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May 5, 2025

Daniel Casey, Senior Planner
City of Rialto
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Miro Way and Ayala Drive Project (PROJECT)
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (DSEIR)
SCH# 2024070224

Dear Daniel Casey:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DSEIR from the City of Rialto for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Lewis-Hillwood Rialto Company, LLC and City of Rialto

Objective: The 35-acre Project site is located within the 2016 Renaissance Specific Plan Amendment (RSPA) area (SCH# 2006071021), and proposes to rezone Planning Areas 123, 126, and 133. Planning Areas 126 and 133 would be rezoned from Public Park and Employment to a Business Center that would allow for the construction of two industrial warehouse buildings, Building 1 would be 53,640 square feet (sf) and Building 2 approximately 375,075 sf, on a 20.76 acre site. Warehouse development activities include associated landscaping totaling 155,000 sf, outdoor lighting, and on- and off-site improvements that are comprised of the reconfiguration and construction of Miro Way and

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

associated street improvements, and utility and roadway improvements north of Miro Way and within the right-of-way of Linden Avenue and Ayala Drive. The construction footprint for proposed activities and off-site improvements totals 27.19 acres.

Planning Area 123 would be rezoned from School to General Commercial with a Residential Overlay. No development of Planning Area 123 is proposed as part of the Project.

Location: The Project is located within the south-eastern region of the RSPA, west of Ayala Drive, east of Linden Avenue, 215 feet north of Baseline Road, and 0.65 miles south of the State Route 210, in the City of Rialto, San Bernardino County; Assessor's Parcel Numbers [APN] 0264-211-15 and 20, 0264-212-12, -17, -30, -44-46, -54. The latitude and longitude for the Project are 34.124582, -117.398001.

Timeframe: The DSEIR states the Project is expected to commence in 2025 with a construction duration of approximately 13 months and would be completed in one phase of construction.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Rialto in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

COMMENT 1: Burrowing Owl (*Athene cunicularia*)

DSEIR Section 4.3, Page 22-23

Issue: Western burrowing owl is a candidate species protected under CESA, and as such is granted the full protection of a threatened or endangered species under CESA. The Project has the potential to result in permanent and temporary loss and degradation of burrowing owl habitat and take of the species. CDFW is concerned that impacts to burrowing owls and how they utilize the Project site are not adequately identified nor fully defined in the DSEIR.

Specific impact: The DSEIR indicates that focused burrowing owl surveys were completed during the breeding season, however, the dedicated burrowing owl section does not provide survey dates, if surveys were repeated in separate years, the numbers of owls observed on-site and within adjacent areas, and the protocols used. To address this absence of data, the burrowing owl survey methods and findings from the Biological Technical Report (BTR), Appendix D, prepared by Rocks Biological Consulting (March 2025) should be incorporated into the DSEIR to comply with CEQA requirements of meaningful disclosure regarding environmental impacts. The BTR indicates that focused burrowing owl surveys were conducted during the breeding season, using breeding survey protocols set forth in *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012)[2], on February 16, April 26, June 12, and July 3, 2023, and further discloses that two owls were present on-site during the initial survey, and absent during the subsequent surveys.

The DSEIR states (pg 4.3-22) "*Burrowing owl (State candidate for listing under CEQA) was detected on-site during focused surveys and has potential to inhabit the site in the future;[...]The project site has moderate potential to support burrowing owl. No burrowing owl, active burrows, or burrowing owl sign were observed during biological surveys. As such, the absence of burrowing owl during the peak breeding season suggests that the project site is not currently used by burrowing owl for nesting. However, there is evidence that the project site is used by burrowing owl for refuge and foraging outside of nesting season.*" Given that burrowing owls are known to be adaptable and can utilize highly degraded and marginal habitats where existing

[2] California Department of Fish and Game(CDFG). 2012 Staff report on burrowing owl mitigation. State of California, Natural Resource Agency. BUOW Staff Report Final 030712.pdf.

burrows are available, and that the species has been observed both on-site and within the immediate area, in addition to historic colony documentation within the RSPA, the Project site has a *high* potential to support burrowing owls.

In addition to the 2023 focused breeding season surveys, two general biological surveys were conducted on October 11, 2022, and July 31, 2024. Although no signs of burrowing owls were detected during these two surveys, the surveys were implemented outside the species' peak breeding season (April 15 – July 15) with an insufficient survey methodology (not protocol focused). As such, the results of these surveys are not reliable indicators of burrowing owl presence or absence and should not be considered conclusive evidence of how the site is currently being used by the species. To properly assess site usage, annual focused surveys during both the breeding and non-breeding seasons would need to be completed to accurately determine site utilization and scope of impacts due to Project implementation. It is important to note that failure to locate burrowing owls during one field season does not constitute evidence that the site is no longer occupied.

CDFW appreciates that focused breeding survey methods employed did adhere to the guidelines outlined in the 2012 Staff Report, although additional focused surveys would have been beneficial following the positive sighting of burrowing owls during the initial survey. Additional surveys following the positive observation could have allowed for a more comprehensive understanding of site utilization by determining if the owls were migratory or year-round residents, estimation of the home ranges of each individual or family units, further assessment of which burrows were being occupied, and estimation of foraging areas. Moreover, detailed information on what behavior and activity of the burrowing owls present should have been provided in the BTR.

Lastly, the DSEIR asserts that implementation of proposed Mitigation Measures BIO-1A, 1B, 3A, 3B, 3C and 3D, to address Project impacts to burrowing owls would result in less than significant impacts with mitigation. CDFW would like to emphasize that these measures are intended to minimize and avoid impacts, but they may not provide adequate mitigation. CDFW recommends the City mitigate as outlined in the 2012 Staff Report, which states that "*current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence or burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow*". The 2012 Staff Report considers a site occupied if at least one burrowing owl has been observed on-site within the last three years. The DSEIR does not provide or propose mitigation to ensure the permanent conservation of equivalent or greater habitat for burrowing owls, a CESA candidate species, to compensate for habitat loss, and as such recommends the City requires the Project proponent to purchase and to conserve in-perpetuity similar habitat nearby and revise the DSEIR to include this information. If the DSEIR is recirculated without addressing these mitigation concerns, CDFW recommends the impact analysis to the burrowing owls be elevated to Potentially Significant Impacts.

Why impact would occur: Burrowing owls are well-adapted to open, relatively flat expanses and vacant lots and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring on the Project site. Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting the nesting, roosting, and satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows. Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrow.

Evidence impact would be significant: On October 10, 2024, the California Fish and Game Commission accepted a petition to list Western Burrowing Owl as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. As a candidate species, Western

Burrowing Owl is granted full protection of a threatened species under CESA. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. It is recommended that the RSPA EIR (2016) be amended, and impacts to burrowing owl be reevaluated and reassessed. It is important to note that CDFW has physical documentation of two separate instances, within the RSPA, where during groundbreaking activities, actively used burrows were collapsed by the construction crew and the designated biologist were not aware until afterwards. Given these two incidences, there is a probability that past projects may have operated similarly, and CEQA mitigation measures set in place to mitigate for burrowing owls may have had laxed enforcement, and therefore not mitigated to the extent feasible.

The Renaissance Specific Plan encompasses a total of 1,445.3 acres in highly suitable, and historically occupied, burrowing owl habitat. Currently, approximately 1,250 acres of the RSPA have been developed. The Project site is currently situated within one of the largest remaining intact prime habitats for burrowing owls in the City of Rialto and the last remaining vacant spaces of the RSPA. As such, implementation of the Project has the potential to contribute to a decline in the burrowing owl population and lead to local extirpation of the species.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends removing Mitigation Measures 3B, 3C, and 3D and strongly encourages the adoption of the following new measure, BIO-3B (edits are in ~~strikethrough~~ and **bold**), for inclusion in the DSEIR:

Mitigation Measure BIO-3B (New)

Suitable burrowing owl habitat and burrowing owls presence has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist, familiar and experienced in burrowing owls, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction and surrounding 500 ft radius.

Take avoidance surveys shall be conducted no less than 14 days prior to initiation of Project-related activities. Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Upon beginning ground-disturbing activities or vegetation removal, a biologist shall be on hand to perform monitoring during all construction activities every day to ensure no impacts occur to burrowing owls as a result of the Project.

Should burrowing owls, active burrows, or signs thereof be confirmed during any survey or biological monitoring, 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 for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measure if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan,

If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, the Project Proponent shall begin early coordination with CDFW for appropriate CESA authorization (i.e., Incidental Take Permit (ITP) under Fish and Game Code section 2081) prior to commencement of Project activities. The ITP shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) Conservation or Mitigation Bank credits (if available) 2) Mitigation Credit Agreements 3) Permittee-responsible mitigation land acquisition.

COMMENT 2: Inadequacy of General Reconnaissance Surveys

Section 4.3.4, Page 4.3-8

Issue: The DSEIR analysis and conclusion relies on general reconnaissance level surveys of the Project site to identify special status species, vegetation communities, and habitats that could support special status species. CDFW is concerned that the two general biological surveys conducted on October 11, 2022 and July 31, 2024 by Rocks Biological Consulting were insufficient in duration and timing to properly survey for special status species, vegetation communities, and habitats that support special status wildlife.

Specific impact: Per the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, March 2018)[3], botanical field survey visits should be spaced throughout the growing season and multiple visits to the project area are usually required to capture the floristic diversity at a level necessary to determine the presence of special-status plant species. Usually this is during flowering or fruiting. The general reconnaissance biological surveys performed on October 11, 2022 and July 31, 2024 are outside the bloom period for 12 of the 33 special-status plant species. Additionally, surveys were conducted either at the beginning or late end of bloom for 5 of the 33 plant species. A focused plant survey should be conducted separately from a general biological survey to evaluate presence of special-status plan species. It is also noted that no general surveys were carried out during the spring season, which is a peak time for blooming native vegetation and increased wildlife activity, such as migratory stopover for avian species, nesting/breeding season activities, and foraging.

Why impact would occur: The lack of spring surveys may not provide the DSEIR an adequate biological baseline due to its possible lack of an accurate plant inventory, observation of migratory birds that utilize the site, if and what species occupy the site for nesting or breeding, and to fully identify and evaluate impacts to special-status species. The DSEIR also states that “twilight or nighttime surveys were not conducted”, which limits our understanding if bat species may possibly use the site for foraging, and in determining if or which nocturnal species occupy the site. Reconnaissance surveys can be used to gather general information about habitat, but it should not be used to determine the presence or absence of candidate, sensitive, or special status species

Evidence impact would be significant: Impacts to special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Without an accurate environmental baseline of present candidate, sensitive, or special status species and the delay in development of species avoidance, minimization, and mitigation measures, it is unclear if the mitigation measures proposed to be implemented by the Project Proponent will avoid, minimize, or mitigate the impacts to a level below significant adverse effect.

[3] California Department of Fish and Wildlife. March 20, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Special Status Native Plant Populations and Sensitive Natural Communities (ca.gov).

Recommended Potentially Feasible Mitigation Measure(s) To Reduce Impacts to Less Than Significant: CDFW recommends and encourages the adopting of the following new measure, BIO-5 for inclusion in the DSEIR

Mitigation Measure MM BIO-5 (New):

Prior to Project construction activities, a complete and recent inventory, including rare, threatened, endangered, and other sensitive species, located within the Project footprint with the potential to be affected, including Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380) for which suitable habitat is present within or adjacent to the Project. The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

COMMENT 3: Cumulative Impacts.

Section 4.3 and 4.3.7; Page 4.3-23, 32

Issue: The DSEIR concludes, on numerous occasions, that the Project would not contribute to cumulatively considerable impacts on biological resources, yet it is unclear how it came to this conclusion. CDFW is concerned that the DSEIR does not provide a thorough discussion, in accordance to CEQA Guidelines, §15130, of the cumulative impacts expected to adversely affect biological resources as a result of the Project, including surrounding projects that have been completed, in process, or forthcoming.

Specific impact: In Section 4.9 of the BTR it states that "*Cumulative impacts are defined as the direct and indirect effects of a proposed project which, when considered alone would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered potentially significant."* Since the adoption of the 1,445.3-acre RSPA in 2010, approximately 180 acres of vacant parcels remain. The DSEIR fails to include cumulative impacts created by the construction of the 42-acre Renaissance tract homes, a quarter mile north of the Project site, that began in late spring of 2024, and a quarter mile east of the site, the Olive Avenue Development Project (SCH 2020120036) is being proposed on a 31-acre parcel. Development of these projects further limits and narrows resources and open grassland habitat utilized by biological species, such as burrowing owls and western meadowlarks which were observed on both sites. No information regarding mitigation, for this Project, and those forthcoming or completed, is provided to offset cumulative impacts.

Continuing on Section 4.9 of the BTR, it states that "*The project site is disturbed, surrounded by development, and does not support sensitive vegetation communities. As such, the proposed project will not result in significant cumulative*." A large majority of habitat in the Inland Empire has some degree of disturbance, this does not mean it is not functional or useable, and should not be the criteria in determining that no cumulative impacts will occur. Given that this site is utilizable by burrowing owls and California horned lark, designated as a watchlist species by CDFW, demonstrates that suitable habitat is present. Furthermore, DSEIR Mitigation Measure BIO-1D proclaims that "*A biologist shall flush special-status species (i.e., avian or other mobile species)*

from suitable habitat areas within the Project development footprint to the maximum extent practicable immediately..". With little open space left, as the RSPA is almost built out, refugia habitat necessary for California horned lark, burrowing owls, and others will not be available in the foreseeable future, and these species will not be able to be able to be "flushed out" any further once the Plan is entirely built, as there will be no adjacent suitable habitat left.

Why impact would occur: The Project site lacks sufficient information to fully evaluate the scope of cumulative impacts. In 2017, a consultation occurred between CDFW, City of Rialto, and Lewis-Hillwood regarding mitigation associated with Lake and Streambed Alteration Agreement (LSA; 1600-2017-0016-R6) mitigation for the Renaissance Marketplace, and Buildings 5 and 6. This is the only known action undertaken to have occurred within the RSPA to date. The mitigation measures outlined in the LSA involved the permanent conservation of 50.5 acres of Riversidian alluvial fan sage scrub habitat within the Cajon Wash, as well as the acquisition of the 80-acre Lakeview property in Nuevo to facilitate the relocation of burrowing owls found on the site from San Bernardino County to Riverside County, further increasing extirpation of the species from the local area.

The absence of mitigation strategies that address collective impacts of the Project and surrounding development increases risk to sensitive species and their habitats, making cumulative effects likely more significant. The Lead Agency should provide a table of constructed projects that occurred after 2017 that have impacted burrowing owls, or overall impacts to sensitive habitat, and disclose what mitigation was prepared or secured to better accurately assess cumulative impacts the Project may create, alongside those previously constructed.

Evidence impact would be significant: Cumulative impacts seem to not have been adequately addressed in the proposed Project. The loss of habitat across these interconnected developments leads to fragmentation and habitat loss that species rely on, and can impact species survivability and ability to migrate, forage, and establish new territories.

COMMENT 4: Crotch's Bumble Bee

Section 4.3.6, Page 4.3-25-26

Issue: The Project has the potential to result in permanent and temporary loss, degradation of, and impacts to Crotch's bumble bee and Crotch's bumble bee habitat. The Project may result in the take of Crotch's bumble bee, candidate status species for listing under CESA, during the construction of the Project and the life of the Project

Specific impact: The Project has the potential for take of Crotch's bumble bee from collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat and habitat quality.

Why impact would occur: Crotch's bumble bee occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley and adjacent to foothills through most of southwestern California (Williams et. al 2014). Crotch's bumble bee are generalist foragers and have been reported visiting a wide variety of flower plants. The plant families most commonly associated with Crotch's bumble bee observations or collections from California include Fabaceae, Apocynaceae, Asteraceae, Lamiaceae, Boraginaceae and Asclepiadaceae.

Evidence impact would be significant: Crotch's bumble bee is a candidate species for listing under CESA; therefore, it receives the same legal protection afforded to endangered or threatened species under CESA pursuant to Fish & Game Code §§ 2074.2 & 2085. If found on-site, the Project could result in crushing or killing Crotch's bumble bees, reduction in sufficient food resources such as nectar and pollen, and/or removal of nesting and overwintering sites. Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture,

and invasive species introductions. If Crotch's bumble bee occurs at the Project site and Project impacts to Crotch's bumble bee occur, this could result in a substantial reduction in the species' population, which would be a significant impact.

Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant: CDFW appreciates that the DSEIR provides measures to minimize the Project's impacts to Crotch's bumble bee. However, the measures, as written, may not reduce potential impacts to less than significant. Thus, CDFW strongly recommends the following revisions to BIO-2A, 2B, and 2C for inclusion in the final DSEIR.

Mitigation Measures:

Mitigation Measure-2A: If Crotch's bumble bee is no longer a candidate or listed species under CESA at the time of project construction, then these mitigation measures shall not be required. Within one year prior to ground disturbing activities, ~~a qualified~~ **an approved qualified Designated** biologist shall conduct active Crotch's bumble bee nest surveys during the typical colony active period (April – August) following survey guidelines provided in the CDFW's Survey Considerations for CESA Candidate Bumble Bee Species **within the Project site and areas adjacent to the Project site where suitable habitat exists**. The qualified biologist shall be familiar with Crotch's bumble bee identification and life history. **Survey results including negative findings shall be submitted to CDFW at least 30 days prior to vegetation removal and/or ground disturbing activities.**

Mitigation Measure-2B: If suspected or active Crotch's bumble bee nests are present, a qualified biologist shall establish an appropriate non-disturbance buffer around each nest immediately prior to initiation of construction activities using stakes and/or brightly colored flagging to avoid disturbance or incidental take of the species. If avoidance buffers are not feasible, **or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained**. ~~during construction activities, then CDFW shall be consulted.~~

Mitigation Measure-2C: Within one year prior to ground disturbing activities, ~~a qualified~~ **the approved designated** biologist shall survey suitable nectar plants for foraging Crotch's bumble bee during the typical flight season (February – October), **within the Project site and areas adjacent to the Project site where suitable habitat exists**, following survey guidelines provided in the CDFW's Survey Considerations for CESA Candidate Bumble Bee Species. The qualified biologist shall be familiar with Crotch's bumble bee identification and life history. **Survey results including negative findings shall be submitted to CDFW at least 30 days prior to vegetation removal and/or ground disturbing activities.**

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Burrowing Owl State Status Correction.

In Section 4.3, page 4.3-7 of the DSEIR, the sentence "*According to the County's Biotic Resources Overlay Map, the project site is located within the County's Burrowing Owl Overlay Zone. The burrowing owl (Athene cunicularia) is listed as an SSC by CDFW*." should be revised to include the current status of the burrowing owls. CDFW recommends the following revision: "The burrowing owl (*Athene cunicularia*) is **a candidate species granted protection under CESA (Fish & G. Code, § 2050 et seq.)**~~listed as an SSC by CDFW~~."

Native Landscaping

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water efficient and targeted

irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at: Calscape. Water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Additionally, some facilities display drought tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

Due to the issues presented in this letter, CDFW concludes that the DESIR may not adequately identify or mitigate the Project's significant, or potentially significant, impacts to burrowing owls, nor adequality assess cumulative impacts. Deficiencies in the Lead Agency CEQA document can affect later project approvals by CDFW in its role as a Responsible Agency. In addition, because of these issues, CDFW has concerns that Lead Agency may not have the basis to approve the project or make "findings" as required by CEQA unless the environmental document is modified to eliminate and/or mitigate significant impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092).

CDFW appreciates the opportunity to comment on the DSEIR for the Miro Way and Ayala Drive Project (SCH No. 202407224) to assist the City of Rialto in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Lisa Cardoso, Environmental Scientist at Lisa.Cardoso@Wildlife.ca.gov.

Sincerely,

DocuSigned by:
Kim Freeburn
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Kim Freeburn
Environmental Program Manager

ATTACHMENTS

Attachment A: Draft Mitigation Monitoring and Reporting Plan

ec:

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