CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION

Preparation Date: September 18, 2025

Name or Title of Project: Plan24-00019 - Victor Valley Construction, Demolition, & Inerts Processing Facility.

Location: Abbey Lane between East Abbey Lane (Bimini Lane) and Stoddard Wells Road. (Assessor's Parcel Numbers [APN] 0472-181-16, 0472-181-23, 0472-181-65, and 0472-181-15).

Entity or Person Undertaking Project: Burrtec Waste Industries, Inc. (Applicant)

Description of Project: A Site Plan and Conditional Use Permit with a Mitigated Negative Declaration to allow for the development of a Burrtec Construction Waste and Demolition Waste Processing Facility on property zoned M-1 Light Industrial and totaling approximately 6.09 gross acres. The Proposed Project involves the construction of an approximately 40,500 square foot industrial building that will house sorting equipment to process recoverable materials from construction and demolition projects from throughout the High Desert. A 2,700 square foot office building would be attached to the south side of the processing building.

Statement of Findings: The City of Victorville Planning Commission has reviewed the Initial Study for this proposed project and has found that there are no adverse environmental impacts to either the man-made or physical environmental setting if the following mitigation measures are implemented in conformance with the Mitigation Monitoring Policy and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

A copy of the Initial Study and other applicable documents used to support the proposed Negative Declaration is available for review at the City of Victorville Planning Division.

Mitigation Measures:

Biological Resources:

1. Mitigation Measure BIO-1. No more than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting 30 days or more, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS 2019 desert tortoise survey methodology. Pre-construction surveys shall be completed using perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and 50-foot buffer zone. Pre-activity surveys cannot be combined with other surveys conducted for other species while using the same personnel. Results of the surveys shall be submitted to CDFW prior to construction start. If the pre-construction surveys confirm desert tortoise absence, the qualified biologist shall ensure desert tortoise do not enter the Project area. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

2. Mitigation Measure BIO-2. Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation

(2012 or most recent version). Preconstruction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

3. Mitigation Measure BIO-3. Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 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 the 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.

Cultural Resources:

4. Mitigation Measure CUL-1. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

5. Mitigation Measure CUL-2. Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.

6. Mitigation Measure CUL-3. Prior to project initiation, a qualified archaeologist should be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. The training should be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology. Tribal representatives from the Consulting Tribes, such as YSMN, will be allowed to attend and/or participate in the WEAP training should they elect to and will be given ten days' notice prior to the training. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural

sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.

7. Mitigation Measure CUL-4. If human remains are discovered, work shall halt in that area (within a 100-foot buffer of the find) until a determination can be made regarding the provenance of the human remains; and the procedures set forth in CEQA Section 15064.5(e), the California PRC (Section 5097.98), and the State Health and Safety Code (Section 7050.5) shall be undertaken. Any human remains that are determined to be Native American shall be reported to the San Bernardino County Sheriff's Department Coroner Division and subsequently to the NAHC.

Tribal Cultural Resources:

8. Mitigation Measure TCR-1. Due to the heightened cultural sensitivity of the proposed project area, at the discretion of the consulting tribe(s), Tribal monitor(s) authorized to represent YSMN shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). At the discretion of the consulting tribes, a sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the YSMN. Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.

9. Mitigation Measure TCR-2. If a pre-contact cultural resource is discovered during project implementation, ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed.

   The Project Archaeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from YSMN, the Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site.

   It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all

finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts.

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.

Mitigation Measure (MM) Project Design Feature (PDF)	Responsibility For Implementation	Time Frame /Milestone	Verified By (signature/date required)
Biological Resources			
MM BIO-1: No more than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting 30 days or more, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS 2019 desert tortoise survey methodology. Pre-construction surveys shall be completed using perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and 50-foot buffer zone. Pre-activity surveys cannot be combined with other surveys conducted for other species while using the same personnel. Results of the surveys shall be submitted to CDFW prior to construction start. If the pre-construction surveys confirm desert tortoise absence, the qualified biologist shall ensure desert tortoise do not enter the Project area. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.	Qualified Biologist hired by Applicant	No more than 14 calendar days prior to start of ground-disturbing activities and after any pause in Project activities lasting 30 days or more	
MM BIO-2: Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys shall be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.	Qualified Biologist hired by Applicant	No less than 14 days prior to the start of ground-disturbing activities and within 24 hours prior to ground disturbance	
MM BIO-3: Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 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 the 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	Qualified Avian Biologist hired by Applicant	Prior to ground disturbing activities if construction is to be scheduled to occur nesting season	

Mitigation Measure (MM) Project Design Feature (PDF)	Responsibility For Implementation	Time Frame /Milestone	Verified By (signature/date required)
commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.			
Cultural Resources			
MM CUL-1: A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.	Qualified Archaeologist hired by Applicant	Prior to Project Approval	
MM CUL-2: Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.	Qualified Archaeologist hired by Applicant	During all ground-disturbing activities	
MM CUL-3: Prior to project initiation, a qualified archaeologist should be retained to conduct a Worker's Environmental Awareness Program (WEAP) training on archaeological sensitivity for all construction personnel prior to the commencement of any ground-disturbing activities. The training should be conducted by an archaeologist who meets or exceeds the Secretary of Interior's Professional Qualification Standards for archaeology. Tribal representatives from the Consulting Tribes, such as YSMN, will be allowed to attend and/or participate in the WEAP training should they elect to and will be given ten days' notice prior to the training. Archaeological sensitivity training should include a description of the types of cultural material that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find.	Qualified Archaeologist hired by Applicant	Prior to ground-disturbing activities	

Mitigation Measure (MM) Project Design Feature (PDF)	Responsibility For Implementation	Time Frame /Milestone	Verified By (signature/date required)
MM CUL-4: If human remains are discovered, work shall halt in that area (within a 100-foot buffer of the find) until a determination can be made regarding the provenance of the human remains; and the procedures set forth in CEQA Section 15064.5(e), the California PRC (Section 5097.98), and the State Health and Safety Code (Section 7050.5) shall be undertaken. Any human remains that are determined to be Native American shall be reported to the San Bernardino County Sheriff's Department Coroner Division and subsequently to the NAHC.	Contractor; Applicant	Upon discovery of human remains	
Tribal Cultural Resources			
MM TCR-1: Due to the heightened cultural sensitivity of the proposed project area, at the discretion of the consulting tribe(s), Tribal monitor(s) authorized to represent YSMN shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching, compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). At the discretion of the consulting tribes, a sufficient number of Tribal monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage. A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist, as detailed within CUL-1, and submitted to the Lead Agency for dissemination to the YSMN. Once all parties review and agree to the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.	Tribal Monitors	During all ground-disturbing activities	
MM TCR-2: If a pre-contact cultural resource is discovered during project implementation, ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. The Project Archaeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from YSMN, the Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological	Qualified Archaeologist hired by Applicant	Upon discovery of pre-contact cultural resource	

Mitigation Measure (MM) Project Design Feature (PDF)	Responsibility For Implementation	Time Frame /Milestone	Verified By (signature/date required)
significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site. It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts. Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.			