

Avellana Solar and Broadband Project
February 2023

U.S. Dept. of Agriculture

Rural Utilities Service

Environmental Assessment

APPENDIX J

SCOPING CORRESPONDENCE



**U.S. Department of Agriculture
Rural Utilities Service (RUS)**

Avellana Properties, Inc.

25 June 2022

Office Of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816
Attn: Mr. Tristan Tozer

Dear Mr. Tozer,

Avellana Properties, Inc. is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development so it may assess the environmental impacts of constructing a 2MW Solar Power Generation plant in Apple Valley, CA 92308, in conjunction with the development of a zero-carbon footprint Low-Income Senior Wellness community.

The project is being proposed in order to comply with CA alternative energy building requirements, as well as delivering highly reliable and cost-effective power for the residents of the community who are highly susceptible to the area's spotty coverage and frequent power outages.

Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's area of potential effect for all construction activities and a description of the work involved.

Although the subject area is and always has been vacant desert land we are requesting your assistance in identifying historic properties that are listed or eligible for listing on the National Register of Historic Places and that may be affected by the project. Please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected. We previously conducted an in-depth Cultural Resources Study for CEQA and found no affected structures, tribal issues, or paleontological traces.

Rural Development, as the lead Federal agency, is responsible for compliance with Section 106 of the National Historic Preservation Act, and will provide findings of effect as appropriate during the consultation process. We would appreciate a response within 30 days.

If you need any further information or wish to discuss the project, please contact David Weisman at (310) 946-9459 or at dweisman@theavellana.com.

With best wishes,

David A Weisman

David Weisman
CEO
Avellana Properties, Inc.

Avellana Properties, Inc.

A. Project Location

The APE is located along the south side of Bear Valley Road, immediately west of Highway 18 in Apple Valley, San Bernardino County, CA. (Figure 1).

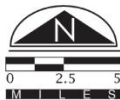
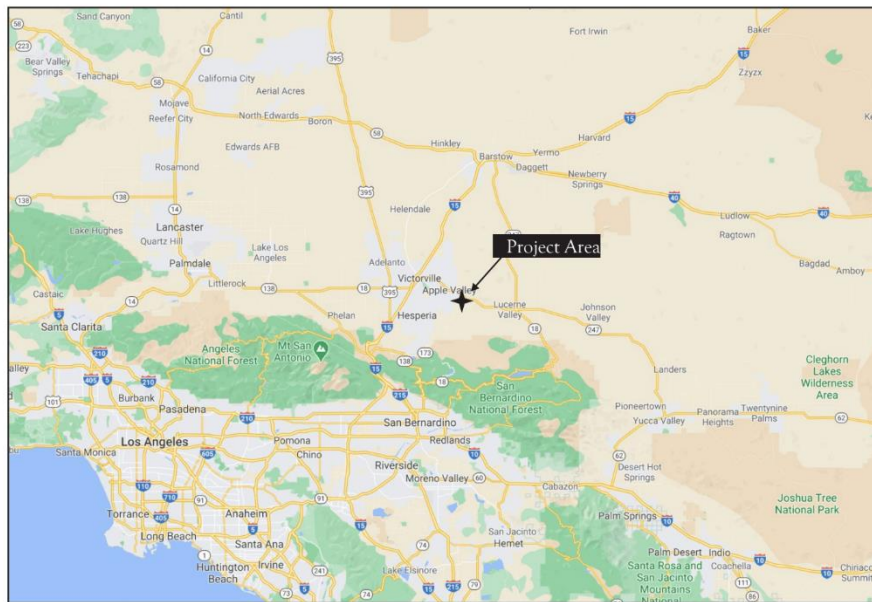
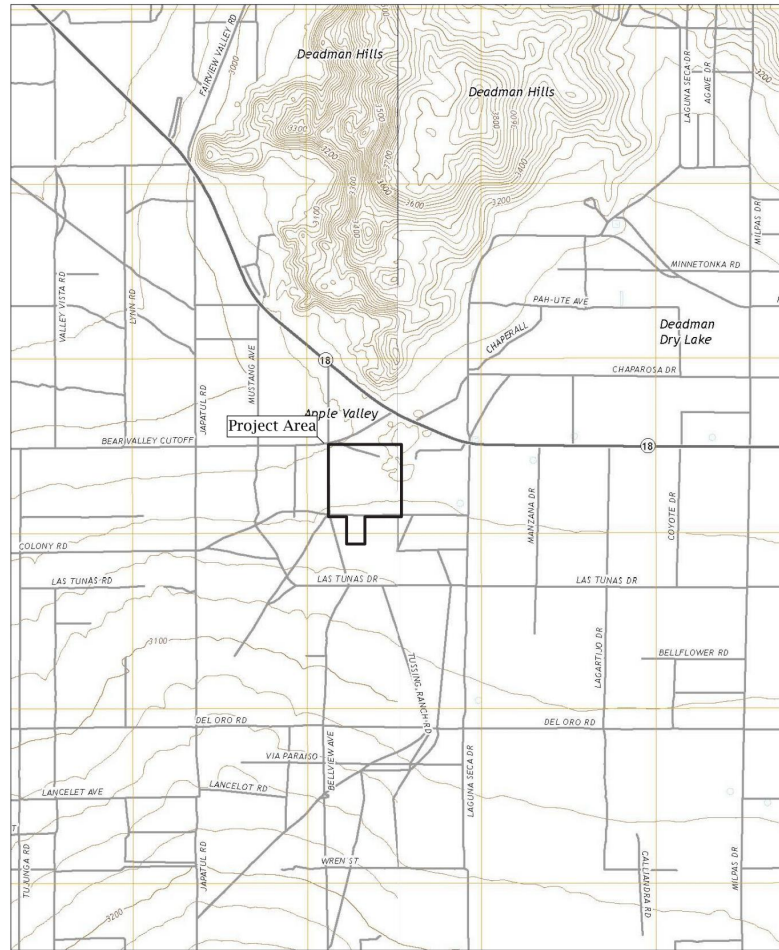


Figure 1
Regional Location Map



TIERRA
ENVIRONMENTAL SERVICES

Avellana Properties, Inc.



USGS 7.5' Quadrangle: Apple Valley South (2018) & Fifteenmile Valley (2018)



Figure 2. Project Location Map



TIERRA
ENVIRONMENTAL SERVICES

The APE consists of APNs 0435-015-13 and 0435-015 which are located in the NE $\frac{1}{4}$ of Section 6 of Township 4 North, Range 2 West, as shown on the Apple Valley South and Fifteen-mile Valley USGS 7.5' Quadrangles, San Bernardino Base Meridian (Figure 2).

Both Parcel-13 and Parcel-35 are currently undeveloped and disturbed. The APE is located along the south side of Bear Valley Road, immediately west of highway 18 and is bisected by Tussing Ranch Road. Surrounding land uses include disturbed open space and low-density rural residential and agricultural uses (Figure 3).

Avellana Properties, Inc.

Elevation ranges from about 3,060 feet above mean sea level (AMSL) in the northeast corner to 3,027 feet AMSL in the northwest corner.

B Project Description

The Project proposes the development of a 399-lot mobile home park on a 40.2-acre parcel. An adjacent 4.72-acre parcel will be used for water treatment, wastewater treatment, and a solar power station. Development in each of the lots will require ground disturbing activities for construction and the development of permeable roads, parking surfaces, and the installation of utilities, as well as installation of mobile homes.



Imagery Date: February 2020



Figure 3. Area of Potential Effect (APE)



Avellana Properties, Inc.

15 July 2022

Natural Resources Conservation Services
Victorville Service Center
15415 W. Sand St., Ste 103
Victorville, CA 92392
Attn: Ms. Holly Shiralipour

Dear Ms. Shiralipour,

Avellana Rural Electrical Cooperative is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development in order that it may assess the environmental impacts of constructing and operating a 2MW Solar Power facility and supporting electric distribution in San Bernardino County, CA.

The project is being proposed to provide deterministic power that is 100% sustainable to a rural low-income senior housing community in a rural, unincorporated area of Apple Valley.

Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's construction activities and a description of the work involved. We are requesting information on the possible effects of the proposal on important farmland and any recommendations you have to minimize or avoid these effects. We also seek your assessment of the compatibility of the proposal with state and local government or any private programs and policies to protect important farmland.

If you need any further information or wish to discuss the project, please contact David Weisman at (310) 946-9459 or at dweisman@theavellana.com. We would appreciate a response within 30 days.

With best wishes,

David Weisman

David Weisman
CEO
Avellana REC

15 July 2022

United States Fish & Wildlife Service
777 E. Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262
Attn: Mr. Rollie White – Assistant Field Supervisor

Dear Mr. White

Avellana Rural Electric Cooperative is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development in order that it may assess the environmental impacts of a 2MW Solar Power installation in San Bernardino County, California.

The project is being proposed to provide cost-effective, environmentally sustainable power to a small rural community that has faced challenges with a spotty, unreliable electricity grid. Project components include placement of approximately 4 acres of solar panels affixed to ground-mount brackets and distribution of electrical power within an approximate area of 41 acres.

Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's construction activities and a description of the work involved.

To initiate the process, Rural Development has asked us to gather information regarding Federally listed species, critical habitat, and migratory birds from your office. Rural Development, as the lead Federal agency, is responsible for compliance with Section 7(a)(2) of the Endangered Species Act and will provide determinations of effect as appropriate during the consultation process. Previously we completed a thorough Biological Resources study for CEQA that incorporated input from the CDFW and found very minimal impact, but wanted to keep you in the loop by providing the summarized results of our CEQA Initial Study.

The proposal should not represent a "major construction activity" as defined in 50 CFR 402.02. We request a list of any Federally listed or proposed threatened or endangered species and designated or proposed critical habitat that may be present in the project area. In addition, please advise us of any present concerns you may have related to possible effects of the project listed above on such species or critical habitat, as well as any other wildlife concerns. Again, I think we have listed all of this information in our enclosed summary results, but we wish to be very thorough...

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact David Weisman at (310) 946-9459 or at dweisman@theavellana.com.

With best wishes,

David Weisman

David Weisman
CEO
Avellana Rural Electric Cooperative
a 501c12 Non-Profit Co-Op

A. Project Location

The APE is located is along the south side of Bear Valley Road, immediately west of Highway18 in Apple Valley, San Bernardino County, CA.(Figure1).

Summarized Results of Biological Resource Study

On January 5, 2021 RCA Associates, Inc., prepared a General Biological Resources Assessment for the Project Site. The report file is over 100MB so the report is summarized below:

The site supports a moderately disturbed desert scrub community that consists of native desert vegetation. The property supports a creosote bush desert scrub community consisting of creosote bush (*Larrea tridentata*), pencil cholla (*Cylindropuntia ramosissima*), rubber rabbitbrush (*Ericameria nauseosa*), paper bag plant (*Salazaria mexicana*), cliff goldenbush (*Ericameria cuneata*), Nevada joint-fir (*Ephedra nevadensis*), and one Joshua tree (*Yucca brevifolia*) occupies the site.

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on January 4, 2021, during which the biological resources on the site and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas. Habitat assessments were also conducted for the desert tortoise, burrowing owl, and Mohave ground squirrel. Based on data from USFWS, CDFW, and a search of the California Natural Diversity Database (CNDDDB, 2021). Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2000) and Whitaker (1980).

The property is 44.92-acres (approximately) located south of Bear Valley Road, north of Circle 5 Ranch Road, and southwest of State Route 18 in the City of Apple Valley, California (Township 4 North, Range 2 West, Section 6, USGS Apple Valley South, California Quadrangle, 1956). The site is moderately disturbed with native desert vegetation dominating the area and multiple dirt roads of varying width transecting the property, mainly along the boundaries. The property supports a relatively flat topography, with the exception of the northeast corner where there are elevated rocky outcroppings. A previous existing structure, a shed, is visible along the rock outcroppings with ornamental trees assembled around the shed. Vacant land borders the east and north boundaries of the property with residential homes located west and south of the site.

The site supports a desert scrub vegetation dominated by creosote bush (*Larrea tridentata*), Joshua tree (*Yucca brevifolia*), pencil cholla (*Cylindropuntia ramosissima*), rubber rabbitbrush (*Ericameria nauseosa*), paper bag plant (*Salazaria mexicana*), Nevada joint-fir (*Ephedra nevadensis*), cliff goldenbush (*Ericameria cuneata*), and one Joshua Tree (*Yucca brevifolia*).

Only a few wildlife species were observed during the field investigations. One mammal was seen during the survey, the antelope ground squirrel (*Ammospermophilus leucurus*), and although not seen, coyote (*Canis latrans*) scat was identified throughout the property.

Birds observed included common ravens (*Corvus corax*), house finch (*Carpodacus mexicanus*), white-crowned sparrow (*Zonotrichia leucophrys*), Say's Phoebe (*Sayornis saya*), rock wren (*Salpinctes obsoletus*), black-throated sparrow (*Amphispiza bilineata*), and rock pigeon (*Columba livia*). Section 5.0 provides a more detailed discussion of the various species observed during the surveys.

No reptiles were observed during the survey due to weather conditions, but those that may occur include desert spiny lizard (*Sceloporus magister*), side-blotched lizard (*Uta stansburiana*), and western whiptail lizard (*Cnemidophorus tigris*). Table 2 provides a compendium of wildlife species.

In addition, no sensitive habitats (e.g., sensitive species, critical habitats, etc.) have been documented in the immediate area according to the CNDDDB (2020) and none were observed during the field investigations.

The RCA GBRA concluded that no distinct wildlife corridors were identified on the site or in the immediate area. No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations. There is no riparian vegetation on or in the adjacent habitats.

The GBRA addressed Federal and State Listed Species relative to the Project Site. The following are the listed and special status species noted in the GBRA that have the ability to occur on the project Site.

Desert Tortoise – The GBRA reported that the site is located within the documented tortoise habitat according to CNDDDB (2021) and supports some habitat for the desert tortoise but that there were no tortoises observed anywhere within the property boundaries during the January 4, 2021 surveys. Based on the absence of any sign, suitable burrows, nor recent observations in the immediate area, and the proximity of the nearby busy roadways in the immediate area that act as barriers to migration, the GBRA concluded the species is not expected to move onto the site in the near future.

Mohave Ground Squirrel - The GBRA reported that the site is within the known distribution of the Mohave Ground Squirrel but that no recent observations have occurred. Further RCA stated the following:

“It is the opinion of RCA Associates, Inc. that the habitat is not prime Mohave ground squirrel habitat and is very unlikely to support populations of the species based on the following criteria:

- 1. No recent documented observations in the general region.*
- 2. No connectivity with habitat which may support the species.”*

Burrowing Owl – According to the RCA GBRA the site is located within documented burrowing owl habitat according to the CNDDDB (2021) and does support suitable habitat for Burrowing Owls. RCA reported that “several suitable, i.e., (occupiable) burrows were located during their January 4, 2021 field investigations, but no owls or owl sign (e.g., white wash, castings etc.) was observed at the mouth of the burrows or on the property during the survey (figures 4 and 5). A pre-construction survey may need to be done within 30 days of ground breaking activities. See **BIO-1 MM Burrowing Owls Pre-Construction Surveys**

Avellana Properties, Inc.

Le Conte's thrasher – The GBRA reported that thrashers have not been observed in the area according to the CNDDDB (2021) and are not expected to occur on the site due to the lack of critical vegetation used by the Species. Also, according to the CNDDDB given the low population levels in the region and lack of any recent sightings, thrashers may be infrequent in the area.

Protected Plants - On September 22, 2020), (*eff. 10/9/2020*) under an Emergency Rule adding Section 749.12, Title 14, California Code of Regulations (CCR) the Western Joshua Tree (*Yucca brevifolia*) became a candidate species for one year under the California Endangered Species Act (CESA). As such under CESA any species designated as endangered, threatened, or candidate species is fully protected. As a candidate species the Western Joshua Tree has protection under CESA and any take of the species will require authorization under CESA.

The California Fish and Game Commission extended the one-year period for 6 months. According to the CALIFORNIA FISH AND GAME COMMISSION FINDING OF EMERGENCY AND STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION FOR READOPTION OF EMERGENCY REGULATIONS Second Readoption of Section 749.12 Title 14, California Code of Regulations (CCR) Re: Incidental Take of Western Joshua Tree Date of Statement: November 10, 2021, CDFW is on track to deliver the one-year status review to the Commission in accordance with that extension by April 2022. At that time, the Commission will make a final decision on listing.

Therefore, until such time as a ruling is made that removes the Candidate Listing, the Western Joshua Tree any take requires an Incidental Take Permit (ITP) pursuant to Section 2081 of the Fish and Game Code.

The GBRA reported that one Western Joshua Tree (WJT) was observed onsite during RCA's January 4, 2021 field investigation located among the elevated rocky outcroppings to the northeast.

The Project Proponent has designed the Site Plan to avoid any impact to the WJT as shown on the **Site Plan** in **Appendix B**. See **BIO-2 MM - Western Joshua Tree Protection**.

MITIGATION MEASURES

Since the conditions present onsite are marginally suitable for BUOW, and this species has been documented within the vicinity, a preconstruction BUOW survey is recommended to avoid any potential project-related impacts to this species. Therefore, possible significant adverse impacts have been identified or anticipated and the following mitigation measure is required as a condition of project approval to reduce these impacts to a level below significant.

Avellana Properties, Inc.

The required mitigation measures are as follows:

BIO-1: BURROWING OWL PRE-CONSTRUCTION SURVEY

A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the then current CDFG recommendations and guidelines for *Burrowing Owl Protocol Surveys* or most recent version by a qualified biologist.

If an active burrowing owl burrow is detected within any Project disturbance area or the prescribed radii from the project site pursuant to the CDFW Burrowing Owl Survey Protocol and Mitigation Guidelines (BUOW SPMG), a buffer zone surrounding the burrow shall be flagged in accordance with said BUOW SPMG, and no impacts to soils or vegetation or noise levels above as that allowed by CDFW shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW.

The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the *Staff Report on Burrowing Owl Mitigation dated March 7, 2012* such that the habitat acreage, number of burrows and burrowing owls impacted are replaced.

Passive relocation shall take place outside the nesting season (1 February to 31 August

BIO-2: WESTERN JOSHUA TREE PRESERVATION

A Protected Plant Plan shall be developed and shall identify methods, locations, and criteria for protecting the existing Joshua Tree in place before, during and post-construction that would not require a State of California Incidental Take Permit

A State of California CDFW Incidental Take Permit would be required for any take of the existing WJT.

Should the Site Plan be revised such that the Joshua tree would be proposed for removal, the tree shall be transplanted or stockpiled for future transplanting wherever possible pursuant to the CDFW criteria and San Bernardino County Development Code.

BIO-3: If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

Avellana Properties, Inc.

- a) *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?*
-

Less Than Significant Impact

Section 5.4 Jurisdictional Waters and Riparian Habitat of the GBRA states that there are no riparian vegetation (e.g., cottonwoods, willows, etc.) that exist on the site or in the adjacent habitats. Burrowing Owls. Section 6.0 General Biological Resources concludes that the future development of the site will have minimal impact on the general biological resources present on the site which most if not all of the vegetation will likely be removed during future construction activities with the exception of the existing WJT which will be avoided.

While wildlife will be impacted by the development activities, species with limited mobility (i.e. small mammals and reptiles) will experience increases in mortality during the construction phase. However, more mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Therefore, loss of about 45.2-acres of heavily disturbed desert scrub vegetation is not expected to have a significant cumulative impact on the overall biological resources in the region given the presence of similar habitat throughout the surrounding area.

No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations. Therefore, less than significant impact.

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

No Impact

RCA reported in the General Biological Resources Assessment Section 5.4 Jurisdictional Waters and Riparian Habitat that “no riparian vegetation e.g., cottonwoods, willows, etc.) exist on the site or in the adjacent habitats. Therefore, there is no impact.

Avellana Properties, Inc.

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

Less than Significant with Mitigation

Due to trees and shrubs present on site, the Project Site and surrounding area contains habitat suitable for nesting birds. Nesting birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C 703-711). The MBTA provides protection for nesting birds that are both residents and migrants whether or not they are considered sensitive by resource agencies.

The direct injury or death of a migratory bird, due to construction activities or other construction-related disturbance that causes nest abandonment, nestling abandonment, or forced fledging would be considered take under federal law. The USFWS, in coordination with the CDFW administers the MBTA. CDFW's authoritative nexus to MBTA is provided in FGC Sections 3503.5 which protects all birds of prey and their nests and FGC Section 3800 which protects all non-game birds that occur naturally in the State.

BIO-4 Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.

- a. **Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.**
- b. **Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.**

BIO-5: Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) prior to project-related disturbance to nestable vegetation to identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage and expected types, intensity and duration of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

Avellana Properties, Inc.

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

Less than Significant with Mitigation

The California Desert Native Plants Act (CDNPA) protects California desert native plants from unlawful harvesting on both public and privately owned lands. Harvesting is defined as removing or cutting and removing from the place where grown.

Under the CDNPA Native Plant is defined as follows:

“any tree, shrub, bulb, or plant or part thereof, except its fruit, named in this division as being subject to this division or added by the director pursuant to Section 80074, which is growing wild. “Native plant” includes any part of any tree of the following species, whether living or dead:

- (a) *Olneya tesota* (desert ironwood).
- (b) All species of the genus *Prosopis* (mesquites).
- (c) All species of the genus *Cercidium* (palos verdes).

CDNPA lists the following native plants, or any part thereof that may not be harvested except under a permit issued by the commissioner or sheriff of the county in which the native plants are growing

- (a) All species of the family Agavaceae (century plants, nolinias, yuccas).
- (b) All species of the family Cactaceae (cacti), except for the plants listed in subdivisions b and c of Section 80072 which may be harvested under a permit obtained pursuant to that section.
- (b) All species of the family Fouquieriaceae (ocotillo, candlewood).
- (c) All species of the genus *Prosopis* (mesquites).
- (d) All species of the genus *Cercidium* (palos verdes).
- (e) *Acacia greggii* (catclaw).
- (f) *Atriplex hymenelytra* (desert-holly).
- (g) *Dalea spinosa* (smoke tree).
- (h) *Olneya tesota* (desert ironwood), including both dead and live desert ironwood

The fruit from the native plants listed in this section may be harvested without a permit.

The CDNPA states that any native plant that is declared to be a rare, endangered, or threatened species by federal or state law or regulations, including, but not limited to, the Fish and Game Code, is exempt from this division. The only listed species above that was reported by RCA is the single *Yucca brevifolia*. As stated herein previously in **Section IV. a) Protected Plants** the Western Joshua Tree (*Yucca brevifolia*) is fully protected under CESA as a candidate species. Therefore, the existing *Yucca brevifolia* is exempt from the CDNPA.

Avellana Properties, Inc.

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

No Impact

The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the California Department of Fish and Wildlife's California Natural Community Conservation Plans Map.

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

15 July 2022

California Department of Fish & Wildlife
3602 Inland Empire Blvd., Ste C-220
Ontario, CA 91764
Attn: Ms. Mary Simons

Dear Mary,

Avellana Properties is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development in order that it may assess the environmental impacts of a 2MW Solar Power installation in San Bernardino County, California.

The project is being proposed to provide cost-effective, environmentally sustainable power to a small rural community that has faced challenges with a spotty, unreliable electricity grid. Project components include placement of approximately 4 acres of solar panels affixed to ground-mount brackets and distribution of electrical power within an approximate area of 41 acres.

Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's construction activities and a description of the work involved.

To initiate the process, Rural Development has asked us to gather information regarding Federally listed species, critical habitat, and migratory birds from your office. Rural Development, as the lead Federal agency, is responsible for compliance with Section 7(a)(2) of the Endangered Species Act and will provide determinations of effect as appropriate during the consultation process. Previously we completed a thorough Biological Resources study for CEQA that incorporated input from the CDFW and found very minimal impact, but wanted to keep you in the loop by providing the summarized results of our CEQA Initial Study.

The proposal should not represent a "major construction activity" as defined in 50 CFR 402.02. We request a list of any Federally listed or proposed threatened or endangered species and designated or proposed critical habitat that may be present in the project area. In addition, please advise us of any present concerns you may have related to possible effects of the project listed above on such species or critical habitat, as well as any other wildlife concerns. Again, I think we have listed all of this information in our enclosed summary results, but we wish to be very thorough...

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact David Weisman at (310) 946-9459 or at dweisman@theavellana.com.

With best wishes,

David Weisman

David Weisman
CEO
Avellana Properties, Inc.

Avellana Properties, Inc.

15 July 2022

Mojave Desert Air Quality Management District
14306 Park Avenue
Victorville, CA 92392
Attn: Ms. Samantha Lopez

Dear Ms. Lopez,

Avellana Rural Electrical Cooperative is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development in order that it may assess the environmental impacts of constructing and operating a 2MW Solar Power facility and supporting electric distribution in San Bernardino County, CA.

The project is being proposed to provide deterministic power that is 100% sustainable to a rural low-income senior housing community in a rural, unincorporated area of Apple Valley.

Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's construction activities and a description of the work involved. We are requesting information on the possible effects of the proposal on important farmland and any recommendations you have to minimize or avoid these effects. We also seek your assessment of the compatibility of the proposal with state and local government or any private programs and policies to protect important farmland.

To assist you I have enclosed a copy of the Air Quality plan that our consultants prepared for this project. Please note we were below the threshold in every category.

If you need any further information or wish to discuss the project, please contact David Weisman at (310) 946-9459 or at dweisman@theavellana.com. We would appreciate a response within 30 days.

With best wishes,

David Weisman

David Weisman
CEO
Avellana REC

Avellana Properties, Inc.

Chemehuevi Indian Tribe
1990 Palo Verde Drive, Box 1976
Havasu Lake, CA 92363
Attn: Ms. Sierra Pencille

Dear Ms. Pencille,

A little over a year ago my company retained Tierra Environmental Services to conduct a CEQA-required intensive archaeological survey of 45 acres in Apple Valley where we are planning to build a 2MW solar power plant and associated electric distribution into a small rural community.

Although a detailed record search failed to identify any known cultural resources within a mile of the project, our Archaeologist Hillary Murphy contacted the Chemehuevi seeking any comments you might have on the project. We received no feedback from you at the time.

Currently we in the process of performing an additional environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development in order that it may assess the environmental impacts of the project.

As you know, electric power in the area is spotty and unreliable and as such, the project is being proposed to provide much needed power that will be very reliable, cost-effective, and entirely sustainable. Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's construction activities and a description of the work involved.

Avellana requests that your office review the proposal to determine if you or other tribal elders may any information regarding cultural resources that may be located in the vicinity of the project site. Any information you may have about cultural resources on or near the property would greatly benefit our review.

If I can provide any additional information, please contact me immediately at (310) 946-9459. Thank you for your assistance!

Please see the enclosed project information and thank you so much for what you do and to the people you represent.

Sincerely,

David Weisman

David Weisman
Avellana Properties

Avellana Properties, Inc.

25 June 2022

Office Of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816
Attn: Mr. Tristan Tozer

Dear Mr. Tozer,

Avellana Properties, Inc. is in the process of performing an environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development so it may assess the environmental impacts of constructing a 2MW Solar Power Generation plant in Apple Valley, CA 92308, in conjunction with the development of a zero-carbon footprint Low-Income Senior Wellness community.

The project is being proposed in order to comply with CA alternative energy building requirements, as well as delivering highly reliable and cost-effective power for the residents of the community who are highly susceptible to the area's spotty coverage and frequent power outages.

Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's area of potential effect for all construction activities and a description of the work involved.

Although the subject area is and always has been vacant desert land we are requesting your assistance in identifying historic properties that are listed or eligible for listing on the National Register of Historic Places and that may be affected by the project. Please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected. We previously conducted an in-depth Cultural Resources Study for CEQA and found no affected structures, tribal issues, or paleontological traces.

Rural Development, as the lead Federal agency, is responsible for compliance with Section 106 of the National Historic Preservation Act, and will provide findings of effect as appropriate during the consultation process. We would appreciate a response within 30 days.

If you need any further information or wish to discuss the project, please contact David Weisman at (310) 946-9459 or at dweisman@theavellana.com.

With best wishes,

David A Weisman

David Weisman
CEO
Avellana Properties, Inc.

Avellana Properties, Inc.

At the direction of RUS, on 3/13/2021 and again on 7/12/2021 Avellana REC notified the following:

- Chemehuevi Indian Tribe
- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation
- San Fernando Band of Mission Indians
- San Manuel Band of Mission Indians
- Serrano Nation of Mission Indians
- Twenty-Nine Palms Band of Mission Indians

To date, we have received responses from the Quechan Tribe and the San Manuel Band, and in both cases they indicated that they had no comments about the proposed solar power installation.

On July 22, 2022 our archaeologist Michael Baeksh spoke directly on the phone with Mr. Glenn Lodge, Chairman of the Chemehuevi Indian Tribe. During the call Mr. Lodge indicated that it was not necessary to have further consultations with the Chemehuevi on the project, but they requested that a tribal monitor be present during the initial ground disturbing activities.

The enclosed report titled *Cultural Resources Study for the Avellana Mobile Home Park, Apple Valley, San Bernardino County, CA*, dated March 12, 2021 revised July 26, 2022 (to include a mitigation measure that a Chemehuevi representative will be present to monitor initial ground disturbing activities) describes the results of the investigation of the APE. Based on the findings of this study, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, Avellana REC is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the State Historic Preservation Office.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Jeffrey Larson at Jeffrey.larson@usda.gov.

Sincerely,



David A. Weisman
Chief Executive Officer
Avellana REC

NATIVE AMERICAN HERITAGE COMMISSION

February 1, 2021

Hillary Murphy
Tierra Environmental ServicesVia Email to: tierraenv@aol.com**Re: Avellana 45.2-Acre Project, San Bernardino County**

Dear Ms. Murphy:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact the Chemehuevi Indian Tribe on the attached list for more information. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

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

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

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

Sincerely,

Andrew Green
Cultural Resources Analyst

Attachment

CHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
Russell Attebery
KarukCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
**Julie Tumamait-
Stenslie**
ChumashCOMMISSIONER
[Vacant]COMMISSIONER
[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

NATIVE AMERICAN HERITAGE COMMISSION

February 1, 2021

Hillary Murphy
Tierra Environmental Services

Via Email to: tierraenv@aol.com

Re: Avellana 45.2-Acre Project, San Bernardino County

Dear Ms. Murphy:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact the Chemehuevi Indian Tribe on the attached list for more information. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

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

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

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

Sincerely,



Andrew Green
Cultural Resources Analyst

Attachment



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

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

**Native American Heritage Commission
Native American Contact List
San Bernardino County
2/1/2021**

Chemehuevi Indian Tribe

Sierra Pencille, Chairperson
P.O. Box 1976 1990 Palo Verde Chemehuevi
Drive
Havasu Lake, CA, 92363
Phone: (760) 858 - 4219
Fax: (760) 858-5400
chairman@cit-nsn.gov

Morongo Band of Mission Indians

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

Morongo Band of Mission Indians

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

Quechan Tribe of the Fort Yuma Reservation

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

Quechan Tribe of the Fort Yuma Reservation

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

San Fernando Band of Mission Indians

Donna Yocum, Chairperson
P.O. Box 221838 Kitanemuk
Newhall, CA, 91322 Vanyume
Phone: (503) 539 - 0933 Tataviam
Fax: (503) 574-3308
ddyocum@comcast.net

San Manuel Band of Mission Indians

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

Serrano Nation of Mission Indians

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

Serrano Nation of Mission Indians

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

Twenty-Nine Palms Band of Mission Indians

Anthony Madrigal, Tribal Historic
Preservation Officer
46-200 Harrison Place Chemehuevi
Coachella, CA, 92236
Phone: (760) 775 - 3259
amadrigal@29palmsbomi-nsn.gov

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

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Avellana 45.2-Acre Project, San Bernardino County.

**Native American Heritage Commission
Native American Contact List
San Bernardino County
2/1/2021**

***Twenty-Nine Palms Band of
Mission Indians***

Darrell Mike, Chairperson

46-200 Harrison Place

Coachella, CA, 92236

Phone: (760) 863 - 2444

Fax: (760) 863-2449

29chairman@29palmsbomi-

nsn.gov

Chemehuevi

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

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Avellana 45.2-Acre Project, San Bernardino County.

Response from NAHC Noting Potential Tribal Contacts:



STATE OF CALIFORNIA

Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

February 1, 2021

Hillary Murphy
Tierra Environmental Services

Via Email to: tierraenv@aol.com

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

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

Re: Avellana 45.2-Acre Project, San Bernardino County

Dear Ms. Murphy:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were positive. Please contact the Chemehuevi Indian Tribe on the attached list for more information. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

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

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

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

Sincerely,

Andrew Green
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Native American Contact List
San Bernardino County
2/1/2021**

Chemehuevi Indian Tribe

Sierra Pencille, Chairperson
P.O. Box 1976 1990 Palo Verde Drive Chemehuevi
Havasú Lake, CA, 92363
Phone: (760) 858 - 4219
Fax: (760) 858-5400
chairman@cit-nsn.gov

San Fernando Band of Mission Indians

Donna Yocum, Chairperson
P.O. Box 221838 Kitanemuk
Newhall, CA, 91322 Vanyume
Phone: (503) 539 - 0933 Tataviam
Fax: (503) 574-3308
ddyocum@comcast.net

Morongo Band of Mission Indians

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

San Manuel Band of Mission Indians

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

Morongo Band of Mission Indians

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

Serrano Nation of Mission Indians

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

Quechan Tribe of the Fort Yuma Reservation

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

Serrano Nation of Mission Indians

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

Quechan Tribe of the Fort Yuma Reservation

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

Twenty-Nine Palms Band of Mission Indians

Anthony Madrigal, Tribal Historic Preservation Officer
46-200 Harrison Place Chemehuevi
Coachella, CA, 92236
Phone: (760) 775 - 3259
amadrigal@29palmsbomi-nsn.gov

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

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Avellana 45.2-Acre Project, San Bernardino County.

**Native American Heritage Commission
Native American Contact List
San Bernardino County
2/1/2021**

***Twenty-Nine Palms Band of
Mission Indians***

Darrell Mike, Chairperson
46-200 Harrison Place
Coachella, CA, 92236
Phone: (760) 863 - 2444
Fax: (760) 863-2449
29chairman@29palmsbomi-
nsn.gov

Chemehuevi

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

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed Avellana 45.2-Acre Project, San Bernardino County.

Sample Letter sent to each Tribal Organization:



March 3, 2021

Chemehuevi Indian Tribe
Sierra Pencille, Chairperson
P.O. Box 1976 1990 Palo Verde Drive
Havasu Lake, CA, 92363

Dear Chairperson Pencille,

Tierra Environmental Services (Tierra) has been obtained to conduct an intensive archaeological survey of 45.20 acres proposed for the development of a 407-lot mobile home park in Apple Valley, San Bernardino County, California (Figure 1). The project area is located in the northwest quarter of the northeast quarter of Section 6, Township 4 North, Range 2 West of the USGS Apple Valley South 7.5-minute California Quadrangle (Figure 2). A cultural resources study is required by the County of San Bernardino (County) as part of this agency's compliance with CEQA, and specifically to ensure that no potentially significant cultural resources are inadvertently impacted by the project.

A records search has been conducted at the South Central Coastal Information Center at the University of California, Riverside for the project area plus a one-mile radius buffer.

In addition to informing you about this project's status, a major purpose of this letter is to request any information that you and other tribal elders may have regarding cultural resources located in the vicinity of the project site. Any information you may have about cultural resources on the property would greatly benefit our study.

If I can provide any additional information, please contact me immediately at (858) 578-9064. Thank you for your assistance.

Sincerely,

Hillary Murphy
Archaeologist

Enclosures: Figure 1, Figure 2

Native American Contacts, San Bernardino County

CAHUILLA SERRANO

Morongo Band of Mission Indians

Robert Martin, Chairperson
Denisa Torres, Cultural Resources Manager

CHEMEHUEVI

Chemehuevi Indian Tribe

Sierra Pencille, Chairperson

Twenty-Nine Palms Band of Mission Indians

Darrell Mike, Chairperson

QUECHAN

Quechan Tribe of the Fort Yuma Reservation

Jill McCormick, Historic Preservation Officer
Manfred Scott, Acting Chairman
Kw'ts'an Cultural Committee

KITANEMUK VANYUME TATAVIAM

San Fernando Band of Mission Indians
Donna Yocum, Chairperson

SERRANO

San Manuel Band of Mission Indians

Jessica Mauck, Director of Cultural Resources

Serrano Nation of Mission Indians

Mark Cochrane, Co-Chairperson
Wayne Walker, Co-Chairperson

Twenty-Nine Palms Band of Mission Indians

Anthony Madrigal, Tribal Historic Preservation
Officer



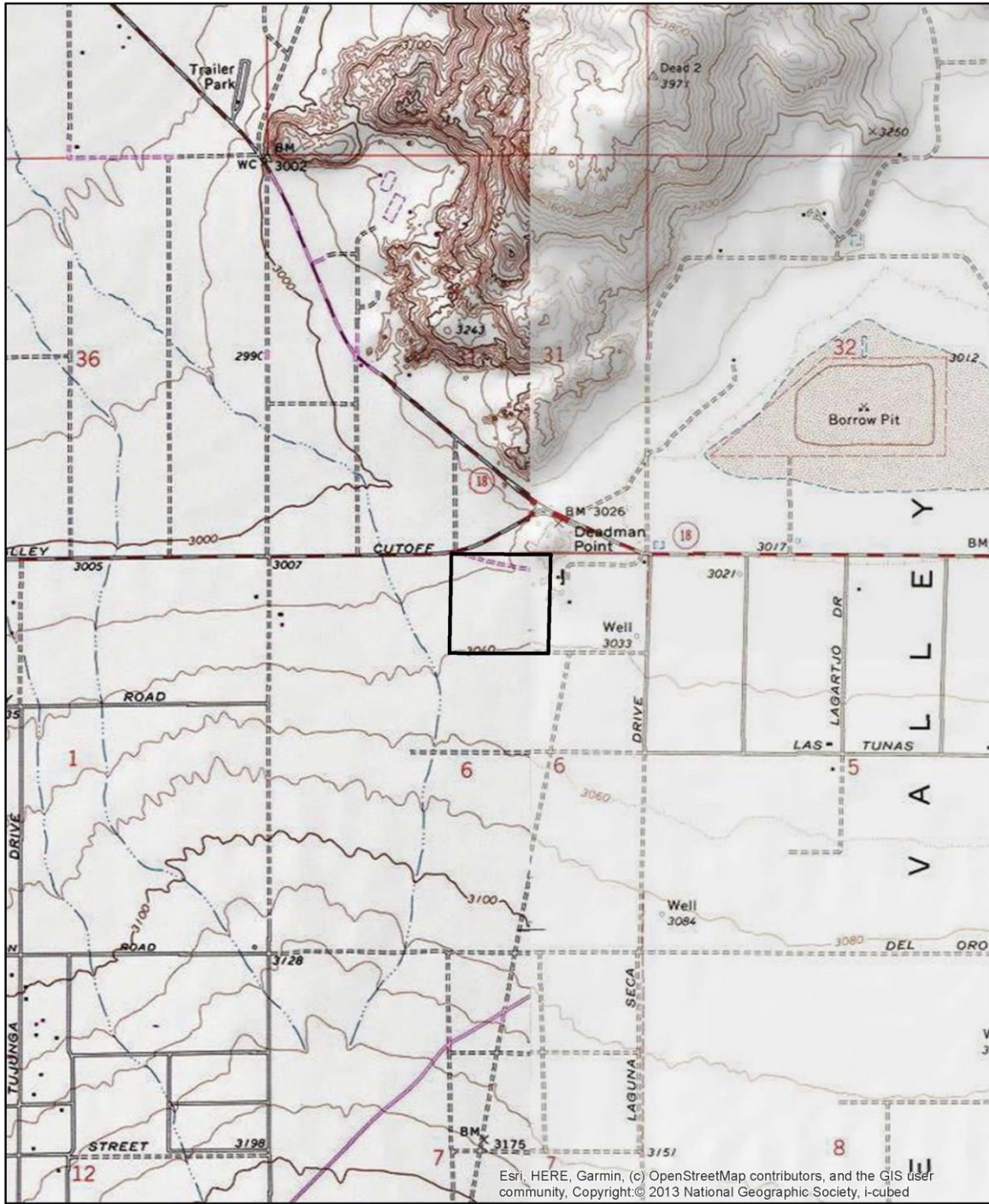
Sources: Esri, USGS, NOAA, Sources: Esri, Garmin, USGS, NPS



Figure 1. Regional Location Map



TIERRA
ENVIRONMENTAL SERVICES



USGS 7.5' Quadrangle: Apple Valley South

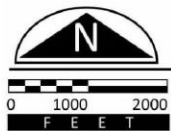


Figure 2. Project Location Map



Tierra
ENVIRONMENTAL SERVICES

Tribal Responses from March 3, 2021 Request:

RE: Information Request for 407-lot mobile home park in Apple Va...

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

From: Ryan.Nordness@sanmanuel-nsn.gov,

To: tierraenv@aol.com,

Subject: RE: Information Request for 407-lot mobile home park in Apple Valley, San Bernardino County, California

Date: Wed, Mar 3, 2021 5:35 pm

Attachments:

Hey Hillary,

Thank you for reaching out to the San Manuel Band of Mission Indians concerning the 407-lot mobile home park in Apple Valley project. SMBMI appreciates the opportunity to review the project documentation received by the Cultural Resources Management Department on March 3, 2021. While the proposed project area is located within Serrano ancestral territory, a review of our SLFs found none were within 2 miles of the proposed project space.

Thank you again for your correspondence, if you have any additional questions or comments please reach out to me at your earliest convenience.

Respectfully,

Ryan Nordness

Ryan Nordness

CULTURAL RESOURCE ANALYST

Email: Ryan.Nordness@sanmanuel-nsn.gov

O: (909) 864-8933 x50-2022

Internal: 50-2022

M: 909-838-4053

674 E Brier Dr San Bernardino, California 92408

 
BAND OF MISSION INDIANS | CASINO
BUILD SOMETHING GREATER. TOGETHER.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination or copying of this communication is strictly prohibited. If you have received this electronic transmission in error, please delete it from your system without copying it and notify the sender by reply e-mail so that the email address record can be corrected. Thank You

RE: New Project Information

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

From: historicpreservation@quechantribe.com,
To: tierraenv@aol.com,
Subject: RE: New Project Information
Date: Wed, Mar 3, 2021 2:41 pm

This email is to inform you that we have no comments on this project. We defer to the more local Tribes and support their decisions on the project.

From: Tierra Environmental [mailto:tierraenv@aol.com]
Sent: Wednesday, March 03, 2021 3:22 PM
To: historicpreservation@quechantribe.com
Subject: New Project Information

Hello Ms. McCormick,

Please see attached project notification and information for the development of 45-acres in Apple Valley, CA.

Thank you,

Hillary Murphy

Tierra Environmental Services, Inc.
10650 Scripps Ranch Blvd., Ste. 105
San Diego, CA 92131
P: (858) 578-9064
tierraenv@aol.com



Virus-free. www.avast.com

July 12, 2022 NEPA Request Sent to all Tribal Organizations:

Avellana Properties, Inc.

Chemehuevi Indian Tribe
1990 Palo Verde Drive, Box 1976
Havasu Lake, CA 92363
Attn: Ms. Sierra Pencille

Dear Ms. Pencille,

A little over a year ago my company retained Tierra Environmental Services to conduct a CEQA-required intensive archaeological survey of 45 acres in Apple Valley where we are planning to build a 2MW solar power plant and associated electric distribution into a small rural community.

Although a detailed record search failed to identify any known cultural resources within a mile of the project, our Archaeologist Hillary Murphy contacted the Chemehuevi seeking any comments you might have on the project. We received no feedback from you at the time.

Currently we in the process of performing an additional environmental review pursuant to the National Environmental Policy Act for the USDA, Rural Development in order that it may assess the environmental impacts of the project.

As you know, electric power in the area is spotty and unreliable and as such, the project is being proposed to provide much needed power that will be very reliable, cost-effective, and entirely sustainable. Enclosed is a U.S. Geological Survey map(s) that depicts the proposal's construction activities and a description of the work involved.

Avellana requests that your office review the proposal to determine if you or other tribal elders may have any information regarding cultural resources that may be located in the vicinity of the project site. Any information you may have about cultural resources on or near the property would greatly benefit our review.

If I can provide any additional information, please contact me immediately at (310) 946-9459. Thank you for your assistance!

Please see the enclosed project information and thank you so much for what you do and to the people you represent.

Sincerely,

David Weisman

David Weisman
Avellana Properties

24500 Las Piedras Road, Apple Valley, CA 92308

Avellana Properties, Inc.

A. Project Location

The APE is located along the south side of Bear Valley Road, immediately west of Highway 18 in Apple Valley, San Bernardino County, CA. (Figure 1).

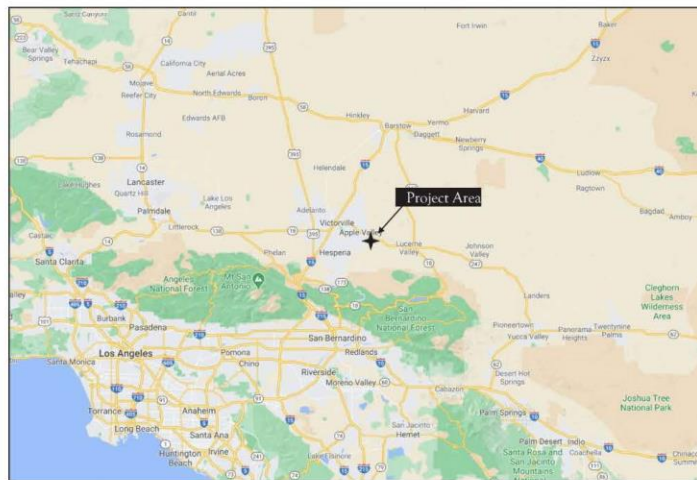
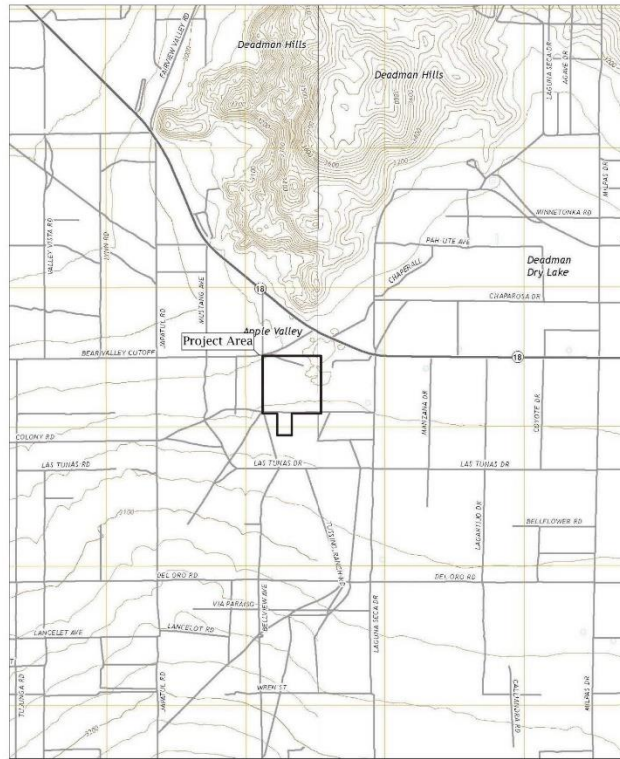


Figure 1
Regional Location Map



24500 Las Piedras Road, Apple Valley, CA 92308

Avellana Properties, Inc.



USGS 7.5' Quadrangle: Apple Valley South (2018) & Fifteemile Valley (2018)



Figure 2. Project Location Map



The APE consists of APNs 0435-015-13 and 0435-015 which are located in the NE ¼ of Section 6 of Township 4 North, Range 2 West, as shown on the Apple Valley South and Fifteen-mile Valley USGS 7.5' Quadrangles, San Bernardino Base Meridian (Figure 2).

Both Parcel-13 and Parcel-35 are currently undeveloped and disturbed. The APE is located along the south side of Bear Valley Road, immediately west of highway 18 and is bisected by Tussing Ranch Road. Surrounding land uses include disturbed open space and low-density rural residential and agricultural uses (Figure 3).

24500 Las Piedras Road, Apple Valley, CA 92308

Avellana Properties, Inc.

Elevation ranges from about 3,060 feet above mean sea level (AMSL) in the northeast corner to 3,027 feet AMSL in the northwest corner.

B Project Description

The Project proposes the development of a 399-lot mobile home park on a 40.2-acre parcel. An adjacent 4.72-acre parcel will be used for water treatment, wastewater treatment, and a solar power station. Development in each of the lots will require ground disturbing activities for construction and the development of permeable roads, parking surfaces, and the installation of utilities, as well as installation of mobile homes.



Figure 3. Area of Potential Effect (APE)



Sample Tribal Organization No-Finding Letter Sent Aug 4, 2022

Avellana Properties, Inc.

August 4, 2022

Chemehuevi Indian Tribe
1990 Palo Verde Drive, P.O. Box 1976
Havasu Lake, CA 92363
Attn: Chairman Glenn Lodge

Subject: USDA RUS Applicant THPO Recommended Finding of No Historic Properties Affected
Avellana Rural Electrical Cooperative
San Bernardino County, California

Dear Chairman Lodge,

Avellana REC is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its rural electrification program for the construction of a 2MW solar power plant and associated electrical distribution (Project). This Project will not be using the NPA.¹

The proposed Project will provide cost-effective, environmentally sustainable power to a small rural community that has faced challenges with a spotty, unreliable electricity grid. Project components include placement of approximately 4 acres of solar panels affixed to ground-mount brackets and distribution of electrical power within an approximate area of 41 acres.

If RUS elects to fund the Project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

¹ *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

CA SHPO No-Findings Letter Sent Aug 4, 2022

Avellana Properties, Inc.

August 4, 2022

Office Of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816
Attn: Mr. Tristan Tozer

Subject: USDA RUS Applicant SHPO Recommended Finding of No Historic Properties Affected
Avellana Rural Electrical Cooperative
San Bernardino County, California

Dear Mr. Tozer,

Avellana REC is seeking financial assistance from the USDA Rural Development (RD), Rural Utilities Service (RUS) under its rural electrification program for the construction of a 2MW solar power plant and associated electrical distribution (Project). This Project will not be using the NPA.¹

The proposed Project will provide cost-effective, environmentally sustainable power to a small rural community that has faced challenges with a spotty, unreliable electricity grid. Project components include placement of approximately 4 acres of solar panels affixed to ground-mount brackets and distribution of electrical power within an approximate area of 41 acres.

If RUS elects to fund the Project, it will become an undertaking subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

RUS defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered "direct" regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). "Indirect" effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

¹ *Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA).*

Avellana Properties, Inc.

At the direction of RUS, on 3/13/2021 and again on 7/12/2021 Avellana REC notified the following:

- Chemehuevi Indian Tribe
- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation
- San Fernando Band of Mission Indians
- San Manuel Band of Mission Indians
- Serrano Nation of Mission Indians
- Twenty-Nine Palms Band of Mission Indians

To date, we have received responses from the Quechan Tribe and the San Manuel Band, and in both cases they indicated that they had no comments about the proposed solar power installation.

On July 22, 2022 our archaeologist Michael Baeksh spoke directly on the phone with Mr. Glenn Lodge, Chairman of the Chemehuevi Indian Tribe. During the call Mr. Lodge indicated that it was not necessary to have further consultations with the Chemehuevi on the project, but they requested that a tribal monitor be present during the initial ground disturbing activities.

The enclosed report titled *Cultural Resources Study for the Avellana Mobile Home Park, Apply Valley, San Bernardino County, CA*, dated March 12, 2021 revised July 26, 2022 (to include a mitigation measure that a Chemehuevi representative will be present to monitor initial ground disturbing activities) describes the results of the investigation of the APE. Based on the findings of this study, a finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) is appropriate for the referenced project.

Accordingly, Avellana REC is submitting a recommended finding of no historic properties affected in accordance with 36 CFR § 800.4(d)(1) and supporting documentation for review and consideration by the State Historic Preservation Office.

Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), RUS will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to Jeffrey Larson at Jeffrey.larson@usda.gov.

Sincerely,



David A. Weisman
Chief Executive Officer
Avellana REC

24543 Las Piedras Road, Apple Valley, CA 92308

Avellana Properties, Inc.

Enclosure: *Cultural Resources Study for the Avellana Mobile Home Park, Apple Valley, San Bernardino County, CA*

CC: Jeffrey D. Larson, Rural Utilities Service

24543 Las Piedras Road, Apple Valley, CA 92308

CA SHPO “No Historic” Property Finding



State of California • Natural Resources Agency

Gavin Newsom, *Governor*

**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, *Director*

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

September 8, 2022

Reply in Reference To: USDA_2022_0627_001

Submitted Via Electronic Mail

David A. Weisman
Chief Executive Officer
Avellana REC
24543 Las Piedras Road
Apple Valley, CA 92308

Re: Construct 2MW Solar Facility, Apple Valley, San Bernardino County, California

Dear Mr. Weisman:

On behalf of the United States Department of Agriculture, Rural Development (USDA), Avellana Rural Electrical Cooperative (REC) is consulting with the State Historic Preservation Officer (SHPO) in order to comply with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 306108), as amended, and its implementing regulations at 36 CFR Part 800. REC is requesting SHPO concurrence with a finding of no historic properties affected. In addition to your letter, you have provided evidence of Native American consultation and the following cultural resources study in support of the above-referenced undertaking:

- *Cultural Resources Study for the Avellana Mobile Home Park, Apple Valley, San Bernardino County, CA* (Tierra Environmental Services: March 12, 2021, Revised July 26, 2022)

REC intends to use USDA funds to install approximately four acres of solar panels affixed to ground-mounted brackets and build electrical distribution infrastructure within a an approximate area of 41 acres, as described in your letter and the cultural resources study. The Area of Potential Effects (APE) for this undertaking is defined as approximately 45 acres.

In an effort to identify historic properties in the APE, archaeologists consulted prior cultural resources study conducted within the vicinity of the project area and performed a pedestrian archaeological survey of the APE. No historic properties were identified.

Consultants working for REC consulted with the California Native American Heritage Commission and eleven Native American tribes. On July 22, 2022 archaeologist Michael Baeksh spoke directly on the phone