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Governor's Office of Planning & Research
August 19 2021
STATE CLEARINGHOUSE

August 19, 2021
Sent via email and US Mail

Mr. Thomas Grahn
Senior Planner
City of Ontario
303 East B Street
Ontario, CA 91764

Subject: Notice of Preparation of a Draft Supplemental Environmental Impact Report
Ontario Plan (TOP) 2050 Project
State Clearinghouse No. 2021070364

Dear Mr. Grahn:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Supplemental Environmental Impact Report (SEIR) from the City of Ontario (City) for the Ontario Plan (TOP) 2050 Project (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

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.

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

The Project is an update to the TOP to guide the City's development and conservation for the next 30 years through 2050. The proposed project is a focused effort, with particular emphasis on conducting technical refinements to the Policy Plan to comply with state housing mandates; conform with new state laws related to community health, environmental justice, climate adaption, resiliency, and mobility; bring long-term growth and fiscal projections into alignment with current economic conditions; and advance the Tracking and Feedback system and Implementation Plan.

Consistent with§ 15168 and§ 15163 of the CEQA Guidelines, the City will prepare a SEIR to address program-level environmental impacts associated with amendments to the City's previous TOP, which was adopted pursuant to the Final Ontario Plan Environmental Impact Report (Ontario Plan EIR) prepared in July 2009 (SCH 2008101140) and certified in January 2010. The proposed project is an update to the City's long-term plan of policies that will guide future development activities and City actions (TOP 2050). No specific development projects are proposed as part of this TOP 2050. However, the program-level SEIR can serve to streamline environmental review of future projects.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW recognizes that a supplement to an EIR only needs to contain the information necessary to make the previous EIR adequate for the revised project. *(S*tate CEQA Guidelines § 15163(b)) and that the SEIR need not be as detailed as CEQA documents prepared for specific projects that may follow (CEQA Guidelines § 15146). CDFW also recognizes that the level of detail should be reflective of the level contained in the SEIR or SEIR element being considered (Rio Vista Farm Bureau Center v. County of Solano (1992) 5

Cal.App.4th 351). However, please note that the City cannot defer the analysis of significant effects of the SEIR to later-tiered CEQA documents (Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182).

CDFW recommends that the forthcoming SEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the SEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The CDFW recommends that the SEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.

2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

   Please note that CDFW's CNDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be

addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). 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.

Burrowing Owl

The Chino Agricultural Preserve (herein referred to as the Dairy Preserve) was 17,000 acres of dairy and agriculture that encompassed portions of the Cities of Chino and Ontario. In 1999, the City annexed nearly 8,200 acres, which was the catalyst for a dramatic increase in population growth. The City prepared a large master planned community, formerly known as the New Model Colony (NMC) and is currently referred to as the Ontario Ranch, that spans commercial and residential development over a 20-year period. Simarily, the City of Chino annexed the remaining portion of the Dairy Preserve, approximately 6,245 acres, into the City of Chino's Sphere of Influence where it was partitioned into a western and eastern section. The western part, the Chino College Park, or Subarea 1, consists of 1,810 acres; whereas the eastern portion, Subarea 2, or what is now known as ‘the Preserve’, includes approximately 5,435 acres (8.15 square miles). Of the 5,435 acres, 2,779 acres of the Preserve lies within the inundation area created by the raising of Prado Dam.

Burrowing owls (*Athene cunicularia*) have been detected throughout the Dairy Preserve and surrounding area (refer to Exhibit 1). CDFW strongly encourages the City to follow the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012); available for download from CDFW’s website: https://www.wildlife.ca.gov/conservation/survey-protocols**.** The Staff Report specifies three steps for project evaluations: a habitat assessment, surveys, and an impact assessment. The three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures.

The City should be aware that burrowing owls may use an area for breeding, wintering, foraging, and/or migration stopovers. Because burrowing owls detected during non-breeding season surveys may be year-round residents, young from the previous

breeding season, pre-breeding territorial adults, winter residents, dispersing juveniles, migrants, and/or transients or new colonizers, burrowing owl seasonal residency status can be difficult to ascertain. Habitat assessments should be conducted to evaluate the likelihood that a site may be utilized by burrowing owls for different activities throughout the year, followed by surveys that provide the information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5.

Impact assessments should determine the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed Project. To adequately assess project impacts to burrowing owls and determine appropriate mitigation to offset those affects, CDFW recommends that, at a minimum, the City should:

- Develop criteria for determining acceptable qualifications for individuals who perform burrowing owl habitat assessments, biological surveys, monitoring, and other relevant duties.
- Maintain a list of qualified biologists to cross reference when reviewing and approving CEQA documents.
- Require that project proponents submit data (e.g., survey reports, field notes, etc.) and survey locations and results (e.g. GIS and kmz shape files) and ensure burrowing owl occurrences are entered into a database (e.g., California Natural Diversity Database, CNDDB).

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The SEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project (including the plan's land use designations, policies and programs). To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the SEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

   With respect to defensible space: please ensure that the SEIR fully describes and identifies the location, acreage, and composition of defensible space *within* the

proposed Project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with the appropriate agency, (e.g., San Bernardino County Fire, Cal Fire) regulations/ requirements. The City, through its planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservations lands. CDFW requests that the SEIR clearly identify: (1) if lands are being proposed as mitigation to offset impacts associated with the project; and (2) if these lands are also proposed to serve as defensible space. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require in-perpetuity vegetation management.

2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

   Please note that the Project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. CDFW encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The SEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.

4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The SEIR should analyze the cumulative effects of the plan's land use designations, policies and programs on the environment. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Burrowing Owl and Raptor Habitat

The City Council approved a General Plan Amendment and associated Final EIR for the Sphere of Influence for the NMC in January 1998 (termed 'NMC Final EIR'). Before mitigation, the NMC Final EIR determined that significant impacts would occur to waterfowl and waterfowl habitat; raptors and raptor habitat; and the Delhi Sands Flower-Loving Fly Ontario Recovery Unit. The mitigation measures to reduce impacts to less than significance included:

EIR Mitigation Measure BR-1 – 2:1 Mitigation Waterfowl Habitat Mitigation: Modify the General Plan to require the creation of new waterfowl habitat and specified a mitigation ratio of 2:1 for each acre of such habitat lost. This is off-site mitigation in the Prado Basin.

EIR Mitigation Measure BR-2 – Waterfowl and Raptor Conservation Area: The City shall create a Waterfowl and Raptor Conservation Area (WRCA) off-site in the Prado Basin.

Subsequent to the adoption of the NMC Final EIR, a lawsuit was filed against the City by the Endangered Habitats League, Inc. (EHL) and Sierra Club challenging the City's CEQA compliance and approval of the General Plan Amendment. A settlement agreement was reached and agreed to by all parties that set forth revised mitigation measures for potential impacts in the NMC (referred to as Annexation Area 163). Because state law requires that local jurisdictions update their General Plans every 10 years, measures from the settlement agreement were detailed within the Ontario Plan DEIR (Section 5 *Environmental Analysis*) that included:

DEIR Mitigation Measure 1- Mitigation Fees: Prior to issuance of grading permits, the City shall impose a $4,320 per acre Mitigation Fee on proposed developments in Annexation Area 163 that require discretionary approval or permitting from the City.

DEIR Mitigation Measure 2 – On Site Land Conservation or Owl Relocation: The City, in consultation with CDFW, will identify through CEQA review, lands occupied by burrowing owl and suitable as long-term habitat. The City will require avoidance of those lands to maintain a viable territory and require long-term maintenance through dedication in fee or grant of easement to the Land Trust. If the site is not viable long-term habitat, the developer shall pay the mitigation fee and make provisions for relocation of the owls.

DEIR Mitigation Measure 3 – Land Conservation: All mitigation fees collected shall be used for the above-described purposes and may be used to purchase property, conservation easements, or other land with long-term conservation value for the environmental impacts; enhance/restore lands with such values; maintain and

operates these lands; and pay for related administrative costs (not to exceed 10 percent of the total fees).

DEIR Mitigation Measure 4 - Land Easements: Land/easements dedicated, conveyed, or purchased to benefit wildlife, waterfowl, raptors/and or burrowing owl must have long-term conservation value for those species and must be managed by the Land Trust. The parcels must be located within the Habitat Area designated as part of the settlement agreement. Unacceptable properties are those that would otherwise by purchased by another entity or group as open space mitigation for environmental impacts.

According to the Ontario Plan DEIR (Chapter 6 *Significant Unavoidable Adverse Impacts*), because buildout of the Ontario Plan will "*convert 3,269 acres of California Resource Agency designated Prime Farmland, Unique Farmland, and Farmland of Statewide Importance to residential, commercial, mixed-use, and industrial land uses, it was determined that impacts to agricultural resources would remain significant, unavoidable, and adverse even after mitigation measures have been applied*". Conversely, it was determined that "*after the collection of the mitigation fees for the acquisition and management of habitat, implementation of the proposed Ontario Plan would not have substantial adverse impacts on sensitive animal species, including the burrowing owl"*. The City prepared the NMC Final EIR with the intent that later environmental analysis of individual development projects would be tiered from this document. To accomplish this, feasible mitigation measures and alternatives developed in the NMC Final EIR needed to be implemented. When the City concluded that no new effects would occur, or no new mitigation measures would be required, the project was approved as being within the scope covered by the NMC Final EIR.

CDFW has reviewed many of the project-specific CEQA documents and accompanying biological reports, as well as, mapped known burrowing owl occurrences compiled from accessible databases (CNDDB, EBird). A comprehensive table (refer to Table 1) and a corresponding color-coded reference illustration were prepared (Exhibit 2) and have been provided by CDFW in past CEQA comments to the City. CDFW continues to maintain that the burrowing owl and raptor foraging habitat has, and continues to be, removed throughout the City and the surrounding area. CDFW strongly encourages the City to include any new substantial information that was not known at the time the previous Ontario Plan EIR was certified into the SEIR so that when it is reviewing future projects as a lead agency, it can rely on a more robust analysis to fully satisfy the necessary environmental review requirements.

Current scientific literature supports the conclusion that mitigation for burrowing owl habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, and dispersal. For mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental

conditions (e.g., presence of burrows, burrow surrogates, presence of fossorial mammal dens, and abundant and available prey within close proximity to the burrow). CDFW is unclear of the details and implementation status of many of the mitigation measures that pertain to the NMC Final Program EIR, Ontario Plan DEIR, or any subsequent CEQA documents from individual development projects that tiered from these documents (refer to Table 2). Specifically, the SEIR should identify past cumulative impacts that have occurred, past mitigation commitments and what conservation measures, if any, have been/are being conducted, and future opportunities not only within the City (see #1-3 below), but the adjacent lands (#4), including, but not limited to, the following:

1) *NMC/Ontario Ranch* - The Rivers and Land Conservancy (RLC) prepared a report in 2008 that identified strategies and opportunities for habitat protection and restoration within the NMC, with a portion of the mitigation fees being identified to benefit "*the burrowing owl, restore wetlands, and provide connections between the Prado Basin and Chino Hills State Park*". Following consultation with EHL and the Sierra Club, on March 16, 2010, the City Council chose RLC as the land trust. The SEIR should clearly describe where the conservation areas are located, how they have been secured, how they are functioning as habitat for owls, and how accounting records of mitigation money collected and spent are tracked.

2) *Milliken Landfill* - Within the Ontario Plan EIR, the City identified a number of Interest Areas, or prospective mitigation lands, with parts of the closed Milliken Waste Disposal Site being considered for preservation or enhancement to offset loss of burrowing owl habitat. In 2005, 16 adult burrowing owls were observed, with seven breeding pairs of burrowing owls being identified (Tom Dobson 2005). In 2006, three pairs and one individual were observed (MBA, 2006). Prior to grading for the California Commerce Center, eight temporary artificial burrows were constructed along the southern boundary of the project site and all burrowing owls banded (refer to Exhibit 3 and Exhibit 3a). Known burrowing owl occupancy occurs north of the landfill within the Ontario International Airport and in smaller, undeveloped parcels throughout the City and surrounding area. Although no follow up surveys have been conducted since construction commenced, it is reasonable to assume that these owls may have moved onto the Milliken landfill or nearby suitable habitat.

   There have been landfills within northern (e.g., Mountainview, Sunnyvale, and Palo Alto), central (Lemoore), and southern (El Sobrante) California that have implemented enhancement and/or restoration activities for burrowing owls. A summary of the current use and burrowing owl objectives for these landfills is provided in Table 3. The SEIR should include an update on the status of the Milliken landfill (burrowing owl occupation, enhancement activities, etc.) and whether this has, or will, be used for burrowing owl conservation.

3) *Ontario International Airport* - Nonbreeding burrowing owl surveys (Helix, February 2020) were performed on the 322-acre Ontario International Airport, resulting in three active burring owls being detected, along with several suitable burrows being observed (see Exhibit 4). The Pomona Valley Audubon Society members have monitored owl nesting within the adjacent open fields east of Haven Avenue owned by the Ontario International Airport. A number of active burrows, ranging from 12 to 14, have been detected on the 234 acres over the last five years (Exhibit 4a). Burrowing owls are often found in association with airfields and airports, and their presence at such facilities is sometimes considered to conflict with those operations. CDFW has reviewed management plans and long-term studies monitoring burrowing owls on airports and military air bases, with the results suggesting that the maintenance of burrowing owl populations is not necessarily at odds with safe airfield operations (refer to Table 4). The SEIR should include any past, current, and future known impacts to burrowing owls on Ontario Airport owned lands, mitigation strategies for these owls, if necessary, and other pertinent information that can be disclosed for public transparency and planning.

4) *Surrounding Lands* – A number of burrowing owls within the local area have been impacted through loss of habitat within the lands adjacent to the City. To mitigate for these losses, the City of Chino has identified potential conservation areas. For the Preserve, "*300 acres of high-quality wildlife habitat is to be provided* in *three separate areas that are to be located generally below the 566-foot inundation line and within the Preserve boundaries*" (Preserve – Chino Sphere of Influence-Subarea 2 EIR Burrowing Owl Resources Management Plan). New development projects (e.g., Miramonte development, Pine Avenue Expansion) have been planned within two of the three proposed burrowing owl conservation area(s).

   Kimball Bickmore Natural Treatment System (NTS) has also been proposed as a partial regional mitigation area for burrowing owl impacts. Fifty-three artificial burrowing owl burrows were constructed, 20 of which mitigated for impacts to 10 occupied burrows for a development project that was constructed immediately east of the NTS facilities, while an additional 33 burrows were installed to maximize the number of burrows available for burrowing owls within the region. CDFW believes that it is not appropriate to place additional artificial burrows for mitigation to compensate for other impacts to burrowing owls in an area that has already been conserved and is already constricted by surrounding development and other land uses (e.g., water treatment, recreation, etc.), nor does it make sense to establish a high density of artificial burrows in a location where the carrying capacity (primarily food resources) is likely exceeded.

   Finally, the College Park EIR included development impacts to 710 acres. Three water quality basins, approximately 23.6 acres, is managed by a homeowner's association to provide benefits to burrowing owls, while 31.3 acres along Cypress

Channel and within an existing Southern California Edison easement was enhanced to provide a 'wildlife movement corridor'. CDFW is concerned that these designated mitigated areas have not been properly designed or maintained, and that the ecological process and biological values necessary to support burrowing owls are limited. The SEIR should include a full assessment of the cumulative impacts, as well as the mitigation to date for owls that preside and utilize areas within the Dairy Preserve.

Mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). CDFW strongly encourages that mitigation for impacts to nesting, occupied, and satellite burrows, as well as habitat used for foraging, wintering, and migratory stop-overs be on, adjacent, or proximate to the impact site as long as the habitat is sufficient to support the burrowing owls present. If mitigation occurs offsite, it should be adequate in acreage and include permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to, or better than, that of the impact area.

The SEIR should include:

- An updated burrowing owl mitigation strategy based on reliable data and information;
- The location, acreage, and management status of areas that have been conserved in the City and within the general vicinity; and
- Measure(s) for Lead/Agency/future project proponents to identify and/or use conserved habitat before passive relocation occurs.

Alternatives Analysis

CDFW recommends the SEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would "feasibly attain most of the basic objectives of the Project," and would avoid or substantially lessen any of the Project's significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a "no project" alternative (CEQA Guidelines § 15126.6[e]). The no Project alternative should evaluate how the changing environment, such as climate change and drought, may affect the community if a new or revised general plan were not adopted.

Mitigation Measures for Project Impacts to Biological Resources

The SEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The City should

assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the SEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the SEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.

2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The SEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.

3. *California Species of Special Concern* (CSSC): CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process.

4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the SEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

   The SEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on

access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the SEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center* v. *County* of *Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete *(Sundstrom* v. *County* of *Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry* v. *City* of *Murrieta (1995)* 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc.* v. *County* of *Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the SEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

   CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level

should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act:* Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

   CDFW recommends that the SEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The SEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction surveys are proposed in the SEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way:* To avoid direct mortality, CDFW recommends that the lead agency condition the SEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise by injured or killed, and individuals should be moved only as far a necessary to ensure their safety (i.e., CDFW does not recommend

relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.

8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the project. CESA identifies that it is the policy of the state to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. CDFW is required to comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the SEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA

Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may develop measures to protect fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the SEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

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). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: http://saveourwater.com/what-you-can-do/tips/landscaping/

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). Information can be submitted online or via completion of the CNDDB field survey form at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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

CDFW appreciates the opportunity to comment on the NOP of a SEIR for the Ontario Plan 2050 Project (SCH No. 2008101140) and recommends that the City address the CDFW's comments and concerns in the forthcoming SEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Kim Romich, Senior Environmental Scientist, Specialist, at (760) 937-1380 or at kimberly.romich@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Scott Wilson
8091B1A9242F49C...

Scott Wilson
Environmental Program Manager

ec: Kim Freeburn, Senior Environmental Scientist, Supervisor
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HCPB CEQA Coordinator
Habitat Conservation Planning Branch

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

Attachments:

Exhibit 1 Burrowing owl occurrences with the City of Ontario and surrounding area (City of Chino).
Exhibit 2 Different development (see Table 1 for color reference) and burrowing owl occurrences within the New Model Colony (Ontario Ranch) in Ontario, CA.
Exhibit 3 Milliken landfill located within the City of Ontario, San Bernardino County.
Exhibit 3a Burrowing owl locations surrounding Milliken Landfill.
Exhibit 4 2020 burrowing owl non-breeding survey results at the Ontario International Airport (Helix, 2020).

Exhibit 4a Pomona Valley Audubon Society burrowing owl breeding survey area (red) at adjacent parcels owned by the Ontario International Airport.

Table 1 Different development (see Exhibit 2 for color reference) and burrowing owl occurrences within the New Model Colony (Ontario Ranch) in Ontario, CA.

Table 2 A comparison of CEQA mitigation measures bewteen the NMC Final Program EIR, Ontario Plan DEIR, and projects within the Ontario Ranch

Table 3 Landfills that have implemented burrowing owl measures.

Table 4 Burrowing owl occurrences, findings, and management actions on military air bases and airports.

Exhibit 1 - Burrowing owl occurrences with the City of Ontario and surrounding area (City of Chino).

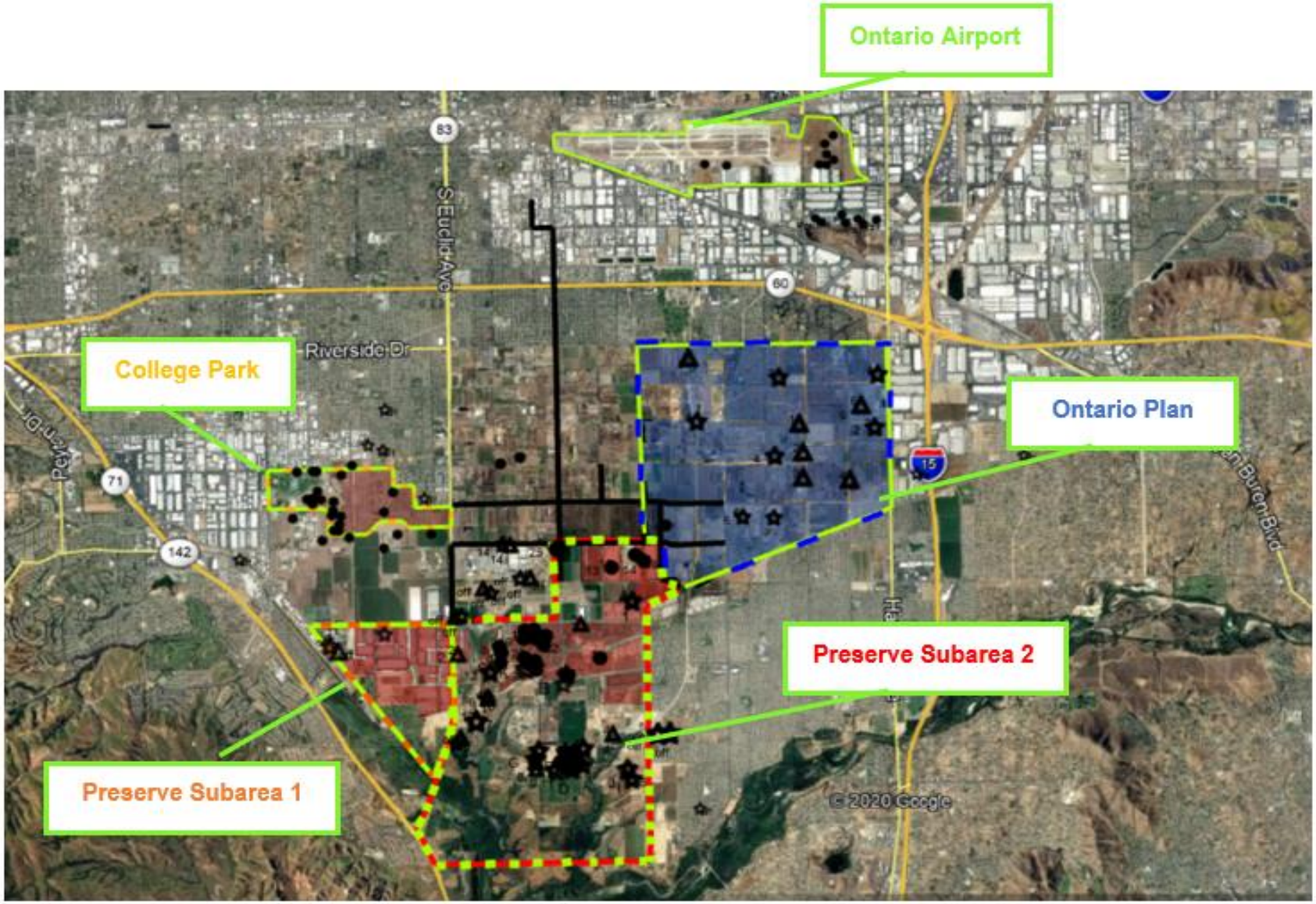

Exhibit 2 – Different development (see Table 1 for color reference) and burrowing owl occurrences within the New Model Colony (Ontario Ranch) in Ontario, CA.

Exhibit 3 – Milliken landfill located within the City of Ontario, San Bernardino County.

Exhibit 3a - Burrowing owl locations surrounding Milliken Landfill.

Exhibit 4 - 2020 burrowing owl non-breeding survey results at the Ontario International Airport (Helix, 2020).

Exhibit 4a - Pomona Valley Audubon Society burrowing owl breeding survey area (red) at adjacent parcels owned by the Ontario International Airport.

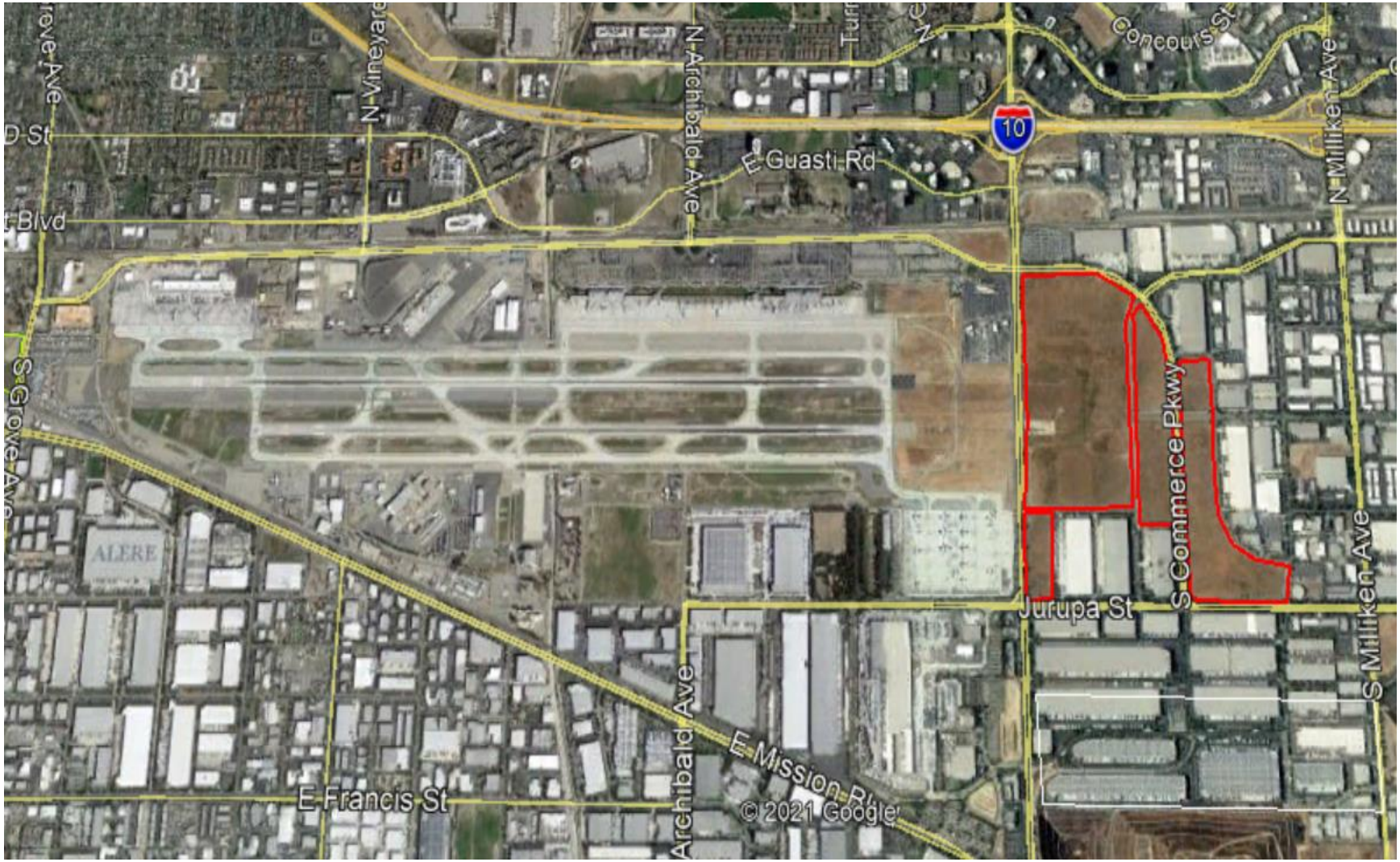

Table 1 – Different development (see Exhibit 2 for color reference) and burrowing owl occurrences within the New Model Colony (Ontario Ranch) in Ontario, CA.

DEVELOPMENT						ENVIRONMENTAL DOCUMENTS																
						CEQA				Biological Survey					CNDDB/BIOS			EBird				
MAP ID	DEVELOPER	DEVELOPMENT	ACRES	PROJECT DEVELOPED	CONSTRUCTION START DATE	ENVIRONMENTAL DOCUMENT	DATE	ENVIRONMENTAL DOCUMENT BURROWING OWL FINDINGS	BURROWING OWL AVOIDANCE/ MITIGATION REQUIREMENT	SPECIFIC BUOW SURVEY	SURVEYOR/ SURVEY YEAR	BURROWING OWL SURVEY RESULTS	REPORT RECEIVED	MAP SYMBOL	SURVEY YEAR	BURROWING OWL SURVEY RESULTS	MAP SYMBOL/ SOURCE	SURVEY YEAR	BURROWING OWL SURVEY RESULTS	Ebird MAP SYMBOL/ SOURCE	MITIGAION FEES ($)
No develoment has occurred (as of when this table was created). No burrowing owl survey reports have been submitted. Each development should have a biological assessment, along with updated focused burrowing owl breeding surveys, and preconstruction burrowing owl surveys. The focused breeding /preconstruction burrowing owl surveys should be conducted by a qualified biologist with results submitted to the City of Chino (CEQA Lead) and CDFW (CEQA Trustee and Responsible Agency) before the commencement of project related activities.																						
1	Brookfield Homes	Edenglen	160		N/A	Specific Plan Final EIR (2004051108)	July 2005	Recon survey – Suitable habitat	Mitigation fees; precon surveys; passive relocation	N/A	N/A	N/A	N/A	N/A	3/11	2 owls at burrow	★ A	N/A	N/A	N/A	691,200
2	Foremost Comm	Countryside	178		N/A	Specific Plan Final EIR (2004071001)	March 2006	N/A	Mitigation fees; consult with CDFW personnel for offsite mitigation areas, whether land purchased by fee or under conservation easement, passive relocation	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	752,940
3	Richland Brookfield Homes	Rich Haven	510		N/A	Draft EIR State 2006-051081	July 2007	Burrowing owl survey included in CEQA	Mitigation fees; Focused surveys; precon surveys;; Develop a mitigation plan to compensate for the loss of burrowing owl occupied habitat.	Focused biological surveys	Bonterra August 2005 and Nov 2005	5 burrows were found on site. 6 adult and 4 juvenile owls were observed.	No	N/A	2010	Up to 15 detectons of owls, 5 occupied burrows, & 1 pair with 2 young	★ E	4/16	1 owl	▲ B	2,157,300
4	Stratham Homes Richland Lewis Companies CV Comm	West Haven	199		N/A	Specific Plan Final EIR (2004071095)	2005	N/A	Mitigation fees	N/A	N/A	N/A	N/A	N/A	5/11	9 detections of owls; 2 nest sites recorded during construction monitoring Dec 2010 - July 2011	★ B	9/14	-	-	841,770
5	Brookfield Homes Richland DistinguishHomes Lewis Companies	The Avenue	569		N/A	SEIR	Oct 2008	N/A	Precon surveys; mitigation fee	N/A	N/A	N/A	N/A	N/A	C-2006 thru 2011 D – 5/05	C- Breeding colony with 4 pairs and numerous juveniles D 4 Owls with nesting burrow and 2 other active owls	★ C ★ D	9/14 4/11	7 - A burrow with 2 adults and 2 juveniles. Other with 1 adult and 1 juvenile	▲ C ▲ D	2,406,870

6	SC Ontario Dev	Parkside	250		N/A	EIR Specific Plan (2004011008)	July 2006	Habitat assessment included - presence of foraging habitat and previous records of presence	Mitigation fees; precon surveys; passive relocation	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	1,057,500
7	Richland Distinguish Homes	Grand Park	320		N/A	EIR (2012061057)	Aug 2013	Habitat assessment included - Suitable habitat occurs and owls have been recorded as occurring adj to the site. Owls have been observed during by AMEC in 2003, 2006, and 2007.	Focused surveys; Mitigation fees	N/A	N/A	N/A	N/A	N/A		N/A	N/A	4/11	1 owl	▲E	1,353,600
8		The Lakes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	F- 4/12-13	2 owls	▲F	N/A
9	GDCI-RCCD, GDC Investment	Esperanza	233	N/A	N/A	FEIR (2002061047)	Dec 2006	Habitat Assessment included 0wls were recorded (L&L Environmental 2001), but were not recorded 2002, 2003, or 2005 surveys	Mitigation fees; precon surveys; passive relocation	N/A	N/A	N/A	N/A	N/A	-	N/A	N/A	4/12-13	-	-	1,006,560
10	SL Ontario Develop Richland Brookfield Homes Lewis Homes (Park Place)	Subarea 29	539	N/A	N/A	Subarea 29 (Hettinga) Specific Plan (2004011009)	June 2006	Habitat Assessment included - No burrows were observed on site, but this species may forage on site and nest in adjacent areas.	Precon survey; Mitigation fees	N/A	N/A	N/A	N/A	N/A	F –6/06 G – 6/06	F - $ adults G - Male observed repeatedly on different days; judging by the season and behavior, a female was assumed in the burrow	★F ★G	N/A	-	-	1,080,000
11	SL Ontario Dev Corp.	Subarea 29 Amendment	25	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	112,320
12	CVRC Ontario Investment	Armstrong	199	No	N/A	Specific Plan DEIR	Sept 2016	Focused survey results included in CEQA	Precon surveys Focused breeding surveys within PA's 1, 6A, 6B or 7 Passive relocation	Focused surveys	GLA/2014 and 2015	None	N/A	N/A	-	-	-	6/09	2 owls	▲A	859,680
13	CDFI Remington	Colony Commerce Center	123	N/A	N/A	DEIR (2015061023)	2016	CEQA included focused survey	No mitigation measures proposed	Focused Survey	PCR/2015	None	N/A	N/A	-	-	-	-	-	-	531,360
14	CDFI Remington	Colony Commerce Center East	123	N/A	N/A	DEIR (2015061023)	2016	Focused survey results included in CEQA	No mitigation measures proposed	Focused Survey	ESA/2017	None	N/A	N/A	-	-	-	-	-	-	

15	N/A	West Ontaio Commerce Center	134.5	N/A	N/A	N/A	N/A	N/A	N/A	Focused Survey	Ecological Sciences/ 2015,2016, 2017 Hernadez Consulting/ 2019	None Multiple Burrows with 1 BUOW	Yes (GLA) Yes A	N/A	_	-	-	-	-	-	583,200
Development has occurred. Burrowing owl reports have yet to be submitted. The biological assessment, focused burrowing owl breeding surveys, and preconstruction burrowing owl surveys should be submitted to CDFW (CEQA Trustee and Responsible Agency).																					
1	L&F Prop north LP		37.9	Yes	2002	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	
2	L&F Prop South LP		66.8	Yes	>1994	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	
3			386	Yes	>1998	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	
4	Archibald Ranch Comm Church	Church	16	Yes	>1998	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	
5			44	Yes	2016	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	190,080
Open habitat owned by a public agency that has yet to be developed																					
1	KB Home Coastal	N/A	9.4	No	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	
1	San Bernardino Co Flood	N/A	85.1	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	-	-	-	-	-	-	
TOTAL				3,484 acres																	$13,624,380

Table 2 – A comparison of CEQA mitigation measures bewteen the NMC Final Program EIR, Ontario Plan DEIR, and projects within the Ontario Ranch.

Map ID #	PROJECT	SPECIFIC PLAN ENVIRONMENTAL DOCUMENT	EIR MITIGATION MEASURE BR - 1	EIR MITIGATION MEASURE BR - 2	DEIR MITIGATION MEASURE 1	DEIR MITIGATION MEASURE 2	DEIR MITIGATION MEASURE 3	DEIR MITIGATION MEASURE 4
			~~2:1 Mitigation Waterfowl Habitat Mitigation~~	~~Waterfowl and~~ Raptor Conservation Area	Mitigation Fees	On Site Land Conservation or Owl Relocation	Land Conservation	Land Easement
1	Edenglen	Edenglen Specific Plan FEIR	Eliminated	TBD	X	X		
2	Countryside	Countryside Specific Plan FEIR	Eliminated	TBD				
3	Rich Haven	Rich Haven Specific Plan FEIR	Eliminated	TBD	X	X	X	X
4	West Haven	West Haven Specific Plan DEIR	Eliminated	TBD				
5	The Avenue	N/A	Eliminated	TBD	X			
6	Parkside	Parkside Specific Plan FEIR	Eliminated	TBD				
7	Grand Park	Grand Park Specific Plan FEIR	Eliminated	TBD	X			
8	The Lakes	The Lakes SEIR	Eliminated	TBD	X			
9	Esperanza	Esperanza Specific Plan FEIR	Eliminated	TBD	X	X		
10	Subarea 29 (Park Place)	Subarea 29 Specific Plan FEIR	Eliminated	TBD	X			
11	Subarea 29 Amendment	Subarea 29 Specific Plan FEIR	Eliminated	TBD				
12	Armstrong	Armstrong Specific Plan FEIR	Eliminated	TBD	X	X		
13	Colony Commerce Center	Colony Commerce Center Specific Plan DEIR	Eliminated	TBD				
14	Colony Commerce Center East	Colony Commerce Center East Specific Plan DEIR	Eliminated	TBD				
15	West Ontario Commerce Center	West Ontario Commerce Center Specific Plan DEIR	Eliminated	TBD				

Table 3 - Landfills that have implemented burrowing owl measures.

Landfill	Operation Status	Current Use	Burrowing Owl Objectives	Supporting Documents
Mountainview Landfill Mountainview, CA	Class III Landfill Closed 1983	750- acre Shoreline Park with refuse still remaining beneath 440 acres.	• Manage and maintain at least 300 acres of medium- to high-quality habitat. • Monitor population and habitat conditions. • Protect owls from project impacts. • Provide more on-site support from biologists than is currently provided by the part-time biologist. • Actively control predators, especially nonnative and nuisance species. • Support an average breeding season population of at least 10 pairs of owls. • Nest success rate of approximately 50% to 75%.	Burrowing Owl Preservation Plan
Sunnyvale Landfill Sunnyvale, CA	Class III Landfill Closed 1993	93-acre open space habitat	• Monitor the number and location of owls at the landfill. • Manage vegetation height to ≤ 6 inches at occupied owl burrows and leave islands of taller, denser vegetation to support prey populations. • Improve prey base by planting native perennials in uplands and constructing rock/brush piles. • Install additional artificial burrow mounds. • Implement non-native predator control measures.	Biological Constraints and Opportunities Analysis
El Sobrante Landfill Corona, CA	Class III Landfill Active since 1986	1,322 acres with 688 acres actively managed as a habitat preserve	• Pay 1 million per year to the Western Riverside County Multiple Species Habitat Conservation Plan. • Full-time biologist employed to oversee the completion of monthly, annual and three-year reports that track progression with the HCP and conservation goals. • 'Rolling closures' where areas are closed and restored in phases and monitored. • Weeding several times each year and reseeding areas to ensure success criteria (plant cover, species diversity and minimal weeds) are being met. • Installation of artificial burrows.	Citizen Oversight Power Point

Lemoore Naval Air Station Lemoore, CA	Class III Landfill Closed 1993	Of the 18,784 acres, approximately 14,000 acres are allocated to agricultural production and 50 acres provide wildlife habitat from a reclaimed landfill that is designated as Fresno kangaroo habitat.	• Restoration of native grassland. • Implementation of grazing and mowing. • 6 clusters of 3 artificial burrows were established to augment the owl population, with owls successfully nesting in most of these burrows.	Burrowing Owl Adaptive Management Plan
Palo Alto Landfill Palo Alto, CA	Class III Landfill Closed 2014	The entire 137-acre landfill will eventually be converted to park use	• Installation of artificial burrows. • Mow habitat to less than 5 inches. • Implement a nonnative removal program.	Palo Alto Byxbee Proposed Plan
Yuma Landfill Yuma, CA	Class III Landfill Closed 1970	Converted 110 acres into West Wetlands Park with refuse beneath.	• Establish 20 artificial burrows for relocated burrowing owls and built a viewing platform for public observation.	West Wetlands Park Information

Table 4 - Burrowing owl occurrences, findings, and management actions on military air bases and airports.

Location	State	Management Plan	Comments
		Military	
Kirkland Airforce Base	NM	N/A Study (2021)	The number of breeding pairs of Burrowing Owls increased from one pair in 2013 to 28 pairs in 2019 and 2020, and the number of fledglings produced increased from one in 2013 to 84 in 2019 and 61 in 2020. The recovery was not uniform across all areas of Kirtland Air Force Base, and some formerly occupied areas remained unoccupied. We documented dispersal outside the Air Force base boundary and that the number of breeding pairs was more strongly influenced by the number of offspring produced in the prior year than the number of owls returning from prior years, which indicated that the population is part of a larger metapopulation. Our results demonstrate that the maintenance of Burrowing Owl populations is not necessarily at odds with safe airfield operations, that Burrowing Owls exhibit complex population dynamics, and can rapidly recolonize previously occupied areas if habitat and nest sites remain suitable.
NAS Lemoore	CA	2009	Surveys of burrowing owls at NAS Lemoore in 1997-2000, and again in 2008. 43 - 85 active nests were observed each year and were located in 5 primary areas clustered around the wildlife areas, runway strips in Air Operations, buffer strips near the runways, the capped landfill, and occasionally a nest was seen at the receiver or transmitter site. Many of the owl nest sites were located within 10 m of runways.
NAF El Centro	CA	2005	Unlike other airfields such as Moffett Federal Airfield in San Jose or NAS Lemoore in the San Joaquin Valley, NAF El Centro does not provide critical habitat in a matrix of unsuitable or poor-quality habitat for the burrowing owl. Management therefore does not need to be focused on maintaining a resident population, but primarily on preventing owl occupancy of areas where they potentially pose a threat to human safety due to bird aircraft strike hazard. Maintenance of owl populations in parts of NAF El Centro away from the airfield is desirable. Although burrowing owls appear to pose only a small hazard to aircraft relative to other avian species in the region such as egrets and gulls, risk due to burrowing owl presence in the airfield can be easily reduced than for these other species. The primary method for reducing risk is is discussed where aircraft altitude is low but engines are at full power for takeoff.

Naval Airforce Base North Island (Coronado)	CA	2013	Largest colony of burrowing owl in San Diego County prior to 2007, between 8-30 pairs annually. Management Plan is being developed to maintain owls while reducing likelihood of potential air strikes. Continue mowing and monitoring of owls and burrows.
Cannon AFB	NM		DoD Legacy funded-project evaluating migratory linkages of Burrowing Owls in western North America.200 6- use stable isotopes of owl feathers, genetics from blood samples, and radio telemetry to quantify the importance of DoD lands to Burrowing Owl populations in the region, document the extent to which Burrowing Owls disperse between populations, identify where owls breeding on DoD installations spend the winter, and quantify land-use of migrating and wintering owls in the region.
Holloman AFB	NM		Participant in the DoD Legacy funded-project above
Buckley AFB	CO		Participant in the DoD Legacy funded-project above
Pinon Canyon Maneuver Site	CO		Participant in the DoD Legacy funded-project above
Schriever AFB	CO		Participant in the DoD Legacy funded-project above
AIRPORTS			
Oakland Municipal Airport	CA		Followed banded owls on airport from 1964 - 1966
San Jose	CA	1997	