; Bing Maps

DUDEK

0 100 200 Feet

FIGURE 2-3

Communication Site Plan

Nipton Communication Site Project

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SOURCE: InterConnect Towers, LLC; Bing Maps

DUDEK

0 320 640 Feet

FIGURE 2-4

Access Road Alignment

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SOURCE: InterConnect Towers, LLC

FIGURE 3.1-1

Existing Visual Setting: Project Site and Surrounding Area

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SOURCE: InterConnect Towers, LLC

FIGURE 3.1-2

Key Observation Point 1

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SOURCE: InterConnect Towers, LLC

FIGURE 3.1-3

Key Observation Point 2

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SOURCE: InterConnect Towers, LLC

FIGURE 3.1-4

Anticipated Visibility to Access Road from I-15

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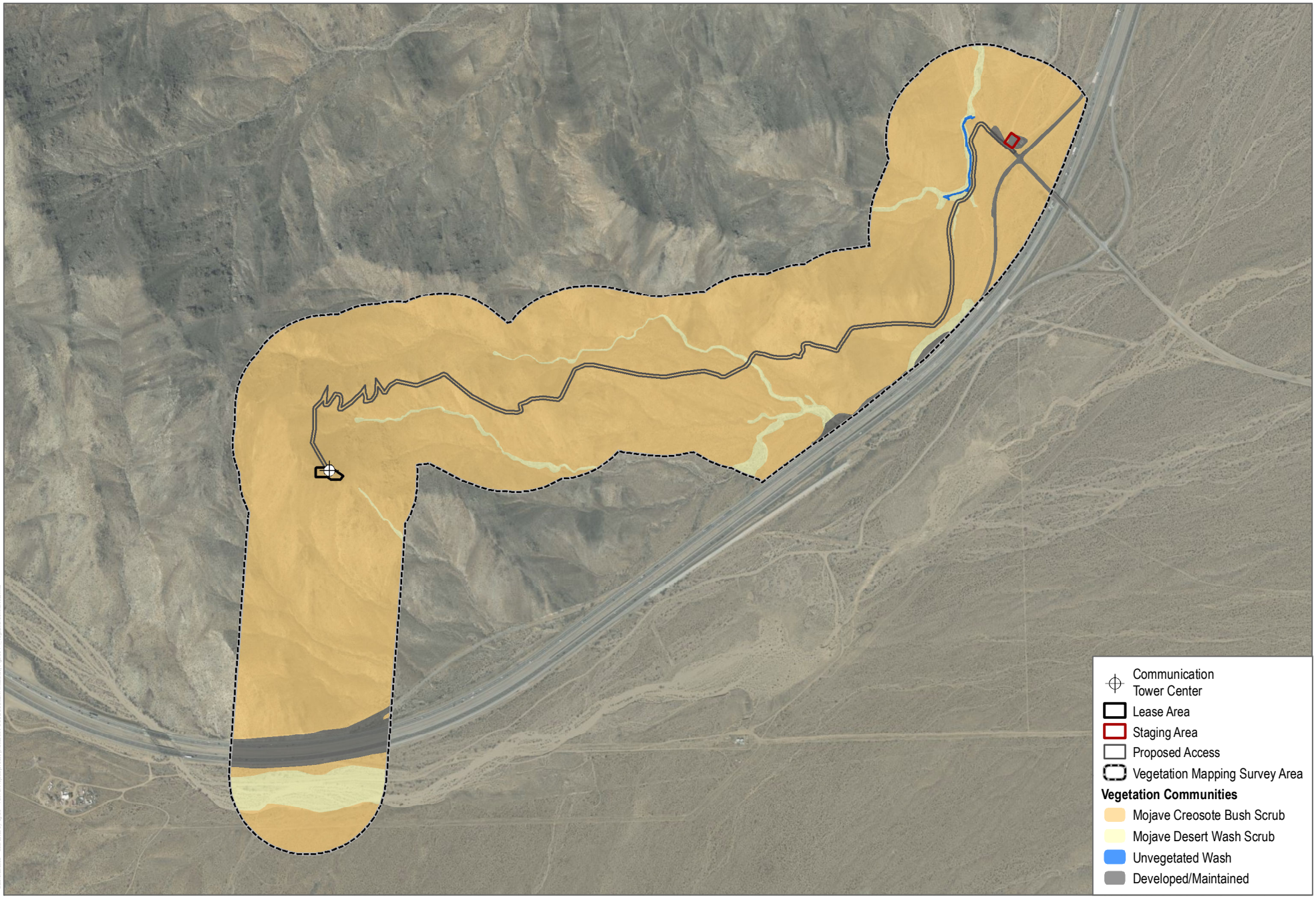

SOURCE: AECOM; Bing Maps

DUDEK

0 500 1,000 Feet

FIGURE 3.4-1

Vegetation Communities

Nipton Communication Site Project

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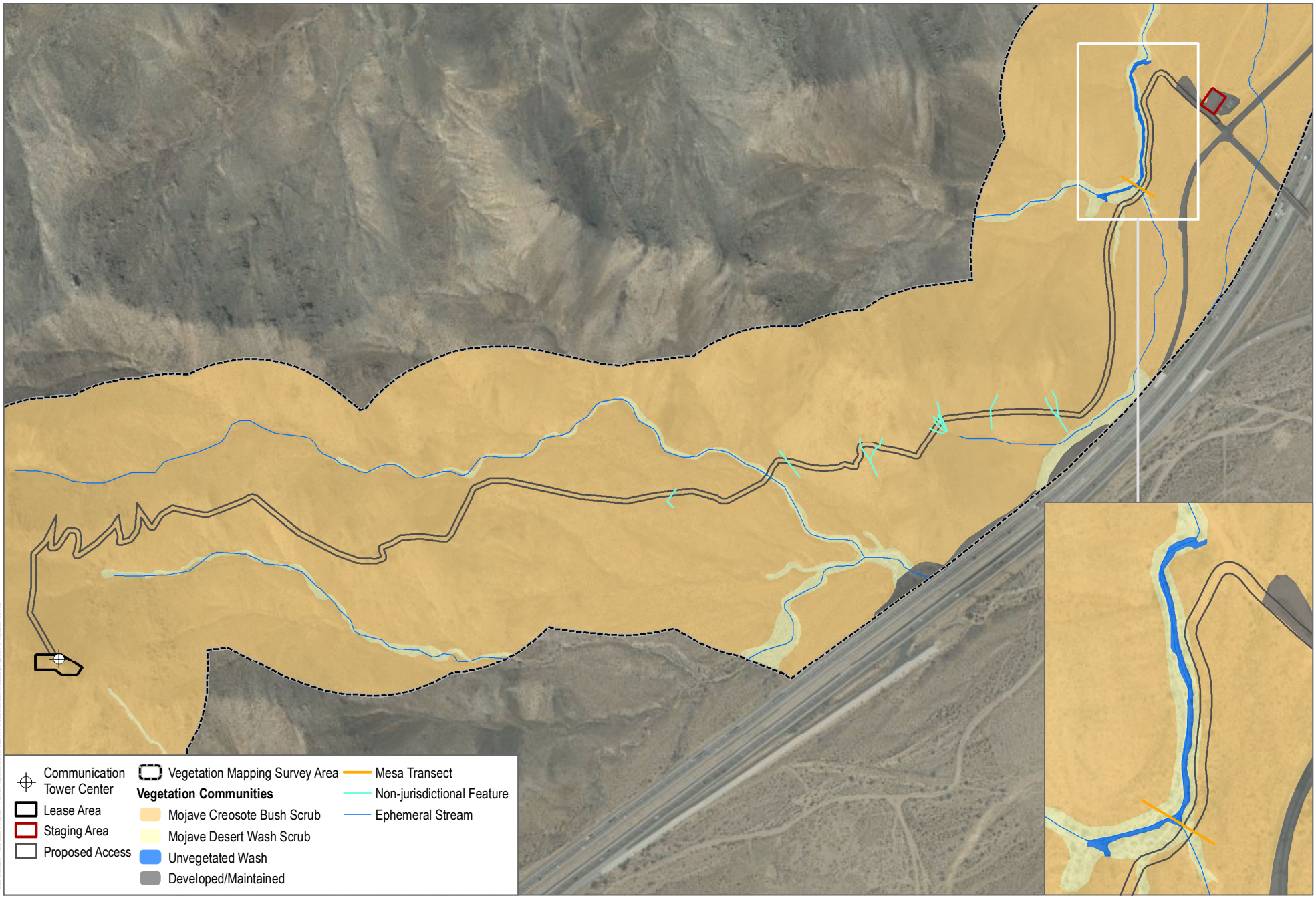

SOURCE: AECOM; Bing Maps

DUDEK

0 250 500 Feet

FIGURE 3.4-2

Vegetation Communities and Jurisdictional Features

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SOURCE: AECOM; Bing Maps

DUDEK

0 250 500 Feet

FIGURE 3.4-3

Special-Status Plants

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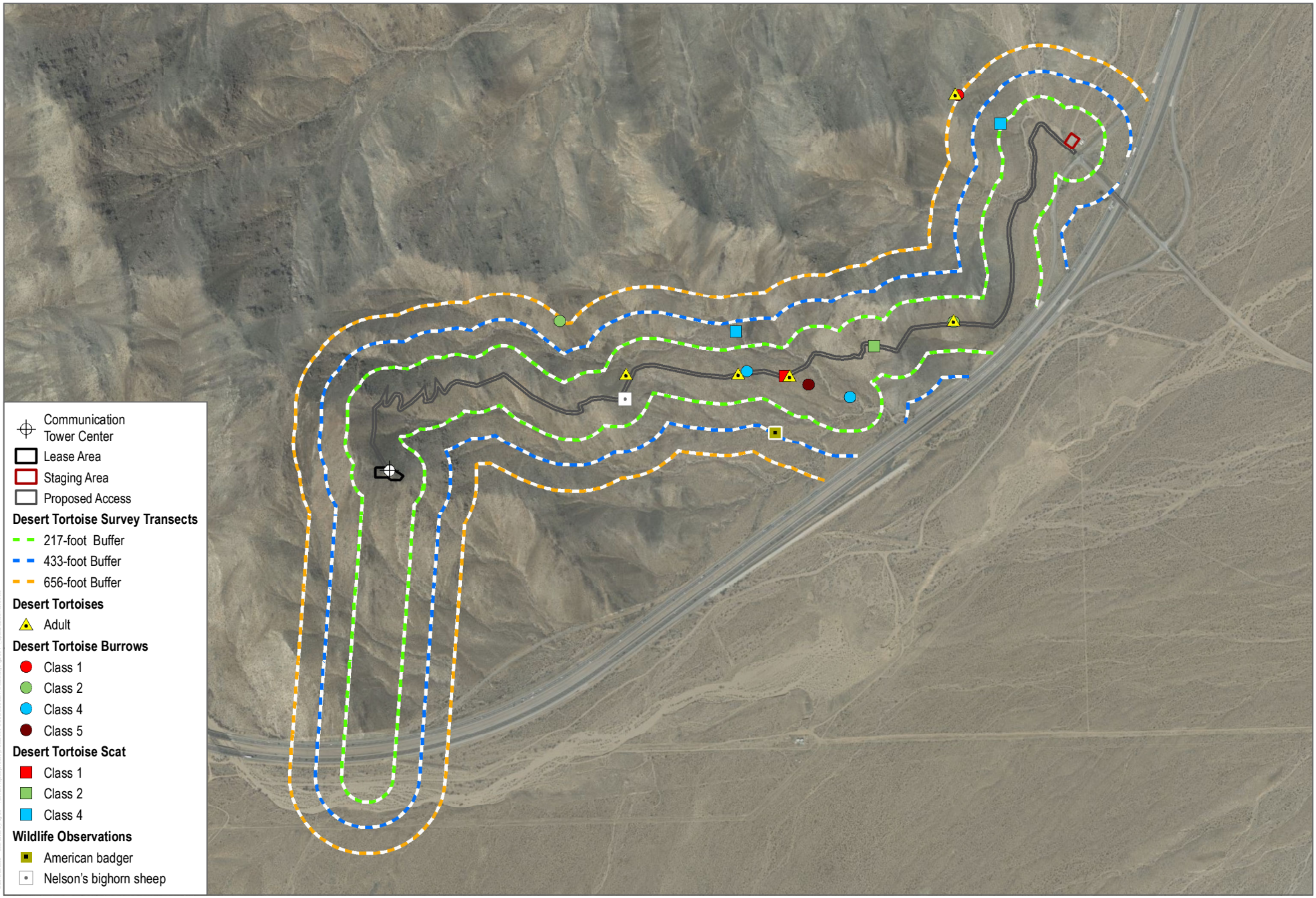

SOURCE: AECOM; Bing Maps

DUDEK

0 500 1,000 Feet

FIGURE 3.4-4

Special-Status Wildlife Observations

Nipton Communication Site Project

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SOURCE: AECOM; Bing Maps

DUDEK

0 0.5 1 Miles

FIGURE 3.4-5

Potential Mitigation Areas

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