City of Ontario

ONTARIO POLICY PLAN AMENDMENT

June 2026 | Final Supplemental Environmental Impact Report

State Clearinghouse No. 2025110102



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City of Ontario

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1. INTRODUCTION

This Final Supplemental Environmental Impact Report (Final SEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA), as amended (Public Resources Code Sections 21000 et seq.), and the CEQA Guidelines (California Code of Regulations Sections 15000 et seq.).

According to the CEQA Guidelines Section 15132, the Final EIR shall consist of:

(a) The draft EIR or a revision of the draft.

(b) Comments and recommendations received on the draft EIR either verbatim or in summary.

(c) A list of persons, organizations, and public agencies comments on the draft EIR.

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.

(e) Any other information added by the lead agency.

This document contains responses to comments received on the Draft SEIR for The Ontario Plan (TOP) 2050 Policy Plan Amendment during the public review period, which began March 5, 2026, and closed April 20, 2026. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated Draft SEIR comprise the Final SEIR, in accordance with CEQA Guidelines Section 15132.

1.1 FINAL EIR ORGANIZATION

Chapter 1, Introduction. This chapter describes CEQA requirements and the content of this Final EIR.

Chapter 2, Response to Comments. This chapter provides a list of agencies, organizations, and individuals commenting on the Draft SEIR; comments received during the public review period; and responses to comments.

Chapter 3, Revisions to the Draft EIR. This chapter contains revisions to the Draft SEIR as a result of the comments received by agencies and interested persons, as described in Section 2,

and/or errors and omissions discovered subsequent to release of the Draft SEIR for public review.

The responses to comments contain material and revisions that will be added to the text of the Final SEIR. City of Ontario staff has reviewed this material and determined that none of this material constitutes the type of significant new information that requires recirculation of the Draft SEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft SEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in CEQA Guidelines Section 15088.5.

1.2 ENVIRONMENTAL REVIEW PROCESS

1.2.1 Notice of Preparation and Scoping Meeting

The City of Ontario has determined that a Supplemental EIR would be required for this project and issued a Notice of Preparation (NOP) on November 4, 2025. The NOP and comments received during the NOP's public review period, from November 4 to December 5, 2025, are in Appendix A, *Notice of Preparation,* of the Draft SEIR. The NOP process is used to help determine the scope of the environmental issues to be addressed in the Draft SEIR. There were a total of 16 unique agencies/organizations/residents that responded to the NOP. This SEIR has taken those responses into consideration.

SCOPING MEETING

Prior to preparation of the SEIR, the City of Ontario hosted a public scoping meeting on November 20, 2025, to determine the concerns of responsible and trustee agencies and the community regarding the proposed project. The scoping meeting identified concerns related to truck routes, warehousing, and associated air quality, noise, and vibration impacts; loss of agricultural resources; and increased housing density.

1.2.2 Final EIR Certification

The Draft SEIR was circulated for public review for 45 days from March 5, 2026, to April 20, 2026. Interested agencies and members of the public were invited to provide written comments on the Draft SEIR to the City. Upon completion of the 45-day review period, the City of Ontario has reviewed all written comments received and prepared written responses for each, see Chapter 3, *Revisions to the Draft EIR*. The Final SEIR incorporates the comments received during the NOA public review period, responses to the comments, and any changes to the SEIR that

result from comments. The Final SEIR will be presented to the City of Ontario for potential certification as the environmental document for the project. All persons who comment on the SEIR will be notified of the availability of the Final SEIR and the date of the public hearing before the City.

The SEIR was available to the general public for review at various locations:

- City of Ontario, City Hall, Planning Department, 303 East B Street, Ontario, CA 91764
- Ovitt Family Community Library, 215 East C Street, Ontario, CA 91764
- Lewis Family Branch, 3850 East Riverside Drive, Ontario, CA 91761
- Online at: https://www.ontarioca.gov/Planning/Reports/EnvironmentalImpact

Public agencies that submitted comments during the 45-day public review period on the SEIR will receive written responses to their comments at least 10 days prior to final action on the proposed project. If the City Council decides to certify the Final SEIR, it will make the necessary findings required by CEQA and the CEQA Guidelines regarding the extent and nature of the impacts presented in the Final SEIR. The Final SEIR must be certified by the City prior to making a decision to approve the proposed project. Public input is encouraged at all public hearings and meetings before the Planning Commission and City Council concerning the proposed project.

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2. RESPONSE TO COMMENTS

Section 15088 of the California Environmental Quality Act (CEQA) Guidelines requires the lead agency to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft Supplemental Environmental Impact Report (SEIR) and to prepare written responses.

This chapter provides all comments received on the Draft SEIR and the lead agency's responses to each comment. Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the Draft SEIR are excerpted in this document, the sections are shown indented. Changes to the Draft SEIR text are shown in double underlined text for additions and ~~strikeout~~ for deletions.

2.1 LIST OF COMMENTERS

Table 2-1, *List of Commenters*, lists the agencies, organizations, and residents that provided comments on the Draft SEIR during the public review period.

Table 2-1 List of Commenters

Number Reference	Commenter	Date of Comment
Agencies		
A1	San Bernardino County	March 9, 2026
A2	Department of Toxic Substance Control (DTSC)	March 18, 2026
A3	Omnitrans	April 10, 2026
A4	South Coast Air Quality Management District (South Coast AQMD)	April 16, 2026
A5	City of Chino	April 20, 2026
A6	San Bernadino County Land Use Services Department	April 20, 2026
A7	California Department of Transportation	April 20, 2026
Organizations		
O1	Golden State Environmental Justice Alliance (GSEJA)	April 16, 2026
O2	Center for Biological Diversity	April 20, 2026
O3	Fair Ontario	April 20, 2026

Table 2-1 List of Commenters

Number Reference	Commenter	Date of Comment
Residents		
R1	Alejandra Barajas	March 5, 2026
R2	Yesenia Varela	March 6, 2026
R3	Annjanet Cruz	March 9, 2026
R4	Ray Smith	April 15, 2026
R5	Randi Campbell	April 17, 2026
R6	Tina Silva	April 20, 2026
R7	Marty McBride	April 20, 2026

2.2 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review of and comment on Draft EIRs should be

> . . . on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. . . . CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

The CEQA Guidelines further advises,

> Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence. (sec. 15204[c])

> Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility. (sec. 15204[d])
>
> This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section. (sec. 15204[e])

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be provided to those agencies at least 10 days prior to certifying the EIR.

2.3 COMMENTS AND RESPONSES

This section includes a reproduction of and response to each comment received during the public review period for the Draft SEIR. Comments are presented in their original form in Appendix A, *Draft SEIR Comments Received*, and annotated to identify each comment number.

Responses to individual comments are provided in this chapter following the text of each corresponding comment. Comments are arranged by category, date received, and name. Categories and their corresponding abbreviations are:

- Agencies (A)
- Organizations (O)
- Residents (R)

2.3.1 Comments from Agencies

A1. San Bernadino County, Land Use Services Department – March 9, 2026

Comment A1-1

The County of San Bernardino has received the attached Notice of Availability (NOA) for The Ontario Plan (TOP) 2050 Policy Plan Amendment Supplemental Environmental Impact Report (EIR).

Could you please provide a map identifying the sites proposed for land use changes, including any sites within the Eucalyptus Business Park Specific Plan, in addition to those addressed in the Policy Plan? I understand that the proposed amendment could result in up to 7,225 additional residential units and approximately 4.3 million square feet of additional nonresidential uses. While I was able to locate the proposed zoning map on the City's EIR webpage, it is difficult to determine which specific sites are proposed for change and their new designations without a before-and-after comparison. If a comparison map is not readily available, could you instead provide a list of the affected sites, including their addresses or APNs, acreage, and current and proposed land use/zoning designations?

Additionally, could you please confirm whether any truck routes are proposed to be modified, or whether the update is limited to adding vibration-related impact considerations to Policy M-4.1 to address potential impacts from truck traffic?

Response A1-1

The City replied to the San Bernardino County Land Use Services Department on March 10, 2026. As noted in the City's reply, the Draft SEIR Section 2.0, *Project Description*, identifies all the parcels in the EBPSP (see Draft SEIR Section 2.1.1) and the parcels affected by the Policy Plan Amendment (see Draft SEIR Section 2.4.1).

The Draft SEIR addresses AB 98 and shows both the City's Current Truck Routes (see Draft SEIR Figure 2-8, *Current Truck Routes*) and Proposed Truck Routes (see Draft SEIR Figure 2-9, *Proposed Truck Routes*).

A2. Department of Toxic Substance Control (DTSC) – March 18, 2026

Comment A2-Intro

The Department of Toxic Substances Control (DTSC) reviewed the Draft Environmental Impact Report (DEIR) for the Ontario Plan 2050 Policy Plan Amendment Supplemental Environmental Impact Report (Project). The proposed Project is a Policy Plan Amendment to The Ontario Plan (TOP). The Policy Plan Amendment project component primarily involves modifying the currently permitted and planned TOP land use pattern across more than 1,300 acres in southern Ontario. These proposed changes to TOP are driven by requests from property owners and developers who seek to alter the allowable type or intensity of land use on their properties as well as land use changes required to improve land use compatibility, maintain compliance with state laws, uphold long-term planning goals, and plan for a cohesive land use pattern that repositions the southwest portion of the city as a regional employment and logistics center. A critical aspect of these proposed Policy Plan Amendments is to ensure compliance with state laws. DTSC recommends and requests consideration of the following comments:

Response A2-Intro

The Department of Toxic Substances Control's (DTSC's) overview of project description is acknowledged. Responses to DTSC's comments are provided in responses A2-1 through A2-2 below.

Comment A2-1

1. There are several areas of which DTSC has regulatory oversight over that are within the Ontario Plan 2050 Policy Plan, whether they are listed as having documented contamination, land use restrictions, are subject to a Hazardous Waste Facility Permit, or the potential for the Project site to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends further coordination with the Department in the event that the proposed Project may impact any of the areas that may fall under DTSC's oversight. Please review the project area in Ontario, CA EnviroStor[https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Ontario+++California&__cf_chl_rt_tk=ePdg4aJ2Yb.54whfA3flnIE10lZX2zDtGOiWD3RPI4I-1776720557-1.0.1.1-qJPN1yCsDeghShDDHEtvfsfcgpcKxgHrZW5zpC9nX1k]; DTSC's public-facing database and coordinate with the Department if any suspected decisions may impact these areas of which DTSC oversees.

Response A2-1

The comment notes that DTSC has regulatory oversight in certain areas of the project area and recommends coordinating with DTSC if the proposed project could affect any areas under its jurisdiction. Table 3.9-1, *Hazardous Materials Sites in the City of Ontario*, and Figure 3.9-1, *Hazardous Materials Cleanup Sites in Ontario (Open Cases),* of the Draft SEIR describes the hazardous material sites based on Toxics Release Inventory (TRI) Toxics Tracker, EnviroStor, and GeoTracker in Ontario. Future development on sites listed in Table 3.9-1, would be required to comply with applicable federal and state regulations and City ordinances, including coordination with DTSC where applicable, to minimize potential release and exposure of hazardous materials.

Comment A2-2

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual [https://dtsc.ca.gov/wp-content/uploads/sites/31/2023/06/PEA_Guidance_Manual.pdf]. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet [https://dtsc.ca.gov/information-advisory-clean-imported-fill-material-fact-sheet/]if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

Response A2-2

The EBPSP would require import of up to 150,000 cubic yards (CY) of soil. In accordance with the requirements of the EBPSP geotechnical evaluation, the imported soil would be required to be suitable for the proposed uses. Additionally, it is a construction management best practice to test imported soils prior to transport to ensure that they are suitable for the proposed use. Likewise, future projects constructed in accordance with the Ontario Policy Plan Amendment, like the approved TOP 2050 would also implement similar construction management best practices regarding soil import. The City of Ontario requires submission of a soil engineering and engineering geology evaluation prior to issuance of a grading permit and requirements for testing of soil may be required as part of this process. The proposed project would comply with all applicable federal and state regulations governing the importation and use of soil and fill material.

Comment A2-3

DTSC appreciates the opportunity to comment on the DEIR for the Ontario Plan 2050 Policy Plan Amendment Supplemental Environmental Impact Report. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via the for additional guidance.

Response A2-3

This comment does not address the adequacy of the analysis in the Draft SEIR and no further response is necessary.

A3. OmniTrans – April 14, 2026

Comment A3-Intro

Omnitrans appreciates the opportunity to provide comments on the Ontario Plan 2050 Policy Plan Amendment Supplemental Draft Environmental Impact Report (EIR). Our comments focus on transit considerations as Ontario Ranch continues to experience significant growth:

Response A3-Intro

Responses to OmniTrans' comments are provided in Responses A3-1 through A3-4. The City is committed to continuing to work with OmniTrans on transit planning, implementation, and service in the Ontario Ranch area.

Comment A3-1

Omnitrans is supportive of the increased densities along Edison Avenue—which is identified as a transit priority corridor in SBCTA's Long Range Multimodal Transportation Plan (LRMTP) [https://www.gosbcta.com/wp-content/uploads/2026/03/LRMTP-Appendix-B-Transit-Vision.pdf], particularly as Ontario Ranch becomes more developed. The levels of density that Edison is proposed to see meet the threshold of Bus Rapid Transit (BRT) service. We also note that Euclid Avenue and Haven Avenue are also designated as a transit priority corridors in the LRMTP. Identifying connectivity with future Housing Element sites will be an important consideration for both Omnitrans and the City of Ontario as growth continues.

Response A3-1

OmniTrans' support of the increase in density of the transit priority corridor to support future BRT are noted. The City looks forward to continuing support and coordination with Omnitrans to provide excellent service to existing and future Ontario Ranch residents, increase transit service in the region, and complete regional housing goals.

Comment A3-2

As several roadways that are anticipated to absorb the impact of upzoned housing sites will be widened as envisioned in the City's adopted Mobility Element, Omnitrans requests continued and structured coordination with the City to identify BRT/transit supportive features to improved roadways. These features include, but are not limited to:

- Safe, signalized pedestrian crossings at bus stop locations
- Curb space accommodations for future bus stops and amenities

- Transit Signal Priority (TSP) and other operational treatments at Enhanced Intersection locations
- Potential for dedicated transit lanes on BRT corridors
- Transit-supportive active transportation infrastructure such as Class IV and Class II+ buffered bike lanes, Leading Pedestrian Intervals, and other traffic calming measures.

Response A3-2

OmniTrans' comments on the TOP 2050 Policy Plan Amendment Mobility do not address the adequacy of the analysis in the SEIR. The City will continue to coordinate with Omnitrans to ensure BRT/transit supportive features along future roadways within the Ontario Ranch, as noted by OmniTrans, facilitate safe and efficient access to regional transit. The City will continue to implement its Active Transportation Plan to provide and improve access to bus stops, including future BRT stops.

Comment A3-3

Omnitrans also strongly supports rerouting existing truck routes away from concentrations of high-density housing and future transit priority corridors. Changes to truck circulation patterns significantly affect transit viability and user safety, particularly regarding stop accessibility, curb space, and pedestrian or bike conflicts with truck traffic. These considerations are particularly important in Ontario Ranch as the area continues to add housing and employment and the demand for transit continues to grow. However, if truck volumes, driveway conflicts, and corridor congestion increase without proactive mitigation, transit service can become slower, less reliable, and more expensive to operate. Logistics facilities are more difficult to integrate well with transit, but with early coordination (particularly on stop access, sidewalks, crossings, and employer participation), transit service will have a higher chance of success in this new region.

Response A3-3

OmniTrans' comments in support of changes to the City's Truck Routes to reroute existing truck routes away from high-density housing and transit priority corridors are noted. As stated in Chapter 2, *Project Description*, under "Transportation Updates" (see sections starting on page 2-38), the SEIR identifies the factors considered in selecting the proposed Truck Routes identified in Figure 2-9, *Proposed Truck Routes*. The City is actively responding to AB 98/SB 415 requirements to promote truck travel on appropriate truck routes and avoid existing and future sensitive receptors to the best extent possible.

Section 3.17, *Transportation*, evaluates potential hazards associated with traffic movements. As noted in this section, all plans undergo an extensive review process at the City to ensure

consistency with these adopted standards. At the time of project review for warehouse project/truck intensive projects, the City Engineer will review ingress/egress points for potential compatibility issues with OmniTrans BRT/transit service. The City is committed to continuing to work with OmniTrans on transit planning, implementation, and service in the Ontario Ranch area.

Comment A3-4

Omnitrans appreciates the City's commitment to the expansion of Bus Rapid Transit, as demonstrated through its partnership on the sbX Purple Line. Omnitrans requests to remain an active stakeholder in the developmental planning process, particularly as it relates to Ontario Ranch and its growth, potential, and regional significance.

<Photo>

Response A3-4

The City is committed to continuing to work with OmniTrans on transit planning, implementation, and service in the Ontario Ranch area.

A4. South Coast Air Quality Management District – April 16, 2026

Comment A4-Intro

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Ontario is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff have provided a brief summary of the project information and prepared the following comments, organized by topic of concern.

Summary of Project Information in the Draft SEIR

Based on the Draft SEIR, the Proposed Project consists of two primary components: The Ontario Plan (TOP) Policy Plan Amendment (PPA) and the Eucalyptus Business Park Specific Plan (EBPSP).

The PPA component would modify the existing and planned land use pattern within the TOP area, encompassing more than 1,300 acres in the southern portion of the City of Ontario.[1] In addition, the PPA includes updates to the City's designated truck route network to ensure consistency with Assembly Bill 98 (AB 98).[2] Specifically, two roadway segments would be removed from, and three segments added to, the City's official truck route system.[3]

The EBPSP component would establish a specific plan over approximately 189 acres, consisting of nine Planning Areas (PAs).[4] Land uses would include approximately 137.9 acres designated for Business Park uses, 36.15 acres for Open Space–Parkland, and 14.97 acres for roadway and circulation improvements.[5] Development within PAs 1 through 6 would accommodate up to approximately 2,939,000 square feet (sf) of industrial/business park uses. Individual building sizes would not exceed 560,000 sf, and cold storage uses would be prohibited.[6] PAs 7 through 9 would be developed as Open Space–Parkland.[7] Additionally, the Specific Plan allows for the potential development of a 35,000 sf publicly operated animal resource center, should the City elect to include it in the Specific Plan areas.[8] The EBPSP site is generally bounded by Campus Avenue to the west, Eucalyptus Avenue to the south, and Walker Avenue to the east.[9] Based on a review of aerial imagery, the nearest sensitive receptor is located approximately 100 feet north of the EBPSP site.

The EBPSP construction is anticipated to commence in January 2027 and continue through June 2031,[10] and would occur in three phases,[11] with the details[12] as follows:

- Phase 1 (2028)
  - 340,700 sf industrial park
  - 553,300 sf warehousing

  - 326,200 sf high-cube fulfillment center (sort)
  - 33.8-acre park
- Phase 2 (2029)
  - 273,700 sf industrial park
  - 553,300 sf warehousing
  - 261,000 sf high-cube fulfillment center (sort)
  - 5,000 sf retail
  - 5,000 sf fast-food restaurant with drive-thru
  - 35,000 sf public animal shelter
  - 37.7-acre park
- Phase 3 (2031)
  - 162,600 sf industrial park
  - 211,700 sf manufacturing
  - 163,600 sf warehousing
  - 47,900 sf high-cube fulfillment center (sort)
  - 21-acre park

1 Draft SEIR. p. 2-17.

2 Ibid. p. 2-20.

3 Ibid. p. 2-54.

4 Ibid. p. 2-20.

5 Ibid. p. 2.49.

6 Ibid. p. 2-50.

7 Ibid. p. 2-53.

8 Ibid.

9 Ibid. p. 2-54.

10 Ibid. p. 2-75.

11 Ibid. p. 2-77.

12 Appendix C3: EBPSP AQ Study. p. C3-17.

Response A4-Intro

The South Coast Air Quality Management District's (South Coast AQMD) overview of project description is acknowledged. Responses to South Coast AQMD's comments are provided in responses A4-1 through A4-11 below.

Comment A4-1

South Coast AQMD Comments

Truck Idling Duration and Emissions Modeling

Appendix C4 (EBPSP HRA) of the Draft SEIR evaluates truck emissions with 15 minutes of idling per truck per day to estimate diesel particulate matter (DPM) emissions for the health risk assessment (HRA).[13] However, the actual idling times may be longer in duration since the EBPSP is anticipated to involve a total of 1,218 two-way truck trips per day.[14] Moreover, it is reasonable to expect that individual trucks may experience extended periods of idling due to on-site queuing, security checks, staging, loading, and unloading operations, among other factors, particularly during peak hours or in congested circulation areas. As such, a 15-minute idling duration may underestimate actual on-site idling behavior and, consequently, DPM emissions, which are a key contributor to localized health risks.

While the California Air Resources Board (CARB) limits diesel truck idling to five minutes as set forth in the Airborne Toxic Control Measure (ATCM), an exemption from this requirement is allowed for trucks equipped with engines that meet the optional low-NOx idle emission standard, which is typically applicable to model year 2008 and newer trucks. These vehicles, often referred to as "clean idle" certified, are permitted to idle longer than five minutes when situated more than 100 feet from sensitive land uses such as homes and schools.[15] Furthermore, CARB's EMFAC2021 Volume III Technical Document (Table 4.4.2-5) indicates that heavy-duty trucks may idle for up to five hours at a single location under certain conditions.[16] For these aforementioned reasons, as a practical matter, the idling duration for onsite heavy-duty trucks visiting the Proposed Project site could idle for a much longer duration than what was analyzed in the Draft EIR. Thus, the HRA may have substantially underestimated the full extent of operational health risks associated with the DPM emissions from the anticipated onsite heavy-duty truck activities.

Accurate characterization of idling activity is essential to fully assess the potential health risk impacts, particularly for nearby sensitive receptors. Therefore, to ensure the HRA provides an accurate and health-protective estimate of potential exposure, the Lead Agency is recommended to either: 1) revise the operational emissions modeling in the Final SEIR to assume a minimum of 30 minutes of idling per truck per day, unless site-specific data or operational constraints justify a shorter duration; or 2) provide empirical evidence, such as

facility-specific queuing and processing time studies, vehicle circulation modeling, or comparable industry data, to substantiate the 15-minute assumption as representative of expected operations of the Proposed Project.

13 Appendix C4: EBPSP HRA. p. C4-19.

14 Appendix C4: EBPSP HRA. p. C4-20.

15 CARB, Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling was promulgated in Chapter 13 of the California Code of Regulations, Section 2485: Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling, available at https://ww2.arb.ca.gov/sites/default/files/2022-06/13_CCR_2485_OAL_06222022-2_ADA_06272022_0.pdf

16 CARB, EMFAC2021 Volume III Technical Document, Table 4.4.2-5, p. 161., available at https://ww2.arb.ca.gov/sites/default/files/2021-03/emfac2021_volume_3_technical_document.pdf

Response A4-1

The City acknowledges this comment and has reviewed the idling assumptions contained in Appendix C4 (EBPSP HRA). The EBPSP HRA applies a 15-minute onsite idling duration consistent with South Coast AQMD guidance for CEQA health risk assessments, which is specifically intended to capture the cumulative time associated with truck queuing, check-in, staging, and loading/unloading at logistics facilities. This assumption is inherently conservative in that it exceeds CARB's 5-minute regulatory limit under the ATCM and thereby encompasses any idling that could occur under the "clean idle" certified truck exemption. The 15-minute figure represents a worst-case operational scenario derived from South Coast AQMD-recommended methodology for evaluating mobile source health risk.

The comment references CARB's EMFAC2021 Technical Document (Table 4.4.2-5) as evidence that trucks may idle up to 5 hours under certain conditions. The City notes that this reference reflects absolute maximum idling durations under a range of conditions for the entire EMFAC modeling framework and is not representative of average or expected onsite idling behavior at a business park/industrial project of this type. Applying a 5-hour or even 30-minute idling assumption, as recommended by South Coast AQMD, across the entire truck fleet without site-specific empirical support would itself be speculative and inconsistent with the project's operational characteristics.

Notwithstanding the foregoing, and consistent with the approach taken in other comparable CEQA documents for warehouse and industrial projects in the South Coast Air Basin, the City would require the Applicant to implement an enhanced idling restriction as a project condition

via Mitigation Measure (MM) AIR-3-SP. Specifically, based on comments received on the Draft SEIR, MM AIR-3-SP would require the limiting of all onsite heavy-duty diesel truck idling to a maximum of 2 minutes, enforceable through signage at loading dock facilities and the project's Mitigation Monitoring and Reporting Program. This condition further reduces actual idling below the conservative modeling assumption already used in the HRA and ensures that DPM emissions from onsite truck activity are minimized to the greatest extent feasible. Accordingly, the HRA does not underestimate operational health risk, and the conclusions of the Draft SEIR remain valid. Changes to MM AIR-3-SP to reflect the two minute idle time requirement can be found in Chapter 3, *Revisions to the Draft SEIR*.

Comment A4-2

Completion of the Overlapped Emissions Analysis

Appendix C3 (EBPSP Air Quality Study) of the Draft SEIR includes a discussion of the temporal overlap between construction and operational activities.[17] However, the analysis presents combined emissions without a corresponding determination of significance.[18] While the South Coast AQMD has not established specific thresholds of significance for overlapping construction and operational emissions, a standard practice is to conservatively compare the combined (overlapping) emissions to the applicable operational significance thresholds to evaluate potential impacts. Therefore, the Lead Agency is recommended to revise the air quality analysis to include a determination for overlapping construction and operational emissions using South Coast AQMD's air quality ***operational*** significance thresholds. Where exceedances of applicable thresholds are identified, the analysis should identify, evaluate, and incorporate all available and feasible mitigation measures to reduce emissions to the maximum extent practicable. Such measures may include, but are not limited to, enhanced equipment emissions controls, construction scheduling refinements to minimize overlap, and increased reliance on zero- and near-zero emission technologies. The revised analysis and conclusions should be included in the Final SEIR to ensure a complete and transparent assessment of potential air quality impacts.

17 Appendix C3: EBPSP AQ Study. p. C3-65.

18 Appendix C3: EBPSP AQ Study. p. C3-926.

Response A4-2

The City acknowledges this comment but respectfully disagrees that the Draft SEIR's air quality analysis is deficient with respect to overlapping construction and operational emissions. The Draft SEIR's air quality analysis was prepared consistent with South Coast AQMD's 1993 CEQA Air Quality Handbook, which establishes the standard methodology for quantifying construction and operational emissions separately and comparing each to applicable significance thresholds. This approach reflects South Coast AQMD's own established guidance for CEQA air quality

analyses. See Section *9.8 Analyzing and Reporting Emissions* from the 1993 CEQA Handbook (Page 9-15) which states: *"The environmental documentation should demonstrate clearly that the amount of emissions generated by the project have been compared to the thresholds of significance. In this step, construction and operational related emissions should be considered separately."*

Notwithstanding the foregoing, the Draft SEIR did not ignore or omit consideration of overlap of construction and operational emissions. Appendix C3 of the Draft SEIR expressly quantified the EBPSP's combined construction and operational emissions, thereby disclosing the potential for overlap-period emissions and providing the public and responsible agencies a meaningful opportunity to comment on that analysis during the public review period. Likewise, the South Coast AQMD operational significance thresholds used throughout the Draft SEIR were disclosed and applied in the air quality analysis.

In response to the Commenter's request, the Final SEIR incorporates additional discussion of this combined emissions scenario into the EBPSP's operational analysis, see Chapter 3, *Revisions to the Draft SEIR*. The Final SEIR's discussion of overlap-period emissions does not introduce a new emissions inventory, revise underlying modeling assumptions, or present new technical analysis. Rather it clarifies and amplifies information already disclosed by applying an existing significance framework to emissions data previously disclosed to the public and decisionmakers.

Accordingly, the comparison of overlap-period emissions to operational significance thresholds does not constitute significant new information within the meaning of CEQA Guidelines section 15088.5 because it does not deprive the public of a meaningful opportunity to comment on the environmental consequences of the project.

Based on the construction schedule presented in Table 3-3 of the EBPSP Air Quality Impact Analysis (Appendix C3 of the Draft SEIR), the three construction phases occur sequentially with no internal overlap among construction phases. However, because Phase 1 construction concludes and Phase 1 operations commence in 2028, and because Phase 2 and Phase 3 construction commence while prior phases are already operational, construction of Phase 2 would overlap with operation of Phase 1 and construction of Phase 3 would overlap with operation of Phases 1 and 2.

The overlapping emissions for these two phases also exceed South Coast AQMD's operational significance thresholds for ROG and NOx and were identified in Appendix C3. This is consistent with the finding in the Draft SEIR that the EBPSP's operational emissions are significant and unavoidable. This result does not represent a new or distinct significant impact. The overlapping emissions scenario reflects the same operational impact already identified in Tables 3.3-11 through 3-18 of the Draft SEIR, which identified significant and unavoidable emissions for ROG, NOx, CO, and PM_{10} operating independently of any construction activity. The operational

component drives the exceedances in both overlap scenarios; the construction component alone does not exceed any applicable threshold, as shown in Tables 3.3-15 and 3.3-16 (see also Tables 3-7 and 3-8 in Appendix C3).

The Draft SEIR already incorporates all feasible mitigation measures identified to reduce the EBPSP's significant and unavoidable operational emissions through Mitigation Measures AIR-1-SP through AIR-8-SP. These measures require features such as water efficient fixtures, Energy Star-rated appliances, outdoor electrical outlets (to accommodate outdoor electrical equipment), rooftop solar, idling restrictions, EV charging stations, infrastructure for truck EV charging stations (to accommodate this technology at such time it becomes commercially available), and tenant lease agreements to ensure the continued implementation of these requirements.

Although construction emissions were determined to be less than significant when evaluated separately against South Coast AQMD's construction significance thresholds, the Final SEIR incorporates Mitigation Measure AIR-9-SP to further reduce emissions during temporary overlap periods when construction and operational activities occur concurrently.

> **Mitigation Measure AIR-9-SP:** Prior to the commencement of construction activities that may overlap with operation of nearby approved or existing uses and result in concurrent emissions-generating activities ("overlap periods"), the project applicant shall prepare and submit a construction emissions management plan to the City for review and approval. The plan shall identify and implement feasible measures to minimize construction-related emissions during overlap periods and shall include, at a minimum, the following measures, where applicable and feasible:
>
> a) Apply water or approved soil stabilizers to disturbed soils, unpaved haul roads, staging areas, and stockpiles as necessary to prevent visible dust emissions.
>
> b) Cover, water, or otherwise stabilize all soil stockpiles and inactive disturbed areas.
>
> c) Limit vehicle speeds on unpaved surfaces to 15 miles per hour or less.
>
> d) Install and maintain track-out control devices, including rumble plates, wheel washers, or equivalent measures, at construction access points.
>
> e) Suspend grading and other soil-disturbance activities during high wind events when visible dust cannot be adequately controlled.
>
> f) Utilize off-road diesel-powered construction equipment meeting U.S. EPA Tier 4 Final emissions standards for engines rated at 50 horsepower or greater, unless such equipment is demonstrated to be unavailable or infeasible.

g) All diesel-powered off-road construction equipment and on-road haul trucks operating during overlap periods shall utilize renewable diesel meeting California Air Resources Board specifications to the extent commercially available and feasible.

h) Require off-road equipment with a power rating below 19 kilowatts, including plate compactors and pressure washers, to be electrically powered or battery operated where commercially available and feasible.

i) Prohibit the idling of construction equipment and on-road haul trucks for more than five consecutive minutes, except where necessary for safety, operational requirements, or manufacturer specifications.

j) Utilize electrically powered or battery-powered construction tools and equipment where commercial available and feasible.

k) Require heavy-duty haul trucks entering the construction site during grading and building construction phases to be model year 2014 or newer to the extent feasible and commercially available.

l) Encourage construction workers to carpool, rideshare, or utilize shared transportation to access the construction site and provide information regarding available ridesharing and transit opportunities to construction personnel.

m) Use architectural coatings, including paints, primers, sealants, adhesives, and caulks, that comply with applicable South Coast AQMD VOC content limits in effect at the time of construction. To the extent feasible, coatings with VOC levels below applicable regulatory thresholds shall be utilized.

n) Use high-pressure/low-volume paint applicators with minimum transfer efficiency of 50 percent or other application techniques with equivalent or greater transfer efficiency where feasible.

o) Keep paint container lids closed when not in use and utilize compliant low-VOC cleaning solvents for paint equipment cleaning activities.

p) Use pre-painted construction materials to the extent feasible.

q) Recycle or properly dispose of all unused paint and paint-related materials at an authorized facility or household hazardous waste collection facility, as applicable. Water-based and oil-based paints shall be stored and disposed of separately.

r) Sequence grading, excavation, paving, and other intensive construction activities to avoid simultaneous operation of multiple high-emission equipment fleets in close

proximity, limit concurrent operation of heavy-duty diesel-powered equipment where feasible, and coordinate construction scheduling to reduce peak daily emissions during overlap periods.

s) Construction haul routes shall be designed to avoid or minimize exposure to sensitive receptors to the extent feasible.

The addition of Mitigation Measure AIR-9-SP does not trigger recirculation. Under CEQA Guidelines section 15088.5(a)(3), when information added to the final EIR consists of new mitigation measures, recirculation is required only if the new measure meets all of the following criteria: (1) it is feasible, (2) it is considerably different from the mitigation measures already evaluated in the draft EIR, (3) it would clearly lessen the project's significant environmental impacts, and (4) it is not adopted. *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 330. Because AIR-9-SP is being adopted and incorporated into the MMRP, it does not satisfy the criteria requiring recirculation.

Although AIR-9-SP would reduce emissions associated with concurrent construction and operational activities, implementation of the measures would not reduce overlap-period emissions to a less than significant level. As disclosed in the Draft SEIR, the Project's operational emissions independently exceed South Coast AQMD significance threshold and remain significant and unavoidable even with mitigation. Accordingly, while the overlap-period mitigation measures would lessen overall emissions during periods of concurrent construction and operation, the overlap scenarios would continue to result in significant and unavoidable emissions because the operational component of the Project would independently exceed applicable significance thresholds. This significance determination was already disclosed in the Draft SEIR, and the overlap-period analysis does not identify a new significant impact or a substantial increase in the severity of a previously identified impact.

Moreover, the overlap scenarios disclosed in Appendix C3 represent a conservative worst-case assumption because they assume simultaneous occurrence of peak construction activity and peak operational activity. In practice, peak construction activity and peak operational activity are unlikely to occur on the same day, and the duration of any overlap period is finite and temporary by nature. The overlap analysis therefore provides conservative disclosure of potential concurrent emissions conditions sufficient to inform decisionmakers and the public regarding the nature and magnitude of potential impacts.

For these reasons, substantial evidence supports the City's conclusion that the Draft SEIR adequately discloses and evaluates construction and operational emissions consistent with CEQA and South Coast AQMD guidance, and all feasible mitigation measures have been identified and disclosed in the EIR. The Commenter has not identified significant new

information, a substantial increase in environmental impacts, or additional feasible mitigation measures requiring revision or recirculation of the Draft SEIR.

Comment A4-3

Recommend Conducting a Quantitative Analysis of Human Health Consequences

Section 3.3 (Air Quality) of the Draft SEIR states that the health impacts or human health consequences analysis is not conducted.[19] The health impacts are acknowledged; however, the Lead Agency relies on infeasibility arguments to conclude that the quantification of the health effects analysis is not provided in the Draft SEIR. However, the February 2023 Friant Community Plan Update and Friant Ranch Specific Plan contained a detailed quantitative analysis of Human Health Consequences Analysis,[20] which is evidence that this type of calculation can be performed.

For context, the Bloomington Business Park Specific Plan Project[21] was required to recirculate its Draft EIR following a legal challenge in San Bernardino County Superior Court (Case No. CIVSB2228456). In that proceeding, the court directed the County to set aside its prior approvals, finding that the EIR was legally inadequate with respect to its analysis of air quality impacts, including the application of the Friant Ranch methodology for evaluating health effects. As articulated in the court's ruling, "*a sufficient discussion of significant impacts requires not merely a determination of whether an impact is significant, but some effort to explain the nature and magnitude of the impact.*[22]" This standard underscores the requirement under the CEQA that an EIR provide a meaningful, evidence-based analysis that allows decision-makers and the public to understand the extent and severity of a project's environmental and public health impacts.

Therefore, the Lead Agency is recommended to review the analysis in the above-referenced document, perform a quantitative analysis specific to the Proposed Project, and incorporate the results in the Final SEIR.

19 Ibid. p. 3.3-73.

20 Quantitative Analysis of Human Health Consequences Analysis, Table 3.3-8. Available at: https://www.fresnocountyca.gov/files/sharedassets/county/v/1/vision-files/files/72347-friant-prr-deir_2-7-23.pdf

21 Bloomington Business Park Specific Plan Project (SCH: 2020120545). Available at https://ceqanet.lci.ca.gov/2020120545/10

22 Bloomington Business Park Specific Plan Project. Court Ruling. p. 34 of PDF. Available at https://www.climatecasechart.com/documents/california-superior-court-found-that-ceqa-review-for-industrial-rezoning-improperly-analyzed-greenhouse-gas-reduction-measures_4d86

Response A4-3

South Coast AQMD notes that although the Draft SEIR concludes that impacts would be significant, it does not sufficiently characterize the nature and magnitude of the effect. The response below regarding 'health effects' of exceeding the South Coast AQMD significance threshold is divided into key components: 1) Modeling Challenges; 2) Stationary Sources Impacts, 3) AB 98/SB 415 Truck Routes Emissions; and 4) Co-Benefits Risk Assessment.

Modeling Challenges

Although the Draft SEIR provides an emission forecast for the EBPSP and the Ontario Policy Plan Amendment implementation, the Draft SEIR does not model potential increases in potential health outcomes, which includes mortality, respiratory effects, and cardiovascular effects of air pollution. The Draft SEIR does quantify the increase in criteria air pollutants emissions for both the EBPSP and the Ontario Policy Plan Amendment compared to the approved project. In addition, a qualitative discussion of the health effects associated with this impact is included under the section entitled "Health Impacts" starting on page 3.3-72 of the Draft SEIR.

At a programmatic level, it is not feasible to quantify the increase in criteria air pollutant emissions from stationary sources associated with a general plan given that it is speculative to identify the location, amount, and emission rates for individual sources. Additionally, the location, velocity of emissions, meteorology and topography of the area, and locations of receptors are equally important model parameters as the quantity of toxic air contaminant emissions.

The white paper, "Assessing Regional Criteria Pollutant Emissions Impacts Under CEQA in Light of the Friant Ranch Ruling," has been added as Appendix D of the Final SEIR and describes several of the challenges of quantifying local effects—particularly health risks—for large-scale, regional projects, and these are applicable to both criteria air pollutants and toxic air contaminants. Similarly, the 2 amicus briefs in the Draft SEIR C1 (filed by the air districts on the Friant Ranch case) describe respective positions regarding CEQA requirements, modeling feasibility and variables; and reliability of results for determining specific health risks associated with criteria air pollutants at the time of this case. The discussions also include the distinction between criteria air pollutant emissions and toxic air contaminants with respect to health risks. Additionally, the South Coast Air Quality Districts' Significance Thresholds and Monitoring demonstrate the infeasibility based on the current guidance/methodologies of the Air Districts. The following summarizes major points about the infeasibility of assessing health impacts associated with implementation of the Ontario Policy Plan Amendment.

To achieve and maintain air quality standards, the South Coast AQMD established numerical emission indicators of significance for regional and localized air quality impacts for both construction and operational phases of a local plan or project. South Coast AQMD has established the thresholds based on "scientific and factual data that is contained in the federal and state Clean Air Acts" and recommend "that these thresholds be used by lead agencies in making a determination of significance." The numerical emission indicators are based on the recognition that the air basin is a distinct geographic area with a critical air pollution problem for which ambient air quality standards have been promulgated to protect public health. The thresholds represent the maximum emissions from a plan or project that are not expected to cause or contribute to an exceedance of the most stringent applicable national or state ambient air quality standard. By analyzing the plan's emissions against the thresholds, an EIR assesses whether these emissions directly contribute to any regional or local exceedances of the applicable ambient air quality standards and exposure levels.

South Coast AQMD currently does not have methodologies that would provide the City with a consistent, reliable, and meaningful analysis to correlate specific health impacts that may result from a proposed project's mass emissions.

For criteria air pollutants, exceedance of the regional significance thresholds cannot be used to correlate a project to quantifiable health impacts, unless emissions are sufficiently high to use a regional model.

Ozone concentrations are dependent upon a variety of complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Secondary formation of PM and ozone can occur far from sources, as a result of regional transport due to wind and topography (e.g., low-level jet stream). Photochemical modeling depends on all emission sources in entire domain (i.e., modeling grid). Low resolution and spatial averaging produce "noise" and modeling errors that usually exceed individual source contributions. Because of the complexities of predicting ground-level ozone concentrations in relation to the National Ambient Air Quality Standards (AAQS) and California AAQS, it is not possible to link health risks to the magnitude of emissions exceeding the significance thresholds.

Current models used in CEQA air quality analyses are designed to estimate potential project construction and operation emissions for defined projects. The estimated emissions are compared to significance thresholds, which are keyed to reducing emissions to levels that will not interfere with the region's ability to attain the health-based standards. While this serves to protect public health in the overall region, there is currently no CEQA methodology to determine the impact of emissions (e.g., pounds per day) on future concentration levels (e.g., parts per million or micrograms per cubic meter) in specific geographic areas. CEQA thresholds, therefore, are not specifically tied to potential health outcomes in the region.

Until such time that South Coast AQMD has provided methodology to assess the specific correlation between mass emissions generated and their effect on health, individual analysis for the evaluation of health effects would not be meaningful.

Stationary Source Impacts

Regional emissions are divided into two major source categories: stationary and mobile sources. The Ontario Policy Plan Amendment provides a land use plan that designates land uses for employment-generating uses, including Business Park and Industrial. These broad employment categories cover a wide variety of potential uses. For a programmatic environmental document, it is speculative to determine the exact nature of and location that would occur within these employment-generating categories for stationary sources. Therefore, it is not possible to determine what types of toxic air contaminants would be generated on an individual site. Additionally, because the exact nature of the future industrial uses is speculative for this programmatic assessment, the quantity of toxic air contaminants generated by the proposed project is also unknown. Thus, for programmatic, general plan–level assessments, it is not feasible to conduct regional dispersion modeling to determine the incremental contribution of risks associated with land use changes in the unincorporated areas.

Policy Plan Amendment AB 98/SB 415 Truck Routes HRA

Section 3.3, *Air Quality*, under the section Mobile Sources of TACs, starting on page 3.3-86 includes an operational HRA to evaluate impacts of changes to the City's truck routes in Ontario Ranch in accordance with AB 98/SB 415 compared to the current TOP. The results of the operational HRA were included in Appendix C2 of the Draft SEIR. As identified in this section the unmitigated results of the HRA indicate that the maximum incremental cancer risk resulting from the changes to the Truck Routes would not exceed South Coast AQMD threshold of 10 in one million (see Table 3.3-22, *Ontario Ranch Truck Route Changes Operational Health Risk Summary*). Consequently, changes to the City's Truck Routes associated with the Ontario Policy Plan Amendment would have a beneficial impact on existing sensitive receptors along Archibald Avenue and overall would not expose sensitive receptors to substantial pollutant concentrations along proposed truck routes in the City.

Co-Benefits Risk Assessment

Additionally, a separate Co-Benefits Risk Assessment (COBRA) screening analysis has been prepared for the EBPSP and is included as Appendix D to the Final SEIR. The COBRA analysis estimates incremental regional changes in health indicators (including mortality, asthma events, and respiratory hospitalizations) from the EBPSP's peak daily criteria pollutant and precursor emissions across the four-county South Coast Air Basin. The results confirm that the EBPSP's incremental contribution to regional health outcomes is very small relative to existing background conditions. This analysis fulfills the Friant Ranch requirement to provide a reasoned,

evidence-based connection between the EBPSP's significant air emissions and their expected human health consequences, to the extent that existing tools permit reliable quantification.

Consistent with guidance from South Coast AQMD, San Joaquin Valley Air Pollution Control District (SJVAPCD), Sacramento Metropolitan Air Quality Management District (SMAQMD), the Association of Environmental Professionals, and the City of Los Angeles Technical Advisory Panel, the City finds that current regional photochemical tools (such as CAMx, CMAQ, and BenMAP) are designed and validated for regional planning and attainment analyses, not for resolving the incremental health effects of an individual project whose emissions represent a small fraction of the basinwide precursor inventory. The incremental changes in ozone and secondary $PM_{2.5}$ concentrations attributable to the EBPSP would fall within the models' margins of uncertainty and would not produce reliable, site-specific health outcome estimates. These limitations further support the City's reliance on the COBRA analysis as the appropriate quantitative tool to fulfill Friant Ranch obligations for the EBPSP. No edits to the Draft SEIR are warranted.

Comment A4-4

Recommended Air Quality Mitigation Measures to Reduce Construction Emissions

Section 3.3 (Air Quality) of the Draft SEIR evaluates emissions associated with construction activities of the EBPSP and concludes that construction-related impacts would be less than significant; therefore, no mitigation measures are proposed.[23] Notwithstanding this determination, the Lead Agency is recommended to incorporate all feasible and available best management practices to further minimize criteria pollutants and precursor emissions to the maximum extent practicable.

Furthermore, given the extent, scale, and duration of the Proposed Project, the Lead Agency is recommended to evaluate the applicability of the statewide clean-fleet and clean-construction programs under development by the California Air Resources Board (CARB). These programs provide a framework for achieving substantial near-term reductions in nitrogen oxide (NOx), VOC, and DPM emissions from on- and off-road fleets, which are the key precursors to the formation of ozone, which have associated adverse health impacts. Taking full advantage of these programs would provide additional opportunities to minimize the significant effects of the Proposed Project. CARB's California Clean Construction Program is designed to recognize and encourage off-road construction fleets that voluntarily exceed regulatory requirements by deploying cleaner-than-Tier 4 Final or zero-emission off-road equipment.[24] Similarly, CARB's Clean Fleet Connect[25] and Advanced Clean Fleets (ACF) programs support on-road fleet transitions toward zero-emission technologies.[26] These frameworks demonstrate that both construction and operational fleets can achieve meaningful emissions reductions through the adoption of newer, cleaner equipment and zero-emission technologies.

In addition to the use of the cleanest available construction technologies (e.g., Tier 4 Final engines), renewable diesel fuel, super-compliant low-volatile organic compound (VOC) architectural coatings, and zero-emission (fully electric) equipment where feasible, the Lead Agency is recommended to consider implementing enhanced fugitive dust control measures (e.g., increased watering frequency, application of soil stabilizers, and minimizing disturbed areas), idling restrictions for on-road and off-road equipment, and optimized construction phasing and scheduling to reduce equipment overlap and associated emissions. Further measures may include the establishment of designated construction haul routes to minimize exposure to sensitive receptors and the preparation of a construction emissions management plan to ensure effective implementation and monitoring of these practices.

Incorporation of these mitigation measures would further reduce short-term air quality impacts and potential localized health risks, particularly in proximity to sensitive receptors. These additional mitigation measures should be evaluated, disclosed, and incorporated, as appropriate, in the Final SEIR to demonstrate the Lead Agency's commitment to minimizing air quality impacts beyond the identified level of significance.

23 Ibid. p. 3.3-56.

24 CARB – California Clean Construction Program. Available at: https://ww2.arb.ca.gov/our-work/programs/california-clean-construction-program.

25 CARB – Clean Fleet Connect. Available at: https://ww2.arb.ca.gov/our-work/programs/clean-fleet-connect.

26 CARB – Advanced Clean Fleets Program. Available at: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets.

Response A4-4

South Coast AQMD notes that construction activities associated with EBPSP would not exceed the South Coast AQMD regional or localized construction thresholds. The Ontario Policy Plan Amendment project component identified potentially significant construction-related air quality impacts; therefore, mitigation measures were identified for discretionary projects within the City.

As identified in Mitigation Measure (MM) AIR-1-PPA, future projects subject to CEQA would be required to prepare and submit a technical analysis to the City identifying specific impacts and necessary mitigation to reduce those impacts to less-than-significant levels as feasible. As noted in MM AIR-1-PPA, mitigation can include utilizing Tier 4 construction equipment, using super-compliant VOC paints, employing dust control measures that exceed South Coast AQMD's Rule 403, and implementing idling restrictions, which were recommended by the Commenter.

Additionally, construction vehicles and equipment associated with future construction projects in Ontario would be subject to relevant statewide clean-fleet and clean-construction programs that are in effect at the time those vehicles or equipment are manufactured or utilized. For instance, CARB's Clean Fleet Connect and Advanced Clean Fleets programs would assist individual heavy duty vehicle operators in the long-term transition toward zero-emission technologies.

Nonetheless, at the request of South Coast AQMD, MM AIR-1-PPA was modified to incorporate the additional construction measures such as using renewable diesel fuel and zero-emission (ZE) equipment, when feasible. These revisions do not require recirculation. The modified measure has been adopted as part of the project approval and therefore does not satisfy the recirculation criteria under CEQA Guidelines section 15088.5(a)(3). Moreover, the revisions merely strengthen and refine mitigation measures already evaluated in the Draft SEIR and do not result in a new significant impact or substantial increase in the severity of an identified impact.

See Response A4-2.For the EBPSP, although construction emissions were determined to be less than significant when evaluated separately against South Coast AQMD's construction significance thresholds, the Final SEIR incorporates Mitigation Measure AIR-9-SP to further reduce emissions during temporary overlap periods when construction and operational activities occur concurrently.

The addition of Mitigation Measure AIR-9-SP does not trigger recirculation. Under CEQA Guidelines section 15088.5(a)(3), when information added to the final EIR consists of new mitigation measures, recirculation is required only if the new measure meets all of the following criteria: (1) it is feasible, (2) it is considerably different from the mitigation measures already evaluated in the draft EIR, (3) it would clearly lessen the project's significant environmental impacts, and (4) it is not adopted. South County Citizens for Smart Growth v. County of Nevada (2013) 221 Cal.App.4th 316, 330. Because AIR-9-SP is being adopted and incorporated into the MMRP, it does not satisfy the criteria requiring recirculation.

With respect to the statewide clean-construction programs identified by South Coast AQMD, the City has reviewed CARB's California Clean Construction Program. Many of the best practices and emissions-reduction concepts promoted by this program are reflected in Mitigation Measure AIR-9-SP. However, the City notes that CARB's California Clean Construction Program is largely voluntary and encourages deployment of equipment cleaner than Tier 4 Final on a voluntary basis; requiring contractors to use equipment exceeding Tier 4 Final specifications or mandating zero-emission construction fleets on a fixed schedule is not presently feasible for the regional construction market serving this area (i.e., Southern California). However, for future projects under the Ontario Policy Plan Amendment, the City has modified MM AIR-1-PPA to incorporate additional construction measures that may be implemented on a project-by-project

basis as necessary to reduce impacts, including using renewable diesel and ZE equipment (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

Comment A4-5

Recommended Air Quality and Greenhouse Gas Mitigation Measures and Project Design Features for Consideration

CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize or eliminate any significant adverse air quality impacts. To further reduce the Proposed Project's air quality impacts, the following mitigation measures and project design considerations are recommended to be incorporated into the Final SEIR.

Response A4-5

Responses to each of South Coast AQMD's recommended measures identified are provided in responses A4-6 through A4-9 below.

Comment A4-6

Mitigation Measures to Reduce Operational Air Quality Impacts from Mobile Sources

1. Require ZE or NZE on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible.

   Note: Given CARB's clean truck rules and regulations aiming to accelerate the utilization and market penetration of ZE and NZE trucks, such as the Advanced Clean Trucks Rule and the Heavy-duty Low NOx Omnibus Regulation, ZE and NZE trucks will become increasingly more available for use.

2. Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.

   Note: South Coast AQMD staff are available to discuss the availability of current and upcoming truck technologies and incentive programs with the Lead Agency.

3. Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.

4. Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment.

Response A4-6

Mobile source emissions mitigation measures requested by South Coast AQMD are reviewed below:

- *Require ZE or NZE on-road haul trucks, such as heavy-duty trucks with natural gas engines that meet the CARB's adopted optional NOx emissions standard at 0.02 grams per brake horsepower-hour (g/bhp-hr), if and when feasible.* For the Ontario Policy Plan Amendment, it would be infeasible to require all future trucking activities to utilize zero-emission (ZE) or near zero-emission (NZE) technologies as the operations, constraints, and impacts of individual future projects are unknown at this time. The City has no control over the technologies used for regional trucking activities that utilize the City's truck routes; therefore, the City would not be able to enforce such a measure. In addition, individual projects facilitated by the Ontario Policy Plan Amendment that are subject to CEQA would be required to prepare a technical analysis under MM AIR-3-PPA to identify that individual project's impacts and implement feasible mitigation to reduce impacts, which may include utilizing or phasing in use of ZE or NZE emission technologies.

- *Require a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.* For the Ontario Policy Plan Amendment, it would be infeasible to require all future individual projects to commit to a phase-in schedule for utilizing ZE or NZE technologies as the operations, constraints, and impacts of individual future projects are unknown at this time. Many future individual projects will have limited control over the technologies used for off-site trucking activities; therefore, the City would not be able to enforce a phase-in schedule via a programmatic mitigation measure. While future individual projects would have control over domiciled fleets and the technologies used therein, compliance with CARB's Mobile Cargo Handling Equipment Regulation will require new cargo handling equipment to meet relevant emission control standards, and CARB is exploring zero-emission requirements for future iterations. In addition, individual projects facilitated by the Ontario Policy Plan Amendment that are subject to CEQA would be required to prepare a technical analysis under MM AIR-3-PPA to identify that individual project's impacts and implement feasible mitigation to reduce impacts, which may include utilizing or phasing in use of ZE or NZE emission technologies for domiciled fleets.

- *Limit the daily number of trucks allowed at the Proposed Project to levels analyzed in the Final EIR. If higher daily truck volumes are anticipated to visit the site, the Lead Agency should commit to re-evaluating the Proposed Project through CEQA prior to allowing this higher activity level.* For future individual projects facilitated by the Ontario Policy Plan Amendment, projects subject to CEQA will be analyzed for potential impacts based on their operational characteristics, including the number of trucks accessing the site. Nonetheless, to avoid uncertainty surrounding the number of trucks accessing an individual site exceeding what was analyzed during that project's CEQA review, MM AIR-3-PPA has been modified to include this as a sample measure that may be implemented if an individual project's truck trip estimates are uncertain or unknown (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

- *Provide electric vehicle (EV) charging stations or, at a minimum, provide electrical infrastructure, and electrical panels should be appropriately sized. Electrical hookups should be provided for truckers to plug in any onboard auxiliary equipment*. Future development projects would additionally be required via CALGreen to install electric vehicle charging infrastructure according to the off-street parking supply provided and the project's occupancy type, for both passenger vehicles and trucks. For example, Section 5.106.5.3 of the January 2026 Errata of the 2025 CALGreen code specifies mandatory standards for electric vehicle capable space and electric vehicle charging infrastructure installation in new nonresidential construction. Moreover, Section 5.106.5.5 of the January 2026 Errata of the 2025 CALGreen code specifies mandatory standards for new facilities that accommodate truck activities, including warehouses, grocery stores, office buildings, manufacturing facilities, and retail stores with planned off-street loading spaces. In addition, MM AIR-3-PPA identifies electric vehicle charging standards which exceed mandatory compliance with CALGreen as a sample measure that can be implemented on individual projects to reduce impacts, and loading dock electrical hookups are identified as an additional sample measure that future warehousing, industrial, or other trucking-intensive projects can implement to reduce potential impacts.

For EBPSP, with respect to statewide clean-fleet programs identified by South Coast AQMD applicable to Project operations, the City has reviewed CARB's Clean Fleet Connect and Advanced Clean Fleets (ACF) programs. Many of the emissions-reduction concepts promoted by these programs are already reflected in the EBPSP's operational mitigation measures via MM AIR-1-SP and MM AIR-5-SP for supporting future use of ZE trucks, MM AIR-2-SP for supporting the use of alternative fuels, MM AIR-3-SP for idling restrictions, MM AIR-4-SP for using newer model year trucks and installing signage designating idling limits and trucking movement locations, MM AIR-6-SP for using water efficient fixtures, and MM AIR-7-SP for energy efficient appliances and renewable energy technology integration. The City notes, however, that CARB's clean-fleet programs — including the ACF rule — are in various stages of regulatory

development and implementation, and mandating zero-emission on-road fleet transitions on a fixed schedule beyond what is currently required by law is not presently feasible given fleet supply and supporting infrastructure constraints in the South Coast Air Basin. The EBPSP has incorporated mitigation measures requiring tenants to transition to zero-emission heavy-, medium-, and light-duty trucks consistent with commercially available technologies and applicable CARB regulations in effect at the time of operation. Findings and conclusions of the Draft SEIR are not affected.

Comment A4-7

Mitigation Measures to Reduce Operational Air Quality Impacts from Other Area Sources

1. Maximize the use of solar energy by installing solar energy arrays.

2. Use light-colored paving and roofing materials.

3. Utilize only Energy Star heating, cooling, and lighting devices and appliances.

Response A4-7

Area source emissions mitigation measures requested by South Coast AQMD are reviewed below:

- *Maximize the use of solar energy by installing solar energy arrays.* Future new construction projects would be required via the California Building Standards Code, Part 6 (Energy Code) to consider rooftop solar arrays in building design. In addition, individual projects facilitated by the Ontario Policy Plan Amendment that are subject to CEQA would be required to prepare a technical analysis under MM AIR-3-PPA to identify that individual project's impacts and implement feasible mitigation to reduce impacts, which may include increasing the size of the required rooftop solar system beyond prescriptive code compliance.

- *Use light-colored paving and roofing materials.* Future individual projects would be required via the California Building Standards Code, Part 11 (CALGreen) to meet specified roof solar reflectance performance requirements depending on the occupancy type and proposed roof assembly design. Nonetheless, MM AIR-3-PPA has been modified to include a sample measure to meet the voluntary residential and nonresidential voluntary standards for more stringent solar reflectance and thermal emittance performance which may be implemented to reduce potential project-specific impacts.

- *Utilize only Energy Star heating, cooling, and lighting devices and appliances.* Title 20 of the California Code of Regulations regulates the energy efficiency of newly manufactured appliances that would be used in future development projects within the EBPSP and City of Ontario. In addition, MM AIR-3-PPA identifies sample measures that future projects can implement to reduce impacts, such as providing electric vehicle charging infrastructure beyond mandatory code requirements, using Energy Star-certified appliances, and utilizing renewable energy and energy storage technologies.

For the EBPSP, the City has reviewed South Coast AQMD's recommended area source measures and confirms that solar energy arrays, light-colored paving and roofing, and Energy Star equipment requirements are addressed through the California Energy Code, CALGreen standards, and the EBPSP's design features. To the extent any of these measures exceed mandatory code requirements and are feasible for individual future projects within the Ontario Policy Plan Amendment area, MM AIR-3-PPA has been updated to identify them as sample measures available for implementation (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

Comment A4-8

Design Considerations for Reducing Air Quality and Health Risk Impacts

1. Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).

2. Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors, and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.

3. Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.

4. Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.

5. Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.

Response A4-8

As identified on page 3.3-85 of the Draft SEIR, TOP includes Policy ER-4.9 in TOP 2050, which requires future development projects that generate more than 100 trucks per day or 40 trucks with transportation refrigeration units per day within 1,000 feet of sensitive receptors to prepare a site-specific health risk analysis (HRA) to determine potential project-generated impacts and specify necessary mitigation to reduce impacts. Area source emissions mitigation measures requested by South Coast AQMD are reviewed below:

- *Clearly mark truck routes with trailblazer signs so that trucks will not travel next to or near sensitive land uses (e.g., residences, schools, daycare centers, etc.).* The Ontario Policy Plan Amendment includes changes to the City's Truck Routes in accordance with AB 98/SB 415 in order to minimize impacts of commercial trucks to sensitive land uses in the City. As discussed on pages 3.3-87 through 3.3-99 of the Draft SEIR, a Citywide HRA was prepared to analyze the potential individual cancer risk and chronic non-hazard risk impacts and communitywide cancer burden impacts resulting from the net increase in trucking activities accommodated by changes to the City's Truck Routes. As shown therein and in Tables 3.3-22 and 3.3-23, individual and communitywide risk impacts would be below the South Coast AQMD's significance thresholds and would not represent a potentially significant impact.

- *Design the Proposed Project such that truck entrances and exits are not facing sensitive receptors, and trucks will not travel past sensitive land uses to enter or leave the Proposed Project site.* Future development projects facilitated under the proposed Ontario Policy Plan Amendment are not known at this time; therefore, it would not be feasible to specify required site orientation and design, such as site entrances and exits or queueing locations, at this time. Nonetheless, MM AIR-3-PPA has been modified to include a sample measure to alter the design of a future individual project such that truck entrances and exits are not facing sensitive receptors and trucks entering or existing the site do not pass by sensitive land uses, which may be implemented to reduce potential project-specific impacts (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

- *Design the Proposed Project such that any truck check-in point is inside the Proposed Project site to ensure no trucks are queuing outside.* Future development projects facilitated under the proposed Ontario Policy Plan Amendment are not known at this time; therefore, it would not be feasible to specify required site orientation and design, such as designating specific check-in locations for trucks accessing a project site, at this time. Nonetheless, MM AIR-3-PPA has been modified to include a sample measure to alter the design of a future individual project such that trucks entering the site have an interior check-in location to maximize the distance between queueing trucks and nearby

sensitive receptors, which may be implemented to reduce potential project-specific impacts (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

- *Design the Proposed Project to ensure that truck traffic inside the Proposed Project site is as far away as feasible from sensitive receptors.* Future development projects facilitated under the proposed Ontario Policy Plan Amendment are not known at this time; therefore, it would not be feasible to specify required site orientation and design, such as designating specific truck routing interior to a project site, at this time. In addition, AB 98 requires logistics projects of 250,000 square feet or more and with loading bays within 900 feet of sensitive receptors, or a logistics project with loading bays within 900 feet of sensitive receptors where the site is not zoned industrial, to orient loading bays away from nearby sensitive receptors to the extent feasible; locate loading bays a minimum of 500 feet from the property line of the nearest sensitive receptor; have separate entrances for heavy-duty trucks accessible via a truck route; locate truck entrances, exits, and internal circulation away from sensitive receptors; and include property perimeter screening and buffering. Future project compliance with AB 98 requirements, as applicable, will assist in reducing potential impacts to sensitive receptors with respect to distancing internal truck traffic from nearby sensitive receptors. Nonetheless, MM AIR-3-PPA has been modified to include a sample measure to alter the design of a future individual project such that trucks traveling in the interior of the site to maximize the distance between truck travel paths and nearby sensitive receptors, which may be implemented to reduce potential project-specific impacts (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

- *Restrict overnight truck parking in sensitive land uses by providing overnight truck parking inside the Proposed Project site.* Future development projects facilitated under the proposed Ontario Policy Plan Amendment are not known at this time; therefore, it would not be feasible to specify required site orientation and design, such as prescribing overnight parking at future project sites, at this time. In addition, AB 98 requires logistics projects of 250,000 square feet or more and with loading bays within 900 feet of sensitive receptors, or a logistics project with loading bays within 900 feet of sensitive receptors where the site is not zoned industrial, to orient loading bays away from nearby sensitive receptors to the extent feasible; locate loading bays a minimum of 500 feet from the property line of the nearest sensitive receptor; have separate entrances for heavy-duty trucks accessible via a truck route; locate truck entrances, exits, and internal circulation away from sensitive receptors; and include property perimeter screening and buffering. Future project compliance with AB 98 requirements, as applicable, will assist in reducing potential impacts to sensitive receptors with respect to distancing internal truck traffic from nearby sensitive receptors. Nonetheless, MM AIR-3-PPA has been modified to include a sample measure to alter the design of a future individual project such that trucks accessing the site have space for overnight parking, which may be

implemented to reduce potential project-specific impacts (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

For the EBPSP, the City further notes that AB 98 requirements for qualifying logistics projects will provide an additional mandatory regulatory layer ensuring that truck entrances, loading bays, and internal circulation are sited and designed to maximize separation from sensitive receptors. Future project compliance with AB 98, combined with the sample measures added to MM AIR-3-PPA as described above, collectively achieve the design objectives recommended by South Coast AQMD in this comment.

Comment A4-9

Lastly, the South Coast AQMD also suggests that the Lead Agency conduct a review of the following references and incorporate additional mitigation measures as applicable to the Proposed Project in the Final EIR:

1. State of California – Department of Justice: Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act[27]

2. South Coast AQMD 2022 Air Quality Management Plan,[28] specifically:

    a. Appendix IV-A – South Coast AQMD's Stationary and Mobile Source Control Measures

    b. Appendix IV-B – CARB's Strategy for South Coast

    c. Appendix IV-C – SCAG's Regional Transportation Strategy and Control Measure

3. United States Environmental Protection Agency (U.S. EPA) Transportation, Air Quality, and Climate Change.[29]

27 State of California – Department of Justice, Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act available at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf

28 South Coast AQMD, 2022 Air Quality Management Plan (AQMP) available at http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan

29 United States Environmental Protection Agency (U.S. EPA) Transportation, Air Quality, and Climate Change available at https://www.epa.gov/transportation-air-pollution-and-climate-change

Response A4-9

The City has reviewed the measures in the documents referenced by South Coast AQMD and has determined that these measures are already included TOP 2050 policies and implementation measures, have been integrated as mitigation measures, are not applicable to the project, and/or were determined to not be feasible for this programmatic review.

Comment A4-10

> *Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program*

On May 7, 2021, South Coast AQMD's Governing Board adopted Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program,[30] and Rule 316 – Fees for Rule 2305.[31] Rules 2305 and 316 are new rules that will reduce regional and local emissions of NOx and particulate matter (PM), including DPM. These emission reductions will reduce public health impacts for communities located near warehouses from mobile sources that are associated with warehouse activities. Also, the emission reductions will help the region attain federal and state ambient air quality standards. Rule 2305 applies to owners and operators of warehouses greater than or equal to 100,000 sf. Under Rule 2305, operators are subject to an annual WAIRE Points Compliance Obligation that is calculated based on the annual number of truck trips to the warehouse. WAIRE Points can be earned by implementing actions in a prescribed menu in Rule 2305, implementing a site-specific custom plan, or paying a mitigation fee. Warehouse owners are only required to submit limited information reports, but they can opt to earn Points on behalf of their tenants if they choose, because certain actions to reduce emissions may be better achieved at the warehouse development phase, for instance, the installation of solar and charging infrastructure. Rule 316 is a companion fee rule for Rule 2305 to allow South Coast AQMD to recover costs associated with Rule 2305 compliance activities. Since the Proposed Project consists of the development of up to 2,939,000 sf of warehouses, fulfillment centers, industrial park uses, etc., the Proposed Project's warehouse owners and operators will be required to comply with Rule 2305 once the warehouse is occupied. Therefore, South Coast AQMD staff recommends that the Lead Agency review South Coast AQMD Rule 2305 to determine the potential WAIRE Points Compliance Obligation for future operators and explore whether additional project requirements and CEQA mitigation measures can be identified and implemented at the Proposed Project that may help future warehouse operators meet their compliance obligation. South Coast AQMD staff is available to answer questions concerning Rule 2305 implementation and compliance by phone or email at (909) 396-3140 or waire-program@aqmd.gov. For implementation of guidance documents and compliance and reporting tools, please visit South Coast AQMD's WAIRE Program webpage.[32]

30 South Coast AQMD Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program available at http://www.aqmd.gov/docs/default-source/rule-book/reg-xxiii/r2305.pdf.

31 South Coast AQMD Rule 316 – Fees for Rule 2305 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-iii/r316.pdf

32 South Coast AQMD WAIRE Program available at http://www.aqmd.gov/waire.

Response A4-10

South Coast AQMD comments regarding South Coast AQMD Rule 2305, *Warehouse Indirect Rule – Warehouse Actions and Investments to Reduce Emissions (WAIRE)*, are not comments on the physical environmental impacts associated with the proposed project. Existing and future warehouses within Ontario that are subject to South Coast AQMD Rule 2305 will need to comply with the WAIRE program requirements. This comment is noted and no changes to the Draft SEIR are warranted.

Comment A4-11

South Coast AQMD Air Permits and Role as a Responsible Agency

Appendix C3 (EBPSP AQ Study) of the Draft SEIR states that the Proposed Project would include a total of two emergency fire pumps in Phase 1, four emergency fire pumps in Phase 2, and five emergency fire pumps in Phase 3.[33] Thus, air permits from South Coast AQMD will be required. The Final SEIR should include a discussion about the South Coast AQMD rules that may be applicable to the Proposed Project. Those rules may include, for example, Rule 201 – Permit to Construct,[34] Rule 203 – Permit to Operate,[35] Rule 401 – Visible Emissions,[36] Rule 402 – Nuisance,[37] Rule 403 – Fugitive Dust,[38] Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,[39] Rule 1113 – Architectural Coatings,[40] and Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,[41] etc.

It is important to note that if air permits from the South Coast AQMD are required, South Coast AQMD's role under CEQA will become the Responsible Agency of the Proposed Project. Per CEQA Guidelines Section 15086, the Lead Agency is required to consult with South Coast AQMD. CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Also, as set forth in CEQA Guidelines Section 15096(h), the Responsible Agency is required to make Findings in accordance with CEQA Guidelines Section 15091 for each significant effect of the project and issue a Statement of Overriding Considerations in accordance with CEQA

Guidelines Section 15093, if necessary. Lastly, as set forth in CEQA Guidelines Section 15096(i), the Responsible Agency may file a Notice of Determination.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at https://www.aqmd.gov/home/permits.

33 Appendix C3: EBPSP AQ Study. p. C3-59.

34 South Coast AQMD, Rule 201 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf

35 South Coast AQMD, Rule 203 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf

36 South Coast AQMD, Rule 401 available at https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf

37 South Coast AQMD, Rule 402 available at https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf

38 South Coast AQMD, Rule 403 available at https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403

39 South Coast AQMD, Rule 1110.2 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf

40 South Coast AQMD, Rule 1113 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf

41 South Coast AQMD, Rule 1470 available at https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf

Response A4-11

South Coast AQMD comments regarding air permits for future stationary sources of emissions within Ontario are not comments on the physical environmental impacts associated with the proposed project. The EBPSP considered a worst-case emissions scenario assuming that future projects within the Specific Plan may require fire pumps. However, as noted in the Executive Summary, the Ontario Policy Plan Amendment and EBPSP were evaluated as a Program EIR. Site plans for individual buildings and specific equipment are speculative at this planning phase of the proposed project for both the Ontario Policy Plan Amendment and EBPSP project components. Should stationary sources within the EBPSP and the City of Ontario that require a permit from South Coast AQMD, the project applicants for such projects will need to adhere to South Coast AQMD's rules and regulations.

Given the information available at this programmatic stage, it would not be appropriate to identify the type of future environmental analysis that may be required for future discretionary projects in Specific Plan or City. As noted by South Coast AQMD, the District would be lead agency for stationary sources that require a permit in the City.

The City further acknowledges that the EBPSP's emergency fire pump installations will require air permits from South Coast AQMD under applicable rules, including Rules 201 and 203 (Permit to Construct and Permit to Operate) and Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), among others. As a result, South Coast AQMD will serve as a Responsible Agency for the proposed project under CEQA, as set forth in CEQA Guidelines sections 15086 and 15096.

The Final SEIR Chapter 3, *Revisions to the Draft SEIR*, has been revised to identify South Coast AQMD as a Responsible Agency for the proposed project and include a discussion of the South Coast AQMD rules applicable to the stationary and portable equipment associated with the EBPSP, including the emergency fire pumps and any other equipment identified through coordination with South Coast AQMD's Engineering and Permitting staff.

With respect to South Coast AQMD's request for an evaluation of the air quality and GHG emissions impacts associated with the emergency fire pumps, this analysis is contained in the Draft SEIR. Section 3.5.4 of the EBPSP Air Quality Impact Analysis (Appendix C3 of the Draft SEIR) describes the stationary source emissions methodology and assumptions in detail. The EBPSP was conservatively assumed to include two diesel-fueled emergency fire pumps in Phase

1, four in Phase 2, and five in Phase 3, each rated at 220 brake-horsepower and assumed to operate up to one hour per day, one day per week, for up to 50 hours per year for maintenance and testing purposes consistent with Rule 1470 operational limitations. Criteria pollutant and GHG emissions from the fire pumps were calculated using CalEEMod and are reflected in the "Stationary" source line item in Tables 3-11, 3-12, and 3-13 of the EBPSP Air Quality Impact Analysis (Appendix C3 of the Draft SEIR). At Phase 3 buildout, the peak daily stationary source emissions are 1.80 lbs/day ROG, 5.05 lbs/day NOx, 4.60 lbs/day CO, 0.01 lbs/day SO2, 0.27 lbs/day PM10, and 0.27 lbs/day PM2.5. These emissions are included within the EBPSP's total operational emissions presented in Tables 3-11 through 3-13 and evaluated against South Coast AQMD's regional significance thresholds accordingly. The stationary source emissions do not independently exceed any applicable significance threshold and do not alter the significance conclusions presented in the Draft SEIR.

The City acknowledges South Coast AQMD's obligation under CEQA Guidelines section 15096 to make findings on the adequacy of the CEQA document and to issue a Statement of Overriding Considerations, if necessary. The City will work cooperatively with South Coast AQMD staff throughout the permitting process.

Comment A4-12

Conclusion

As set forth in Public Resources Code Section 21092.5(a) and CEQA Guidelines Section 15088(a-b), the Lead Agency shall evaluate comments from public agencies on environmental issues and prepare a written response at least 10 days prior to certifying the Final SEIR. As such, please provide South Coast AQMD written responses to all comments contained herein at least 10 days prior to the certification of the Final SEIR. In addition, as provided by CEQA Guidelines Section 15088(c), if the Lead Agency's position is at variance with recommendations provided in this comment letter, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided.

Thank you for the opportunity to provide comments. South Coast AQMD staff are available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

Response A4-12

This comment does not address the adequacy of the analysis in the Draft SEIR and no further response is necessary. Responses to comments will be sent to all agencies who commented during the public review period of the NOA in accordance with CEQA Guidelines section 15088(b).

A5. City of Chino – April 16, 2026

Comment A5-Intro

This letter is in response to an email regarding a Notice of Availability of a Draft Supplemental EIR for The Ontario Plan 2050 Policy Plan Amendment. Thank you for giving the City of Chino the opportunity to review the information and provide comments. In reviewing the proposed changes to the Ontario Plan

Response A5-Intro

Responses to the City of Chino's comments are provided in Responses A5-1 through A5-5.

Comment A5-1

- As the Proposed Land Use Plan identifies intensifying the Business Park Land Use Type along Eucalyptus Avenue, The City of Chino requests the EIR identify how this project will address its compliance with AB98. Specifically, to ensure that the existing residential sensitive land uses west of Euclid Avenue are protected from increased commercial vehicle traffic through truck routing maps, signage, enforcement policies, and cooperation with neighboring jurisdictions.

Response A5-1

As described in Chapter 2, *Project Description*, the Policy Plan Amendment evaluates changes to the City's current Truck Routes concurrent with the TOP 2050 land use plan changes. As described under the section entitled "Transportation", the changes to the truck route map are to minimize the number of existing and proposed sensitive receptors adjacent to the truck routes. AB 98/SB 415 requires cities to balance impacts to sensitive receptors with commercial truck operational needs. Factors that were considered included:

- Direct access to a freeway interchange.
- Connection to truck routes in other jurisdictions.
- Direct service to Industrial and Business Park land uses.
- Larger roads (generally 4-6 lanes).
- The presence of soundwalls and vegetation.
- The proximity of a parallel truck route.
- Existing and future estimated truck volumes.
- Fewer gaps in truck routes.

- Presence of existing and planned sensitive uses (e.g., residential areas, Grand Park, and schools).
- Roadway operations.

As part of the selection of the Truck Routes, a detailed analysis of existing truck origins/destinations and local travel patterns was conducted and found that the majority of truck traffic traveling to and from the Ontario Ranch area are traveling on State Route 60 (SR-60) and Interstate 15 (I-15). The assessment evaluated the anticipated shifts in truck travel patterns related to truck route changes and identified that trucks were being routed away from sensitive receptors in Ontario to appropriate truck routes in Ontario and Chino. The proposed project does not recommend changes of truck routes in Chino.

TOP 2050 includes policies and implementation measures to implement the proposed changes to the City's Truck Routes. The City is proposing to install truck route signage to direct trucks to turn onto Euclid Avenue when traveling west on Eucalyptus Avenue. In accordance with AB 98, the City is required to provide the GIS truck route map to mapping providers, post the GIS layer on the City's website, and require warehouse operators to direct truck drivers to use the designated truck routes to access facilities.

Comment A5-2

- The Proposed Truck Route changes add Eucalyptus Avenue east of Euclid as a truck route, the City of Chino requests that the EIR include the identification of mitigation measures to prevent commercial traffic from using Eucalyptus Avenue west of Euclid Avenue through residential areas. The City of Chino requests that the City of Ontario work collaboratively on truck route signage along the shared Euclid Avenue boundary.

Response A5-2

See Response A5-1. The proposed business park uses associated with the EBPSP require direct access to a truck route. Euclid Avenue is an existing truck route (see Figure 2-8, *Current Truck Routes*). Truck distribution for the EBPSP is included in Appendix K3 of the Draft SEIR (see Exhibit 4-3). The City of Chino does not identify Eucalyptus west of Euclid Avenue as a truck route. However, it is not anticipated that trucks associated with the EBPSP or the Policy Plan Amendment to travel west of Euclid Avenue because the ultimate destination for commercial trucks is the freeways, including I-10, SR-60, and SR-71. As shown in Exhibit 4-3 of Appendix K3 of the Draft SEIR, truck distribution on Eucalyptus west of Euclid Avenue is not anticipated. While Eucalyptus Avenue does extend to the west in Chino, there is no direct access to SR-71 as the street dead ends into Central Avenue (then named College Park Avenue), after passing through a roundabout at Clarks Avenue. Trucks are much more likely to travel to/from

Eucalyptus Avenue in Ontario via Euclid Avenue and Edison Avenue, both of which are truck routes in Chino and Ontario and provide direct access to SR-60 and SR-71, respectively.

Comment A5-3

- The Proposed Truck Routes remove a portion of Edison Avenue from Euclid Avenue to Walker Avenue while maintaining Edison Avenue easterly all the way to 1-15 in the City of Eastvale. This presents inconsistent regional commercial route planning that differs from previous plans. The City of Chino is concerned that this change presents further concerns with regional truck routes as mentioned above.

Response A5-3

See also Response A5-2. AB 98/SB 415 requires the City to balance impacts to sensitive receptors to operational needs of commercial trucks when revising truck routes. The proposed changes to the truck routes intend to encourage trucks to use major freight corridors, such as Euclid Avenue, SR-60, SR-71, and I-15, and to avoid using roadways that are fronted by sensitive receptors. The proposed project includes concurrent land use changes to TOP 2050 in addition to changes related to AB 98/SB 415. Because of the concurrent land use changes along Eucalyptus Avenue that reallocate residential land uses to high density corridors and the presence of sensitive land uses in Ontario Ranch along Edison Avenue identified in TOP 2050, the City proposed changes to the Truck Routes identified in Figure 2-9, *Proposed Truck Routes*.

The Ontario Policy Plan Amendment includes residential receptors along Edison Avenue/Ontario Ranch Road between Euclid Avenue and Archibald Avenue; and neighborhood centers at the intersections of Euclid Avenue/Edison Avenue, Grove Avenue/Edison Avenue, and on the south side of the corridor generally between Walker Avenue and Carpenter Avenue. While much of this area is undeveloped now, TOP 2050 plans for sensitive land uses along these corridors. As such, Edison Avenue/Ontario Ranch Road between Euclid Avenue and Walker Avenue is not necessary for truck access and proposed for removal pursuant to AB 98/SB 415. In contrast, Eucalyptus Avenue is needed for truck access and is being proposed as a designated truck route. Eucalyptus Avenue is also closer to Chino Airport and thereby zoned to allow for logistics uses on the south side of the street and mixed use and medium density residential on the north side.

Based on an analysis of the existing truck routing patterns, the change in the designated truck routes is anticipated to result in a negligible change to truck access in Chino. Specifically, based on vehicle classification counts collected at the intersection of Euclid Avenue and Edison Avenue on May 15, 2025, heavy-duty trucks represent less than 5 percent of the eastbound and westbound through traffic on Edison Avenue and Euclid Avenue (see counts provided in Draft SEIR Appendix K3, , pages 3.1-193 and 3.1-208). The shift of 30 eastbound trucks from a through movement on Eucalyptus Avenue to a right or left turn on Euclid Avenue would not impact

freight access nor alter the level of service on Euclid Avenue. Additionally, as indicated in the San Bernardino County Land Use Services Department (Comment Letter A6), the City's proposed truck routes align with the County's regional truck routes. The City's proposed Truck Routes are not inconsistent with the City of Chino's truck routes.

Comment A5-4

- The City of Chino is concerned that with the proposed truck route changes, commercial traffic will be concentrated on Euclid Avenue beyond originally anticipated intersection compacities at buildout. Further, this change is likely to impact SR-60 and SR-71 interchanges that may require additional improvement considerations beyond what has been identified to date. The EIR and traffic impact analysis should review both interchanges to determine how intensifying commercial traffic on Euclid Avenue affects the Level of Service to these locations.

Response A5-4

The comments on delay-based metrics, such as level of service (LOS), do not address the adequacy of the analysis in the Draft SEIR pursuant to SB 743, and no further response is necessary; however, a Traffic Impact Analysis (TIA) was conducted for the EBPSP and was included as Appendix K3 to the Draft SEIR. Table 7-1, Horizon Year (2050) Intersection analysis identifies the LOS for SR-60 and SR-72 ramps.

The proposed changes to the truck routes reflect AB98/SB 415 goals to avoid sensitive receptors and aggregate trucks to regional truck routes such as state highways and expressways, which Euclid Avenue is classified as. The proposed changes reflect current conditions which show that trucks primarily utilize regional routes such as SR-60, SR-71, and SR-91 for regional travel, while Euclid Avenue is not the preferred route for regional travel. The removal of Archibald Avenue would result in minor rerouting of trips to Euclid Avenue but not to the extent that regional planning and future interchanges would be affected.

Based on vehicle classification counts collected along Euclid Avenue in May 2025, the changes to the truck route designations in Ontario would result in minor shifts to existing heavy-duty truck volumes on Euclid Avenue, with the most detectable change occurring at the intersection of Euclid Avenue and Edison Avenue. The shifts represent less than 5 percent of the eastbound and westbound through traffic on Edison Avenue and Euclid Avenue (see counts provided in Draft SEIR Appendix K3, pages 3.1-193 and 3.1-208). The shift of 30 eastbound trucks from a through movement on Eucalyptus Avenue to a right or left turn on Euclid Avenue would not impact freight access nor alter the level of service on Euclid Avenue.

Comment A5-5

- The City of Chino requests that the City of Ontario coordinate Active Transportation facilities along Euclid Avenue and through east-west streets to provide seamless regional connectivity.

Response A5-5

The City of Ontario looks forward to coordinating bicycle and pedestrian connections between Chino and Ontario, specifically along Edison Avenue adjacent to the planned regional park. Ensuring safe separation between trucks and vulnerable roadway users is very important to the City of Ontario. The proposed removal of the truck route designation from Edison Avenue will improve safe access to the planned park by eliminating heavy-duty truck traffic.

A6. San Bernardino County, Land Use Services Department – April 20, 2026

Comment A6-1

Thank you for providing the Notice of Preparation (NOP) for the proposed amendments to the Ontario Plan (TOP} 2050 Policy Plan.

Based on the information provided, the project is located entirely within the City of Ontario, and direct impacts to unincorporated County areas are expected to be limited. The proposed truck routes also appear consistent with those already evaluated by the County.

Please continue to include County departments, including Land Use Services and Public Works-Traffic, as well as regional partners such as the San Bernardino County Transportation Authority (SBCTA), to ensure impacts to County roadways and truck routes remain limited and coordination is maintained.

Response A6-1

The County of San Bernardino Land Use Department determination of consistency with the County's truck routes is noted. The City will continue to coordinate with the County of San Bernardino Land Use Services and Public Works-Traffic as well as SBCTA.

A7. California Department of Transportation – April 21, 2026

Comment A7-Intro

The California Department of Transportation (Caltrans) Local Development Review (LDR) Branch has completed its review of the Ontario Plan 2050 Policy Plan Amendment Supplemental Environmental Impact Report documents. The City of Ontario is in the southwestern corner of San Bernardino County and is surrounded by the cities of Chino and Montclair and unincorporated San Bernardino County to the west; the cities of Upland and Rancho Cucamonga to the north; the City of Fontana and unincorporated San Bernardino County to the east; and the cities of Eastvale and Jurupa Valley to the south.

The Policy Plan Amendment project component primarily involves modifying the currently permitted and planned TOP land use pattern across more than 1,300 acres in southern Ontario. These proposed changes to TOP are driven by requests from property owners and developers who seek to alter the allowable type or intensity of land use on their properties as well as land use changes required to improve land use compatibility, maintain compliance with state laws,

uphold long-term planning goals, and plan for a cohesive land use pattern that repositions the southwest portion of the city as a regional employment and logistics center.

Given that the project is proposing to work within Caltrans' ROW, further review and the issuance of a Caltrans Encroachment Permit prior to construction to address impacts to Caltrans' will be necessary. Based on the information currently available, these comments are preliminary and subject to revision as the project design and development progress.

Based on the information available, we are submitting the following comments:

Response A7-Intro

Responses to Caltrans comments are included in Responses A7-1 through A7-4. It should be noted that the EBPSP and the Policy Plan Amendment provide a program-level review of potential impacts associated with buildout of land uses in accordance with the TOP 2050 and the Specific Plan. Specific improvements to Caltrans facilities are not identified as part of this program environmental review; however, should future projects warrant improvements within Caltrans right-of-way (ROW) a Caltrans Encroach Permit would be required.

Comment A7-1

Modal Planning Programs

In the Eucalyptus Business Park Specific Plan, Project Level VMT Impact Assessment contains a revised truck map removing Archibald Avenue as one of the current truck routes (page K1-48). Given the decrease in future truck trips with the proposed change to the existing truck route, the City should make a concerted effort to implement the mobility plan/Ontario Active Transportation Master Plan (2021), prioritizing streets where trucks are prohibited or will be restricted, as it is notable that there are no continuous north-south bicycle facilities south of SR-60, five years following the completion of the Active Transportation Master Plan.

Response A7-1

The EBPSP does not remove Archibald Avenue from the City's Truck Routes because this action is part of the concurrent Policy Plan Amendment project component. The Policy Plan Amendment includes changes to the City's truck routes (see Figure 2-8, *Current Truck Routes*) as identified in Figure 2-9, *Proposed Truck Routes*. As described under the section entitled "Transportation", the changes to the truck route map are to minimize the number of existing and proposed sensitive receptors adjacent to the truck routes. AB 98/SB 415 requires cities to balance impacts to sensitive receptors with commercial truck operational needs.

Caltrans request to prioritize implementation of the Ontario Active Transportation Master Plan is noted. The comments on the City's Active Transportation Master Plan do not address the adequacy of the analysis in the Draft SEIR, and no further response is necessary. The Mobility Element of TOP includes changes to the City's Multipurpose Trails & Bikeways Plan, as shown in Figure 3.17-3. The changes to the City's Multipurpose Trails & Bikeways Plan further refine Ontario's Active Transportation Master Plan and shift Class II bike lanes to Multipurpose Trails or Class 1 bikeways to ensure that these Active Transportation improvements align with the proposed land use plan and do not conflict with the proposed changes to the City's Truck Routes being implemented in response to AB 98/SB 415. Proposed active transportation improvements along existing and proposed roadways in Ontario Ranch are contingent upon redevelopment in Ontario Ranch. The City agrees and is committed to implementing the Mobility Element and Active Transportation Master Plan, including strengthening north/south bicycle connectivity within the Ontario Ranch Area as development occurs and funding allows.

Comment A7-2

Traffic Operations

- Exhibit 1-4 on Page 11: The study area should include the intersection of Euclid Avenue (SR-83) and Bickmore Avenue.
- Provide Synchro (Version 12) input files that are used to analyze intersections.
- On Page 38 under Section 2.3: CA MUTCD should be updated to CA MUTCD 2026
- Intersection #1 in Table 7-1 on Page 97: The Synchro output for this ramp intersection showed failure. The HCS output showed the WB left off-ramp failed. This left-turn movement should be improved. Also, a double left on NB Euclid to the WB on ramp should be considered.
- Intersection #2 in Table 7-3 on Page 102: A double SB left without a project is the same as with a project. Verify
- Intersection #21 in Table 7-3 on Page 102: Additional trips add onto the SR-60 WB ramps and Grove Avenue. So, the improvement of these WB ramps should be considered
- The EB left off-ramp at intersection #22 in Table 7-3 on Page 102: Is adding an exclusive left-turn lane? which is a three-lane approach to Grove Ave. Verify

Traffic Operations-San Bernadino County does not consider the TIA report to be completed or approved for this proposed project. Additional comments may be provided after the next submittal is reviewed.

Response A7-2

The comments on delay-based metrics, such as level of service (LOS) do not address the adequacy of the analysis in the Draft SEIR pursuant to SB 743, and no further response is necessary. Further, Caltrans does not have jurisdictional authority over approval of the EBPSP TIA.

Responses to individual comments on the LOS study are provided below:

- The study area intersections evaluated in the EBPSP Traffic Impact Analysis (TIA), which was included in Appendix K3 of the Draft SEIR, were established through the City scoping process. Numerous study area intersections are located along Euclid Avenue. Specifically, nine intersections, as well as the on/off-ramps to/from both the SR-60 and SR-71. It is noted that both intersections along Euclid Avenue to the north and south of Bickmore Avenue (Kimball Avenue and Pine Avenue) were included as study area intersections.
- Synchro Version 12 input files for all study intersections were sent to Caltrans for review on May 15, 2026.
- The EBPSP TIA was underway prior to the release of MUTCD 2026 edition, and is consistent with the latest guidelines in place at the time of traffic study scoping agreement approval. Furthermore, there were no changes to the CA MUTCD for peak hour warrants that would change the findings/recommendations in the Traffic Analysis.
- Intersection level of service operations at signalized intersections are evaluated based on the intersection's average control delay per the HCM 7th Edition methodology for signalized intersections. As shown in the TIA Table 7-1, Intersection #1 is anticipated to operate at an acceptable LOS under the analyzed conditions. Additionally, as shown in Table 7-3 of the TIA (Appendix K3 of the Draft SEIR), the westbound left-turn movement is not anticipated to experience queuing deficiencies, and available storage is sufficient to accommodate projected queues. Therefore, no improvements are recommended at this location.
- Under Horizon Year conditions, improvements have been recommended for Without Project and With Project conditions. TIA Table 7-3 does not show a "Without Improvements" condition. Table 7-3 shows that at intersection #21, the same improvements have been recommended for both Without Project and With Project conditions. This indicates that the same improvements are needed without and with the project.
- As shown in TIA Table 7-1, Intersection #21 is anticipated to operate at an acceptable LOS under the analyzed conditions. Additionally, as shown in Table 7-3 of the TIA, the study intersection is not anticipated to experience queuing deficiencies, and available storage is sufficient to accommodate projected queues. Therefore, no improvements are recommended at this location.

- The recommended improvements consist of adding an exclusive left-turn lane. As such, the eastbound approach would consist of a left-turn lane, a shared left-through lane, and a right-turn lane.

Comment A7-3

Caltrans Encroachment Permit

Be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909)383-4526
D8.E-permits@dot.ca.gov
https://dot.ca.gov/programs/traffic-operations/ep
Important Note: All new permit applications must now be submitted through our new CEPS Online Portal at: https://ceps.dot.ca.gov/
Local Development Review and Encroachment Permit Process

Please note that this LDR Letter is **not** a Caltrans approval nor an entitlement. However, once the above comments have been properly addressed, the project may proceed with the Caltrans Office of Encroachment Permits for an in-depth review and permit issuance.

Response A7-3

See Response A7-Intro. Should future projects warrant improvements within Caltrans right-of-way (ROW) a Caltrans Encroach Permit would be required. The City will coordinate with Caltrans appropriately to obtain all necessary permitting, as needed.

Comment A7-4

Thank you again for including the Caltrans LDR Branch in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-963-9608.

Response A7-4

This comment does not address the adequacy of the analysis in the Draft SEIR and no further response is necessary.

2.3.2 Comments from Organizations

O1. Golden State Environmental Justice Alliance – April 16, 2026

Comment O1-1

Thank you for the opportunity to comment on the Supplemental Environmental Impact Report (EIR) for the proposed Eucalyptus Business Park Specific Plan/The Ontario Plan 2050 Policy Plan Amendment Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this Project. Send all communications to Golden State Environmental Justice Alliance, P.O. Box 79222, Corona, CA 92877.

1.0 Summary

The Project includes two aspects: 1) Project-level analysis of adoption of the Eucalyptus Business Park Specific Plan (EBPSP) to construct 2,939,000 s.f. of industrial business park uses and 2) program-level analysis of substantial amendments to seven chapters (Land Use Element, Housing Element, Mobility Element, Community Design Element, Parks and Recreation Element, Safety Element, and Environmental Resources Element) of the City's General Plan known as The Ontario Plan (TOP Policy Plan Amendment (PPA)) to accommodate the proposed EBPSP, unaccounted for land use changes that increase TOP buildout by 1,395,416 square feet of nonresidential building area, and other changes to TOP. The EBPSP proposes demolition of all existing onsite structures to accommodate the construction and operation of an industrial business park area. The EBPSP would establish 9 planning areas that provide for development of the site with approximately 2,939,000 SF of industrial business park uses on 137.9 acres (Planning Areas 1-6) and 36.15 acres of Open Space–Parkland (Planning Areas 7-9). The remaining 14.97 acres would be utilized for roadway improvements. The Business Park land use designation is intended to provide for uses such as employee intensive office spaces, technology centers, research and development facilities, warehouse and distribution, and light manufacturing. No cold storage would be permitted. The Specific Plan would also allow a maximum of 10,000 SF of commercial uses within the Business Park planning areas to support the Business Park operations and a 35,000 SF publicly operated animal resource center if the City of Ontario decides to locate an animal resource center in the Specific Plan.

Response O1-1

This serves as an introduction to the comment letter. This comment does not address the adequacy of the analysis in the Draft SEIR and no further response is necessary. Responses to the Golden State Environmental Justice Alliance's (GSEJA) comments are provided in Responses O1-2 through O1-73.

Comment O1-2

Executive Summary 2.2. Type and Purpose of this Draft SEIR

The amendments to TOP are analyzed at a programmatic level as a Supplemental EIR to the existing TOP EIR. The EBPSP portion of the Project is analyzed as a Project Supplemental EIR. However, CEQA requires that TOP be analyzed as a Subsequent EIR. The EIR states that, "The proposed land use changes necessitate updates and modifications across the Land Use Element and various other elements of TOP 2050 Policy Plan." This justification language is vague and overly simplifies the extent of the PPA amendments to TOP. The existing TOP has a total of nine chapters, and the PPA modifies seven of them – Land Use Element, Housing Element, Mobility Element, Community Design Element, Parks and Recreation Element, Safety Element, and Environmental Resources Element. The Project also includes changes to the City's Development Code and Zoning Map to reflect the changes within TOP.

CEQA Guidelines Section 21166 requires that a subsequent EIR be prepared when any of the following apply: 1) substantial changes to the approved Project will require major revisions to the certified EIR, 2) substantial changes occur with respect to the circumstances under which the approved Project is being undertaken will require major revisions to the certified EIR, or 3) new information, that was not known and could not have been known at the time the EIR for the approved Project was certified becomes available. All three of these circumstances apply to the proposed Project. The approved Project (existing TOP) is changed so fundamentally and substantially that the RHNA sites inventory of the Housing Element is altered, new land use designations are created, existing land use designations are altered, and the Development Code and Zoning Map must also be updated as a result in order to accommodate these substantial changes.

Further, substantial changes and revisions to the existing TOP EIR are necessary in that the proposed Project has prepared new analyses for Air Quality, GHG, Truck Routes, Noise, VMT, and Water Supply. New information that was not known and could not have been known at the time the EIR for the approved Project (existing TOP) was certified becomes available, including but not limited to the proposed revisions to seven chapters of TOP to accommodate the EBPSP, the Redondo Beach case law requirements for Housing Elements, and state law requirements such as SB 330, SB 166, SB 1000, and AB 98.

CEQA Guidelines Section 15163(a)(2) allows preparation of a Supplemental EIR if "only minor additions or changes would be necessary to make the previous EIR adequately apply to the Project in the changed situation." The Project creates a completely new situation that is changed entirely from the previously certified EIR. The Project includes substantial changes to seven of the nine chapters within The Ontario Plan and requires major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects (CEQA Guidelines Section 15162(a)(1)). Therefore, a Subsequent EIR is required to be prepared and circulated for public review.

Response O1-2

The *Executive Summary* section ES.2.2, *Type and Purpose of this Draft SEIR*, summarizes the considerations for moving forward with a Supplemental EIR under Section 15163. As noted in the Draft SEIR, Chapter 2, *Project Description,* the proposed project includes land use designation changes at the request of property owners within the City as well as minor revisions to the Elements of TOP 2050. Contrary to the Commenter's assertion that a subsequent EIR is required under Public Resources Code section 21166, that section allows preparation of either a subsequent or supplemental EIR when one or more of the listed events occurs. Based on the City's review of the proposed project and the CEQA Guidelines, specifically Section 15162, *Subsequent EIRs and Negative Declarations*, and Section 15163, *Supplement to an EIR*, the City determined that a Supplement to The Ontario Plan 2050 SEIR was appropriate. The proposed project is not a comprehensive update to TOP 2050 and the revisions to the Elements of TOP, as described in Chapter 2 under the section entitled, *Policy Plan Elements*, are considered to be minor. The land use changes affect approximately four percent[1] of the total acreage in the City.

Moreover, pursuant to *Citizens for a Sustainable Treasure Island v. City and County of San Francisco* (2014) 227 Cal.App.4th 1036, the level of detail required in an EIR is determined by the nature of the project. As such, it matters little what the title of CEQA document is so long as the EIR evaluated the impacts of the proposed project. *City of Irvine v. County of Orange* (2015) 238 Cal.App.526, 540 (focus is on the substance of the EIR, not its nominal title). In this case, the Commenter is arguing that the analysis in the SEIR is inadequate merely based on the title of the EIR. There is nothing in this comment that suggests that the analysis in the 20 topical sections included in the proposed project Draft SEIR is inadequate or misleading. The CEQA procedures of a Subsequent and Supplemental EIR are not different once an EIR is determined to be needed. An EIR must adhere to the requirements of CEQA Guidelines, Article 7, *EIR Process* (CEQA Guidelines section 15080 through section 15097) regardless of whether the decision was made to proceed with a *Subsequent* EIR or a *Supplemental* EIR.

[1] 1,435 acres / 33,022 acres

However, as stated above, based on the City's review of the conditions identified under CEQA Guidelines section 15162 and section 15163, the City determined that a Supplemental EIR was the appropriate CEQA document for the proposed project.

Comment O1-3

1.1 Project Piecemealing

The EIR does not accurately or adequately describe the Project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). The proposed Project is a piecemeal portion of a larger overall project to be developed by Sares Regis within the City.

The EIR misleads the public and decision makers by circumventing adequate and accurate environmental analysis for the whole of the action - construction and operation of all Sares Regis buildings as a whole. At minimum, known piecemealed Projects include the development of the Meredith International Centre (3,001,160 s.f. of industrial distribution space across seven buildings[1,2]). Cumulatively, the proposed EBSP Project and the piecemealed Project will construct 5,940,160 sf of warehouse/industrial building area. The proposed TOP Policy Plan Amendment increases TOP buildout for nonresidential building area by 4,334,416 sf, which cumulatively develops 7,335,576 sf of nonresidential building area.

1 https://www.rga-architects.com/meredith-international-centre

2 https://www.oltmans.com/projects/meredith-international-centre-bldgs-1-7-infrastructure-and-solar

Response O1-3

The City disagrees with the GSEJA that the proposed project meets the definition of piecemealing for the purpose of CEQA. TOP 2050 itself is the City's general plan. Thus, buildout of the City's land use plan under the Ontario Policy Plan Amendment considers cumulative growth within the City. As noted in CEQA Guidelines section 15130(b)(1)(B), a general plan is considered a plan that evaluates the conditions contributing to cumulative effect. Therefore, TOP 2050 inherently considers cumulative growth that can be used to define cumulative impacts in a CEQA document.

The Draft SEIR evaluated the impacts of the Policy Plan Amendment, the concurrent Zoning amendment, and the EBPSP under one comprehensive Draft SEIR. Therefore, the proposed project was evaluated as a whole, since the Policy Plan Amendment, the Zoning amendment, and the EBPSP, are interrelated components of a single planning effort. The Draft SEIR analyzes

these elements across all environmental issue areas, including alternatives and cumulative impacts, at a level of detail appropriate for the programmatic nature of the action. The environmental review does not defer or segment any reasonably foreseeable phases or components of the proposed project that would result in additional impacts.

Moreover, the Meredith International Center is a separate development proposal with independent approvals, timing, financing, and operational purposes. The Meredith International Center is not a foreseeable consequence of the proposed Policy Plan Amendment, concurrent Zoning Amendment, or EBPSP, nor is it necessary to implement or operate the Project. Likewise, the Project does not rely the Meredith International Centre for access, infrastructure, utilities, parking, or functionality. Each may proceed independently and retains independent utility absent the other. Accordingly, the analysis complies with CEQA's requirement to evaluate the whole of the action and does not constitute piecemealing**.**

Comment O1-4

2.0 Project Description

The EBSP aspect of the Project proposes to construct 2,939,000 sf of nonresidential building area. Table 2-4: Comparison of Approved TOP 2050 to Policy Plan Amendment within the EIR states that the TOP PPA will increase the allowable development of nonresidential building square feet by 4,334,416 square feet. This leaves 1,395,416 square feet of nonresidential building area unaccounted for. The land use changes that generate this specific increase in nonresidential building area are not discussed in the EIR. The EIR is inadequate as an informational document, and this does not comply with CEQA's requirements for meaningful disclosure. The EIR must be revised and include a complete list of affected Assessors Parcel Numbers, the parcel size, the existing and proposed TOP land use designations, and the existing and proposed Zoning designation to adequately disclose the land use changes for the 1,395,416 square feet of nonresidential building area increase over existing conditions.

Response O1-4

The GSEJA is citing the total non-residential change identified in Table 2-4, *Comparison of the Approved TOP 2050 to Policy Plan Amendment* of the Draft EIR then stating that there is 1,395,416 square feet of nonresidential building area unaccounted for because the EBPSP only accounts for 2,939,000 square feet of industrial/business park land use. However, GSEJA is not accounting for the change in square footage by land use type.

Table 2-3, *TOP 2050 Policy Plan Amendment Proposed Land Use Summary*, provides detailed information on buildout of the proposed project. Table 2-1, *Approved TOP 2050 Land Use Designation*, provides detailed information on buildout of the current TOP 2050. Table 2-1 and Table 2-3 in the Draft SEIR are based on the buildout methodology, which has been added as

Appendix C, *Buildout Methodology*, to the Final SEIR. Table 2-3 and Table 2-1 provides a detailed accounting of the acres, housing units, households, population, non-residential square footage, and employment by land use type. In contrast, Table 2-4 is a summary table provided in the Draft SEIR that identifies the total change in residential units, population, non-residential square feet, and employment associated with the current TOP compared and the Policy Plan Amendment project.

The industrial and business park land uses in Table 2-1 for the current TOP and Table 2-3 for the Policy Plan Amendment are summarized under the heading "Employment". At buildout, the proposed project would result in 215,009,231 square feet of industrial land uses. Compared to the current TOP (see Appendix C), the "Employment" land uses are currently, 208,638,928 square feet. As a result, the proposed project result in an increase in 6,370,304 square feet of industrial land use and an increase in 294.1 acres of industrial land uses in the City, of which the EBPSP represents 47 percent of that change.

To summarize, the difference in the square footage numbers cited by the Commenter is because total non-residential square footage includes more land use subtypes than just the industrial land use, which the Draft SEIR evaluates as part of the Ontario Policy Plan Amendment project analysis.

As noted by the Commenter, the section entitled "Assessor Parcel Numbers" lists each individual parcel that would be affected by the Policy Plan Amendment. The Draft SEIR also includes Figure 2-6, *Policy Plan Amendment Areas of Change*, which identifies the location of the parcels associated with the Policy Plan Amendment. At the request of the Commenter, Figure 2-6a through 2-6c, *Policy Plan Amendment Area of Change*, has been added to the SEIR in order to identify the parcel numbers on this figure (see Appendix B, *Revised Draft SEIR Figures*).

Thus, the project description is not inaccurate or misleading. The Draft SEIR provides a clear and consistent project description with detailed information on the change in non-residential (and employment land use as a subsect of this total) land uses in the City that the public and decision makers would need to evaluate the potential impacts of those land use changes.

Comment O1-5

The EIR has also excluded copies of the Eucalyptus Business Park Specific Plan document, revised Draft Housing Element, and changes to the City's Zoning Map and Development Code to implement the Policy Plan Amendments from the EIR. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA Guidelines Section 15121 and PRC Section 21003(b)). Incorporation by reference (CEQA Guidelines Section 15150 (f)) is not appropriate as the Eucalyptus Business Park Specific Plan document, revised Draft Housing Element, and changes to the City's Zoning Map and

Development Code to implement the Policy Plan Amendments contribute directly to the analysis of the problem at hand and is relied upon throughout the EIR to support less than significant findings. A revised EIR must be prepared to include the Eucalyptus Business Park Specific Plan document, revised Draft Housing Element, and changes to the City's Zoning Map and Development Code to implement the Policy Plan Amendments as appendices to the EIR for review, analysis, and comment by the public and decision makers.

Response O1-5

The comment incorrectly asserts that CEQA requires the EIR to include complete copies of the EBPSP, revised Draft Housing Element, and implementing zoning documents as an appendices to the EIR. CEQA does not require that every related planning document referenced in an EIR be physically reproduced within the EIR itself. Rather, CEQA Guidelines section 15150 expressly authorizes incorporation by reference where the material is reasonably available for public review and inspection. The EIR adequately describes the Policy Plan Amendment, the concurrent Zoning amendment, and the EBPSP to permit informed public review and decision-making. The EIR summarizes the relevant components of these planning documents, analyzes their potential environmental effects, and identifies the basis of the conclusions reached.

All information cited by GSEJA was posted to the City's website by March 4, 2026: https://www.ontarioca.gov/government/community-development/planning/environmental-documents.

- **EBPSP.** The EBPSP was posted to the City's website https://content.ontarioca.gov/sites/default/files/2026-03/Eucalyptus%20Business%20Park%20Specific%20Plan%20Public%20Review%20Draft%202026-03-03.pdf.

- **Policy Plan Amendment.** Appendix B, *TOP 2050 Policy Matrix*, of the Draft SEIR identified the changes to TOP 2050 as a result the Policy Plan Amendment project. The Housing Element Technical Report Amendments was posted to the City's website: https://content.ontarioca.gov/sites/default/files/2026-03/HEonly_PublicReviewDraft_260304.pdf.pdf. The zoning amendments were also included in the Draft SEIR as Figure 2-10, *Proposed Zoning Map*. Additionally, the amendments to The Ontario Plan (TOP) are currently available on the project website: https://www.myinput.com/OntarioPPA/draft-documents.

- **Zoning.** The proposed changes are available on the City's website: https://content.ontarioca.gov/sites/default/files/2026-03/Proposed%20Zoning%20Map%2020260304.pdf. The

The information requested by GSEJA was made available to the public during circulation of the Draft SEIR on the City's "Environmental Documents" portion of the City's website.

The Commenter also incorrectly contends that incorporation by reference is prohibited because the reference documents "contribute directly" to the analysis. CEQA does not impose such limitation. To the contrary, incorporation by reference is routinely used for planning documents, technical studies, and regulatory materials that inform EIR analyses, provided the EIR itself contains sufficient detail to allow meaningful evaluation of environmental impacts. The relevant standard is whether the EIR functions as an informational document enabling informed participation and decision-making, not whether every supporting document is reproduced in full as an appendix.

Moreover, the EIR contains sufficient information to support the analysis and conclusions presented. The commentor has not identified any specific information allegedly omitted from the EIR that precluded meaningful public review or impaired the ability of decision-makers to evaluate environmental effects. Nor has the commentor demonstrated that any member of the public lacked access to the referenced documents during the review process.

Accordingly, the EIR complies with CEQA Guidelines sections 15121 and 15150, as well as Public Resources Code section 21003(b), and recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-6

The EIR does not include a detailed floor plan, a detailed site plan, a detailed grading plan, or detailed building elevations. The basic components of a Planning Application include a detailed site plan, floor plan, grading plan, written narrative, and detailed elevations. The site plan provided in Figure 2-12 has been edited for public review to remove meaningful information such as the legend, key notes, floor area ratio calculation, and site coverage. All these basic items are necessary to conduct any type of analysis, and the EIR is inadequate as an informational document, as it is not possible to ascertain any meaningful analysis based upon the information provided. Further, no building elevations are included. A revised EIR must be prepared to include a wholly accurate, adequate, and legible detailed site plan, floor plan, and building elevations for public review.

Response O1-6

Executive Summary, section ES.2.2, *Type and Purpose of this Draft SEIR*, under the subsection entitled "Program EIR" identifies that a program level analysis for proposed project, including the EBPSP, was prepared. The EBPSP is referred to as 'project' because it is more refined and less 'general' than TOP 2050, but EBPSP is a Specific Plan; and therefore, a plan-level review was conducted. Because of the programmatic nature of the Specific Plan, detailed floor plans and

site plans are not available at this program-level stage of the project entitlements. It is however noted that Table 5-2 of the EBPSP provides the maximum floor area ratio, maximum building heights and footprints, minimum landscape coverage, etc. The City will require these project-level components at the time applications for individual development projects are submitted. Chapter 2, *Project Description*, is based on the level of information available at the time of the EIR. The lack of detailed, project-level site plans, elevations, floor plans, in a program EIR does not constitute inaccurate, inconsistent, or incomplete information pursuant to CEQA.

Comment O1-7

Additionally, the grading plan provided in Figure 2-15 has been edited for public review to remove meaningful information. For example, it does not provide any detailed information, such as earthwork quantity notes. Providing the grading plan and earthwork quantity notes is vital as the Project Description states that, "…the site needs to export approximately 51,000 CY of organic materials." The EIR has not provided substantial evidence to support this claim. Verification of the import/export materials is vital as it directly informs the quantity of necessary truck hauling trips due to soil import/export during the grading phase of construction. A revised EIR must be prepared to include wholly accurate and adequate detailed Project grading plans for public review.

Response O1-7

See Response O1-6. The Draft SEIR is a Program EIR. The EBPSP construction impacts identified in the Draft SEIR are based on the level of information available at the time of analysis, as identified in Chapter 2, *Project Description*. Specifically, Draft SEIR page 2-63 specifies the approximate earthwork quantities anticipated for the Specific Plan. These quantities are based on land surveys, project concepts, and site-specific geotechnical characteristics. The anticipated earthwork quantities informed the technical analyses prepared for the EBPSP. The project description in Chapter 2 is intended to provide a stable and accurate summary of the proposed project. The Project Description provides the level of detail sufficient for the Draft SEIR's programmatic environmental review and is based on the best available information at this planning phase. Final, engineering-level detail is not yet available. Accordingly, the absence of detailed grading plans does not preclude meaningful environmental analysis or public review.

Comment O1-8

3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions

The EIR does not include relevant environmental justice issues for analysis in reviewing potential impacts, including cumulative impacts from the proposed Project. This conflicts with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing

factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a Project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the Project." This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[3], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed Project's census tract (6071001903) is highly burdened by pollution and ranks in the 99th percentile for overall pollution burden, meaning that it is among the most polluted census tracts in the state. The surrounding community bears the impact of multiple sources of pollution and is more polluted than other census tracts in many pollution indicators measured by CalEnviroScreen. For example, the Project census tract ranks in the 77th percentile for ozone burden, 93rd percentile for particulate matter (pm) 2.5 burden, and 57th percentile for diesel pm burden. These environmental factors are attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[4]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low birth weight and premature births[5]. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat, and nose, heart and lung disease, and lung cancer[6]. See also the attached air quality comments and analysis from SWAPE.

The census tract ranks among the most severely impacted in several areas that impact water quality. The census tract ranks in the 98th percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air inside their homes[7]. Accordingly, the census tract ranks in the 100th percentile for drinking water impacts, which indicates that it ranks with the worst quality drinking water in the state. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state[8]. The census tract also ranks in the 87th percentile for impaired waters. Water pollution can harm wildlife habitats and change the number and types of plants and animals in the environment[9]. When fish and shellfish are contaminated, people who eat them can be exposed to toxic substances[10].

The census tract ranks in the 99th percentile for solid waste facility impacts. Solid waste facilities can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations[11]. The census tract also bears more impacts from cleanup sites than 80% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[12].

The census tract ranks in the 100th percentile for toxic releases. People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident[13]. The census tract also ranks in the 87th percentile for hazardous waste facility impacts. Hazardous waste generators and facilities contribute to the contamination of air, water, and soil near waste generators and facilities can harm the environment as well as people[14].

Further, the census tract is a diverse community including 29% Hispanic, 5% African-American, and 37% Asian-American residents, who are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 53% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community also has a high rate of poverty, meaning 35% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[15]. Poor communities are often located in areas with high levels of pollution[16]. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution[17]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 29th percentile for incidence of cardiovascular disease and 49th percentile for low birth weights. The community also has a high rate of linguistic isolation, meaning 69% of the census tract speaks little to no English and faces further inequities as a result.

3 CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40

4 OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone

5 OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density

6 OEHHA Diesel Particulate Matter https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter

7 OEHHA Groundwater Threats https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats

8 OEHHA Drinking Water https://oehha.ca.gov/calenviroscreen/drinking-water

9 OEHHA Impaired Waters https://oehha.ca.gov/calenviroscreen/indicator/impaired-water-bodies

10 Ibid.

11 OEHHA Solid Waste Facilities https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities

12 OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites

13 OEHHA Toxic Releases https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities

14 OEHHA Hazardous Waste Generators and Facilities https://oehha.ca.gov/calenviroscreen/indicator/hazardouswaste-generators-and-facilities

15 OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty

16 Ibid.

17 Ibid.

Response O1-8

The Commenter mischaracterizes the requirements of CEQA Guidelines section 15131(c). That section does not require an EIR to analyze environmental justice issues. Rather, CEQA Guidelines section 15131 provides that economic, social, and other non-environmental effects need not be treated as significant effects on the environment under CEQA, although such considerations may be relevant in evaluating the feasibility of mitigation measures or alternatives. Section 15131 further recognizes that determinations regarding feasibility or feasibility of mitigation measures must be supported by substantial evidence in the administrative record. Accordingly, the Commenter's reliance on section 15131(c) imposing an independent environmental justice analysis is misplaced.

Environmental justice (EJ) is not a standalone topic under CEQA. Senate Bill (SB) 1000 signed into 2016, required local governments to identify EJ communities (called "disadvantaged communities") in their jurisdictions and address EJ in their general plans. The law requires the inclusion of an EJ element when a lead agency is updating two or more General Plan elements. CEQA is generally concerned with physical environmental impacts of a particular project and does not focus on the social impacts. The Draft SEIR provides the context for physical impacts on surrounding communities and provides an overview of the CalEnviroScreen (CES) information in Section 3.3, *Air Quality*, on page 3.3-29 of the Draft SEIR. This section includes Figure 3.3-3, *Environmental Justice Communities*, which shows the census tracts and associated neighborhoods in Ontario that have been identified as EJ communities through the SB 1000 process, and Figure 3.3-4, *CES4 Indicator: Pollution Burden*, which depicts the pollution burden percentile for Ontario by census tracts.

The Draft SEIR includes a detailed, quantified analysis of project- and cumulative-level air quality, energy, and greenhouse gas (GHG) emissions impacts in Sections 3.3, 3.6, and 3.8, respectively. As noted above, environmental justice, including consideration of impacts on disadvantaged communities, is not a standalone requirement under CEQA. Additionally, South Coast Air Quality Management District (South Coast AQMD) has not defined significance thresholds directly pertaining to environmental justice impacts. However, the air quality issues

evaluated in Section 3.3, *Air Quality*, of the Draft SEIR are relevant to the discussion regarding environmental justice issues.

The Draft SEIR addresses potential regional and cumulative air quality and health risk impacts on sensitive receptors, which include populations that may overlap with identified EJ communities. For example, Impact AQ-4 and Impact AQ-5 evaluated potential project-related construction phase and operation phase localized impacts, respectively, that are associated with criteria air pollutants and toxic air contaminants to offsite sensitive receptors. As discussed on page 3.3-85 of Draft SEIR, the Draft SEIR acknowledges that cumulative development in the City would contribute to increased environmental burdens on sensitive populations, including EJ communities in the South Coast Air Basin.

Consequently, the Draft SEIR determined the proposed project would cumulatively contribute to significant health impacts in the air basin and expose sensitive receptors to substantial pollution concentrations. Therefore, the Draft SEIR considered cumulative health risk impacts in light of the pollution burden of the surrounding community and considered mitigation measures to reduce the proposed project's cumulative impact.

Comment O1-9

3.9 Hazards and Hazardous Materials

The EBSP area of the Project is within Referral Area C and Safety Zone III of the Chino Airport Land Use Compatibility Plan[18]. The City's Development Code Reference I: Chino Airport Land Use Compatibility Plan[19] (it must be noted that this is the City's adopted Chino Airport ALUCP and not the statutorily authorized Chino Airport ALUCP) states that regarding statutorily required airport land use compatibility analysis, "San Bernardino County and its cities elected to follow the Alternative Process when this option became available as a result of the 1994 legislation (Assembly Bill 2831). Specific requirements for implementation of the Alternative Process are set forth in Public Utilities Code Section 21670.1(c)(2)." Further, "The California Division of Aeronautics approved the San Bernardino County Alternative Process in 1996. The approval of the Alternative Process designated the City of Chino as the local jurisdiction responsible for leading the compatibility planning process for Chino Airport. The current Chino Airport Land Use Compatibility Plan (ALUCP) does not reflect the guidance set forth in the 2011 Caltrans Airport Land Use Planning Handbook. Although the City of Ontario does not have the formal responsibility under the "alternative process" to prepare a compatibility plan for Chino Airport, the City of Ontario has prepared an airport land compatibility plan for Chino Airport consistent with the 2011 Caltrans Airport Land Use Planning Handbook solely to address impacts within Ontario's boundaries."

Even though the City of Ontario has adopted an ALUCP for the Chino Airport, analysis of compliance with the City's ALUCP does not satisfy the statutory requirements of Public Utilities Code Section 21670.1. Only the City of Chino is authorized via the approved Alternative Process as the local jurisdiction responsible for the compatibility planning process for the Chino Airport. The City of Ontario is not authorized to determine this statutorily required review. The EIR must be revised to disclose this information and utilize it for analysis. The proposed Project extensively amends seven of nine TOP chapters, amends a specific plan, and amends the City's development code; all of these actions require ALUCP compatibility review by the City of Chino, which is the authorized lead. The EIR has not provided any substantial evidence to support a less-than-significant finding; the Project directly conflicts with Public Utilities Code Section 21670.1 and all statutory requirements for airport compatibility planning, and a revised EIR must be prepared to include a finding of significance. Further, the EIR has not included substantial evidence to demonstrate that the Project has obtained a "Determination of No Hazard to Air Navigation" from the FAA. The EIR must be revised to include a finding of significance.

18 https://lus.sbcounty.gov/wp-content/uploads/sites/48/Airports/Chino.pdf

19 https://content.ontarioca.gov/sites/default/files/2024-12/Reference%20I_Chino%20Airport%20Land%20Use%20Compatibility%20Plan_Rev%2005.02.2023.pdf

Response O1-9

A consistency analysis was prepared in coordination with the City of Ontario to evaluate project consistency with the Chino ALUCP in Appendix G6 of the Draft SEIR. The land uses evaluated within this analysis are within the City of Ontario's jurisdiction. This coordination does not constitute implementation of the Alternative Process under Public Utilities Code Section 21670.1, but reflects a project-level consistency review against the Chino ALUCP. The City of Ontario is not overriding an Airport Land Use Commission's determination. Rather, the Draft SEIR evaluated and disclosed the potential airport land use compatibility impacts consistent with CEQA requirements and determined that the proposed project was consistent with the ALUCP.

Nothing in Public Utilities Code section 21670.1 prohibits the City from evaluating consistency with applicable airport compatibility criteria or incorporating airport compatibility planning policies into its general plan, development code, or environmental review documents. CEQA requires analysis of physical environmental effects associated with a project; it does not require an EIR to resolve interagency jurisdictional disputes or characterize potential procedural disagreements as significant environmental impacts absent substantial evidence of resulting physical environmental consequences.

The *Watsonville Pilots Association v. City of Watsonville* (2010) 183 Cal.App.4th 1059 established that agencies must adopt the strictest, nondiscretionary airport land-use and safety standards outlined in the California Airport Land Use Planning Handbook (2010) into its general plan before approving any airport-adjacent developments. Since the City of Chino's ALUCP is out of date for Chino Airport, the City of Ontario completed an ALUCP for Chino airport consistent with the California Airport Land Use Planning Handbook. This approach has also been completed by the County of Riverside for Chino airport as well. Furthermore, the City of Chino was provided the opportunity to comment on the project during the 45 day review period.

The Commenter also states that the Draft SEIR does not include substantial evidence to demonstrate that the proposed project has obtained a "Determination of No Hazard to Air Navigation" from the Federal Aviation Administration (FAA). As described on page 3.9-54 of the Draft SEIR, the FAA and Caltrans Division of Aeronautics provides guidance for land use safety near airports. However, no specific vertical development proposal, building height , or FAA-regulated obstruction evaluation application is currently before the City as part of this programmatic environmental review, and future site-specific development projects would remain subject to FAA review requirements. The land use designation changes associated with the proposed project would be designed to be consistent with applicable airport safety compatibility criteria and to avoid incompatible land uses within applicable air safety zones. The *Executive Summary* identifies that the Draft SEIR is a Program EIR.

Accordingly, substantial evidence supports the Draft SEIR's airport land use compatibility analysis, and the Commenter has not demonstrated that the Draft SEIR fails to comply with CEQA or omits analysis of significant airport-related environmental impact. No revisions to the Draft SEIR are warranted.

Comment O1-10

3.11 Land Use and Planning

The EIR has also excluded copies of the Eucalyptus Business Park Specific Plan document, revised Draft Housing Element, and changes to the City's Zoning Map and Development Code to implement the Policy Plan Amendments from the EIR. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA Guidelines Section 15121 and PRC Section 21003(b)). Incorporation by reference (CEQA Guidelines Section 15150 (f)) is not appropriate as the Eucalyptus Business Park Specific Plan document, revised Draft Housing Element, and changes to the City's Zoning Map and Development Code to implement the Policy Plan Amendments contribute directly to the analysis of the problem at hand and is relied upon throughout the EIR to support less than significant findings. A revised EIR must be prepared to include the Eucalyptus Business Park Specific Plan document, revised Draft Housing Element, and changes to the City's Zoning Map

and Development Code to implement the Policy Plan Amendments as appendices to the EIR for review, analysis, and comment by the public and decision makers.

Response O1-10

See Response O1-5. The information requested by GSEJA was made available to the public during circulation of the Draft SEIR. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-11

The EBSP aspect of the Project proposes to construct 2,939,000 sf of nonresidential building area. Table 2-4: Comparison of Approved TOP 2050 to Policy Plan Amendment within the EIR states that the TOP PPA will increase the allowable development of nonresidential building square feet by 4,334,416 square feet. This leaves 1,395,416 square feet of nonresidential building area unaccounted for. The land use changes that generate this specific increase in nonresidential building area are not discussed in the EIR. The EIR is inadequate as an informational document, and this does not comply with CEQA's requirements for meaningful disclosure. The EIR must be revised and include a complete list of affected Assessors Parcel Numbers, the parcel size, the existing and proposed TOP land use designations, and the existing and proposed Zoning designation to adequately disclose the land use changes for the 1,395,416 square feet of nonresidential building area increase over existing conditions.

Response O1-11

See Response O1-4. The difference in the square footage numbers cited by the Commenter is because total non-residential square footage includes more land use subtypes than just the industrial land use, which the Draft SEIR evaluates as part of the Ontario Policy Plan Amendment project analysis. The project description is not inaccurate or misleading. The Draft SEIR provides a clear and consistent project description with detailed information on the change in non-residential (and employment land use as a subsect of this total) land uses in the City that the public and decision makers would need to evaluate the potential impacts of those land use changes.

The section entitled "Assessor Parcel Numbers" lists each individual parcel that would be affected by the Policy Plan Amendment. Figure 2-5, *Proposed Land Use Plan*, shows the proposed land use designations in the City and Figure 2-10, Proposed Zoning Map, shows the proposed zoning changes. The Draft SEIR also includes Figure 2-6, *Policy Plan Amendment Areas of Change*, which identifies the location of the parcels associated with the Policy Plan Amendment. At the request of the Commenter, Figure 2-6a through 2-6c, *Policy Plan*

Amendment Area of Change, has been added to the SEIR in order to identify the parcel numbers where there are land use changes on this figure (see Appendix B, *Revised Draft SEIR Figures*).

Comment O1-12

The EIR excludes from its analysis the Project's required General Plan Amendment and Zone Change applications to allow development of the proposed uses on the Project site. The site was not anticipated to be developed with the proposed use and is therefore not accounted for in regional and local plans adopted for purposes of avoiding or mitigating environmental effects, including but not limited to the AQMP, RTP/SCS, and General Plan. A revised EIR must be prepared to include this information for analysis and include a finding of significance.

Response O1-12

GSEJA is incorrect. Chapter 2, *Project Description,* describes the Policy Plan Amendment and Zoning changes associated with the proposed project. Section 3.3, *Air Quality*, under criteria a) for the *AQMP Consistency Analysis* starting on page 3.3-48 of the Draft SEIR provides a consistency analysis with the South Coast AQMD's AQMP. Likewise, Section 3.11, *Land Use and Planning,* Table 3.11-1*, Policy Plan Amendment Consistency with SCAG Connect SoCal*, provides a consistency analysis with SCAG's RTP/SCC. The analyses in these sections consider the land use and zoning changes associated with the Policy Plan Amendment project (inclusive of the EBPSP). No edits to the Draft SEIR are warranted. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-13

The EBSP aspect of the Project proposes to change the land use designations of several sites identified for residential development in the Housing Element sites inventory to non-residential land use designations. This requires the proposed Policy Plan Amendment (PPA) to revise the existing inventory to remove the EBSP sites, include new additional replacement sites, and revise the land use/zoning designations on multiple sites within the existing inventory as part of the Policy Plan Amendment (PPA). The EIR is not clear regarding the acreage of land attributed to each existing land use designations for the overall Project site (EBSP and PPA) in order to calculate if there is a net loss of housing capacity. Specifically, the EIR only provides a list of all APNs affected by the PPA beginning on pages 2-18. The EIR excludes meaningful information for these sites, including but not limited to the existing/proposed General Plan land use designation, existing/proposed Zoning designation, acreage, total unit capacity, realistic unit capacity for HCD Housing Element analysis, and whether the parcel is in the existing sites inventory.

Response O1-13

Chapter 2, *Project Description*, summarizes the no net loss provisions under SB 330 and SB 166. As described in the Project Description, the redesignation of land within the EBPSP is being evaluated concurrently as part of the Policy Plan Amendment in the Draft SEIR. Figure 2-6, *Policy Plan Amendment Areas of Change*, identifies the location of the land use changes and the proposed land use designations associated with the Ontario Policy Plan Amendment project. The proposed project includes upzoning several sites to meet the City's RHNA obligation as shown in Figure 2-7, *Policy Plan Amendment Affordability Sites Inventory*.

See Response O1-4 and Response O1-11. The section entitled "Assessor Parcel Numbers" lists each individual parcel that would be affected by the Policy Plan Amendment. The Draft SEIR also includes Figure 2-6, *Policy Plan Amendment Areas of Change*, which identifies the location of the parcels associated with the Policy Plan Amendment. At the request of the Commenter, Figure 2-6a through 2-6c, *Policy Plan Amendment Area of Change*, has been added to the SEIR in order to identify the parcel numbers on this figure (see Appendix B, *Revised Draft SEIR Figures*). The total acreage associated with the land use changes is 1,435 acres.

See Response O1-28. Section 5.2 of the Housing Element Technical Report Amendments, released and posted with the Draft SEIR, included a full accounting of the City will meet its RHNA requirements for each income category, including the sites inventory, acreage, applicable land use and zoning designations, development assumptions, density assumptions, affordability assumptions, and site capacity calculations.

The Draft SEIR evaluates the environmental impacts of the land use changes described in Chapter 2. The Project Description is not inaccurate, inconsistent, or incomplete. It includes the detail needed to disclose the potential program-level environmental impacts to the public and decision makers.

Comment O1-14

Government Code Section 66300(b)(1)(A) requires that agencies shall not "change the general plan land use designation, specific plan land use designation, or zoning to a less intensive use below what was allowed under the land use designation and zoning ordinances in effect at the time of the proposed change." Under Government Code Section 66300(b)(1)(A), a "less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce residential development capacity. Pursuant to SB 330, replacement capacity for any displaced residential units must be provided concurrently at the time of Project approval.

Response O1-14

See Response O1-13. Chapter 2, *Project Description*, summarizes the no net loss provisions under SB 330 and SB 166. One of the primary goals of the Policy Plan Amendment is to "Ensure there is no net loss in overall housing capacity within the City, consistent with the requirements of state law." As stated on page 2-37, the proposed land use changes result in a net gain in housing capacity, increasing the estimated number of allowed units from 129,951 units under TOP 2050, to 137,177 units under the proposed project, an increase of 5.6 percent, meeting the requirements of SB 330 (see Appendix C, *Buildout Methodology*). The reason the City must plan for an increase in housing units rather than net replacement of units is due to more stringent requirements related to Senate Bill 166. The proposed project does not reduce buildout and therefore would be consistent with Government Code Section 66300(b)(1)(A). The project would not result in a less intensive use.

Comment O1-15

Government Code Section 66300 (h)(i)(1) states that, "this section does not prohibit an affected county or an affected city, including the local electorate acting through the initiative process, from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity." The EIR is inadequate in that it does not provide the acreage of each existing General Plan land use and Zoning designation within the overall Project area. The total acreage for each existing General Plan land use and Zoning designation is necessary to calculate the existing total residential development capacity to ensure there is no net loss of capacity. The EIR must be revised to include this information for analysis.

As an example, the total residential unit capacity of only the EBSP parcels that are within the existing HCD Certified Housing Element sites inventory may be calculated because the existing Housing Element includes the necessary information. Table B-2: Housing Element Sites Inventory within the City's HCD Certified Housing Element[20] identifies 16 parcels from the EBSP portion of the Project site as part of its identified sites inventory to accommodate its RHNA allocation.

1. APN 0216-322-01

    Site 2-70
    Acres: 9.1
    Current GP: MDR
    Proposed GP: MU-BC
    Current Zoning: SP-AG

Proposed Zoning: SP-AG-AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 40 units
Low: 24 units
Mod: 32 units
Above Mod: 32 units
Total HE Capacity: 127 units
Max Density Capacity: 409 units

2. APN 0216-322-02

Site 2-71
Acres: 3.1
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 13 units
Low: 8 units
Mod: 11 units
Above Mod: 11 units
Total HE Capacity: 42 units
Max Density Capacity: 139 units

3. APN 0216-321-06

Site 2-67
Acres: 5.7
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 25 units

Low: 15 units
Mod: 20 units
Above Mod: 20 units
Total HE Capacity: 79 units
Max Density Capacity: 256 units

4. APN 0216-321-07

Site 2-68
Acres: 9.1
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 40 units
Low: 24 units
Mod: 32 units
Above Mod: 32 units
Total HE Capacity: 128 units
Max Density Capacity: 409 units

5. APN 0216-322-10a

Site 2-129
Acres: 11.8
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 81 units
Low: 48 units
Mod: 65 units
Above Mod: 65 units
Total HE Capacity: 258 units
Max Density Capacity: 354 units

6. APN 0216-322-10b

Site 2-130
Acres: 11.8
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25 Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 52 units Low: 31 units
Mod: 41 units Above
Mod: 41 units
Total HE Capacity: 165 units
Max Density Capacity: 531 units

7. APN 0216-321-01

Site 2-64
Acres: 8.8
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 38 units Low: 22 units
Mod: 31 units
Above Mod: 31 units
Total HE Capacity: 121 units
Max Density Capacity: 396 units

8. APN 0216-321-02

Site 2-65
Acres: 7.5
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH

Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 32 units
Low: 19 units
Mod: 26 units
Above Mod: 26 units
Total HE Capacity: 103 units
Max Density Capacity: 337 units

9. APN 1053-551-01

Site 2-118
Acres: 26.7
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 118 units
Low: 69 units
Mod: 93 units
Above Mod: 93 units
Total HE Capacity: 373 units
Max Density Capacity: 1,201 units

10. APN 1053-541-01

Site 2-117
Acres: 5.5
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 38 units
Low: 22 units

Mod: 30 units
Above Mod: 30 units
Total HE Capacity: 121 units
Max Density Capacity: 165 units

11. APN 1053-571-01

Site 2-119
Acres: 9.1
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 62 units
Low: 37 units
Mod: 50 units
Above Mod: 50 units
Total HE Capacity: 199 units
Max Density Capacity: 273 units

12. APN 1053-571-02

Site 2-120
Acres: 9.1
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 62 units
Low: 37 units
Mod: 50 units
Above Mod: 50 units
Total HE Capacity: 200 units
Max Density Capacity: 273 units

13. APN 1053-531-01

    Site 2-115
    Acres: 3.0
    Current GP: MDR
    Proposed GP: MDR
    Current Zoning: SP-AG
    Proposed Zoning: SP-AG -AH
    Min Density: 20
    Max Density: 30
    Opportunity Area: Great Park Corridor
    VLI: 21 units
    Low: 12 units
    Mod: 17 units
    Above Mod: 17 units
    Total HE Capacity: 66 units
    Max Density Capacity: 90 units

14. APN 1053-531-04

    Site 2-116
    Acres: 2.9
    Current GP: MDR
    Proposed GP: MDR
    Current Zoning: SP-AG
    Proposed Zoning: SP-AG -AH
    Min Density: 20
    Max Density: 30
    Opportunity Area: Great Park Corridor
    VLI: 20 units
    Low: 12 units
    Mod: 16 units
    Above Mod: 16 units
    Total HE Capacity: 63 units
    Max Density Capacity: 87 units

15. APN 1053-581-04

    Site 2-122
    Acres: 9.0
    Current GP: MDR

Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 62 units
Low: 36 units
Mod: 50 units
Above Mod: 50 units
Total HE Capacity: 197 units
Max Density Capacity: 270 units

16. APN 1053-581-03

Site 2-121
Acres: 9.1
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 63 units
Low: 37 units
Mod: 50 units A
above Mod: 50 units
Total HE Capacity: 200 units
Max Density Capacity: 273 units

Total EBSP Sites Maximum Density: 5,463 units

The EBSP area sites have a maximum density of 5,463 residential units. The Project proposes to change the General Plan Land Use and Zoning designations for these sites, which will reduce their total residential capacity to 0 dwelling units. It is not possible to calculate if the identified replacement sites provide zoning capacity for at least 5,463 units because the EIR does not provide the necessary information to conduct this analysis. It is also not possible to calculate the overall existing zoning capacity of all affected APNs at each income level, nor the proposed overall zoning capacity of all affected APNs at each income level, because the EIR does not provide the necessary information to conduct this analysis.

20. https://hcdpowerbi.blob.core.windows.net/housing-elements/ontario-6th-adopted031122.pdf

Response O1-15

See Responses O1-13 and O1-14. One of the primary goals of the Policy Plan Amendment is to "Ensure there is no net loss in overall housing capacity within the City, consistent with the requirements of state law." As stated on page 2-37, the proposed land use changes result in a net gain in housing capacity, increasing the estimated number of allowed units from 129,951 units under TOP 2050, to 137,177 units under the proposed project, an increase of 5.6 percent, meeting the requirements of SB 330.

Chapter 2, *Project Description*, includes the list of Assessor Parcel Numbers (APNs) affected by the proposed land use changes. As detailed in Response O1-4, the Draft SEIR also includes Figure 2-6, *Policy Plan Amendment Areas of Change*, which identifies the location of the parcels associated with the Policy Plan Amendment. At the request of the Commenter, Figure 2-6a through 2-6c, *Policy Plan Amendment Area of Change*, has been added to the SEIR in order to identify the parcel numbers on this figure (see Appendix B, *Revised Draft SEIR Figures*).

The project description is not inaccurate or misleading. The Draft SEIR provides a clear and consistent project description with detailed information on the change in non-residential (and employment land use as a subsect of this total) land uses in the City that the public and decision makers would need to evaluate the potential impacts of those land use changes.

Comment O1-16

The EIR does not provide any information to determine the Project's compliance or noncompliance with statutory requirements of the Housing Crisis Act (HCA) of 2019/Senate Bill (SB) 330[21]/SB 8[22]. The HCA/SB 330/SB 8 requires replacement housing sites when any land designated for housing development (including land not in the Housing Element sites inventory) experiences land use changes to ensure no net loss of housing capacity. The EIR has not included substantial evidence to support compliance with these laws nor a less-than-significant finding. The EIR must be revised to include a finding of significance and recirculated for public review. Table 3.11-1 Policy Plan Amendment Consistency with SCAG Connect SoCal includes a general and broad discussion of the Project and excludes analysis with specific policies of the RTP/SCS. The sweeping generalizations exclude analysis that the project will result in significant and unavoidable impacts to Air Quality (inconsistent with AQMP, local and regional construction emissions, localized construction emissions, and cumulative health risks), Greenhouse Gases (project-related emissions and inconsistency with the City's Community Climate Action Plan), and Transportation (increase in VMT). The EIR's findings of significance directly conflict with its generalizations that the Project is consistent with key goals related to mobility and

environmental goals and policies related to sustainable development, air quality, clean transportation, and climate resilience. The EIR has not provided any analysis here with the policies of SCAG's Connect SoCal RTP/SCS, and a revised EIR must be prepared to at minimum include consistency analysis of the following.

1. Equitable Engagement and Decision-Making Policy 46. Promote racial equity that is grounded in the recognition of the past and current harms of systemic racism and one that advances restorative justice.
2. Equitable Engagement and Decision-Making Policy 47. Increase equitable, inclusive, and meaningful representation and participation of people of color and disadvantaged communities in planning processes.
3. Sustainable Development Policy 48. Promote sustainable development and best practices that enhance resource conservation, reduce resource consumption, and promote resilience.
4. Sustainable Development Policy 49. Support communities across the region to advance innovative, sustainable development practices.
5. Sustainable Development Policy 50. Recognize and support the diversity of communities across the region by promoting local place-making, planning, and development efforts that advance equity, mobility, resilience, and sustainability.
6. Air Quality Policy 51. Reduce hazardous air pollutants and greenhouse gas emissions and improve air quality throughout the region through planning and implementation efforts.
7. Air Quality Policy 52. Support investments that reduce hazardous air pollutants and greenhouse gas emissions.
8. Air Quality Policy 53. Reduce the exposure and impacts of emissions and pollutants and promote local and regional efforts that improve air quality for vulnerable populations, including but not limited to Priority Equity Communities and the AB 617 Communities.
9. Climate Resilience Policy 64. Prioritize the most vulnerable populations and communities subject to climate hazards to help the people, places, and infrastructure that are most at risk for climate change impacts. In doing so, recognize that disadvantaged communities are often overburdened.
10. Climate Resilience Policy 65. Support local and regional climate and hazard planning and implementation efforts for transportation, land use, and other factors.
11. Climate Resilience Policy 66. Support nature-based solutions to increase regional resilience of the natural and built environment.

A revised EIR must be prepared to disclose the Project's inconsistency with these policies and include a finding of significance.

21 Housing Crisis Act of 2019/SB 330
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330

22 SB 8 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB8

Response O1-16

See Responses O1-13 and O1-14. One of the primary goals of the Policy Plan Amendment is to "Ensure there is no net loss in overall housing capacity within the City, consistent with the requirements of state law." As stated on page 2-37, of Chapter 2, *Project Description*, the proposed land use changes result in a net gain in housing capacity, increasing the estimated number of allowed units from 129,951 units under TOP 2050, to 137,177 units under the proposed project, an increase of 5.6 percent, meeting the requirements of SB 330. The requirements of SB 330 and SB 166 are cited several times throughout Chapter 2 in relation to the proposed project. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

The CEQA Guidelines section 15358(b) defines effects on the environment as physical changes. Consistency with regional plans would only result in an impact if being inconsistent with that plan or policy would result in a physical impact to the environment. Section 3.11, *Land Use and Planning,* includes a consistency analysis with SCAG's Connect SoCal's overarching goals in Table 3.11-1, *Policy Plan Amendment Consistency with SCAG Connect SoCal*. As noted by GSEJA Table 3-11.1 does not identify consistency with every individual policy in Connect SoCal but provides an analysis with Mobility, Communities, Environment, and Economy goals. The Draft SEIR need not evaluate consistency of every policy in SCAG's RTP/SCS to determine consistency. The proposed project provides a reasoned analysis of goals that are relevant to environmental effects, with enough detail to show that the proposed project would not result in a physical environmental impact as a result of being inconsistent with these goals.

Comment O1-17

Additionally, the EIR has not analyzed the Policy Plan Amendment in accordance with the existing General Plan policies. The EIR concludes that the Project will result in significant and unavoidable impacts to Air Quality (inconsistent with AQMP, local and regional construction emissions, localized construction emissions, and cumulative health risks), Cultural Resources (Historic Resources), Noise (Construction Noise, Traffic Noise, Construction Vibration, Heavy Truck Vibration, and Exterior Airport Noise Exposure), Greenhouse Gases (Project related emissions and inconsistency with the City's Community Climate Action Plan), Transportation (increase in VMT). The PPA is directly inconsistent with several TOP items listed below, including but not limited to Policy LU-2.4, Policy LU-2.10, Policy LU-5.1, Policy LU-5.2, Policy LU-5.6, Policy H-2.4, Policy H-4.6, Goal ER-4, Policy ER-4.6, Goal CE-3, and Policy CE3-1. The EIR relying upon

approval of the PPA itself to determine consistency with TOP circumvents CEQA's requirements for meaningful disclosure and informational documents. The EIR must be revised to include an analysis of the proposed PPA in accordance with the existing TOP goals and policies in order to provide an adequate and accurate environmental analysis.

Response O1-17

The comment asserts that the EIR improperly relies on approval of the proposed Policy Plan Amendment to establish consistency with the TOP and therefore fails to evaluate the Project against existing TOP goals and policies. The comment further contends that the project is inconsistent with several identified TOP policies because the EIR identifies significant and unavoidable impacts related to air quality, cultural resources, noise, greenhouse gas emissions, and transportation.

CEQA does not require a project to be fully consistent with every existing TOP policy in order for an EIR to be adequate. Rather, CEQA requires disclosure and analysis of the project's environmental impacts, including inconsistencies with applicable plans and policies where relevant. CEQA Guidelines section 15125(d). The EIR satisfies this requirement by fully disclosing the project's significant and unavoidable impacts related to air quality, cultural resources, noise, GHG emissions, and transportation, and by identifying feasible mitigation measures where available.

Moreover, the existence of significant and unavoidable impacts does not itself establish inconsistency with the TOP. Consistency determinations require consideration of whether a project is compatible with the general plan viewed as a whole, and the agency retrains broad discretion to weigh and balance competing policies and objectives. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 305. A project's inconsistency with a policy does not, by itself, constitute a significant environmental impact under CEQA. *Joshua Tree Downtown Bus. Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695.

The comment does not explain how the Policy Plan Amendment would be inconsistent with the cited TOP goals or policies, nor does it identify any specific aspect of the EIR's analysis that is allegedly inaccurate or unsupported. A generalized assertion that the Policy Plan Amendment conflicts with various TOP policies, without substantial evidence or reasoned explanation, does not demonstrate inadequacy in the Draft EIR.

Nowhere in Section 3.11, *Land Use and Planning*, does the analysis state that impacts associated with the Policy Plan Amendment to land use and planning criteria b) are less than significant once the project is adopted or because it would be adopted. The Policy Plan Amendment project is the goals and policies of TOP 2050 (see Section 3.11, *Land Use and Planning*). The Draft SEIR does not rely on approval of the Policy Plan Amendment for less than significant impacts for land use and planning.

Lastly, a consistency analysis of the EBPSP with TOP Policies is included in Table 3.11-3, *EBPSP Policy Plan Consistency Analysis*. As noted in Response O1-16, impacts would only be significant if being inconsistent with a TOP policy would result in a physical impact to the environment. Table 3.11-3 provides a reasoned analysis of goals and policies that are relevant to environmental effects of the EBPSP, with enough detail to show that the proposed project would not result in a physical environmental impact as a result of being inconsistent with these goals.

The EIR contains substantial evidence supporting its analysis and conclusions regarding environmental impact and plan consistency. The comment does not identify any specific inadequacy in the EIR's analysis or omission of material information that would require recirculation or revision pursuant to CEQA Guidelines section 15088.5.

Comment O1-18

Further, Table 3.11-3 EBPSP Policy Plan Consistency Analysis has not provided consistency analysis with all TOP items, and a revised EIR must be prepared to include a consistency analysis with all goals and policies of the TOP, including but not limited to the following:

1. Goal LU-1. A community that has a spectrum of housing types and price ranges that match the jobs in the City and that make it possible for people to live and work in Ontario and maintain a quality of life.
2. Policy LU-1.7 Revenues and Costs. We require future amendments to our Land Use Plan to be accompanied by analyses of fiscal impacts.
3. Policy LU-2.4 Regulation of Nuisances. We regulate the location, concentration, and operation of potential nuisances.
4. Policy LU-2.10 Sensitive Uses. We monitor and share information with the community about stationary and non-stationary emission sources. We encourage siting and design of facilities to minimize health and safety risks on existing and proposed sensitive uses, especially in environmental justice areas.
5. Policy LU-2.11 Context-Aware Transitions and Connections. We require new development projects and land-planning efforts to provide context-aware and appropriate transitions and connections between existing and planned neighborhoods, blocks, sites, and buildings.
6. Goal LU-5. Integrated airport systems and facilities that minimize negative impacts on the community and maximize economic benefits.
7. Policy LU-5.1 Coordination with Airport Authorities. We collaborate with the FAA, Caltrans Division of Aeronautics, airport owners, neighboring jurisdictions, and other stakeholders in the preparation, update, and maintenance of airport-related plans.

8. Policy LU-5.2 Airport Planning Consistency. We coordinate with airport authorities to ensure The Ontario Plan is consistent with state law, federal regulations, and/or adopted master plans, and airport land use compatibility plans for ONT and Chino Airport.
9. Policy LU-5.6 Alternative Process. We fulfill our responsibilities and comply with state law with regard to the Alternative Process for proper airport land use compatibility planning.
10. Policy H-2.4 Ontario Ranch. We support a premier lifestyle community in the Ontario Ranch, distinguished by diverse housing, the highest design quality, and cohesive and highly amenitized neighborhoods.
11. Policy H-4.6 Fair Housing. We further fair housing by prohibiting discrimination in the housing market, lifting barriers that restrict access to housing, and providing education, support, and enforcement services to address discriminatory practices.
12. Policy PR-1.5 Acreage Standard. We strive to provide 5 acres of parkland (public and private) per 1,000 residents.
13. Policy PR-1.6 Private Parks. We expect development to provide a minimum of 2 acres of developed private park space per 1,000 residents.
14. Goal ER-1. A reliable and cost-effective system that permits the City to manage its diverse water resources and needs.
15. Policy ER-1.1 Local Water Supply. We increase local water supplies to reduce our dependence on imported water. New and redevelopment projects are aligned with our available water supply and/or to enhance our available water supply.
16. Policy ER-1.2 Matching Supply to Use. We match water supply and quality to the appropriate use.
17. Goal ER-4. Improved indoor and outdoor air quality and reduced locally generated pollutant emissions.
18. Policy ER-4.6 Particulate Matter. We support efforts to reduce particulate matter to meet State and Federal Clean Air Standards.
19. Policy ER-4.9. New Localized Air Pollution Sources Near Existing Sensitive Receptors. We require new developments to conduct a Health Risk Assessment for land uses that generate more than 100 trucks per day or 40 trucks per day by trucks operating transportation refrigeration units (TRUs) within 1,000 feet of sensitive land uses (California Health and Safety Code § 42705.5(a)(5)). If the health risk assessment determines the new development poses health hazards that increase the incremental cancer risk above the threshold established by the South Coast Air Quality Management District (AQMD), we will only approve permits upon the condition that adequate mitigation measures are proposed and implemented for potential impacts on the

sensitive uses around the site and along the route within Ontario taken by the trucks to and from freeways. We require new developments that must perform a health risk assessment to conduct additional public outreach by sending notifications in multiple languages to all residents living within 500 feet, and encourage hosting a public meeting.

20. Goal CE-3. Decision-making deliberations that incorporate the full short-term and long-term economic and fiscal implications of proposed City Council actions.

21. Policy CE3-1 Fiscal Impact Disclosure. We require requests for City Council action to disclose the full fiscal impacts, including direct and indirect costs.

22. Policy CE-3.2 General Plan Amendments. We require those proposing General Plan amendments to disclose reasonably foreseeable impacts through a fiscal analysis.

23. Policy CE-3.3 Long-Term Funding Disclosure. We require those requesting City support or funding for projects or programs to disclose if and how they can be continued without further City support.

24. Policy SR-2.7 Community Engagement. We promote targeted outreach and education to historically underrepresented groups to encourage meaningful participation in the decision-making process for projects whose outcomes will affect land use in environmental justice areas.

25. Policy M-3.2 Alternative Transit Facilities at New Development. We require new development adjacent to an existing or planned transit stop to contribute to the creation of transit facilities, such as bus shelters, transit bays and turnouts, and bicycle facilities, such as secure storage areas.

It is vital for the EIR to provide an analysis of the project in accordance with these General Plan items, particularly as there are requirements for fiscal impact disclosure and fiscal analysis applicable to the proposed Project that are not provided for analysis.

Response O1-18

See Response O1-17. Table 3.11-3 provides a reasoned analysis of goals and policies that are relevant to environmental effects of the EBPSP, with enough detail to show that the proposed project would not result in a physical environmental impact as a result of being inconsistent with these goals. The policies listed by the Commenter are generally directed towards City staff for use during land use decisions.

CEQA does not require an EIR to prove complete consistency with every policy or goal within a general plan. *Golden Door Props., LLC v. County of San Diego* (2020) 50 Cal.App.5th 467, 502. Rather, consistency determinations require consideration of whether a project is compatible with the general plan viewed as a whole, and the agency retrains broad discretion to weigh and

balance competing policies and objectives. *East Sacramento Partnership for a Livable City v. City of Sacramento* (2016) 5 Cal.App.5th 281, 305. In addition, a project's inconsistency with a policy does not, by itself, constitute a significant environmental impact under CEQA. *Joshua Tree Downtown Bus. Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695. CEQA likewise does not require an EIR to explain why the project is consistent with applicable plans or to provide support for a conclusion there are no plan inconsistencies. *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 883, 894.

Further, CEQA Guidelines section 15125(d) only requires an EIR to discuss any inconsistencies between the proposed project and applicable plans. The comment does not explain how the EBPSP would be inconsistent with the cited TOP goals or policies, nor does it identify any specific aspect of the EIR's analysis that is allegedly inaccurate or unsupported. A generalized assertion that the EBPSP conflicts with various TOP policies, without substantial evidence or reasoned explanation, does not demonstrate inadequacy in the EIR.

Lastly, the CEQA Guidelines section 15358(b) defines effects on the environment as physical changes. CEQA Guidelines sections 15064(e) and 15382 provide that fiscal or economic effects may not be treated as significant effects on the environment. In addition, Public Resources Code Section 20180(e) and CEQA Guidelines section 15064(f)(6) provide that evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment is not substantial evidence of a significant effect on the environment.

Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-19

Additionally, as discussed fully in the Hazards and Hazardous Materials section, the Project has not met the statutory requirements for airport compatibility planning via the Alternative Process for the Chino Airport. The EIR is inadequate as an informational document and does not meet CEQA's requirements for meaningful disclosure due to the lack of analysis with these requirements. The Project ultimately does not comply with these requirements, and the EIR must be revised to include a statement regarding the inconsistency and include a finding of significance.

Table 3.11-3 EBPSP Policy Plan Consistency Analysis includes misleading and erroneous consistency analysis for several items, and the EIR must be revised to remove these statements and provide accurate information. For example, the EIR concludes the project is consistent with "Policy ER-4.1. Land Use. We reduce GHG and other local pollutant emissions through compact, mixed use, and transit-oriented development and development that improves the regional jobs-housing balance," because, "The EBPSP would provide employment land uses in close proximity to major transportation corridors (Interstate 10, Interstate 15, State Route 60, State Route 83, State Route 71, and State Route 91) and near bus rapid transit (BRT) corridors along Edison

Avenue/Ontario Ranch Road and Euclid Avenue. Therefore, the Specific Plan area provides local employment opportunities for residents and serves to improve the regional jobs-housing balance.

Response O1-19

See Response O1-9 regarding airport land use compatibility. Public Utilities Code Section 21670.1 does not apply as the City of Ontario is not overriding the ALUC's determination of inconsistency. Section 3.9, *Hazards and Hazardous Materials*, of the Draft SEIR and Section 3.11, *Land Use and Planning*, identify that the proposed project is consistent with Caltrans 2011 Handbook.

The Commenter has not identified substantial evidence that the proposed project would create a physical hazard to air navigation, substantially interfere with airport operations, or otherwise result in a significant airport-related environmental impact requiring a finding of significance under CEQA. To the extent the Commenter alleges procedural or jurisdictional deficiencies associated with the Alternative Process under Public Utilities Code Section 21670.1, such assertions concern regulatory or intergovernmental coordination issues and do not, in themselves, establish physical environmental impacts.

The City disagrees with GSEJA that the EBPSP does not comply with the safety requirements for Chino Airport and warrants a 'significant' finding. The Draft SEIR, starting on page 3.9-56 of Section 3.9 provides a detailed consistency evaluation with the CNO safety zones. Table 3.9-2, CNO Compatibility Criteria Matrix, details the criteria required for new development within the safety zones. The EBPSP land uses would equate to an average of 8.41 people per acre, which is substantially below the non-residential intensity limits for Zone 6 and Zone 4. No changes to the CNO airport compatibility analysis are needed.

The Commenter's disagreement with the City's policy interpretation does not establish that the consistency analysis is inaccurate or unsupported. Policy consistency analyses inherently involve the exercise of planning judgment and balancing of multiple policy considerations. Here, the Draft SEIR acknowledges that the project would result in significant and unavoidable air quality and GHG impacts, while separately evaluating whether the project is generally consistent with broader land use, transportation, and economic development policies contained in TOP 2050. A project may remain generally consistent with an applicable policy framework even where certain environmental impacts remain significant and unavoidable.

See Response See Response O1-18 regarding consistency with TOP policies. Table 3.11-3 provides a reasoned analysis of goals and policies that are relevant to environmental effects of the EBPSP, with enough detail to show that the proposed project would not result in a physical environmental impact as a result of being inconsistent with these goals. Specifically, the EBPSP would be consistent with Policy ER-4.1 by developing a site within an urbanized area that would

utilize existing regional transportation infrastructure and public services. The project would provide employment opportunities proximate to existing and proposed residential communities within the region, which may reduce vehicle miles traveled associated with longer-distance commuting patterns. Additionally, development projects implemented pursuant to the EBPSP would be required to comply with applicable State and local regulations pertaining to energy efficiency, air quality, vehicle emissions, and sustainability measures, which would further reduce operational greenhouse gas and criteria pollutant emissions. Therefore, the EBPSP would be consistent with this Policy.

The Commenter's disagreement with planning conclusion does not demonstrate that the Draft SEIR is misleading, inadequate, or legally deficient under CEQA. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-20

Additionally, the Specific Plan area provides an integrated system of sidewalks, bikeways, and multipurpose trails on internal and perimeter roadways to encourage non-vehicular modes of transportation." The analysis here excludes the possibility that the proposed Project will result in significant and unavoidable cumulatively considerable GHG emissions and impacts. The EIR has not provided substantial evidence to support the conclusion that the Project does not conflict with this policy, and the EIR's own findings conclude that the Project will have significant and unavoidable impacts. A revised EIR must be prepared to include an accurate analysis that discloses and employs the Project's significant and unavoidable impacts for analysis and includes a finding of significance due to direct inconsistencies with this policy.

Response O1-20

See Response O1-19. The CEQA Guidelines section 15358(b) defines effects on the environment as physical changes. Consistency with regional plans would only result in an impact if being inconsistent with that plan or policy would result in a physical impact on the environment.

Comment O1-21

Similarly, the EIR concludes the project is consistent with, "Policy ER-4.3: Greenhouse Gases (GHG) Emissions Reductions. We will reduce GHG emissions in accordance with regional, state, and federal regulations," because, "As discussed in Section 3.8, Greenhouse Gas Emissions, the Specific Plan would be consistent with applicable regional, State, and federal regulations related to the reduction of GHG emissions and would not obstruct implementation of any GHG reduction plans/programs." The analysis here excludes the possibility that the proposed Project will result in significant and unavoidable cumulative GHG emissions and impacts, including inconsistency with the City's Community Climate Action Plan and emissions that will impede regional, state, and federal GHG reduction targets. A revised EIR must be prepared to include an

accurate analysis that discloses and employs the Project's significant and unavoidable impacts for analysis and includes a finding of significance due to direct inconsistencies with this policy.

Response O1-21

Section 3.8, *Greenhouse Gas Emissions*, of the Draft SEIR included an evaluation of the magnitude of GHG emissions associated with the Policy Plan Amendment and EBPSP under Significance Criteria a) (starting on Draft SEIR page 3.8-24) as well as a general consistency evaluation of the proposed project with plans adopted for the purpose of GHG emissions under Significance Criteria b) (starting on Draft SEIR page 3.8-39). The quantitative evaluation under Significance Criteria a) significance conclusions do not alter the significance conclusions under Significant Criteria b) because these are two different metrics. The City's Community Climate Action Plan (CCAP) is an implementation program of TOP 2050. The goals and policies of TOP 2050 support the City's GHG reduction goals that are implemented through measures identified in the CCAP. Neither the Policy Plan Amendment nor the Specific Plan are inconsistent with the measures in the City's CCAP. As identified in CEQA Guidelines section 15088.5, *Recirculation of an EIR prior to Certification*, none of the conditions that would trigger recirculation have been met.

Comment O1-22

The EIR also concludes that the Project is consistent with "Policy M1-6: Reduced Vehicle Miles Traveled. We will strive to reduce VMT through a combination of land use, transportation projects, travel demand management strategies, and other trip reduction measures in coordination with development projects and public capital improvement projects," because, "Uses internal to the Specific Plan would be connected through internal circulation systems, including sidewalks, bike lanes, and multi-purpose trails, reducing vehicle miles traveled." The analysis here excludes the possibility that the proposed Project will increase VMT and result in significant and unavoidable cumulative considerable VMT impacts. A revised EIR must be prepared to include an accurate analysis that discloses and employs the Project's significant and unavoidable impacts for analysis and includes a finding of significance due to direct inconsistencies with this policy. .

Response O1-22

See Response O1-21. Section 3.17, *Transportation,* of the Draft SEIR evaluates the VMT impacts of the proposed project. Page 3.17-39 the analysis concluded that the proposed project would result in project-level and cumulative significant and unavoidable VMT impacts. The executive summary shows the VMT determinations, as well as Chapter 4, *Alternatives,* of the Draft SEIR. The Policy Plan Amendment and the Specific Plan are consistent with the measures in the City's CCAP. The proposed project's significant and unavoidable finding on VMT impacts is not

applicable to the consistency evaluation with the measures in the City's CCAP. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-23

The EIR concludes the Project is consistent with "Policy M1-5: Level of Service. Maintain a peak hour Level of Service (LOS) E or better at all intersections. Maintain Level of Service D or better on arterial streets in the City. Develop and maintain a list of locations where LOS E or LOS F is considered acceptable and would be exempt from this level of service policy. Considerations for LOS exemption include being restricted by environmental constraints, lacking available right-of-way, deterring an increase in VMT, or degrading other modes of travel (such as bicycle or pedestrian infrastructure)," because, "The Traffic Analysis identifies improvements and fair share contributions to be assessed of the EBPSP to maintain acceptable LOS at affected intersections." However, as stated in the Transportation analysis below, none of these improvements and fair share contributions are included as Mitigation Measures in the EIR nor discussed as required improvements. Without implementation of these requirements, the impacts remain significant and unavoidable, and a finding of significance must be included in a revised EIR.

Response O1-23

The comments on delay-based metrics, such as level of service (LOS) do not address the adequacy of the analysis in the Draft SEIR pursuant to SB 743. In accordance with SB 743, Section 3.17, *Transportation*, of the Draft SEIR evaluated the VMT impacts of the proposed project. However, a Traffic Impact Analysis (TIA) was conducted for the EBPSP and was included as Appendix K3 to the Draft SEIR. The recommendations for traffic improvements identified in the TIA for the EBPSP will be required as Conditions of Approval. However, since these are delay-based recommendations, these improvements are not required to mitigate physical impacts on the environment under CEQA.

Comment O1-24

3.14 Population and Housing

The EIR has excluded the revised Draft Housing Element as an appendix to the EIR. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA Guidelines Section 15121 and PRC Section 21003(b)). Incorporation by reference (CEQA Guidelines Section 15150 (f)) is not appropriate as the revised Draft Housing Element contributes directly to the analysis of the problem at hand and is relied upon throughout the EIR to support less than significant findings. A revised EIR must be prepared to include the revised Draft Housing Element as an appendix to the EIR for review, analysis, and comment by the public and decision makers.

Response O1-24

See Response O1-5. The information requested by GSEJA was made available to the public during circulation of the Draft SEIR on the City's "Environmental Documents" portion of the City's website. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-25

The Project faces significant inconsistency with the State Housing Element Law. Pursuant to Government Code Section 65863[23], a jurisdiction shall ensure that its housing element sites inventory "can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584" and "at no time…shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need." Further, this Section states the following:

> "No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:
>
> (A)The reduction is consistent with the adopted general plan, including the housing element.
>
> (B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level."

Table B-2: Housing Element Sites Inventory within the City's HCD Certified Housing Element[24] identifies 16 parcels from the EBSP portion of the Project site as part of its identified sites inventory to accommodate its RHNA allocation.

1. APN 0216-322-01

   Site 2-70
   Acres: 9.1

Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG-AH
Min Density: 25 Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 40 units
Low: 24 units
Mod: 32 units
Above Mod: 32 units
Total HE Capacity: 127 units
Max Density Capacity: 409 units

2. APN 0216-322-02

Site 2-71
Acres: 3.1
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 13 units
Low: 8 units
Mod: 11 units
Above Mod: 11 units
Total HE Capacity: 42 units
Max Density Capacity: 139 units

3. APN 0216-321-06

Site 2-67
Acres: 5.7
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor

VLI: 25 units
Low: 15 units
Mod: 20 units
Above Mod: 20 units
Total HE Capacity: 79 units
Max Density Capacity: 256 units

4. APN 0216-321-07

Site 2-68
Acres: 9.1
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 40 units
Low: 24 units
Mod: 32 units
Above Mod: 32 units
Total HE Capacity: 128 units
Max Density Capacity: 409 units

5. APN 0216-322-10a

Site 2-129
Acres: 11.8
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 81 units
Low: 48 units
Mod: 65 units
Above Mod: 65 units
Total HE Capacity: 258 units
Max Density Capacity: 354 units

6. APN 0216-322-10b

Site 2-130
Acres: 11.8
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 52 units Low: 31 units
Mod: 41 units
Above Mod: 41 units
Total HE Capacity: 165 units
Max Density Capacity: 531 units

7. APN 0216-321-01

Site 2-64
Acres: 8.8
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 38 units Low: 22 units
Mod: 31 units
Above Mod: 31 units
Total HE Capacity: 121 units
Max Density Capacity: 396 units

8. APN 0216-321-02

Site 2-65
Acres: 7.5
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25

Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 32 units
Low: 19 units
Mod: 26 units
Above Mod: 26 units
Total HE Capacity: 103 units
Max Density Capacity: 337 units

9. APN 1053-551-01

Site 2-118
Acres: 26.7
Current GP: MDR
Proposed GP: MU-BC
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 25
Max Density: 45
Opportunity Area: Great Park Corridor
VLI: 118 units
Low: 69 units
Mod: 93 units
Above Mod: 93 units
Total HE Capacity: 373 units
Max Density Capacity: 1,201 units

10. APN 1053-541-01

Site 2-117
Acres: 5.5
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 38 units
Low: 22 units
Mod: 30 units
Above Mod: 30 units

Total HE Capacity: 121 units
Max Density Capacity: 165 units

11. APN 1053-571-01

    Site 2-119
    Acres: 9.1
    Current GP: MDR
    Proposed GP: MDR
    Current Zoning: SP-AG
    Proposed Zoning: SP-AG -AH
    Min Density: 20
    Max Density: 30
    Opportunity Area: Great Park Corridor
    VLI: 62 units
    Low: 37 units
    Mod: 50 units
    Above Mod: 50 units
    Total HE Capacity: 199 units
    Max Density Capacity: 273 units

12. APN 1053-571-02

    Site 2-120
    Acres: 9.1
    Current GP: MDR
    Proposed GP: MDR
    Current Zoning: SP-AG
    Proposed Zoning: SP-AG -AH
    Min Density: 20
    Max Density: 30
    Opportunity Area: Great Park Corridor
    VLI: 62 units
    Low: 37 units
    Mod: 50 units
    Above Mod: 50 units
    Total HE Capacity: 200 units
    Max Density Capacity: 273 units

13. APN 1053-531-01

    Site 2-115
    Acres: 3.0

Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 21 units
Low: 12 units
Mod: 17 units
Above Mod: 17 units
Total HE Capacity: 66 units
Max Density Capacity: 90 units

14. APN 1053-531-04

Site 2-116
Acres: 2.9
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 20 units
Low: 12 units
Mod: 16 units
Above Mod: 16 units
Total HE Capacity: 63 units
Max Density Capacity: 87 units

15. APN 1053-581-04

Site 2-122
Acres: 9.0
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30

Opportunity Area: Great Park Corridor
VLI: 62 units
Low: 36 units
Mod: 50 units
Above Mod: 50 units
Total HE Capacity: 197 units
Max Density Capacity: 270 units

16. APN 1053-581-03

Site 2-121
Acres: 9.1
Current GP: MDR
Proposed GP: MDR
Current Zoning: SP-AG
Proposed Zoning: SP-AG -AH
Min Density: 20
Max Density: 30
Opportunity Area: Great Park Corridor
VLI: 63 units
Low: 37 units
Mod: 50 units
Above Mod: 50 units
Total HE Capacity: 200 units
Max Density Capacity: 273 units

Total EBSP Sites Maximum Density: 5,463 units

The EBSP area sites have a maximum density of 5,463 residential units. The Project proposes to change the General Plan Land Use and Zoning designations for these sites, which will reduce their total residential capacity to 0 dwelling units. The EIR has not provided substantial evidence to demonstrate that the remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Government Code Section 65584 through the end of the 2021-2029 planning period. As an example, Table B-2: Housing Element Sites Inventory within the Housing Element was not updated to reflect or disclose the proposed changes associated with the overall Project. This means that the EIR's calculations to accommodate the City's RHNA are not supported by substantial evidence, such as the list of parcels in the inventory, parcel size, existing/proposed land use and zoning designations, and quantity of units per income level, which are not specified. The EIR has not demonstrated that the City's Housing Element can accommodate at all times throughout the planning period its remaining unmet share of the regional housing need. The EIR must be revised to include a

finding of significance because it has not demonstrated that the City can continue to accommodate its RHNA following the potential approval of the proposed Project.

23 Government Code Section 65863 https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65863

24 https://hcdpowerbi.blob.core.windows.net/housing-elements/ontario-6th-adopted031122.pdf

Response O1-25

See Response O1-15 and Response O1-28. GSEJA's comments regarding the Housing Element Inventory are not comments on the physical environmental impacts associated with the proposed project. Chapter 2, *Project Description*, of the Draft SEIR described the revisions to the Housing Element necessary to comply with the requirements of Government Code Section 65863, enacted by SB 166, including Figure 2-7, *Policy Plan Amendment Affordability Sites Inventory Changes*, showing proposed changes to the Housing Element sites inventory.

As discussed in Response O1-28, Section 5.2 of the Housing Element Technical Report Amendments disclosed the City's revised sites inventory, including site acreage, applicable land use and zoning designations, development assumptions, density assumptions, affordability assumptions, and site capacity calculations used to evaluate the City's ability to accommodate its RHNA by income category. Section 5.2 provides the information necessary to evaluate compliance with Government Code Sections 65583(a)(3), 65583.2, and 65863, and provides a full accounting of the City's RHNA accommodation strategy. The revised sites inventory described in Section 5.2 of the Housing Element Technical Report Amendments demonstrates that the City maintains adequate capacity to accommodate its remaining RHNA allocation for all income categories following the proposed amendments and that the proposed project, which is comprised of the Policy Plan Amendments and the EBPSP, does not result in a net loss of RHNA accommodation capacity. In accordance with SB 166 (Government Code Section 65863) the EBPSP is being processed concurrently with the Policy Plan Amendments, zoning revisions, and updates to the City's Sites Inventory that will fulfill the City's RHNA requirement for all income levels (see Chapter 2 under the section entitled "Land Use Changes" starting on page 2-34 of the Draft SEIR) and Section 5.2 of the Housing Element Technical Report Amendments. The FEIR, Appendix C, also includes a summary describing how the proposed project meets RHNA requirements consistent with State Housing Law as well as the detailed sites inventory.

Comment O1-26

Government Code Section 65585(b)(1) requires that prior to submitting the revised draft Housing Element to HCD, the City must provide seven days' notice prior to submitting to HCD,

post the draft revised document on its website, and send an email notification to interested parties. The City has not posted the draft revised Housing Element on its website in compliance with Government Code Section 65585(b)(1). The document is not posted as part of the Project webpage[25] and this page does not include any information regarding submittal to HCD. The document is buried at the bottom of the CEQA documents for the overall Project, which is unusual and misleading since the draft revised Housing Element is not listed in the EIR as an attachment or appendix for public review and was not forwarded to the Governor's Office of Land Use and Climate Innovation (formerly OPR) CEQAnet clearinghouse as part of the CEQA record. The EIR does not provide substantial evidence to demonstrate that the lead agency has complied with these requirements. A finding of significance must be included in a revised EIR, and the lead agency must take action to comply.

25 https://www.myinput.com/OntarioPPA

Response O1-26

See Response O1-25. GSEJA's comments regarding review of the revisions to the Housing Element by HCD are not comments on the physical environmental impacts associated with the proposed project. The Draft Housing Element Technical Report Amendments is a component of the proposed project and does not need to be included as an Appendix to the Draft SEIR. This document was publicly available during the review period. The Draft Housing Element Technical Report was posted to the City's website on March 5, 2026. Notifications to interested parties were distributed pursuant to CEQA (See Responses O-5 and O-24). The draft revisions to the Housing Element were posted along with the environmental analysis on the City's website. A link to the City's official public review website was also provided from the project website.

On March 31, 2026, 25 days after the document was made available to the public, the City submitted the Draft Housing Element Technical Report Amendments to HCD for formal review.

Comment O1-27

The EIR has not addressed the Second District Court of Appeal's October 10, 2025, decision in the *New Commune DTLA LLC et al. v. City Redondo Beach et al.*(2025) Cal.App.5th, 2025 WL 2886322[26]. The Court held that, "An overlay cannot be used to satisfy the minimum density and residential use requirements set out in section 65583.2, subdivision (h)(2) (hereafter section 65583.2(h)(2)), where the base zoning expressly permits development that does not include housing." The proposed Mixed-Use designations for the affected APNs in the revised Housing Element sites inventory permit the development of a variety of non-residential land uses, including but not limited to office, commercial, hospitality, and retail. The underlying land use and zoning designations permit development that does not include housing on the identified sites. This fails to satisfy the requirements of Government Code section 65583.2. Additionally,

the Mixed-Use designation violates the requirement of section 65583.2(h)(2) that at least 50 percent of lower-income housing sites be "designated for residential use and for which nonresidential uses or mixed uses are not permitted" because it does not satisfy the mixed-use exception.

Further, as a result of the Redondo Beach case, any other zoning overlay in the Housing Element that is utilized to accommodate the City's RHNA does not meet statutory requirements. All zoning overlays applied to sites where the base zoning expressly permits development that does not include housing must be removed and replaced with residential zoning designations to accommodate the RHNA.

The Project website indicates that "Discovery" was conducted from August to October 2025, and Environmental Review was conducted from November 2025 to February 2026. The case decision was issued during the Discovery phase and was available throughout the entirety of the Environmental Review phase. The EIR is inadequate as an informational document and must be revised to include this information for analysis and include a finding of significance due to the Project's noncompliance with the Housing Element law.

26 https://www.courts.ca.gov/opinions/archive/B336042.PDF

Response O1-27

GSEJA's comments regarding the applicability of overlays to meet the Housing sites inventory are not comments on the physical environmental impacts associated with the proposed project. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

The Commenter raises questions regarding the interpretation of Government Code Section 65583.2(h)(2) in light of the October 10, 2025, Court of Appeal decision in *New Commune DTLA LLC et al. v. City of Redondo Beach et al.(2025) Cal.App.5th, 2025 WL 2886322*. The City acknowledges that this decision provides recent guidance regarding the use of overlay and mixed-use zoning approaches in Housing Element site inventories.

As noted by the Commenter, the Draft SEIR environmental review process occurred between November 2025 and February 2026. Although the Court of Appeal decision was issued the month before that timeframe, the case remained subject to further appellate review until January 28, 2026, when the California Supreme Court denied the petition for review. Accordingly, the legal status and ultimate precedential effect of the decision remained unresolved through much of the environmental review process.

The City also notes that the circumstances evaluated in the Redondo Beach decision differ from the City's Housing Element framework. In Redondo Beach, the court found that the issue was not the use of an overlay itself, but rather that the overlay framework allowed development

with 100 percent non-residential uses on sites that needed to be rezoned to accommodate lower-income RHNA obligations. The court also found that Redondo Beach relied on mixed-use and overlay sites to accommodate more than 50 percent of its lower-income RHNA. By contrast, mixed-use sites in the City's revised Housing Element inventory comprise less than 50 percent of the City's lower-income RHNA inventory, such that the City's site inventory strategy falls under the default provisions of Government Code Section 65583.2(h)(2), rather than the mixed-use exemption.

In addition, the Affordable Housing (AH) Overlay adopted by the City differs substantially from the overlay framework evaluated in the Redondo Beach case. In Redondo Beach, the overlay provided an optional alternative framework that allowed development under either the overlay standards or the underlying base zoning, including continued development with exclusively non-residential uses. By contrast, the City's AH Overlay is mandatory and applies to all development on sites where the overlay is identified. While the Overlay does not alter the underlying land use designations or permitted uses, it establishes additional mandatory development standards and requirements applicable to development on affected sites. These include provisions requiring that all new residential development within the overlay achieve a minimum density of 20 dwelling units per acre, as well as by-right provisions and affordability thresholds for qualifying affordable housing projects consistent with State Housing Element law.

The City's Housing Element is currently undergoing review by the California Department of Housing and Community Development (HCD). Because the City's Housing Element framework differs from the issues addressed in the Redondo Beach case, the City is coordinating with HCD to ensure statutory compliance in light of the court's clarification of Government Code Section 65583.2(h)(2). In its May 21, 2026, review letter, HCD stated that the City should consult with its own legal counsel to determine compliance with the court's decision. The City anticipates any future refinements or clarifications related to the Housing Element and Housing Element implementation would not alter the physical environmental impact analysis contained in the Draft SEIR.

Comment O1-28

Further, since Table B-2: Housing Element Sites Inventory within the Housing Element was not updated to reflect or disclose the proposed changes associated with the overall Project, it is not possible to determine if the revised site inventory meets all statutory requirements because parcel-level data is excluded. Government Code Section 65583(a)(3) requires that the Housing Element contain an, "inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level . . ." Government Code Section 65583.2 contains additional specific requirements for the sites inventory. Neither the EIR nor the draft revised Housing Element as posted on the Project EIR

webpage of the City's website contains the statutorily required information. The EIR must be revised to include this information for analysis and provide a finding of significance due to these inconsistencies with state law.

Response O1-28

See Response O1-27. GSEJA's comments regarding the applicability of overlays to meet the Housing sites inventory are not comments on the physical environmental impacts associated with the proposed project. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

The Commenter raises questions regarding the level of detail provided in the revised Housing Element sites inventory and consistency with Government Code Sections 65583(a)(3) and 65583.2. Section 5.2 of the Housing Element Technical Report Amendments disclosed the City's sites inventory, including the identification of sites, number of parcels and associated acreage, applicable zoning and land use designations, development assumptions, density assumptions, affordability assumptions, and site capacity calculations used to evaluate the City's ability to accommodate its RHNA by income category. Section 5.2 includes the information required to evaluate the adequacy of the sites inventory pursuant to Government Code Sections 65583(a)(3) and 65583.2 and provides full disclosure of the City's RHNA accommodation strategy.

Table B-2 includes the same information as Section 5.2 in a different format. An updated version of Table B-2 has been included in the FEIR Table C-13b in Appendix C. The inclusion of the table does not alter the analysis or conclusions contained in the Draft SEIR.

Comment O1-29

It must be noted that the only information the public can ascertain regarding the site's inventory is found in Figure 2-7 Policy Plan Amendment Affordability Sites Inventory Changes. This figure demonstrates that the only identified RHNA sites within the highest resource area of the City are located within the EBSP area. These sites are proposed to be removed from the inventory as part of project implementation, meaning that no RHNA sites will be located within a Highest Resource Area of the City. Figure 2-7 depicts that new sites are added on the south side of Holt Boulevard, west of Grove Avenue near the Ontario Airport. The TCAC Opportunity Map[27] identifies these sites as within a Low Resource Area (Census Tract06071001600). HUD also identifies these sites as within a Racially or Ethnically Concentrated Area of Poverty (R/ECAP – Tract 001600)[28]. These actions directly conflict with the City's statutory requirements to affirmatively further fair housing (Government Code Article 10.6).

As a result of the proposed changes to the site's inventory, the following figures must be revised and included as part of the draft revised Housing Element:

1. Figure 3-14 Sites Inventory and Median Income
2. Figure 3-15 Sites Inventory and R/ECAPs
3. Figure 3-16 Sites Inventory and Familial Status
4. Figure 3-17 Sites Inventory and Population with Disability
5. Figure 3-18 Sites Inventory and Proximity to Jobs
6. Figure 3-19 Sites Inventory and CalEnviroScreen
7. Figure 3-20 Sites Inventory and Overcrowding
8. Figure 3-21 Sites Inventory and Overpayment (Owner-Occupied Housing)
9. Figure 3-22 Sites Inventory and Overpayment (Renter-Occupied Housing)

27 https://belonging.berkeley.edu/2026-ctcachcd-affh-mapping-tool

28 https://hudgis-hud.opendata.arcgis.com/maps/HUD::racially-or-ethnically-concentrated-areas-of-poverty-recaps/about

Response O1-29

See Responses O1-26 through O1-28. GSEJA's comments regarding the Housing sites inventory are not comments on the physical environmental impacts associated with the proposed project. The GSEJA recommends that the City update the Affirmatively Furthering Fair Housing (AFFH) maps and associated analysis in the Housing Element. While this comment is not related to the physical impacts on the environment and no response under CEQA is needed, the City acknowledges the concern about AFFH and updating the Housing Element consistent with state law. The Housing Element, including the AFFH analysis, is currently undergoing review by the California Department of Housing and Community Development (HCD). Based on preliminary guidance received from HCD in November 2025 during this ongoing review process, HCD indicated that updates to the AFFH maps and analysis may not be required, beyond a summary discussion addressing the implications of the revised sites inventory. This summary can be found on page H-70 of the Draft Housing Element and found that "Although specific parcels in the sites inventory have been updated, the overall geographic distribution of capacity by income category and the associated fair housing factors remain consistent with the AFFH analysis in this chapter. The updated inventory continues to:

- Reduce the concentration of lower-income households in northwest Ontario.
- Expand affordable housing opportunities in high-resource areas.
- Support neighborhood reinvestment in low-resource areas without causing displacement."

HCD acknowledged this analysis in its May 21, 2026, review letter, but directed the City to prepare additional updates to the AFFH data and analysis to confirm that the new sites inventory continues to affirmatively further fair housing. The City is preparing revisions to the AFFH section consistent with HCD's review letter and will distribute revisions for public review for at least seven days consistent with state law before resubmitting to HCD for a formal review to determine compliance and maintain state certification.

Importantly, nothing in HCD's May 21, 2026 review letter indicates that revisions to the sites inventory, increases in residential capacity, or other land use changes are required. Rather HCD's comments are directed toward refinement of the AFFH analysis and potential programmatic measures intended to support. fair housing objectives, such as additional coordination with public agencies or not-for-profit organizations to improve educational or environmental outcomes in areas targeted for new residential development. Accordingly, the potential revisions identified by HCD are informational and programmatic in nature and would not result in new or more severe environmental impacts, intensify development beyond that already analyzed in the SEIR, or otherwise constitute significant new information requiring recirculation under CEQA Guidelines section 15088.5.

Comment O1-30

The EIR relies upon the regional SCAG jobs-housing balance to conclude that the Project will have less than significant impacts. This does not address the impacts of the Project on the City. Notably, Table 3.14-7: Comparison of Approved TOP 2050 and Proposed Project to SCAG Forecasts incorrectly calculated the SCAG projected jobs-housing ratio for 2050. Table 3.14-7 depicts SCAG projecting a 2.2 jobs-housing ratio, which is the same as the proposed Project. However, the calculation of 187,700 jobs divided by 95,500 housing units yields a 1.9 jobs-housing ratio. The EIR must be revised to correct the calculation and accurately state that the proposed Project increases the severity of the imbalanced jobs-housing ratio in the City. As stated and sourced by the EIR, the American Planning Association recommends a target of 1.5 jobs per housing unit and recommends a range of 1.3 to 1.7 jobs per housing unit. SCAG considers an area balanced when the jobs-housing balance is 1.36; communities with more than 1.36 jobs per dwelling unit are considered jobs-rich, while those with fewer than 1.36 are housing-rich[29]. The approval of the proposed Project will exacerbate the City's imbalance of jobs and housing by adding more jobs without providing the residential capacity to help achieve a jobs-housing balance in accordance with SCAG's threshold. The EIR must be revised to include a finding of significance due to this.

SCAG's Connect SoCal Demographics and Growth Forecast[30] notes that the City will add 42,100 jobs from 2019 – 2035 and 23,600 jobs from 2035 – 2050, with an overall total of 187,700 jobs in the City in 2050. Table 3.14-7 Comparison of Approved TOP 2050 and Proposed Project to SCAG Forecasts depicts that the existing approved TOP would accommodate a total of 299,204

jobs in 2050, and the proposed Project would accommodate a total of 301,035 jobs in 2050. The total jobs accommodated by the proposed Project are more than 1.5 times the SCAG projection. The proposed Project is inconsistent with regional forecasts and would generate substantial unplanned population growth in the area. A revised EIR must be prepared with a finding of significance.

29 https://scag.ca.gov/sites/default/files/old/file-attachments/neweconomyjobshousingbalance.pdf

30 SCAG Connect SoCal Demographics and Growth Forecast adopted April 2024 https://scag.ca.gov/sites/default/files/2024-05/23-2987-tr-demographics-growth-forecast-final-040424.pdf

Response O1-30

Table 3.14-7 of the Draft SEIR has been updated to reflect a 2.0 Job-Housing Ratio (see Chapter 3, *Revisions to the Draft SEIR*). This revision does not alter the conclusions of the Draft SEIR or result in any new or more sever environmental impacts associated with population and housing or the regional job-housing balance. As explained in the revised text, the updates reflect SCAG's forecast analysis assumptions and methodology rather than any change to the proposed project's development program, land use assumptions, or environmental setting.

The revised information does not constitute "significant new information" requiring recirculation under CEQA Guidelines section 15088.5. Recirculation is only required where new information added to an EIR after public notice is given but before certification deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible mitigation measure or alternative that the project's proponent. Recirculation is not required where the new information merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR. CEQA Guidelines section 15088.5(b).

Here, the revision to Table 3.14-7 in the Draft SEIR is clarifying and informational in nature. The update does not identify any new significant environmental impact, substantially increase the severity of a previously identified impact, result in a feasible project alternative or mitigation considerably different from those previously analyzed, or reveal that the Draft SEIR was fundamentally inadequate or conclusory in nature. Rather, the revised table refines the presentation of regional forecasting information while maintain the same analytical conclusions disclosed in the Draft SEIR.

Moreover, the Draft SEIR already disclosed and analyzed the Project's impacts related to population growth, housing, and regional planning assumptions. See Section 3.14, *Population and Housing*, (page 3.14-10) of the Draft SEIR, regarding the analysis on the proposed project's impact on regional forecasts.

Accordingly, because the revision to Table 3.14-7 merely clarify and amplify information already contained in the Draft SEIR and do not result in any new significant impact or substantial increase in impact severity, recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-31

The EIR states that "Operations of the EBPSP land uses have the potential to generate up to 1,590 employees," but there is no methodology or source provided to disclose how this number of employees was generated. This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA Guidelines Section 15121 and PRC Section 21003(b)). Incorporation by reference (CEQA Guidelines Section 15150 (f)) is not appropriate as the methodology for EBPSP employment generation contributes directly to the analysis of the problem at hand by providing the methodology for calculating the jobs generated by the Project. A revised EIR must be prepared to include the methodology for EBPSP employment generation for review, analysis, and comment by the public and decision makers.

Utilizing the EIR's calculation of 1,590 employees in the interim, the Project represents 3.7% of the City's employment growth from 2019 to 2035. A single project accounting for this amount of the projected growth over 16 years (SCAG) represents a significant amount of growth. The EIR must be revised to include this information for analysis and include a finding of significance due to this significant and unavoidable cumulative considerable impact.

Response O1-31

Chapter 2, *Project Description*, of the Draft SEIR provides detailed information on buildout of the proposed project. Appendix C, *Buildout Methodology*, to the Final SEIR. The analysis for employee projections is included in Section 3.14, *Population and Housing*, on page 3.14-11 of the Draft SEIR. No changes to the SEIR are warranted.

Comment O1-32

The EIR does not provide any cumulative analysis discussion of projects approved since 2016 and projects "in the pipeline" to determine if the Project will exceed the employment/population growth forecasts by SCAG and/or the General Plan. For example, other recent industrial projects such as PDEV21-003[31] (23,100 square foot industrial building), PDEV21-007[32] (808,639 sf of industrial buildings), PDEV21-010[33] (1,438,926 sf industrial building), PDEV21-016[34] (38,445 sf industrial building), PDEV21-018[35] (168,772 sf of industrial buildings), PDEV21-020[36] (50,121 sf industrial building), PDEV21-024[37] (198,496 sf industrial building), PDEV21-026[38] (45,000 sf industrial building), PDEV21-028[39] (32,425 sf industrial building), PDEV21-029[40] (15,132 sf industrial building), PDEV21-030[41] (175,047 sf industrial

building), PDEV21-031[42] (38,155 sf industrial building), PDEV21-034[43] (32,000 sf industrial building), PDEV21-035[44] (60,455 sf industrial building), PDEV21-040[45] (1,255,320 sf industrial building), PDEV21-047[46] (4,281,128 sf industrial building), PDEV21-037[47] (167,600 sf industrial building), PDEV22-010 & PMTT22-008: East State Street Warehouse Project[48] (336,761 square foot warehouse), South Ontario Logistics Center Specific Plan[49] (5,333,518 sf industrial space), 5355 East Airport Drive[50] (270,337 sf industrial building), and Euclid Mixed Use Specific Plan (1,386,777 s.f. industrial space) combined with the EBPSP aspect of the proposed Project will cumulatively generate 19,500,154 sf of industrial space. This is approximately 16,318 employees (utilizing SCAG employment generation factors for warehouses[51]), which is 38.7% of the City's employment growth forecast over 16 years, accounted for only by a limited quantity of industrial projects. When combined with the PPA total increase in nonresidential building area of 4,334,416 s.f., the proposed Project will cumulatively generate 20,895,570 s.f. of industrial space. This is approximately 17,485 employees, which is 41.5% of the City's employment growth forecast over 16 years, accounted for only by a limited quantity of industrial projects. These totals increase exponentially when other industrial and commercial development activities are added to the calculation. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2019 and projects "in the pipeline" to determine the City's progress towards SCAG and TOP employment/population growth forecasts and buildout scenarios.

31 Ontario Monthly Application Activity February 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/Monthly-Activity-Reports/2021/02-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

32 Ibid.

33 Ontario Monthly Application Activity March 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/Monthly-Activity-Reports/2021/03-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

34 Ontario Monthly Application Activity April 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/04-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

35 Ontario Monthly Application Activity May 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/05-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

36 Ontario Monthly Application Activity June 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/06-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

37 Ontario Monthly Application Activity July 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/07-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

38 Ibid.

39 Ibid.

40 Ontario Monthly Application Activity August 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/08-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

41 Ontario Monthly Application Activity September 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/09-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

42 Ibid.

43 Ibid.

44 Ontario Monthly Application Activity October 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/10-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

45 Ontario Monthly Application Activity November 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/11-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

46 Ontario Monthly Application Activity December 2021
https://www.ontarioca.gov/sites/default/files/OntarioFiles/Planning/12-2021%20Monthly%20Activity%20Report%20-%20New%20Apps.pdf

47 PDEV21-037 https://ceqanet.opr.ca.gov/2022110019

48 https://ceqanet.opr.ca.gov/2022120581

49 https://ceqanet.opr.ca.gov/Project/2021010318

50 https://ceqanet.opr.ca.gov/2022090006/2

51
https://www.mwcog.org/file.aspx?A=QTTlTR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D

Response O1-32

As discussed in the *Executive Summary* of the Draft SEIR, ES.1.1, the proposed project is a Supplement to the 2022 Draft SEIR. Pursuant to the CEQA Guidelines section 15162, the baseline for the proposed project is the current TOP 2050 and impacts identified in the Certified EIR.

As described in section Chapter 3, *Evaluation Analysis*, of the Draft SEIR, the SEIR evaluates the impacts of the Policy Plan Amendment and the EBPSP relative to The Ontario Plan (TOP) 2050 (approved project), as required by CEQA Guidelines section 15163. A description of the CEQA baseline and evaluation methodology is provided in Section 3 under the section entitled "Evaluation Methodology." As noted in this section, the baseline for the Policy Plan Amendment and the EBPSP is the current TOP 2050 and the SEIR analyzes any land use changes, and associated environmental impacts, related to the Policy Plan Amendment and the EBPSP when compared to the TOP 2050.

Furthermore, buildout of the Policy Plan Amendment includes all the projects as described above (see Table 2-3, *TOP 2050 Policy Plan Amendment Proposed Land Use Summary*, in the Draft SEIR and Appendix C, *Buildout Methodology*, in the Final SEIR). Therefore, the projects constructed since the Certified EIR are included in the buildout and part of the cumulative impacts of the Policy Plan Amendment. As noted in CEQA Guidelines section 15130(b)(1)(B), a general plan is considered a plan that evaluates the conditions contributing to cumulative effect. Therefore, TOP 2050 inherently considers cumulative growth of all land uses within the City.

Comment O1-33

3.17 Transportation

The EIR includes a general and broad discussion of the Project and excludes analysis with specific policies of the RTP/SCS. The sweeping generalizations exclude analysis that the Project will result in significant and unavoidable impacts to Air Quality (inconsistent with AQMP, local and regional construction emissions, localized construction emissions, and cumulative health risks), Greenhouse Gases (Project-related emissions and inconsistency with the City's Community Climate Action Plan), and Transportation (increase in VMT). The EIR's findings of significance directly conflict with its generalizations that the Project is consistent with key goals related to mobility and environmental goals and policies related to sustainable development, air quality, clean transportation, and climate resilience. The EIR has not provided any analysis here with the policies of SCAG's Connect SoCal RTP/SCS, and a revised EIR must be prepared to at minimum include consistency analysis of the following:

1. Equitable Engagement and Decision-Making Policy 46. Promote racial equity that is grounded in the recognition of the past and current harms of systemic racism and one that advances restorative justice.
2. Equitable Engagement and Decision-Making Policy 47. Increase equitable, inclusive, and meaningful representation and participation of people of color and disadvantaged communities in planning processes.
3. Sustainable Development Policy 48. Promote sustainable development and best practices that enhance resource conservation, reduce resource consumption, and promote resilience.
4. Sustainable Development Policy 49. Support communities across the region to advance innovative, sustainable development practices.
5. Sustainable Development Policy 50. Recognize and support the diversity of communities across the region by promoting local place-making, planning, and development efforts that advance equity, mobility, resilience, and sustainability.
6. Air Quality Policy 51. Reduce hazardous air pollutants and greenhouse gas emissions and improve air quality throughout the region through planning and implementation efforts.
7. Air Quality Policy 52. Support investments that reduce hazardous air pollutants and greenhouse gas emissions.
8. Air Quality Policy 53. Reduce the exposure and impacts of emissions and pollutants and promote local and regional efforts that improve air quality for vulnerable populations, including but not limited to Priority Equity Communities and the AB 617 Communities.
9. Climate Resilience Policy 64. Prioritize the most vulnerable populations and communities subject to climate hazards to help the people, places, and infrastructure that are most at risk for climate change impacts. In doing so, recognize that disadvantaged communities are often overburdened.
10. Climate Resilience Policy 65. Support local and regional climate and hazard planning and implementation efforts for transportation, land use, and other factors.
11. Climate Resilience Policy 66. Support nature-based solutions to increase regional resilience of the natural and built environment.

A revised EIR must be prepared to disclose the Project's inconsistency with these policies and include a finding of significance.

Response O1-33

See Response O1-16. See Section 3.11, *Land Use and Planning*, *EBPSP Consistency with Connect SoCal*. The CEQA Guidelines section 15358(b) defines effects on the environment as physical

changes. Consistency with regional plans would only result in an impact if being inconsistent with that plan or policy would result in a physical impact on the environment. Section 3.11, *Land Use and Planning,* includes a consistency analysis with SCAG's Connect SoCal's overarching goals in Table 3.11-1, *Policy Plan Amendment Consistency with SCAG Connect SoCal*. Table 3.11-4, *EBPSP Consistency with Connect SoCal*, of the Draft SEIR includes an analysis with applicable policies of the RTP/SCS.

Moreover, the Draft SEIR need not evaluate consistency of every policy in SCAG's RTP/SCS to determine consistency. *Stop Syar Expansion v. County of Napa* (2021) 63 Cal.App.5th 444, 460; *North Coast Rivers Alliance v. Marin Mun. Water Dist.* (2013) 216 Cal.App.4th 614, 632. In addition, a project's inconsistency with policies of an applicable plan does not necessarily mean the project will have a significant environmental impact. *Joshua Tree Downtown Bus. Alliance v. County of San Bernardino* (2016) 1 Cal.App.5th 677, 695.

The proposed project provides a reasoned analysis of goals that are relevant to environmental effects, with enough detail to show that the proposed project would not result in a physical environmental impact as a result of being inconsistent with these goals. No edits to the SEIR are warranted.

Comment O1-34

Appendix K3 includes several requirements necessary to implement the Project, including lists of requirements in Table 1-5: Existing and E+P Improvements Required to Maintain General Plan Consistency, Table 1-6: Improvements Required to Maintain General Plan Consistency, and a list of 55 on-site circulation improvements necessary for the EBPSP, "based on the minimum improvements needed to accommodate site access and maintain acceptable peak hour operations for the proposed EBPSP." It must be noted that several of the requirements in Tables 1-5 and 1- 6 are outside the jurisdiction of the lead agency and under the jurisdiction of Caltrans, City of Chino, or City of Eastvale. There is no reasonable assurance or substantial evidence that implementation of these requirements will be achieved in order to maintain General Plan consistency; a finding of significance must be included in a revised EIR due to inconsistency with the General Plan.

The EIR does not acknowledge these extensive lists of requirements. As stated in Appendix K3, these requirements are necessary for General Plan Consistency and to ensure adequate site access and operational safety of the EBPSP. The EIR also has not included these requirements as Mitigation Measures.

The EIR must be revised to include a finding of significance, as there is no substantial evidence to support a less-than-significant finding. The EIR has not adequately analyzed the Project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves

or dangerous intersections) or incompatible uses, or the Project's potential to result in inadequate emergency access. The EIR has not provided any exhibits depicting the available truck/trailer turning radius at the intersection of the Project driveways and adjacent streets to determine if there is enough space available to accommodate heavy truck maneuvering. Further, there are no exhibits providing on-site analysis regarding available space on the property to accommodate heavy truck maneuvering. Several areas for potential conflicts exist. For example, passenger vehicle parking stalls are located within the truck/trailer loading courts of Buildings 4, 5, 6, 7, 10, 11, 12, 15, 16, and 17.

Similarly, truck/trailer parking stalls are located within the gated truck/trailer loading dock court of Buildings 1, 2, 8, 9, and 14. These parking stalls may be in use at any time and further restrict truck/trailer movement on the site and present a safety hazard with potential for conflicts between passenger cars and trucks/trailers. Additionally, this will increase truck idling time as trucks waiting for passenger cars require additional time to maneuver, which will also result in increased queuing duration and associated increased queuing area for trucks/trailers. These issues and overall truck/trailer access at the site have not been analyzed. The EIR states it provides a Project-level environmental analysis for the EBPSP, and excluding this information does not provide an adequate Project-level review. The EIR must be revised to include a finding of significance, as it has not provided any substantial evidence to support a less-than-significant finding.

Response O1-34

The comments on delay-based metrics, such as level of service (LOS), do not address the adequacy of the analysis in the Draft SEIR pursuant to SB 743, and no further response is necessary. The listed improvements identified by GSEJA are based on the recommendation identified in the EBPSP Traffic Impact Analysis (TIA) (Draft SEIR Appendix K3). The improvements identified in Tables 1-5 and 1-6 of the TIA, do not address the EBPSP's physical impacts on the environment; and therefore, are not evaluated in the Draft SEIR. These required improvements will be identified as Conditions of Approval (COA) for the EBPSP. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

The Draft SEIR does not assume that all identified regional transportation improvements must be completed prior to approval of the proposed Policy Plan Amendment or EBPSP in order for the project to proceed. Rather, the transportation analysis evaluates circulation conditions based on applicable regional transportation planning assumptions, identifies transportation improvements associated with future buildout conditions, and evaluates the project's transportation impacts pursuant to current CEQA transportation requirements, including VMT. The Commenter has not identified substantial evidence demonstrating that the project would conflict with a legally adopted circulation plan or policy in a manner resulting in a significant physical environmental impact requiring additional CEQA findings.

The Commenter also incorrectly characterizes all circulation improvements identified in Appendix K3 as mitigation measures. Many of the identified improvements constitute planned infrastructure assumptions, project design features, or future transportation system improvements associated with long-term circulation planning rather than mitigation measures adopted to reduce a significant impact. CEQA does not require every transportation improvement identified in a transportation analysis to be separately incorporated as a mitigation measure where improvement is already part of an existing or planned circulation framework or where the project does not create a significant transportation impact.

See Response O1-6. The Draft SEIR in the *Executive Summary* identifies that the EIR is a "Program EIR". However, the analysis in the Draft SEIR is based on the level of information available. The lack of detailed, project-level site plans, including plans showing truck trailer turning radius, truck docks, etc. are not available at this planning-level phase of entitlements. The lack of this project-level data in a program EIR does not constitute inaccurate, inconsistent, or incomplete information pursuant to CEQA. Section 3.17, *Transportation*, includes a program-level evaluation of hazards associated with future project ingress/egress points. As noted on pages 3.17-40 through 3.17-41, the City of Ontario has adopted engineering standards to ensure consistency in the geometric design of their mobility facilities. Additionally, all plans undergo an extensive review process at the City to ensure consistency with these adopted standards. This finding is consistent with the finding in the Certified EIR.

It should be noted that the Health Risk Assessment (HRA) for the EBPSP included as Appendix C4 of the Draft SEIR considered onsite truck idling. The information included in Section 3.17 includes the detail needed to disclose the potential program-level environmental impacts to the public and decision makers regarding potential traffic hazards.

Accordingly, substantial evidence supports the Draft SEIR's transportation and circulation analyses, including the evaluation of roadway improvements, truck circulation, emergency access, and internal site design considerations. The Commenter has not identified substantial evidence demonstrating that the EBPSP would create a significant geometric design hazard, inadequate emergency access, or transportation safety impact requiring additional CEQA findings or recirculation of the Draft SEIR. No edits to the Draft SEIR are warranted.

Comment O1-35

The EIR states that, "Efficient and safe access within, and access to, the EBPSP land uses would be provided by the design concept, site access improvements, and site adjacent roadway improvements included as components of the Specific Plan." However, the EBPSP document is not included as an attachment for public review, and the alleged components of the EBPSP are not presented here for analysis. The EIR has not included substantial evidence to support this claim, and the EIR must be revised to include a finding of significance.

The EIR also states that, "Driveways, on-site traffic signing and striping would be implemented in conjunction with detailed construction plans for the site. Sight distance at each access point would be reviewed to ensure conformance with City sight distance standards at the time of preparation of final grading, landscape, and street improvement plans. The City of Ontario has adopted engineering standards to ensure consistency in the geometric design of its mobility facilities. All plans undergo an extensive review process at the City to ensure consistency with these adopted standards. Given that all future projects will be subject to these reviews, the EBPSP would be consistent with the City design standards." This does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA Guidelines Section 15121 and PRC Section 21003(b)). Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. The EIR states that it is a project EIR document for CEQA compliance yet it has not provided Project-specific information, which renders it inadequate as an informational document.

A revised EIR must be prepared to include a finding of significance, as the EIR has not provided any substantial evidence to support a less-than-significant finding.

Response O1-35

See Response O1-6 and Response O1-34. Project site plans will be analyzed for design features upon submittal and review. The Draft SEIR in the *Executive Summary* identifies that the EIR is a "Program EIR". The analysis in the Draft SEIR is based on the level of information available. Citing the City's requirements for engineering-level review of plans for future site-specific projects within the plan is not deferral under CEQA. For one, the City's internal review process is not considered CEQA mitigation. The City's design standards are not arbitrary. The City's engineering requirements are based on a combination of widely accepted technical guidance, regulatory requirements (adopted design manuals), and local policy priorities (functional roadway classifications). These standards include safety and operational performance standards (site distance, lance widths, turning radii, intersection design, and traffic calming). Secondly, because the EBPSP is a program-level analysis of the EBPSP's environmental impacts, it is presumed that there would be additional applications submitted to the City of Ontario since project-level information is not available at this program-level phase. The City Planning and Public Works would review the project-level applications to ensure that they are complete and include the necessary project level information to conduct the review with the City's design standards. Further, all of this occurs prior to the construction permitting phase.

The lack of this project-level data in a program EIR does not constitute inaccurate, inconsistent, or incomplete information pursuant to CEQA. The information included in Section 3.17 includes the detail needed to disclose the potential program-level environmental impacts to the public

and decision makers regarding potential traffic hazards. No edits to the Draft SEIR are warranted.

Comment O1-36

There are also no exhibits depicting emergency vehicle access and maneuvering. The EIR states that, "The EBPSP does not propose elements or aspects that would obstruct or restrict emergency access to or through the area." However, the EBPSP document is not included as an attachment for public review, and the alleged components of the EBPSP are not presented here for analysis. The EIR has not included substantial evidence to support this claim, and the EIR must be revised to include a finding of significance.

Response O1-36

See Response O1-6, Response O1-34, and Response O1-35. Section 3.17, *Transportation*, includes a program-level evaluation of potential impacts to emergency access under significance criteria d). Overall, the City's roadway network ensures that emergency vehicles can operate throughout the City in an efficient manner (see Figure see Figure 3.17-1, *Roadway Classification Map*). As noted in the Draft SEIR, the fire department reviews all development applications to ensure that adequate emergency accessibility is provided based on local and state guidance. The lack of truck turning radius in this program EIR does not constitute inaccurate, inconsistent, or incomplete information pursuant to CEQA. Additionally, this information is not needed to evaluate whether the overall roadway network provides adequate emergency access since the City notes in their Local Hazard Mitigation Plan (2018) that interstate highways would serve as major emergency response and evacuation routes (see page 3.17-42). Thus, the information included in Section 3.17 includes the detail needed to disclose the potential program-level environmental impacts to the public and decision makers regarding potential traffic hazards. No edits to the Draft SEIR are warranted

Comment O1-37

The EIR also states regarding emergency access that, "…representatives of the Ontario Fire Department and Ontario Police Department would review all development plans to ensure that emergency access is provided consistent with applicable requirements." However, the EIR has not listed the fire code and/or Police/Fire Department requirements or provided their review of the Project. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents (CEQA Guidelines Section 15121 and PRC Section 21003(b)). A revised EIR must be prepared to include a finding of significance, as the EIR has not provided any substantial evidence to support a less-than-significant finding.

Response O1-37

See Response O1-6 and Responses O1-34 through O1-36. It is standard operating practice in the City of Ontario for the City's police and fire departments to review development applications. The City's Fire Department reviews site-specific project plans based on the latest Fire Code. It is not necessary to cite the specific fire code requirements in an EIR. Section 3.15, *Public Services*, provides a summary of the regulatory framework and existing conditions within the City, including laws that govern police protection and fire protection services such as the International Fire Code. GSEJA has not provided any substantial evidence in their comment that that would contradict the findings in the Draft SEIR regarding emergency service and emergency access. As noted in Response O1-35, review of site plans would occur prior to construction activities. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-38

4.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed Project, which will avoid or substantially lessen any of the significant effects of the Project (CEQA § 15126.6). The alternatives chosen for analysis include the CEQA-required "No Project/Current TOP 2050" alternative and only two others – Truck Route Scenario 3 Alternative and Reduced Intensity Alternative. The EIR does not evaluate a reasonable range of alternatives, as only two alternatives beyond the required No Project alternative are analyzed. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA Guidelines Section 15126.6). This could include alternatives such as development of the site with a Project that reduces all the proposed Project's significant and unavoidable impacts to less than significant levels, or a mixed-use Project that provides affordable housing and local-serving commercial uses, which may reduce VMT, GHG emissions, and improve Air Quality.

Response O1-38

The lead agency has discretion to determine how many alternatives will constitute a reasonable range. *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566. As explicitly noted in Chapter 4, *Alternatives,* of the Draft SEIR, the Draft SEIR considered and rejected five alternatives, and evaluated four Alternatives, including the No Project Alterative/Current TOP 2050. No alternatives were identified that would entirely reduce impacts of either the Policy Plan Amendment or EBPSP to less than significant levels. The No Project Alternative/Current TOP evaluated the EBPSP based on the current mixed-use land use designations. An exhaustive review of alternatives that consider variations of the existing mixed-use designations on the EBPSP site is not warranted. The alternatives were selected based on an evaluation the feasibility of the alternatives and whether the alternative could achieve most of the project's

objectives while reducing impacts. A reasonable range of alternatives was provided in Chapter 4.

Comment O1-39

5.3 Significant Irreversible Changes

The EIR does not discuss its own conclusion that implementation of the proposed Project will result in significant and unavoidable impacts to Air Quality (inconsistent with AQMP, local and regional construction emissions, localized construction emissions, and cumulative health risks), Cultural Resources (Historic Resources), Noise (Construction Noise, Traffic Noise, Construction Vibration, Heavy Truck Vibration, and Exterior Airport Noise Exposure), Greenhouse Gases (Project related emissions and inconsistency with the City's Community Climate Action Plan), Transportation (increase in VMT). The EIR does not adequately discuss or and analyze the commitment of resources is not consistent with regional and local growth forecasts and does not address the EIR's own conclusion that the Project will result in impacts (Air Quality, GHG) that exceed with the forecasts of the applicable plans (AQMP, 2030/2050 GHG reduction goals, City's Climate Action Plan). The EIR must be revised to include these findings for analysis in its discussion.

Response O1-39

The Draft SEIR cites, in several locations, the significant unavoidable impacts of the proposed project, including Section 5.2, *Significant Unavoidable Impacts*. Section 5.3, *Significant Irreversible Changes*, is not the analysis of the proposed project significant impact but the evaluation of what resources the project would ultimately commit the City and/or applicants to using pursuant to Section 15126.2(d). GSEJA states that this discussion in Section 5.3 is not consistent with regional and local growth forecasts; however, the section is entirely based on the regional and local forecasts identified in Chapter 2, *Project Description*, and the impact analysis in Chapter 3, *Environmental Analysis*, of the Draft SEIR. Recirculation is not required pursuant to CEQA Guidelines section 15088.5.

Comment O1-40

5.4 Growth-Inducing Effects

A revised EIR must be prepared to include an accurate cumulative analysis discussion here to demonstrate the impact of the proposed Project in a cumulative setting. The EIR does not include any information regarding the buildout conditions of the existing TOP in order to provide an adequate and accurate cumulative analysis. The revised EIR must provide the horizon year of the existing TOP, the total developable building floor area analyzed within the Project site's land use designations, and cumulative development since adoption of the existing

TOP. This is particularly vital as growth generated by the proposed Project is in conflict with the AQMP and state/regional/local GHG reduction plans and targets.

The EIR has not provided an adequate or accurate cumulative analysis discussion here to demonstrate the impact of the proposed Project in a cumulative setting. For example, recent industrial projects combined with the EBPSP aspect of the proposed Project will cumulatively generate 19,500,154 sf of industrial space. This is approximately 16,318 employees (utilizing SCAG employment generation factors for warehouses[52]), which is 38.7% of the City's employment growth forecast over 16 years, accounted for only by a limited quantity of industrial projects. When combined with the PPA total increase in nonresidential building area of 4,334,416 s.f., the proposed Project will cumulatively generate 20,895,570 s.f. of industrial space. This is approximately 17,485 employees, which is 41.5% of the City's employment growth forecast over 16 years, accounted for only by a limited quantity of industrial projects.

These totals increase exponentially when other industrial and commercial development activities are added to the calculation. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since 2019 and projects "in the pipeline" to determine the City's progress towards SCAG and TOP employment/population growth forecasts and buildout scenarios.

52 https://www.mwcog.org/file.aspx?A=QTTlTR24POOOUIw5mPNzK8F4d8djdJe4LF9Exj6lXOU%3D

Response O1-40

See Response O1-4. As noted in Chapter 3, *Environmental Analysis*, each section of Chapter 3 provides a cumulative impact analysis. The EIR is a Supplemental EIR and therefore, impacts in Chapter 3 are based on changes to the approved project compared to the proposed project and impacts identified in the Certified EIR (see Chapter 3 under the section entitled "Evaluation Methodology"). The horizon year for both the current TOP (approved project) and the Ontario Policy Plan Amendment is 2050.

Table 2-3, *TOP 2050 Policy Plan Amendment Proposed Land Use Summary*, provides detailed information on buildout of the proposed project. Table 2-1, *Approved TOP 2050 Land Use Designation*, provides detailed information on buildout of the current TOP 2050. This constitutes the CEQA baseline. Table 2-1 and Table 2-3 in the Draft SEIR are based on the buildout methodology, which has been added as Appendix C, *Buildout Methodology*, to the Final SEIR. Table 2-1 and Table 2-3 provide a detailed accounting of the acres, housing units, households, population, non-residential square footage, and employment by land use type. In contrast, Table 2-4 is a summary table provided in the Draft SEIR that identifies the total change in residential units, population, non-residential square feet, and employment associated with the current TOP compared and the Policy Plan Amendment project.

The industrial and business park land uses in Table 2-1 for the current TOP and Table 2-3 for the Policy Plan Amendment are summarized under the heading "Employment". At buildout, the proposed project would result in 215,009,231 square feet of industrial land uses and 197,535 jobs. Compared to the current TOP (see Appendix C), the "Employment" land uses are currently, 208,638,928 square feet and 191,839 jobs. As a result, the proposed project result in an increase in 6,370,304 square feet of industrial land use and 5,696 jobs. Appendix C to the Final SEIR provides the employment generation assumptions.

The Draft SEIR considers cumulative growth in the City associated with buildout of TOP 2050. Recirculation is not required pursuant to CEQA Guidelines section 15088.5 because the changes merely clarify, amply or make insignificant modifications.

Comment O1-41

Impact on Biological Resources

Please see the attached comments and analysis from Dr. Smallwood.

Response O1-41

Responses to the letter from Dr. Smallwood dated April 13, 2026, in Attachment 2 to the GSEJA letter, are included in Responses O1-50 through O1-73.

Comment O1-42

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed, and a revised EIR must be prepared for the proposed Project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this Project. Send all communications to Golden State Environmental Justice Alliance, P.O. Box 79222, Corona, CA 92877.

Response O1-42

Responses to GSEJA comments are included in Responses O1-1 through O1-41. The City will ensure that the GSEJA is on the project mailing list. Recirculation is not required because the changes merely clarify, amplify, or make insignificant modifications to an adequate SEIR. *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112; CEQA Guidelines § 15088.5(b).

Comment O1-43

We have reviewed the March 2026 Draft Supplemental Environmental Impact Report ("DSEIR") for the Ontario Policy Plan Amendment ("Project") located in the City of Ontario ("City"). The DSEIR assesses the environmental effects associated with the implementation of the proposed Policy Plan Amendment to The Ontario Plan ("TOP") as well as the Eucalyptus Business Park Specific Plan ("EBPSP" or "Specific Plan").

Our review concludes that the DSEIR fails to adequately evaluate the Project's air quality impacts. As a result, emissions and health risk impacts associated with construction and operation of the proposed Project may be underestimated and inadequately addressed. A revised Environmental Impact Report ("EIR") should be prepared to adequately assess and mitigate the potential air quality impacts that the Project may have on the environment.

Response O1-43

The comment states that the Draft SEIR fails to adequately evaluate potential air quality impacts associated with the proposed project. As described in Response O1-8, the Draft SEIR includes a detailed, quantified analysis of potential air quality and health risk impacts in Sections 3.3, *Air Quality*, of the Draft SEIR. The Draft SEIR also identifies feasible mitigation measures to minimize construction- and operation-related air quality impacts and associated health effects.

Comment O1-44

Air Quality

Failure to Evaluate Combined Construction and Operational Emissions

The DSEIR's air quality analysis is inadequate because it fails to evaluate criteria air pollutant emissions associated with simultaneous construction and operational activities. The DSEIR proposes construction of the EBPSP in three overall phases, with each phase becoming operational upon completion (p. 2-75, Table 2-9). As a result, construction of Phases 2 and 3 would occur concurrently with the previously completed portions of the Specific Plan. Under these circumstances, the appropriate methodology is to evaluate combined construction and operational emissions during overlapping phases, consistent with the South Coast Air Quality Management District's ("SCAQMD") recommended approach for phased projects.[1] The DSEIR's failure to calculate construction and operational emissions together results in a vast underestimation of peak daily emissions and, consequently, the Project's air quality impacts.

In order to analyze the EBPSP's actual peak emissions scenario, we summed the DSEIR's construction and operational criteria air pollutant emissions estimates for the overlapping phases (p. 3.3-56, Table 3.3-12, Table 3.3-13; p. 3.3-64 – 3.3-65, Table 3.3-15, Table 3.3-16). Our

analysis demonstrates that the combined reactive organic gas ("ROG") and nitrogen oxide ("NOx") emissions, as calculated by the DSEIR's air modeling, exceed the applicable SCAQMD construction and operational daily thresholds (see table below).

DSEIR Criteria Air Pollutant Emissions		
Emissions Source	**ROG (lbs/day)**	**NOx (lb/day)**
Phase 2 Construction Emissions[1]	51	48
Phase 1 Operational Emissions	55	84
Combined Emissions	106	132
SCAQMD Construction/Operational Threshold	**55/75**	**55/100**
Exceeds?	Yes	Yes
Phase 3 Construction Emissions[1]	61	47
Phase 1 and 2 Operational Emissions	89	169
Combined Emissions	150	216
SCAQMD Construction/Operational Threshold	**55/75**	**55/100**
Exceeds?	Yes	Yes

1 Presented emissions represent the annual maximum.

As shown in our analysis, when construction and operational emissions are properly combined for concurrent phases, ROG and NOx emissions exceed the applicable SCAQMD daily significance thresholds. This finding indicates a potentially significant air quality impact that the DSEIR did not identify or address. In our opinion, a revised EIR should be prepared to provide an accurate evaluation of the combined air quality impacts from overlapping EBPSP construction and operation incorporate mitigation measures accordingly.

1 "Draft Supplemental Environmental Impact Report (Draft SEIR) for the Proposed Tesoro del Valle (Phases A, B, and C) (SCH No.: 2016101032)," SCAQMD, April 2018, available at: https://www.aqmd.gov/docs/default-source/ceqa/comment-letters/2018/dseirtesorodelvalle040418.pdf#:~:text=Therefore%2C%20it%20is%20recommended%20that%20the%20Lead,for%20operation%2C%20mitigation%20measures%20will%20be%20required.

Response O1-44

See Comment A4-2. Contrary to the Commenter's assertion, the Draft SEIR did not ignore or omit consideration of overlap of construction and operational emissions. Appendix C3 of the Draft SEIR expressly quantified emissions associated with periods when the EBPSP's construction and operational emissions would occur concurrently, thereby disclosing the potential for overlap-period emissions and providing the public and responsible agencies a meaningful opportunity to comment on that analysis during the public review period. In fact, the overlap period emissions calculations presented by the Commenter are consistent, and

derived from, the emissions data already disclosed in Appendix 3.13 of Appendix C3 on page C3-926.

The Final SEIR's discussion of overlap-period emissions does not introduce a new emissions inventory, revise underlying modeling assumptions, or present new technical analysis. Rather it clarifies and amplifies information already disclosed by applying an existing significance framework to emissions data previously available to the public and decisionmakers. Accordingly, the comparison of overlap-period emissions to operational significance thresholds does not constitute significant new information within the meaning of CEQA Guidelines section 15088.5 because it does not deprive the public of a meaningful opportunity to comment on the environmental consequences of the project.

Comment O1-45

Failure to Implement All Feasible Mitigation to Reduce Emissions

The DSEIR's standalone operational air quality analysis also presents inadequacies. The DSEIR estimates that the operational ROG, NOX, CO, and PM10 emissions associated with the EBPSP would exceed applicable SCAQMD thresholds (see screenshot below) (p. 3.3-64 – 3.3-65, Table 3.3-15, Table 3.3-16, Table 3.3-17).

Table 3.3-17 EBPSP Peak Operational Emissions Summary: Phases 1, 2, and 3

Source	Emissions (lbs/day)					
	ROG	NO_X	CO	SO_2	$PM_{10}T$	$PM_{2.5}T$
Summer						
Mobile	34.57	186.25	448.56	2.50	168.99	45.93
Area	91.72	1.08	127.82	0.01	0.23	0.17
Stationary	1.80	5.05	4.60	0.01	0.27	0.27
Cargo Handling Equipment	1.27	4.09	178.00	0.00	0.32	0.30
Maximum Daily Emissions	129.36	196.45	758.99	2.52	169.81	46.66
South Coast AQMD Regional Thresholds	55	55	550	150	150	55
Threshold Exceeded?	YES	YES	YES	NO	YES	NO
Winter						
Mobile	32.95	195.55	380.69	2.43	168.99	45.93
Area	70.71	0.00	0.00	0.00	0.00	0.00
Stationary	1.80	5.05	4.60	0.01	0.27	0.27
Cargo Handling Equipment	1.27	4.09	178.00	0.00	0.32	0.30
Maximum Daily Emissions	106.74	204.68	563.29	2.44	169.58	46.49
South Coast AQMD Regional Thresholds	55	55	550	150	150	55

Table 3.3-17 EBPSP Peak Operational Emissions Summary: Phases 1, 2, and 3

Source	Emissions (lbs/day)					
	ROG	NO_X	CO	SO_2	$PM_{10}T$	$PM_{2.5}T$
Threshold Exceeded?	**YES**	**YES**	**YES**	NO	**YES**	NO

Source: Appendix C3.

Note: Emissions may not total to 100 percent due to rounding.

The DSEIR concludes that the impacts associated with operation of the EBPSP would be significant-and-unavoidable, stating:

> "Although Mitigation Measures AIR-1-SP through AIR-8-SP are designed to reduce operational source criteria pollutant emissions of the EBPSP, there is no way to meaningfully quantify these reductions in CalEEMod, and therefore no numeric emissions credit has been taken in the Therefore, even with application of these measures, EBPSP operational-source emissions impacts are considered significant and unavoidable" (p. 3.3-74 – 3.3-75).

While we agree that the Specific Plan would result in significant air quality impacts, the DSEIR's assertion that this impact is significant-and-unavoidable is unreliable. According to CEQA Guidelines §15096(g)(2):

> "When an updated EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."2

As such, the DSEIR is required under CEQA to implement all feasible mitigation to reduce impacts to a less-than-significant level. To reduce the EBPSP's air quality impacts to the maximum extent possible, additional feasible mitigation measures should be incorporated, such as those suggested in the section of this letter titled "Feasible Mitigation Measures Available to Reduce Emissions." The Project should not be approved until a revised EIR is prepared, incorporating all feasible mitigation to reduce emissions to the maximum extent possible.

Response O1-45

Mitigation measures recommended by GSEJA to reduce air quality emissions were evaluated in Response O1-46. The Draft SEIR includes a comprehensive set of operational air quality mitigation measures (Mitigation Measures AIR-1-SP through AIR-8-SP) designed to reduce the EBPSP's operational criteria pollutant emissions to the maximum extent feasible. The Draft SEIR

transparently acknowledges that, despite implementation of these measures, certain regional operational emissions of ROG, NOx, CO, and PM_{10} remain above South Coast AQMD's applicable significance thresholds, and therefore discloses those impacts as significant and unavoidable, consistent with CEQA's requirement for full disclosure of significant impacts that cannot be mitigated to a less than significant level.

Under CEQA, a significant and unavoidable finding does not reflect a failure of analysis, rather it reflects the City's good-faith determination, supported by substantial evidence that remaining impacts cannot be feasibly reduced further. This determination is subject to a Statement of Overriding Considerations at the time of project approval, as provided under CEQA Guidelines section 15093

Comment O1-46

Mitigation

Feasible Mitigation Measures Available to Reduce Emissions

The DSEIR is required under CEQA to implement all feasible mitigation to reduce the Project's potential impacts. As demonstrated in the sections above, the EBPSP would result in potentially significant air quality impacts—during both construction and operation—that should be mitigated further.

To reduce the ROG emissions associated with construction and operation, we recommend the DSEIR require the use of super compliant, low-VOC paints less than 10 g/L during the architectural coating construction phase and during Project maintenance, as recommended by the California Department of Justice ("CA DOJ").[3] Further mitigation used by other land use development projects to address ROG emissions includes: [4]

- Recycle leftover paint. Take any leftover paint to a hazardous waste center; do not mix leftover water-based and oil-based paints.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain
- Use compliant low-VOC cleaning solvents to clean paint application equipment.
- Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions.

- Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable.

- Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.

In order to reduce the NOX and PM10 emissions associated with EBPSP construction and operation, we recommend the DSEIR consider incorporating several mitigation measures as listed below. The California Air Resources Board ("CARB") recommends:[5]

- Require all off-road diesel-powered equipment used during construction to be equipped with Tier 4 or cleaner engines, except for specialized construction equipment in which Tier 4 engines are not available. In place of Tier 4 engines, off-road equipment can incorporate retrofits, such that, emission reductions achieved are equal to or exceed that of a Tier 4 engine.

- Require all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during project construction be battery powered.

- Require all heavy-duty trucks entering the construction site during the grading and building construction phases be model year 2014 or later. All heavy-duty haul trucks should also meet CARB's lowest optional low-oxides of nitrogen (NOx) standard starting in the year 2022.

- Require all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units.

- Requiring all TRUs entering the project-site be plug-in capable.

- Require all heavy-duty trucks entering or on the project site to be zero-emission vehicles, and be fully zero-emission. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).

- Restrict trucks and support equipment from idling longer than two minutes while on site.

- Require the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby.

The CA DOJ suggests:[6]

- Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day.
- Providing information on transit and ridesharing programs and services to construction employees.
- Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project.
- Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces

Lastly, SCAQMD staff recommends a phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts.[7]

We have provided several mitigation measures that would reduce Project-generated emissions. These measures offer a cost-effective, feasible way to incorporate lower-emitting design features into the proposed Specific Plan, which would subsequently reduce emissions released during construction and operation.

A revised EIR should be prepared that includes all feasible mitigation measures, as well as an updated air analysis to ensure that the necessary mitigation measures are implemented to reduce emissions to the maximum extent feasible. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Project approval, to ensure that the Project's potentially significant emissions are reduced to the maximum extent possible.

2 "Cal. Code Regs. tit. 14 § 15096." California Legislature, available at: https://casetext.com/regulation/californiacode-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-forimplementation-of-the-california-environmental-quality-act/article-7-eir-process/section-15096-process-for-a-responsible-agency.

3 "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, available at: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10.

4 "Banning Commerce Center Project." Kimley-Horn and Associates, Inc., June 2024, available at: https://ceqanet.opr.ca.gov/2022090102/2; Draft Environmental Impact Report, p. 1-7.

5 "Recommended Air Pollution Emission Reduction Measures for Warehouses and Distribution Centers." CARB, August 2023, available at: https://ww2.arb.ca.gov/sites/default/files/2023-08/CARB%20Comments%20-

%20NOP%20for%20the%20%20Oak%20Valley%20North%20Project%20DEIR.pdf; Attachment A, p. 5 – 8.

6 "Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act." State of California Department of Justice, September 2022, available at: https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf, p. 8 – 10

Response O1-46

The GSEJA includes a list of measures that would reduce emissions associated with construction of the EBPSP. The City has reviewed the recommended mitigation measures and the source documents cited by the Commenter, including the California Department of Justice Warehouse Projects Best Practices and Mitigation Measures to Comply with CEQA and the CARB recommendations referenced. The measures recommended by the Commenter are either: (1) already incorporated into the project's mitigation measures and design features, as presented in the Draft SEIR; (2) required under existing regulatory frameworks applicable to the project and therefore do not require separate CEQA mitigation; or (3) not feasible for this project given its specific operational characteristics, tenant structure, and market conditions.

See Response A4-2. Although construction emissions were determined to be less than significant when evaluated separately against South Coast AQMD's construction significance thresholds, the Final SEIR incorporates Mitigation Measure AIR-9-SP to further reduce emissions during temporary overlap periods when EBPSP construction and operational activities occur concurrently.

> **Mitigation Measure AIR-9-SP:** Prior to the commencement of construction activities that may overlap with operation of nearby approved or existing uses and result in concurrent emissions-generating activities ("overlap periods"), the project applicant shall prepare and submit a construction emissions management plan to the City for review and approval. The plan shall identify and implement feasible measures to minimize construction-related emissions during overlap periods and shall include, at a minimum, the following measures, where applicable and feasible:
>
> a) Apply water or approved soil stabilizers to disturbed soils, unpaved haul roads, staging areas, and stockpiles as necessary to prevent visible dust emissions.
>
> b) Cover, water, or otherwise stabilize all soil stockpiles and inactive disturbed areas.
>
> c) Limit vehicle speeds on unpaved surfaces to 15 miles per hour or less.
>
> d) Install and maintain track-out control devices, including rumble plates, wheel washers, or equivalent measures, at construction access points.

e) Suspend grading and other soil-disturbance activities during high wind events when visible dust cannot be adequately controlled.

f) Utilize off-road diesel-powered construction equipment meeting U.S. EPA Tier 4 Final emissions standards for engines rated at 50 horsepower or greater, unless such equipment is demonstrated to be unavailable or infeasible.

g) All diesel-powered off-road construction equipment and on-road haul trucks operating during overlap periods shall utilize renewable diesel meeting California Air Resources Board specifications to the extent commercially available and feasible.

h) Require off-road equipment with a power rating below 19 kilowatts, including plate compactors and pressure washers, to be electrically powered or battery operated where commercially available and feasible.

i) Prohibit the idling of construction equipment and on-road haul trucks for more than five consecutive minutes, except where necessary for safety, operational requirements, or manufacturer specifications.

j) Utilize electrically powered or battery-powered construction tools and equipment where commercial available and feasible.

k) Require heavy-duty haul trucks entering the construction site during grading and building construction phases to be model year 2014 or newer to the extent feasible and commercially available.

l) Encourage construction workers to carpool, rideshare, or utilize shared transportation to access the construction site and provide information regarding available ridesharing and transit opportunities to construction personnel.

m) Use architectural coatings, including paints, primers, sealants, adhesives, and caulks, that comply with applicable South Coast AQMD VOC content limits in effect at the time of construction. To the extent feasible, coatings with VOC levels below applicable regulatory thresholds shall be utilized.

n) Use high-pressure/low-volume paint applicators with minimum transfer efficiency of 50 percent or other application techniques with equivalent or greater transfer efficiency where feasible.

o) Keep paint container lids closed when not in use and utilize compliant low-VOC cleaning solvents for paint equipment cleaning activities.

p) Use pre-painted construction materials to the extent feasible.

q) Recycle or properly dispose of all unused paint and paint-related materials at an authorized facility or household hazardous waste collection facility, as applicable. Water-based and oil-based paints shall be stored and disposed of separately.

r) Sequence grading, excavation, paving, and other intensive construction activities to avoid simultaneous operation of multiple high-emission equipment fleets in close proximity, limit concurrent operation of heavy-duty diesel-powered equipment where feasible, and coordinate construction scheduling to reduce peak daily emissions during overlap periods.

s) Construction haul routes shall be designed to avoid or minimize exposure to sensitive receptors to the extent feasible.

The addition of Mitigation Measure AIR-9-SP does not trigger recirculation. Under CEQA Guidelines section 15088.5(a)(3), when information added to the final EIR consists of new mitigation measures, recirculation is required only if the new measure meets all of the following criteria: (1) it is feasible, (2) it is considerably different from the mitigation measures already evaluated in the draft EIR, (3) it would clearly lessen the project's significant environmental impacts, and (4) it is not adopted. *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 330. Because AIR-9-SP is being adopted and incorporated into the MMRP, it does not satisfy the criteria requiring recirculation.

Although AIR-9-SP would reduce emissions associated with concurrent construction and operational activities, implementation of the measures would not reduce overlap-period emissions to a less than significant level. As disclosed in the Draft SEIR, the Project's operational emissions independently exceed South Coast AQMD significance threshold and remain significant and unavoidable even with mitigation. Accordingly, while the overlap-period mitigation measures would lessen overall emissions during periods of concurrent construction and operation, the overlap scenarios would continue to result in significant and unavoidable emissions because the operational component of the Project would independently exceed applicable significance thresholds. This significance determination was already disclosed in the Draft SEIR, and the overlap-period analysis does not identify a new significant impact or a substantial increase in the severity of a previously identified impact.

Operational phase mitigation measures requested by GSEJA are reviewed below:

- *Require all loading/unloading docks and trailer spaces be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units*. As described in Chapter 2, *Project Description*, cold storage is not a permitted use within the Specific Plan. This measure is not applicable.

- *Requiring all TRUs entering the project-site be plug-in capable*. As described in Chapter 2, *Project Description*, cold storage is not a permitted use within the Specific Plan. This measure is not applicable.

- *Require all heavy-duty trucks entering or on the project site to be zero-emission vehicles, and be fully zero-emission. A list of commercially available zero-emission trucks can be obtained from the Hybrid and Zero-emission Truck and Bus Voucher Incentive Project (HVIP).* It would be infeasible to require future trucking activities within the EBPSP to utilize zero-emission (ZE) or near zero-emission (NZE) technologies as the operations, constraints, and impacts of individual future projects are unknown at this time. The City has no control over the technologies used for regional trucking activities that utilize the City's truck routes; therefore, the City would not be able to enforce such a measure. Mitigation Measure (MM) AIR-1-SP and MM AIR-1-5) require onsite charging infrastructure to support the transition to ZE trucks once such vehicles are widely commercially available.

- *Restrict trucks and support equipment from idling longer than two minutes while on site*. Based on comments received on the Draft SEIR, the City and Applicant have agreed to a two-minute maximum onsite idling restriction (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*), which is more stringent than CARB's five-minute ATCM limit and consistent with the intent of the recommended measure.
- *Require the installation of vegetative walls or other effective barriers that separate loading docks and people living or working nearby*. EBPSP Section 5.5.1, *Other Development Standards*, requires loading docks and truck parking areas to be visually screened from Campus Avenue, Bon View Avenue, Grove Avenue, Walker Avenue, and Public Street 'A' by walls and landscaping features. Section 6.5.1, *Parking and Loading Areas*, prohibits business park buildings fronting Public Street 'A' from including loading docks on any façades facing that street; requires commercial vehicle loading doors, service docks, and outdoor equipment areas to be oriented or screened through the use of solid walls and dense landscaping; and prohibits the loading and unloading of commercial vehicles and trucks from occurring on or being visible from public streets. Additionally, AB 98 requires logistics projects of 250,000 square feet or more and with loading bays within 900 feet of sensitive receptors, or a logistics project with loading bays within 900 feet of sensitive receptors where the site is not zoned industrial, to orient loading bays away from nearby sensitive receptors to the extent feasible; locate loading bays a minimum of 500 feet from the property line of the nearest sensitive receptor; have separate entrances for heavy-duty trucks accessible via a truck route; locate truck entrances, exits, and internal circulation away from sensitive receptors; and include property perimeter screening and buffering. Future project compliance with AB 98 requirements, as applicable, will assist in reducing potential impacts to sensitive receptors with respect to distancing internal truck traffic from nearby sensitive

receptors. Nonetheless, MM AIR-3-PPA has been modified to include a sample measure to alter the design of a future individual project such that trucks traveling in the interior of the site to maximize the distance between truck travel paths and nearby sensitive receptors, which may be implemented to reduce potential project-specific impacts (see Final SEIR Chapter 3, *Revisions to the Draft SEIR*).

- *Prohibiting off-road diesel-powered equipment from being in the "on" position for more than 10 hours per day*. The Specific Plan requires use of zero-emission offroad cargo handling equipment. Therefore, this measure is not applicable.

- *Constructing zero-emission truck charging/fueling stations proportional to the number of dock doors at the project*. The Draft SEIR includes Mitigation Measure (MM) AIR-1-SP and MM AIR-1-5, which require installation of infrastructure for electric-powered trucks within the EBPSP.

- *Constructing and maintaining electric light-duty vehicle charging stations proportional to the number of employee parking spaces*. The Draft SEIR includes Mitigation Measure (MM) AIR-1-SP and MM AIR-1-5, which require installation of infrastructure for electric-powered trucks within the EBPSP.

- *Phase-in schedule to incentivize the use of cleaner operating trucks to reduce any significant adverse air quality impacts*. Measures required by existing law, such as compliance with CARB's Truck and Bus Regulation, ATCM requirements, and South Coast AQMD Rule 2305 (WAIRE), do not require separate CEQA mitigation.

The EBPSP's comprehensive mitigation program addresses the full range of feasible construction and operational emission reductions available for this type of project in the South Coast Air Basin. Recirculation is not required pursuant to CEQA Guidelines section 15088.5 because the changes merely clarify, amplify, or make insignificant modifications.

Comment O1-47

Disclaimer

SWAPE has received limited discovery regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the

work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Response O1-47

This comment notes that additional information may become available in the future and that the analysis is based on information reasonably accessible at the time it was prepared. This comment does not raise any environmental issue regarding the adequacy of the Draft SEIR; therefore, no further response is required pursuant to CEQA. The comment is acknowledged for the record.

Comment O1-48

Matthew F. Hagemann, P.G., C.Hg.

- Geologic and Hydrogeologic Characterization, Investigation and Remediation Strategies
- Industrial Stormwater Compliance
- CEQA Review
- Expert Testimony

Professional Certifications:

California Professional Geologist, P.G.

California Certified Hydrogeologist, C.Hg.

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Experience:

30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. Spent nine years with the U.S. EPA in the Resource Conservation Recovery Act (RCRA) and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where I identified emerging threats to groundwater. While with EPA, I served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. Led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring.

For the past 15 years, as a founding partner with SWAPE, I developed extensive client relationships and has managed complex projects that include consultations as an expert witness and a regulatory specialist, and managing projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions held include:

Government:
Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989– 1998);

Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);

Geologist, U.S. Forest Service (1986 – 1998).

Educational:

Geology Instructor, Golden West College, 2010 – 2104, 2017;

Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);

Instructor, College of Marin, Department of Science (1990 – 1995).

Private Sector:

Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);

Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

Executive Director, Orange Coast Watch (2001 – 2004);

Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, responsibilities have included:

- Lead analyst and testifying expert, for both plaintiffs and defendants, in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards.

- Recommending additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce exposure to hazards from toxins.

- Stormwater analysis, sampling and best management practice evaluation, for both government agencies and corporate clients, at more than 150 industrial facilities.
- Serving as expert witness for both plaintiffs and defendants in cases including contamination of groundwater, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns, for both government agencies and corporate clients.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict Sate of California regulatory requirements.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities included:

- Leading efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiating a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identifying emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. Used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. Prepared geologic reports, conducted hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer
- Served as a hydrogeologist with the RCRA Hazardous Waste program. Duties included:
- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote ”part B” permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel. Wrote contract specifications and supervised contractor’s investigations of waste sites.

With the National Park Service, directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation- wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served as senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advising the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaping EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, Oxygenates in Water: Critical Information and Research Needs.
- Improving the technical training of EPA's scientific and engineering staff.
- Earning an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Establishing national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities included:

- Mapping geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinating research with community stakeholders who were concerned with natural resource protection.
- Characterizing the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

Duties included the following:

- Supervising year-long effort for soil and groundwater sampling.
- Conducting aquifer tests.
- Investigating active faults beneath sites proposed for hazardous waste disposal.

Teaching:

- From 1990 to 1998, taught at least one course per semester at the community college and university levels:
- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.
- Part time geology instructor at Golden West College in Huntington Beach, California from 2010 to 2014 and in 2017.

Summary of Testimony Experience Over Past Four Years

In Re New Jersey Department of Environmental Protection et al. vs. E.I. DuPont de Nemours and Company, in the United States District Court, District of New Jersey, Civil Action No. 1:19-cv-14766-RMB-JBC. Deposition in 2025. Representing Plaintiffs in matters regarding contamination of groundwater, wastewater, soil, and air with per- and poly-fluoroalkyl substances.

In Re Edmond Asher, et al., vs. RTX Corporation (f/k/a Raytheon Technologies Corporation, et al.) in the County of Huntington Superior Court, Indiana, Cause number 35D01-2006-CT-000338. Deposition in 2024. Representing Plaintiffs in matters regarding contamination of groundwater and soil vapor with trichlorethylene.

In Re Wright vs Consolidated Rail Corporation In the Circuit Court of Cook County, Illinois, Case No: 21L3966. Deposition in 2023, Representing Plaintiff in matters involving groundwater and drinking water contamination of perchloroethylene, trichlorethylene, 1,2-dichloroethane, and carbon tetrachloride.

In Re Behr Dayton Thermal Products LLC In the United States District Court for the Southern District of Ohio Western Division at Dayton, Case No: 08-cv-326. Deposition in 2022. Representing Plaintiff in matters regarding contamination of groundwater and indoor air with perchloroethylene and trichloethelene.

Orange County Water District vs. Sabic Innovative Plastics US, LLC, et al. In the Court of Appeal, Fourth District,

Division 1, California, Case No: D070553. Deposition in 2020. Representing Plaintiff in matters involving compliance with The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Los Angeles Waterkeeper vs. AAA Plating and Inspection, Inc. In the United States District Court for the Central

District of California, Case No: No. CV 18-5916 PA (GJSx). Deposition in 2019. Expert witness representing Plaintiff in matters involving contaminated stormwater runoff at an industrial facility in Compton, California.

Californians for Alternatives to Toxics vs. Schneider Dock and Intermodal Facility. In the United States District Court for the Northern District of California, Case No: 3:17-cv-05287-JST. Deposition in 2019. Expert witness representing Plaintiff in matters involving contaminated stormwater runoff at an industrial facility in Eureka, California.

Bells et al. vs. The 3M Company et al. In the United States District Court for the District of Colorado, Case No: 1:16-CV-02531-RBJ. Deposition in 2018. Expert witness representing Plaintiff on matters regarding the general hydrogeological conditions present in an area impacted by per- and poly-fluoroalkyl substances.

Ungar vs. Foundation for Affordable Housing. In the Superior Court, State of California, Los Angeles County, Case No. BC628890 Deposition in 2017. Expert witness representing defendant on matters involving alleged drinking water contamination.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S.EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Coloradao.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M**., 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells.

Presentation to the Ground Water and Environmental Law Conference, National GroundwaterAssociation.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks.

Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F**. 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval AirStation, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Clean up at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examinations,2009-2011.

Response O1-48

This comment consists of the curriculum vitae of Mathew Hagemann. This comment does not raise any environmental issue regarding the adequacy of the Draft SEIR; therefore, no further response is required pursuant to CEQA. The comment is acknowledged for the record.

Comment O1-49

Paul Rosenfeld, Ph.D. Chemical Fate and Transport & Air Dispersion Modeling

Principal Environmental Chemist Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks,

confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)

UCLA School of Public Health; 2003 to 2006; Adjunct Professor

UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate

Komex H_2O Science, 2001 to 2003; Senior Remediation Scientist National Groundwater Association, 2002-2004; Lecturer

San Diego State University, 1999-2001; Adjunct Professor

Anteon Corp., San Diego, 2000-2001; Remediation Project Manager Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager Bechtel, San Diego, California, 1999 – 2000; Risk Assessor

King County, Seattle, 1996 – 1999; Scientist James River Corp., Washington, 1995-96; Scientist

Big Creek Lumber, Davenport, California, 1995; Scientist Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist

Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

Rosenfeld, P.E., Spaeth, K.R., McCarthy, S.J. *et al.* Camp Lejeune Marine Cancer Risk Assessment for Exposure to Contaminated Drinking Water From 1955 to 1987. *Water Air Soil Pollut* **235**, 124 (2024). https://doi.org/10.1007/s11270-023-06863-y.

Rosenfeld P.E., Spaeth K.R., Remy L.L., Byers V., Muerth S.A., Hallman R,C., Summers-Evans J., Barker S. (2023) Perfluoroalkyl substances exposure in firefighters: Sources and implications, *Environmental Research*, Volume 220, https://doi.org/10.1016/j.envres.2022.115164.

Rosenfeld P.E. and Spaeth K.R., (2023) Authors' Response to Letter to the Editor from Bullock and Ramacciotti, *Water Air Soil Pollution* Volume 234, https://doi.org/10.1007/s11270-023-06165-3

Rosenfeld P. E., Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution.* **233,** 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health.* 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P**., (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.,** Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermod and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

Rosenfeld, P.E. & Feng, L. (2011). *The Risks of Hazardous Waste.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries.* Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.,** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution,* 123 (17), 319-327.

Cheremisinoff, N.P., **Rosenfeld, P.E.** Davletshin, A.R. (2008). ***Responsible Care****.* Gulf Publishing. Texas.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency

Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy of Odour Wheels for Odours of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities.* Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme for The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004.* New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated with Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS–6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

Rosenfeld, P.E., and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality.* 29, 1662-1668.

Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affects on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld. (**1998). Compost Amendment Handbook for Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation on St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Master's thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelor's Thesis. University of California.

Presentations:

Rosenfeld, P.E., "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society.* Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water*. Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution.* Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluoroctanoic Acid (PFOA) and Perfluoroactane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P**. (20-22 July (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility*. The 23rd Annual International Conferences on Soils Sediment and Water.* Platform lecture conducted at University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant*. The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florala, Alabama. *The AEHS Annual Meeting.* Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.,** Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition.* Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference.* Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference.* Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference.* Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus on Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference.* Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River.

Meeting of tribal representatives. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model for PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants*. Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium on Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium on Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting for Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington.

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conferenc*e. Lecture conducted from Indianapolis, Maryland.

Rosenfeld. P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation.* Lecture conducted from Anaheim California.

Rosenfeld. P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest.* Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation with High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell.* Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest.* Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation with High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. The course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. $41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate the effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: $10,000 grant awarded to San Diego State University. Goal: investigate the effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. $100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. $20,000 grant awarded to investigate the effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: $10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: $15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. $500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

In the District Court of Harris County Texas

Mt Davis Interest, Inc v Sesco Cement Corp
Cause No 2023-26512
Trial 6-6-2-25

In the United States Southern District of New York

Gallo vs Avon Products Inc., et al
Civil Action No.: 1:23-cv-2023
Deposition 4-24-2025

In Vanderburgh Superior Court 5, County of Vanderburgh, Indiana

Markello v CSX
Civil Action No 82D05-2011-CT-004962
Deposition 3-26-25

In the Circuit Court of Cook County Illinois

Jarosiewicz v Northeast Regional Railroad
Case No 2023 L 002290
Deposition 2-27-25

In the District Court 191st Judicial District Dallas County

Acklin v Poly America International
Cause No DC-22-08610
Deposition 1-8-2025

United States District Court, Norther District of California

Asustin Vs Monsanto
Case No 2:23-cv-272
Deposition 12-20-25

In Jefferson Circuit Court Division One, Louisville, Kentucky

Stafford vs, CSX
Case No. 18-CI-001790
Deposition: 8-27-24

In the Twenty-Second Judicial Circuit of St. Louis. State of Missouri

Patricia Godfrey vs, Amtrak
Case No. 2122-CC-00525
Deposition: 7-17-24

In the Circuit Court of Jefferson County Alabama

Linda Early Vs. CSX
Case number CV-2021-00241
Deposition 6-24-24

In the Court of Common Please Lucas County, Ohio

Brenda Conkright vs. CSX
Case No. G-4801-CI-0202102664-000
Deposition: 6-4-24

In the Commonwealth of Kentucky, Greenup Circuit Court

Patsy Sue Napier vs. CSX
Case No. 19-CI-0012
Deposition: 5-8-2-24

In United States District Court of Hawaii

Patrick Feindt, Jr. et al. vs. The United States of America
Case No. 1:22-cv-LEK-KJM
Trial 3-29-24 and 4-5-24

In the District Court of Hood County State of Texas

Artie Gray vs. Exxon Mobil

Case No. C-2018047
Rosenfeld Deposition:4-22-2024

In the Elkhart Superior Court State of Indiana

Estate of Clark Stacy vs. Penn Central Corporation
Cause No 2D01-2001-CT-00007
Rosenfeld Deposition 1-25-2024 and 3-7-2024

In the Circuit Court of Trempealeau County, State of Wisconsin

Michael J. Sylla et al. vs. High-Crush Whitehall LLC
Case No. 2019-CV-63, 2019-CV-64, 2019-CV-65, 2019-CV-66
Rosenfeld Deposition: 3-5-2024

In the Circuit Court of Trempealeau County, State of Wisconsin

Leland Drangstveit vs. High-Crush Blair LLC
Case No. 19-CV-66
Rosenfeld Deposition 3-5-2024

In the Circuit Court of Jefferson County Alabama

Donald Lee Ashworth vs. CSX Transportation Inc.
Case No CV-2021-901261
Rosenfeld Deposition 1-23-2024

In the United States District Court for the Eastern District of Wisconsin

Gary L Siepe vs. Soo Line Railroad
Case No. 2:21-cv-00919 Rosenfeld
Deposition 1-19-2024

In the United States District Court for the Western District of Louisiana

Ricky Bush v. Clean Harbors Colfax LLC
Case No. 1:22-cv-02026-DDD-JPM
Rosenfeld Deposition 12-18-2023 and 1-15-2024

In United States District Court of Hawaii

Patrick Feindt, Jr. et al. vs. The United States of America
Case No. 1:22-cv-LEK-KJM
Rosenfeld Deposition 11-29-2023

In the Circuit Court for the Twentieth Judicial Circuit St. Clair County, Illinois

Timothy Gray vs. Rural King et al.
Case No 2022-LA-355
Rosenfeld Deposition 9-26-2023

In United States District Court Eastern District of Wisconsin

Gary L. Siepe vs. Soo Line Railroad Company
Case No. 2:21-cv-00919
Rosenfeld Deposition 9-15-2023

In the Circuit Court of Cook County Illinois

Donald Fox vs. BNSF
Case No. 2021 L12
Rosenfeld Deposition 9-12-2023

In the Court of Common Please Cuyahoga County, Ohio

Thomas Schleich vs. Penn Central Corporation Lead
Case No. CV-20-939184
Rosenfeld Deposition 8-27-2023

In the Circuit Court of Jackson County Missouri at Kansas City

Timothy Dalsing vs. BNSF
Case No. No. 2216-cv06539
Rosenfeld Deposition 7-28-2023

In the United States District Court for the Southern District of Texas Houston Division

International Terminals Company LLC Deer Park Fire Litigation
Lead Case No. 4:19-cv-01460
Rosenfeld Deposition 7-25-2023

In the Circuit Court of Livingston County Missouri

Shirley Ralls vs. Canadian Pacific Railway and Soo Lind Railroad
Case No. 28LV-CV0020
Rosenfeld Daubert Hearing 7-18-2023 Trial Testimony 7-19-2023

In the Circuit Court of Cook County Illinois

Brenda Wright vs. Penn Central and Conrail

Case No. No. 2032L003966
Rosenfeld Deposition 6-13-2023

In the Circuit Court Common Please Philadelphia of Jefferson County Alabama

Frank Belle vs. Birmingham Southern Railroad Company et al.
Case No. 01-cv-2021-900901.00
Rosenfeld Deposition 4-6-2023

In the Circuit Court of Jefferson County Alabama

Linda De Gregorio vs. Penn Central
Case No. 002278
Rosenfeld Deposition 3-27-20203

In the United States District Court Eastern District of New York

Rosalie Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-16-2023

In the Superior Court of Washington, Spokane County

Judy Cundy vs. BNSF
Case No. 21-2-03718-32
Rosenfeld Deposition 3-9-2023

In The Court of Common Pleas of Philadelphia County, PA Civil Trial Division

Feaster v Conrail
Case No. 001075
Rosenfeld Deposition 2-1-2023

In United States District Court for the Central District of Illinois

Sherman vs. BNSF
Case No. 3:17-cv-01192
Rosenfeld Deposition 1-18-2023

In United States District Court District of Colorado

Gonzales vs. BNSF
Case No. 1:21-cv-01690
Rosenfeld Deposition 1-17-2023

In United States District Court District of Colorado

Abeyta vs. BNSF
Case No. 1:21-cv-01689-KMT
Rosenfeld Deposition 1-3-2023

In United States District Court For The Easter District of Louisiana

Nathaniel Smith vs. Illinois Central Railroad
Case No. 2:21-cv-01235
Rosenfeld Deposition 11-30-2022

In the Superior Court of the State of California, County of San Bernardino

Billy Wildrick, Plaintiff vs. BNSF Railway Company
Case No. CIVDS1711810
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia

Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company
Case No. 10-SCCV-092007
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana

Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.
Case No. 2020-03891
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division

Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad
Case No. 18-LV-CC0020
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division

Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.
Case No. 20-CA-5502
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri

Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.

Case No. 19SL-CC03191
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division

Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.
Case No. NO. 20-CA-0049
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District

Greg Bean, Plaintiff vs. Soo Line Railroad Company
Case No. 69-DU-CV-21-760
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington

John D. Fitzgerald Plaintiff vs. BNSF
Case No. 3:21-cv-05288-RJB
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois

Rocky Bennyhoff Plaintiff vs. Norfolk Southern
Case No. 20-L-56
Rosenfeld Deposition 8-3-2022, Trial 1-10-2023

In Court of Common Pleas, Hamilton County Ohio

Joe Briggins Plaintiff vs. CSX
Case No. A2004464
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern

George LaFazia vs. BNSF Railway Company.
Case No. BCV-19-103087
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois

Bobby Earles vs. Penn Central et. al.
Case No. 2020-L-000550
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida

Albert Hartman Plaintiff vs. Illinois Central
Case No. 2:20-cv-1633
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4th Judicial Circuit, in and For Duval County, Florida

Barbara Steele vs. CSX Transportation
Case No.16-219-Ca-008796
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York

Romano et al. vs. Northrup Grumman Corporation
Case No. 16-cv-5760
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois

Linda Benjamin vs. Illinois Central
Case No. No. 2019 L 007599
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois

Donald Smith vs. Illinois Central
Case No. No. 2019 L 003426
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois

Jan Holeman vs. BNSF
Case No. 2019 L 000675
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia

Dwayne B. Garrett vs. Norfolk Southern
Case No. 20-SCCV-091232
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois

Joseph Ruepke vs. BNSF

Case No. 2019 L 007730
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska

Steven Gillett vs. BNSF
Case No. 4:20-cv-03120
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County

James Eadus vs. Soo Line Railroad and BNSF
Case No. DV 19-1056
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al. vs Cerro Flow Products, Inc.
Case No. 0i9-L-2295
Rosenfeld Deposition 5-14-2021 Trial October 8-4-2021

In the Circuit Court of Cook County Illinois

Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a AMTRAK,
Case No. 18-L-6845
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois

Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail
Case No. 17-cv-8517
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa

Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.
Case No. CV20127-094749
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division

Robinson, Jeremy et al vs. CNA Insurance Company et al.

Case No. 1:17-cv-000508
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino

Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.
Case No. 1720288
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse

Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.
Case No. 18STCV01162
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri

Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.
Case No. 1716-CV10006
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey

Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.
Case No. 2:17-cv-01624-ES-SCM
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division

M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido” Defendant.
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No. BC615636
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica

The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No. BC646857
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado

Bells et al. Plaintiffs vs. The 3M Company et al., Defendants
Case No. 1:16-cv-02531-RBJ
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112th Judicial District

Phillip Bales et al., Plaintiff vs. Dow Agrosciences, LLC, et al., Defendants
Cause No. 1923
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa

Simons et al., Plaintifs vs. Chevron Corporation, et al., Defendants
Cause No. C12-01481
Rosenfeld Deposition 11-20-2017

In The Circuit Court of The Twentieth Judicial Circuit, St Clair County, Illinois

Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc.,
Defendants Case No.: No. 0i9-L-2295
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi

Guy Manuel vs. The BP Exploration et al., Defendants
Case No. 1:19-cv-00315-RHW
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles

Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No. LC102019 (c/w BC582154)
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division

Brenda J. Cooper, et al., Plaintifs, vs. Meritor Inc., et al., Defendants
Case No. 4:16-cv-52-DMB-JVM
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish

Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No. 13-2-03987-5
Rosenfeld Deposition, February 2017 Trial March 2017

In The Superior Court of the State of California, County of Alameda

Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No. RG14711115
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County

Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No. LALA002187
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia

Robert Andrews, et al. vs. Antero, et al.
Civil Action No. 14-C-30000
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County

Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No. 4980
Rosenfeld Deposition May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida

Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case No. CACE07030358 (26)
Rosenfeld Deposition December 2014

In the United States District Court Western District of Oklahoma

Tommy McCarty, et al., Plaintiffs, vs. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas

Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant.*
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013 Rosenfeld Trial: April 2014

In the County of Kern, Unlimited Jurisdiction

Rose Propagation Services vs. Heppe Enterprises
Case No. S-1500-CV-278190, LHB
Rosenfeld Deposition: May 2014

In the Circuit Court of Baltimore County Maryland

Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

In the Court of Galveston County, Texas 56th Judicial District

MDL Litigation Regarding Texas City Refinery Ultracracker Emission Event Litigation
Cause No. 10-UC-0001
Rosenfeld Deposition: March 2013 Rosenfeld Trial: September 2013

In the United States District Court of Southern District of Texas Galveston Division

Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs,* vs. BP Products North America, Inc., *Defendant.*
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012 Rosenfeld Trial: April 2013

In the United States District court of Southern District of California

United States of America, Plaintiff vs. 2,560 Acres of Land, more or less, located in Imperial County, State of California; and Donald L. Crawford, et. al.
Civil No. 3:11-cv-02258-IEG-RBB
Rosenfeld Deposition: December 2012, January 2013

In the Court of Common Pleas of Tuscarawas County Ohio

John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition October 2012

In the Court of Common Pleas of Tuscarawas County Ohio

John Michael Abicht, et al., *Plaintiffs,* vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court for the Middle District of Alabama, Northern Division

James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.
Civil Action No. 2:09-cv-232-WHA-TFM
Rosenfeld Deposition July 2010, June 2011

Response O1-49

This comment consists of the curriculum vitae of Paul Rosenfeld. This comment does not raise any environmental issue regarding the adequacy of the Draft SEIR; therefore, no further response is required pursuant to CEQA. The comment is acknowledged for the record.

Comment O1-50

I write to comment on potential impacts to biological resources that would result from development of the proposed 189-acre Eucalyptus Business Park Specific Plan (EBPSP or "project"), which is addressed in the City's Ontario Policy Plan Amendment Draft Supplemental Environmental Impact Report (SEIR). The EBPSP would add 2,939,000 sf of industrial and commercial buildings on 137.9 acres, roadway improvements on

14.97 acres, and parkland on 36.15 acres at the northwest corner of Eucalyptus Ave and Walker Ave. My comments that follow address my concerns that the SEIR and its supporting biological resources technical report (ELMT 2025), mischaracterize the wildlife community as part of the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other

topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for forty-one years. My CV is attached.

Response O1-50

The Commenter's introductory remarks and qualifications are acknowledged. Responses to Shawn Smallwood's comments are addressed in Responses O1-51 through O1-73 below.

Comment O1-51

THE WILDLIFE COMMUNITY AS A BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts Question IV(a) asks specifically whether the project would adversely affect special-status species. However, this narrowly focused question is part of a larger policy goal of CEQA, which is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species; it also applies to wildlife populations and plant and animal communities, as it must, because special-status species are inter-dependent members of ecological communities. The CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). An essential portion of the environment used by any special-status species is composed of the collection of other species of plants and wildlife, because these species provide for special-status species their forage, refugia and nest substrates, and some serve as ecological mutualists. The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal

Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?

DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/ birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/ Birds/Raptors).

What follows is a summary of a site visit to detect as many of the species of wildlife as possible within the short time available. The visit was also intended to detect as many of the special-status species as possible, but with the understanding that most special-status species are less readily detectable due to rarity and crypticity. Nonetheless, the species detected can indicate the ecological integrity of the site and thus the likelihood of occurrence of special-status species not yet detected.

Response O1-51

The Commenter is correct in stating the larger goal of CEQA. However, CEQA attains this larger goal by asking very specific questions related to potential impacts to candidate, sensitive, or special status species and habitats. Non-special status species are not at risk of potential "elimination" or "populations dropping below self-perpetuating levels." Section 3.4, *Biological Resources*, of the Draft SEIR evaluates existing biological conditions within the Specific Plan area, including vegetation communities and associated wildlife, and assesses potential impacts to these resources. The analysis considers special-status species, sensitive natural communities, wildlife movement, and other biological resources using established federal and State regulatory lists and recognized scientific sources, consistent with CEQA Guidelines and standard professional practice. While the significance criteria appropriately emphasize special-status species and sensitive habitats due to their regulatory and ecological importance, these resources also function as indicators of broader ecological conditions. Accordingly, the Draft SEIR's evaluation of habitat types and associated species addresses potential effects on wildlife communities and ecological function.

The Biological Resources Assessment (Appendix D of the Draft SEIR) does not limit itself to the identification of special-status species. All species observed, or with the potential to occur on the EBPSP site, are identified within the Assessment. Refer to Assessment Table D-1.

CEQA Guidelines Appendix G further addresses potential impacts on native wildlife nursery sites and wildlife corridors. These apply to all species, not just sensitive species, thus ensuring that potential impacts to non-special status species are also considered.

The Commenter's field observations are noted and will be included in the administrative record. However, the comment does not identify a specific omission, analytical flaw, or substantial new information that would alter the environmental conclusions in the Draft SEIR. Section 3.4 is supported by substantial evidence, including field surveys, habitat assessments, and documented database sources, and is sufficient to evaluate the proposed project's potential biological impacts.

Comment O1-52

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 1.13 hours of diurnal survey starting at 18:08, and for 2.67 hours of nocturnal survey starting at 19:16 on 6 April 2026, and for 3 hours of diurnal survey starting at 06:26 on 9 April 2026. During daylight, Noriko walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. At night, Noriko affixed a Pettersson M500 acoustic bat detector to a 25-foot pole, and cabled the detector to her computer, which ran SonoBat Live. SonoBat Live identifies bat species based on the bats' sonograms that are detected by the M500. She also scanned for nocturnal wildlife using a Pulsar Telos LRF XG50 5.5-14x 50 mm thermal-imaging monocular. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen on the site's fringe. Conditions were sunny with 9 MPH west wind and temperatures of 74-64° F on 6 April 2026, and partly cloudy with 3 MPH west wind and temperatures of 56-68° F on 9 April 2026. The site contains dairy farms, open fields of annual grassland, eucalyptus groves, row crops, and houses (Photo 1).

<Photo 1. View of the project site, 9 April 2026. Photo by Noriko Smallwood.>

Noriko saw American barn owl (Photo 2), red-tailed hawk and turkey vulture (Photos 3 and 4), merlin and American kestrel (Photos 5 and 6), ring-billed gull and Hudsonian whimbrel (Photos 7 and 8), mallard and black-necked stilt (Photos 9-11), double-crested cormorant, Canada goose, and white-faced ibis (Photos 12-14), great blue heron and common raven (Photos 15 and 16), mourning dove and northern mockingbird (Photos 17 and 18), killdeer and California horned lark (Photos 19 and 20), house finch and Cassin's kingbird (Photos 21 and 22), song sparrow and white-crowned sparrow (Photos 23 and 24), red-winged blackbird and barn swallow (Photos 25 and 26), brown-headed cowbird (Photos 27 and 28), great-tailed grackle and Bullock's oriole (Photos 29 and 30), Mexican free-tailed bat (Photo 31), desert cottontail and California ground squirrel (Photos 32-34). Noriko detected 43 species of vertebrate wildlife at or adjacent to the project site, including nine species with special status (Table 1).

<Photo 2. American barn owl on the project site detected using a thermal imaging camera, 6 April 2026. Photo by Noriko Smallwood.>

<Photos 3 and 4. Red-tailed hawks (left), and turkey vulture (right) on the project site, 6 April 2026. Photos by Noriko Smallwood.>

<Photos 5 and 6. Merlin (left), and American kestrel (right) on the project site, 6 and 9 April 2026. Photos by Noriko Smallwood.>

<Photos 7 and 8. Ring-billed gull (top), and whimbrel (bottom) on the project site, 9 April 2026. Photos by Noriko Smallwood.>

<Photos 9, 10, and 11. Black-necked stilt harassing a mallard (top), mallard (bottom left), and black-necked stilt (bottom right) on the project site, 6 and 9 April 2026. Photos by Noriko Smallwood.>

<Photos 12, 13, and 14. Double-crested cormorant (top), and Canada goose (middle), and white-faced ibis (bottom) on the project site, 9 April 2026. Photos by Noriko Smallwood.>

<Photos 15 and 16. Great blue heron (left), and common raven with nest material (right) on the project site, 9 April 2026. Photos by Noriko Smallwood.>

<Photos 17 and 18. Mourning dove (left), and northern mockingbird (right) on the project site, 6 and 9 April 2026. Photos by Noriko Smallwood.>

<Photos 19 and 20. Killdeer (left), and California horned lark (right) on the project site, 9 and 6 April 2026. Photos by Noriko Smallwood.>

<Photos 21 and 22. House finch (left), and Cassin's kingbird and brown-headed cowbird (right) on the project site, 9 April 2026. Photos by Noriko Smallwood.>

<Photos 23 and 24. Song sparrow (left), and white-crowned sparrow (right) on the project site, 6 and 9 April 2026. Photos by Noriko Smallwood.>

<Photos 25 and 26. Red-winged blackbird (left), and barn swallow (right) on the project site, 9 April 2026. Photos by Noriko Smallwood.>

<Photos 27 and 28. Brown-headed cowbirds on the project site, 9 April 2026. Photos by Noriko Smallwood.>

<Photos 29 and 30. Great-tailed grackle (left), and Bullock's oriole (right) on the project site, 9 April 2026. Photos by Noriko Smallwood.>

<Photo 31. Sonogram of Mexican free-tailed bat on the project site detected using SonoBat Live and a Pettersson M500, 6 April 2026. Photo by Noriko Smallwood.>

<Photos 32, 33, and 34. Desert cottontail (top left and bottom), and California ground squirrel (top right) on the project site, 6 and 9 April 2026. Photos by Noriko Smallwood.>

Table 1. *Species of wildlife Noriko observed during 1.13 hours of diurnal survey and 2.67 hours of nocturnal survey on 6 April 2026, and during 3 hours of diurnal survey on 9 April 2026.*

Common name	***Species name***	**Status1**	**Notes**
Canada goose	*Branta canadensis*		Flock flew over
Mallard	*Anas platyrhynchos*		On pond; flocks flew over
Rock pigeon	*Columba livia*	Non-native	Many
Eurasian collared-dove	*Streptopelia decaocto*	Non-native	Just off site
Mourning dove	*Zenaida macroura*		
Anna's hummingbird	*Calypte anna*		
Black-necked stilt	*Himantopus mexicanus*		On pond; flew over
Killdeer	*Charadrius vociferus*		On pond; flew over
Hudsonian whimbrel	*Numenius hudsonicus*		Flocks flew over
Western sandpiper	*Calidris mauri*		On pond; flew over
Ring-billed gull	*Larus delawarensis*		Flocks flew over
Double-crested cormorant	*Nannopterum auritum*	WL	Flock flew over
Great blue heron	*Ardea herodias*		Flew over
White-faced ibis	*Pledagis chihi*	WL	Flocks flew over, landed on site
Turkey vulture	*Cathartes aura*	BOP	Many roosted in eucalyptus
Red-tailed hawk	*Buteo jamaicensis*	BOP	Pair
American barn owl	*Tyto furcata*	BOP	Multiple foraged in evening
American kestrel	*Falco sparverius*	BOP	
Merlin	*Falco columbarius*	WL, BOP	
Cassin's kingbird	*Tyrannus vociferans*		
Black phoebe	*Sayornis nigricans*		
American crow	*Corvus brachyrhynchos*		
Common raven	*Corvus corax*		Gathered nest material
California horned lark	*Eremophila alpestris actia*	WL	
Northern rough-winged swallow	*Stelgidopteryx serripennis*		

Barn swallow	*Hirundo rustica*		Gathered nest material, foraged
Northern mockingbird	*Mimus polyglottos*		
European starling	*Sturnus vulgaris*	Non-native	Many, murmurations
House sparrow	*Passer domesticus*	Non-native	
American pipit	*Anthus rubescens*		
House finch	*Haemorphous mexicanus*		Foraged
White-crowned sparrow	*Zonotrichia leucophrys*		Foraged
Song sparrow	*Melospiza melodia*		
Western meadowlark	*Sturnella neglecta*		Just off site
Bullock's oriole	*Icterus bullockii*	BCC	Multiple in eucalyptus
Red-winged blackbird	*Agelaius phoeniceus*		Many foraged, flew over
Brown-headed cowbird	*Molothrus ater*		Many, murmurations
Great-tailed grackle	*Quiscalus mexicanus*		
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L	
Desert cottontail	*Sylvilagus audubonii*		Foraged
California ground squirrel	*Otospermophilus beecheyi*		
Coyote	*Canis latrans*		Scat
Botta's pocket gopher	*Thomomys bottae*		Burrows

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx? DocumentID=109406) as WL = CDFW's Taxa to Watch List; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

Response O1-52

The Commenter's site visit and photo documentation are acknowledged and will be included in the administrative record. However, CEQA determinations are based on the full record of substantial evidence, including habitat conditions, biological databases, regional context, and field investigations conducted by qualified biologists. Section 3.4, *Biological Resources*, of the Draft SEIR is based on documented site conditions within the Specific Plan area, which consists predominantly of disturbed, developed, and agricultural land uses with limited suitability for native vegetation communities or special-status species. This characterization is supported by field surveys, habitat assessments, and regulatory database review, and constitutes substantial evidence supporting the environmental conclusions in the Draft SEIR.

Table 1, as provided by the Commenter, lists species detected during the Commenter's independent site visit. Although 43 species were detected, a portion of those are non-

native/invasive. Non-native/invasive species included in the Commenter's analysis include rock pigeon, Eurasian collared-dove, European starling, house sparrow, and brown-headed cowbird. The loss of habitat for invasive species should not be considered in the evaluation of potential impacts under CEQA. Various other species listed by the Commenter are not candidate, sensitive, or special status species. Additionally, several species were observed offsite or via "fly-over." While observations of all species in the vicinity of the site are useful to note, they do not necessarily indicate the suitability of onsite habitat or the likelihood for those species to occur onsite. As required under CEQA, the Draft SEIR includes sufficient mitigation for the protection of candidate, sensitive, and special status species.

Comment O1-53

ANALYSIS OF RECONNAISSANCE SURVEY DATA

Noriko detected 43 species of vertebrate wildlife, which was a relatively large number for the brevity of her survey effort. All the species in Table 1 would lose due to the project and its replacement of natural ground covers with impervious surfaces.

Assuming the habitat that would remain within the region is at carrying capacity for each species at issue, habitat loss translates directly to a numerical decline in the species. Smallwood and Smallwood (2023) confirmed this habitat loss by measuring the impacts of similar development projects on species richness and the abundances of wildlife. Smallwood and Smallwood (2023) directly compared the species and the numbers of animals observed prior to development to the those observed after development, while they did the same at control sites. The measured losses of these species resulting from development is indicative of habitat loss, because habitat is defined as that portion of the environment that is used for survival and reproduction by members of a species (Hall et al. 1997).

However, the species of wildlife Noriko detected at the project site were not the only species that were present during her survey, as there are always species that are not detected. To demonstrate this, I fit nonlinear regression models to Noriko's accumulation of first detections of vertebrate wildlife species with time into her daytime surveys to predict the number of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The type of model is a logistic growth model, which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The model that I fit to Noriko's survey data from the morning of 9 April predicts 41 species of vertebrate wildlife were available to be detected, or 3 more species than she detected that morning (Figure 1). Noriko's rate of species detections on the evening of 6 April nearly matched her rate of detections on the morning of 9 April (Figure 1). Noriko's rate of species detections exceeded the upper bound of the 95%

confidence interval estimated from many other morning surveys we have completed in the Inland Empire region, thus indicating the project site is relatively species-rich for the region.

<Figure 1. Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys at the project site on 6 and 9 April 2026. Note the confidence interval (orange) applies only to the morning survey (red line).>

Unknown are the identities of the species Noriko missed, but the species that Noriko did and did not detect on composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort because they are highly cryptic, and the members of other species would visit the site only periodically while patrolling large home ranges. Surveys on only two days cannot possibly detect all of the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's one survey. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km^2 of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\check{R} = 1 / [1/a + b \times (Hours)]^c$, where $\check{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged

model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 15.5 species over my first 4.13 hours of diurnal surveys at my research site in the Altamont Pass (4.13 hours to match the 4.13 hours Noriko surveyed during daylight hours at the project site), which composed 27.2% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 41 vertebrate wildlife species that Noriko detected in her 4.13 hours of daylight survey at the project site likely represented 27.2% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect 41 / 0.272 = 151 species of vertebrate wildlife in daylight surveys at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 151 predicted species, then continued daylight surveys would eventually detect 29 special-status species of vertebrate wildlife.

Because my prediction of 151 species of vertebrate wildlife, including 29 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Proof of this in Noriko's brief nocturnal survey in which she added two more species of vertebrate wildlife to her tally. Noriko's reconnaissance survey should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than could be accomplished in her one site visit to produce a species inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

<**Figure 2.** Mean (95% CI) predicted wildlife species richness, Ř, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere. >

Response O1-53

The modeling approach and regional extrapolations described by the Commenter are not part of the biological resources analysis methodology used in the Draft SEIR. The existing conditions described in Section 3.4, *Biological Resources*, of the Draft SEIR are based on site-specific habitat evaluation, review of applicable biological information sources and regulatory databases, and field investigations conducted within the Specific Plan area. This approach is consistent with CEQA Guidelines and standard professional practice for assessing biological resources. The Commenter provides a prediction model used as part of an unrelated biological

survey. The survey referenced by the Commenter was conducted over a span of four years (721 hours of survey time) on a site comprised of 40,000 acres of open space grassland in the State's Central Valley. In contrast, the EBPSP site is comprised of 189 acres of entirely developed land in the City of Ontario which has been subject to a high degree of anthropogenic disturbance associated with agricultural activities. It is unlikely that the EBPSP site's ability to support species diversity and richness is comparable to the reference site.

While the Specific Plan could result in the conversion of agricultural and disturbed habitat, CEQA requires an assessment of whether such changes would result in a significant environmental impact, as well as identification of feasible mitigation measures and alternatives to reduce those impacts. CEQA does not assume that all wildlife observed on a site would be permanently eliminated, nor does it require the environmental analysis to treat every observation of common or mobile wildlife species as evidence of permanent population loss. *Save Our Capitol! v. Department of Gen. Servs.* (2023) 87 Cal.App.5th 655, 686-67. The Draft SEIR recognizes that wildlife observations reflect conditions at a specific point in time and that species presence may vary temporally and spatially. However, CEQA does not require exhaustive, year-round inventories of all common or wide-ranging species. Instead, it requires a reasonable and good-faith effort supported by substantial evidence regarding existing habitat conditions and the potential for biological resources to occur on-site to assess potential impacts.

Comment O1-54

MISCHARACTERIZATION OF THE EXISTING ENVIRONMENTAL SETTING

CEQA's primary objectives should guide the design and conduct of CEQA review. Four of CEQA's primary objectives are to (1) accurately characterize the existing environmental setting, (2) disclose potential project impacts to the public and decision-makers, (3) foster public participation with decision-making over proposed projects, and (4) identify issues and feasible alternative mitigation measures to minimize environmental impacts. The first objective is essential to the other three, because an accurate understanding of the existing environmental setting is needed to predict impacts, provide the public with the means to meaningfully participate with issues of importance, and effectively strategize mitigation and project alternatives (Figure 3). For biological resources, essential information includes the species composition of the plant and wildlife communities, key ecological interactions, identification of ecological keystone species, determining the presence of special-status species or their habitats, and identifying risk factors that could result in significant direct, indirect and cumulative impacts should the project go forward.

The public and decision-makers need to know which species are susceptible to harm potentially caused by the project and its associated activities, and which are known to be vulnerable to

harm once exposed to the environmental changes brought by the project. For these reasons, field studies are needed to identify as many of the species that occur on the project site as reasonably feasible, and to otherwise examine the environmental conditions for their likelihood to support species that are not detected, otherwise known as "habitat assessment." A review of species occurrence records – also known as "desktop review" – is needed to identify the other species that potentially occur on the site – a process that is also referred to as "habitat assessment." Because habitat assessments that are based on either or both field study and desktop review are prone to uncertainty, emphasis needs to be directed to adequate field study to reduce the pool of species subjected to habitat assessment, thereby weighing the review more towards certainty. Appropriately weighted reviews are less susceptible to speculation over species occurrence likelihoods. For this reason, protocol-level detection surveys have been formulated for numerous special-status species of plants and wildlife, and otherwise best scientific practices are needed to provide a reasonable likelihood of detection of species that truly occur on the project site. The negative findings of a properly conducted detection survey are the only findings that can support a determination of species absence.

Response O1-54

The Commenter provides a narrative on the importance of characterizing the existing environmental setting through a review of species occurrence records and field studies.

A lead agency is not required to undertake a protocol-level survey when assessing whether the project will affect endangered, rare, or threatened species; it may employ other survey methodologies, such as reconnaissance-level surveys, as long as its choice of methodology is supported by substantial evidence. *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 221-26; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1124; *Association of Irritate Residents v. County of Madera* (2003) 107 Cal.App.5th 1383, 1396.

Moreover, discrepancies in results arising from different methods for assessing environmental issues do not undermine the validity of the EIR's analysis as long as a reasonable explanation supporting the EIR's analysis is provided. *Planning & Conserv. League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 243. Section 3.4, *Biological Resources*, of the Draft SEIR evaluates biological resources using site-specific habitat information, field investigations, and established biological and regulatory data sources, including federal and State datasets such as the California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS) Inventory, U.S. Fish and Wildlife Service (USFWS) GIS data, and the National Wetlands Inventory (NWI), among other relevant scientific sources. Therefore, the steps identified by the Commenter were taken as part of the Biological Resources Assessment prepared for the EBPSP (see Appendix D of the Draft SEIR). This approach is consistent with CEQA practice for characterizing biological resources and evaluating environmental effects. This comment does

not raise any issues concerning or relating to the adequacy of the environmental analysis provided in the Draft SEIR and thus no further response is required.

Comment O1-55

Assess species occurrence likelihoods

1. Desktop review.
  a. Species geographic range overlap or database occurrence records
  b. Crosswalk habitat associations with mapped ground cover
2. Reconnaissance survey/Habitat assessment
3. Detection surveys for special-status species

<Figure 3. General flow of information from its gathering through characterizing the existing environment to predicting impacts and their significance.>

Even among reviews founded on the best of field studies, there is always uncertainty over some of the determinations of species occurrences. The uncertainties of habitat assessments need to be managed to achieve CEQA's primary objectives. This means that the methodological details of both the field studies and desktop review need to be carefully and thoroughly reported, and it means that results need to be reported in context of their uncertainties. For example, the reporting of having detected 10 species in a reconnaissance survey is nearly meaningless without also reporting the numbers of species found in surveys of similar methods and effort levels, and the reporting of the failure to detect a given species is nearly entirely meaningless without also reporting the likelihood that species would be detected given the survey methods and effort level. The same is true of desktop review; that is, there should be some means of validating habitat assessments based on the thousands of habitat assessments that have already been conducted in support of CEQA reviews. If industry standards in environmental review are to be credible, then they must include the use of the comparative method.

In the case of the proposed project, the SEIR fails to explain how or why the steps taken to characterize the ecological community relate to CEQA's primary objectives. Additionally, the ecological community is inaccurately characterized as composed of only those species detected in a reconnaissance survey or deemed likely to occur based on desktop review of occurrence records. Furthermore, the SEIR reports nothing about the uncertainties of ELMT's (2025) findings, which vastly diminishes the accuracy of the characterization of the existing environmental setting.

Response O1-55

See Response O1-54 regarding sources used in the Draft SEIR to evaluate biological resources. Section 3.4, *Biological Resources*, of the Draft SEIR integrates multiple sources of biological information rather than relying on any single method or field visit.

The Commenter states that the ecological community of the EBPSP site is inaccurately characterized; however, the Commenter's flowchart accurately provides the steps undertaken as part of the Biological Resources Assessment. No evidence or specific inaccuracies are identified. Moreover, CEQA does not require environmental analysis to include statistical reporting of detection probabilities for reconnaissance-level surveys, quantitative detection modeling, or statistical validation against external survey datasets. Instead, CEQA permits reliance on substantial evidence and reasonable professional judgment supported by available biological information, habitat conditions, and documented species occurrence data. *Save Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 221-26.

The Draft SEIR evaluates the ecological setting based on habitat types present within and near the Specific Plan area and their potential to support biological resources, including species that may not have been directly observed during limited survey effort. This approach provides the appropriate level of detail necessary for an informed understanding of the nature and magnitude of the impacts to biological resources by accounting for variability in species presence and detectability, consistent with CEQA requirements.

Comment O1-56

Environmental Setting informed by Field Surveys

ELMT (2025) deployed two biologists on 18 April 2025 to document existing conditions, verify plant communities identified in aerial imagery, and assess the potential for special-status biological resources to occur, and in the same survey to evaluate the site for its potential to support wetland features. ELMT does not explain how its survey contributes to CEQA's objectives, but it is my opinion that each documentation of a species detected in a survey lessens the uncertainty of the species composition of the local ecological community, and it hence improves the accuracy of the characterization of the environmental setting. ELMT (2025) does not state the detection of wildlife species as one of its objectives, but it does report the species it detected. However, more information needs to be reported so that survey findings can be considered in an appropriate comparative context to reveal the degree of uncertainty that remains in how many species, and which species, truly comprise the wildlife community. ELMT (2025) fails to report its survey start time, its survey duration, and how its findings compare to other similar surveys in the region.

ELMT (2025) reports 20 species of vertebrate wildlife were found on the project site. Four of these species are special-status species, despite the SEIR's (p. 3.4-55) claim that "No special-status wildlife species were observed within the Specific Plan area during the habitat assessment.." In comparison, Noriko detected 43 species of vertebrate wildlife. ELMT detected 3 species that Noriko did not, but Noriko detected 26 species that ELMT did not, and ultimately Noriko's survey effort brings the total number of vertebrate wildlife species detected on the site to 46, which is more than double the number ELMT (2025) reports. A comparison between ELMT's and Noriko's surveys reveals that the wildlife community depicted by ELMT (2025) is nowhere close to accurate, and the comparison indicates that additional surveys would further increase the number of species known to the site.

ELMT (2025) documented three fewer than the average number of vertebrate wildlife species detected among surveys by consulting biologists at California project sites, and Noriko detected 1.42 times the number we average in our surveys of the same sites (Figure 4). ELMT (2024) documented the same number of special-status species of vertebrate wildlife as the average among surveys reported by consulting biologists at California project sites, and Noriko detected 1.5 times the number we average in our surveys of the same sites (Figure 5). Relative to the corresponding averages, ELMT. found fewer species of wildlife while Noriko found 50% more – a difference that needs an explanation.

Two comparative contexts are needed to fully disclose the meanings of survey findings in the SEIR. The first is to contextualize the survey findings relative to the survey effort, because otherwise it is misleading to insinuate that the species detected were definitive of the wildlife community. As Figures 1 and 2 demonstrate, additional surveys contribute to an increasingly more accurate characterization of the wildlife community, but eventually to a point at which the species inventory would be obtained. Quicker progress toward an accurate characterization of the wildlife community can be achieved by adding nocturnal surveys as well as specialized surveys for detecting bats, small mammals, reptiles and amphibians. However the surveys are done, it is imperative to compare survey findings to the findings from other surveys and their associated survey attributes to provide interpretive context such as to quantify the uncertainty of the findings, or alternatively to understand whether the findings fall within the expected range of findings given the survey methods and level of effort. If no such comparison is possible, then the lack of comparability should be discussed as a survey limitation.

Another example of how once can contextualize survey findings can be found in Figure 6, which compares Noriko's findings to hundreds of other survey results at other proposed project sites, developed sites, and at relatively intact "references sites," but it does so relative to the survey effort. This approach is more informative than the other comparative contexts because it factors in survey effort. Figure 6 reveals that considering her survey effort, the number of wildlife species that Noriko detected was more indicative of nearly pristine reference sites than it was of the project sites we have surveyed throughout California, again showing the site to be relatively

rich in species. It is possible that as one of the very last remaining fragments of habitat in the region, the project site attracts members of more species. Because ELMT (2025) fails to report key survey attributes, I cannot compare its reconnaissance survey findings to past consultant findings relative to survey effort.

The second comparative context is to assess the probabilities of detection considering the survey effort of each special-status species, whether detected or not. The SEIR inaccurately claims that ELMT (2025) failed to detect any special-status species. However, even if ELMT had failed to detect special-status species, such a failure can mean that the survey was inadequate. Each species presents survey personnel with a unique range of detection probabilities based on the species' natural history, its behavior patterns, survey effort, the study area's distance from known activity areas of the species, and the levels of skill of survey personnel. Many animals maintain home ranges that are larger than most project sites, and they periodically shift their foraging activities to various parts of their home range, hence occurring on a particular site only periodically. To detect these species, survey personnel must be at the site on the same date and time as the one or more members of the species. The probability of detection of any given species during any given survey is less than 100%, and for many species that truly occur on a given site, it is closer to 0%.

<**Figure 5.** Frequency distribution of the number of special-status species of wildlife detected by consulting biologists (left graph) and by me and Noriko (right graph) among project sites surveyed in support of environmental reviews.>

<**Figure 6.** Noriko Smallwood's survey findings at the Project site relative to our survey findings at other project sites (red), at developed sites (black), and at more pristine sites that we survey as reference sites (green). Noriko's findings exceed the upper bound of the 95% confidence interval based on the results of hundreds of surveys at project sites, and they approach the lower bound of the 95% CI from many surveys at reference sites.>

For example, white-tailed kite was detected by neither ELMT nor Noriko, but among our hundreds of surveys at project sites, Noriko and I have found white-tailed kites in environments similar to the project site. Based on hundreds of surveys within the geographic range of white-tailed kite, Noriko's 4.13 hours of daylight survey combined with the knowledge that white-tailed kite has been documented within 1.5 miles of the project site afforded Noriko an 11% likelihood of detection of white-tailed kite (Figure 7). Noriko would need to conduct many more surveys to accumulate a reasonable likelihood of detecting white-tailed kite, but the patterns of our findings in our many other surveys depicted in Figure 7 reveal that it is highly unlikely that the white-tailed kite is absent from the project site. This use of the comparative method leads to a fundamentally different way of interpreting survey results than is expressed in ELMT (2025) and the SEIR, and it provides for more accurate disclosure of potential project impacts.

<**Figure 7.** Probability of detection of whitetailed kite as a function of survey effort and proximity of occurrence records to a project site, based on hundreds of reconnaissance surveys we completed 2019–2024.>

This second comparative context is very important because it is the basis for the formulation of detection survey protocols. Experienced biologists are aware of survey limitations due to ranges of variation in the activity periods, levels of crypticity, and periodic movement patterns of wildlife species, and due to variation in the skill and commitment of survey personnel. This second comparative context acknowledges that the occurrence likelihood of a species on a particular site is rarely if ever zero, so long as the site is within the species' geographic range and it provides habitat. This second comparative context reveals that a determination of zero likelihood of occurrence is typically indicative of insufficient survey effort. A common goal of detection survey protocols is to support absence determinations with a survey effort that should have resulted in a detection if the species had been present at the time of the surveys, but it does not prove that the species is always absent from the site. This second comparative context and its implications should not be neglected in CEQA review, but it is neglected in the case of the SEIR prepared for this project.

ELMT (2025) conducted no protocol-level detection surveys for rare plants (see CDFW 2018), Crotch's bumble bee (see CDFW 2023), burrowing owl (see CDFW 2012) nor for any other special-status species. The appropriate surveys were not implemented for various other types of wildlife, hence leaving conclusions in ELMT (2025) and the SEIR unfounded. For example, ELMT (2025) reports that no amphibians were detected, but it does not describe its likelihood of detecting amphibians had amphibians been present. ELMT (2025) reports the same for reptiles, but it again fails to report the likelihood of detecting any reptiles had they in truth been present. If ELMT surveyed in the middle of the day, then its likelihood of detecting amphibians would have been near 0%, and if ELMT surveyed for only an hour, then its likelihood of detecting reptiles would have been near 0%. Survey findings need to be contextualized by reporting of survey method and survey effort. Similarly, no acoustic surveys were conducted for bats, and no live trapping was conducted for small mammals. Noriko detected bats because she implemented the appropriate survey method for doing so. ELMT (2025) reports its survey results as if they are definitive, but they are not.

Response O1-56

See Response O1-54 regarding sources used in the Draft SEIR to evaluate biological resources. The analysis in Section 3.4, *Biological Resources*, of the Draft SEIR identifies existing habitat types within and near the Specific Plan area and evaluates their suitability to support biological resources based on known species ranges, habitat requirements, and regional occurrence information. This habitat-based approach is a standard CEQA methodology for characterizing

biological conditions, particularly in areas dominated by disturbed, agricultural, and developed land uses.

The Commenter summarizes the tasks undertaken as part of the Draft SEIR site-specific Biological Resources Assessment, but notes that the study does not include a start time, duration, or a comparison of other surveys in the region. To clarify, the survey was conducted on April 18, 2025, from 6:30 AM to 9:30 PM. The inclusion of this information does not constitute significant new information under CEQA, and therefore no revisions to the Draft SEIR are required.

As part of the Assessment, similar surveys in the vicinity for projects, such as the Ontario Ranch Business Center and the Centerpark Specific Plan (all prepared by different biologists), produced comparable observations and results, and proposed similar mitigation.

The Commenter erroneously claims that four special-status wildlife species were found on the EBPSP site. No specific reference or evidence is provided to support this statement. In point of fact, the Biological Resources Assessment (see Appendix D of the Draft SEIR) states, "No special-status wildlife species were observed within the study area during the habitat assessment." (page 10). Further, Biological Resources Assessment Table D-1 provides a complete listing of all potentially occurring special-status species, and identifies which of them were observed on-site. As shown, no special-status species were observed on-site.

The Commenter notes a discrepancy between the number of species detected as part of their independent site survey compared to the survey conducted as part of the Draft SEIR. While an increase in the number or duration of surveys would likely result in an increase in species detections, it would not more accurately represent the site's ability to support those species at any given time. Additionally, the Commenter's site visit included a nocturnal survey. The pre-construction bat survey required by Draft SEIR Mitigation Measure BIO-3-SP requires nocturnal site visits, and will no doubt add to the number of species identified on the site. The City maintains that the Draft SEIR survey results appropriately represent the community and species present on-site.

Contrary to the Commenter's statement that the EBPSP site is "…one of the very last remaining fragments of habitat in the region…", the site and surrounding land have supported agricultural land uses since at least 1938. The area presently supports pasture crop fields, cattle stockyards, trucking facilities, and various industrial land uses. The off-site improvements would occur within paved and unpaved roads. Due to historic and existing land uses, no native plant communities or natural communities of special concern are present within or adjacent to the site, which has been subjected to roughly a century of anthropogenic disturbances associated with historic and ongoing land uses (i.e., dairy ranches). These disturbances have eliminated the

natural plant communities that historically occurred within the site and general vicinity. Conditions of the site are documented in Draft SEIR Figure 3.1-1, *EBPSP Site Photos*.

In the Commenter's discussion of context, he states "…the occurrence likelihood of a species on a particular site is rarely if ever zero, so long as the site is within the species' geographic range and it provides habitat." The Commenter goes on to say, "…that a determination of zero likelihood of occurrence is typically indicative of insufficient survey effort." As concluded by the EBPSP Biological Resources Assessment, the EBPSP site contains limited habitat even for those species adapted to a high degree of anthropogenic disturbances. These disturbances have eliminated the natural plant communities that once occurred within the study area, greatly reducing potential foraging opportunities for wildlife species.

The Commenter notes that no protocol-level detection surveys for rare plants, Crotch's bumble bee, or burrowing owl. CEQA does not mandate protocol level surveys; an agency may employ other methodologies, such as reconnaissance-level surveys, as long as its choice of methodology is supported by substantial evidence. *Save North Petaluma River & Wetlands v. City of Petaluma* (2022) 86 Cal.App.5th 207, 221-26. Here, the Biological Resources Assessment determined that the site does not contain suitable habitat for special-status plants or Crotch's bumble bee. However, because the Assessment determined that the site has the potential to support burrowing owl, Draft SEIR Mitigation Measure BIO-2-SP requires two surveys prior to construction. If owls are identified, coordination with the CDFW would be required. See Draft SEIR page 3.4-63.

The Commenter incorrectly states that the Biological Resources Assessment does not describe its likelihood of detecting reptiles or amphibians had these species been present during the site survey. The Commenter is referred to page 7 of the Assessment, which identifies the species of reptiles and amphibians observed on the site, as well as other species that can be expected to occur.

The Commenter states, "…no acoustic surveys were conducted for bats…Noriko detected bats because she implemented the appropriate survey method for doing so." It is noted that the Biological Resources Assessment concludes that the EBPSP site has a moderate potential to support two bat species (western yellow bat/Lasiurus xanthinus and the hoary bat/Lasiurus cinereus). Additionally, the Assessment requires pre-construction exit counts and acoustic surveys prior to site disturbance. Draft SEIR Mitigation Measure BIO-3-SP requires these surveys of all future projects implemented pursuant to the EBPSP. If the results of the bat survey find a total of a single roosting individual of a special-status bat species or 25 or more individuals of a non-special status bat species, a Bat Management Plan would be developed for review and approval by CDFW. See Draft SEIR page 3.4-64.

Comment O1-57

Environmental Setting informed by Desktop Review

ELMT (2025) relies on occurrence records in the California Natural Diversity Data Base (CNDDB) to establish its pool of special-status species for assessing occurrence likelihoods, otherwise referred to as habitat assessments. ELMT (2025) queried the CNDDB for occurrence records of special-status species within four USGS 7.5' Quadrangles inclusive of the project site. Special-status species represented by occurrence records in these Quads were moved forward in the habitat assessment, but species lacking records were screened out of further analysis. However, the CNDDB is a volunteer, positive-sightings database, and as such it is useful for confirming presence but not for confirming absence of species because such databases are not designed for this purpose. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present*." ELMT (2025) and hence the SEIR misuse the CNDDB.

The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDB is the same as an absence determination, but without the support of the detection surveys that have been formulated for this purpose.

As suggested above, ELMT (2025) also weighs the likelihoods of occurrence of those species that passed the initial screening for inclusion. South assigns occurrence likelihood categories of Absent (reported as Presumed absent, which effectively means absent), Low, Moderate, and High. As noted above, however, the absence of occurrence records is not evidence of absence, nor is it evidence of any likelihood of occurrence. At best, CNDDB records can serve as evidence

of the likelihood of detection of a species, but again, this likelihood does not parallel the likelihood of occurrence because species often occur where never detected by biologists.

In my assessment based on a database review and site visits, 137 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Not all these species should be expected to occur at the project site, but each of them should be given a closer look to determine occurrence likelihoods and whether additional surveys are needed, or implementation of detection surveys, or whether it would be reasonable to assume presence. Of these 137 species, 20 were recorded on or just off (on the fringe) the project site, and another 18 (13%) have been documented within 1.5 miles of the site (Very close), another 40 (29%) between 1.5 and 4 miles (Nearby), and another 48 (35%) between 4 and 30 miles (In region). Over half (57%) of the special-status species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports at least 20 special-status species of wildlife, and it carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. Evidence certainly suggests that habitat assessments are needed for these species.

ELMT (2025) considers the occurrence likelihoods of only 64 (47%) of the special-status species listed in Table 2, which means that 73 (53%) of the special-status species in Table 2 were screened out of the analysis in the first step of the desktop review. Of the 64 special-status species considered by ELMT, 50 of them are determined to be absent from the project site. However, of these 50 “absent” species, five of them – Swainson’s hawk, peregrine falcon, vermilion flycatcher, yellow-headed blackbird, and double-crested cormorant, were detected on the project site, nine of them have been documented within 1.5 miles of the project site, and another 15 of them have been documented within 4 miles of the project site. Of the 6 special-status species ELMT determines to have a low likelihood of occurrence, 2 – merlin and loggerhead shrike – have been documented on the project site, and 2 have been documented within 1.5 miles of the site. ELMT’s process for determining occurrence likelihoods is flawed and inaccurate.

Although ELMT (2025) presumes yellow-headed blackbird to be absent from the project site, ELMT (2025:D-7) also reports having detected this species on the site. Perhaps whomever prepared Table D-1 was unaware of which species ELMT’s biologists detected on the project site. Whatever the reason for it, this glaring inconsistency involves a special-status species that warrants greater care.

Of the special-status species in Table 2 but not included in ELMT’s analyses of occurrence likelihoods, 7 have been documented on the project site, 6 have been documented within 1.5 miles of the site, and 25 have been documented between 1.5 and 4 miles from the project site. None of these 38 special-status species should have been omitted from the analyses in EMLT (2025) and the SEIR.

Despite the SEIR's assertion that the certified 2022 SEIR provides the logical baseline from which to predict project impacts on biological resources, ELMT (2025) analyzes the occurrence likelihoods of special-status species. Had the 2022 SEIR been the logical baseline, then ELMT would have had no need to conduct a field survey or desktop review. Regardless, the 2022 SEIR was not an appropriate baseline because its assignments of special status to the species it assesses for occurrence likelihoods date to circa 2001.

The same reliance on outdated species statuses is true of ELMT (2025) and the SEIR prepared for this project. For example, numerous species are assigned California Species of Special Concern, but which are now on CDFW's Taxa to Watch List. More important, however, are the many species that have been assigned special status or have had their status upgraded since 2009 EIR from which the 2022 SEIR tiered. Circumstances have changed for 31 special-status species that were either designated with special status or were upgraded in status since the 2009 EIR (Table 2). Of these 31 special-status species, four have been documented on the project site, three have been documented within 1.5 miles, and 13 have been documented between 4 and 30 miles from the project site. These changes in circumstance directly bear on the accuracy and the potential consequences of the characterization of the existing environmental setting.

Response O1-57

See Response O1-54 regarding sources used in the Draft SEIR to evaluate biological resources. The Commenter states that the Biological Resources Assessment, and hence the Draft SEIR, misuse the CNDDB. However, the CNDDB is only one of many references utilized during the literature review process. Additionally, the Commenter erroneously assumes that a lack of historical detection of special-status species and habitat types would lead to an assumption of absence of those species within the EBPSP site. Rather, the literature review is used as a reference tool to evaluate the survey area, and all observations of species and habitats obtained during biological assessments are collected regardless of previously recorded observations. Therefore, the detection of any species on-site, and thus its inclusion in the Biological Resources Assessment is independent of historical records.

The Commenter states that 137 special-status species of wildlife are known to occur near the site. At the time of the Biological Resources Assessment, the literature review was conducted with the most updated information. The Commenter also states that many special-status species were recorded 1.5 to 4 miles from the EBPSP site. It is noted that Prado Regional Park occurs approximately 2.8 miles south of the EBPSP site. Prado Regional Park forms a major open space area with the Prado Basin to the south, and the Santa Ana River to the east. Additionally, the Santa Ana Mountains lie further south and the Chino Hills further west. The communities and site conditions present within these open space areas do not reflect current conditions of the EBPSP site. Therefore, including special-status wildlife detections within the Prado Basin or

similar areas in proximity to the site, does not give an accurate depiction of the site's ability to support special-status species. Nevertheless, and as stated previously, the Assessment evaluated the site's potential to support all special-status species known to occur in the area.

The Commenter states that the biological assessment only considered the occurrence likelihoods of 47% of the special-status species listed in Table 2. This is not accurate, as the CNDDB table is not completed until after the biological survey is conducted. Therefore, all special-status species historically detected in the vicinity of the site are considered when evaluating the site's ability to support these species.

The Commenter states inconsistencies in regard to the presence of yellow-headed blackbird onsite. To clarify, yellow-headed blackbird was not observed on-site at the time of the assessment.

The Commenter states that 38 special-status species were omitted from the analysis. As stated previously, all special-status species known to occur in the vicinity of the EBPSP site were included in the analysis.

The Commenter notes that the baseline of the Draft SEIR is the 2022 Certified TOP EIR, and further states that it is not an appropriate baseline because the occurrence likelihoods are outdated. As the Commenter is aware, the Biological Resource Assessment (or any of the technical analyses prepared for the EBPSP) did not rely on that baseline alone. Out of an abundance of caution, the technical studies did not "take credit" for the development of the site already assumed in the 2022 Certified TOP EIR. As stated on page 2 of the Assessment, the following literature sources were used to identify species and habitats known to occur locally:

- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USFWS Designated Critical Habitat Maps;
- California Natural Diversity Database (CNDDB) Rarefind 5;
- International Union for Conservation of Naturae (IUCN);
- CNDDB Biogeographic Information and Observation System (BIOS);
- California Native Plant Society Electronic Inventory (CNPSEI) database;
- Calflora Database;
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey;
- USFWS National Wetland Inventory;
- Environmental Protection Agency (EPA) Water Program "My Waters" data layers;
- Google Earth Pro historic aerial imagery (1985-2024);

- San Bernardino County General Plan;
- USFWS Critical Habitat designations for Threatened and Endangered Species; and
- USFWS National Wetlands Inventory (NWI).

The literature review provided a baseline from which to inventory biological resources potentially occurring on the EBPSP site. CEQA requires a reasonable and good-faith effort, supported by substantial evidence, to evaluate biological resources. This includes consideration of habitat conditions, species distribution information, and professional biological judgment in assessing the potential for species occurrence. CEQA does not require that all species with regional occurrence records be included in the analysis, nor does it require that occurrence databases alone be used to infer presence or absence without evaluating habitat suitability.

Comment O1-58

Mischaracterization of the Wildlife Community

ELMT (2025) reports on a field survey and a desktop review having been completed. However, its field survey was much too cursory, and its results are poorly interpreted, even misinterpreted. Its desktop review is incomplete and inaccurate. Greater care is warranted, but even if ELMT was not authorized or supported to complete a more suitable field survey effort and desktop review, its conclusions needed to be appropriately cautious. This more cautious approach would be consistent with the Precautionary Principle in rick analysis – or CEQA review – involving precious or rare resources such as special-status species (National Research Council 1986). The true wildlife community remains to be described with sufficient accuracy. Without a more accurate characterization of the wildlife community, the basis remains inadequate for predicting impacts and formulating appropriate mitigation strategies.

Table 2. Occurrence likelihoods of special-status species of wildlife at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Species highlighted in **orange** indicate changes in special status since 2009. Entries in bold font identify species detected by Noriko Smallwood during her site visit.

Common name	***Species Name***	**Status[1]**	**ELMT (2025)**	**Records, Surveys**
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT		In region
San Diego fairy shrimp	*Branchinecta sandiegonensis*	FE		In region
Riverside fairy shrimp	*Streptocephalus woottoni*	FE		In region
Monarch	***Danaus plexippus***	**FC (2019)**		**Very close**
Crotch's bumble bee	***Bombus crotchii***	**CCE (2019)**	**Absent**	**In region**
Western spadefoot	***Spea hammondii***	**FC (2023), SSC**	**Absent**	**In region**
Southwestern pond turtle	***Actinemys pallida***	**FC (2023), SSC**	**Absent**	**In region**
Coast horned lizard	*Phrynosoma blainvillii*	SSC	Absent	In region
Orange-throated whiptail	*Aspidoscelis hyperythra*	WL	Absent	In region
Coastal whiptail	*Aspidoscelis tigris stejnegeri*	SSC	Absent	In region
San Diegan legless lizard	***Anniella stebbinsi***	**SSC (2016)**	**Absent**	**In region**
California glossy snake	***Arizona elegans occidentalis***	**SSC (2016)**		**In region**
Coast patch-nosed snake	*Salvadora hexalepis virgultea*	SSC	Absent	In region
Two-striped gartersnake	*Thamnophis hammondii*	SSC		In region
South coast gartersnake	*Thamnophis sirtalis pop. 1*	SSC	Absent	In region
Red-diamond rattlesnake	*Crotalus ruber*	SSC	Absent	Nearby
Brant	*Branta bernicla*	SSC2	Absent	Nearby

Common name	*Species Name*	Status[1]	ELMT (2025)	Records, Surveys
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL		Nearby
Redhead	*Aythya americana*	SSC2		Nearby
Western grebe	*Aechmophorus occidentalis*	BCC (2021)		Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC (2021)		Nearby
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT (2014), CE	Absent	In region
Black swift	*Cypseloides niger*	SSC3, BCC		In region
Vaux's swift	*Chaetura vauxi*	SSC2	Absent	Very close
Costa's hummingbird	*Calypte costae*	BCC	Moderate	Nearby
Calliope hummingbird	***Selasphorus calliope***	**BCC (2021)**		**In region**
Rufous hummingbird	***Selasphorus rufus***	**BCC (2021)**	**Absent**	**Nearby**
Allen's hummingbird	*Selasphorus sasin*	BCC		Nearby
Mountain plover	*Charadrius montanus*	SSC2, BCC	Absent	In region
Snowy plover	*Charadrius nivosus*	BCC		In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC		In region
Long-billed curlew	*Numenius americanus*	WL		Very close
Marbled godwit	*Limosa fedoa*	BCC		Nearby
Red knot	*Calidris canutus*	BCC		In region
Pectoral sandpiper	***Calidris melanotos***	**BCC (2021)**		**On site**
Short-billed dowitcher	*Limnodromus griseus*	BCC		Nearby
Lesser yellowlegs	*Tringa flavipes*	BCC		Very close
Willet	***Tringa semipalmata***	**BCC (2021)**		**Nearby**

Common name	***Species Name***	**Status**[1]	**ELMT (2025)**	**Records, Surveys**
Laughing gull	*Leucophaeus atricilla*	WL		Nearby
Franklin's gull	*Leucophaeus pipixcan*	BCC		In region
Heermann's gull	***Larus heermanni***	**BCC (2021)**		**Nearby**
Western gull	***Larus occidentalis***	**BCC (2021)**		**Nearby**
California gull	***Larus californicus***	**BCC (2021), WL**	**Moderate**	**On site**
California least tern	*Sternula antillarum browni*	FE, CE, CFP		Nearby
Black tern	***Chlidonias niger***	**SSC2, BCC (2021)**		**Nearby**
Elegant tern	*Thalasseus elegans*	BCC, WL		In region
Black skimmer	*Rynchops niger*	BCC, SSC3		Nearby
Common loon	*Gavia immer*	SSC		Nearby
Double-crested cormorant	*Phalacrocorax auritus*	WL	Absent	On site/**On site**
American white pelican	*Pelacanus erythrorhynchos*	SSC1	Absent	Very close
Least bittern	*Ixobrychus exilis*	SSC2	Absent	Nearby
White-faced ibis	*Plegadis chihi*	WL	Moderate	On site/**On site**
Turkey vulture	*Cathartes aura*	BOP		On site/**On site**
Osprey	*Pandion haliaetus*	WL, BOP	Absent	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	Low	Very close
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	Absent	Nearby
Northern harrier	***Circus cyaneus***	**BCC (2021), SSC3, BOP**	**High**	**On site**
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Moderate	On site
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Moderate	On site

Common name	***Species Name***	**Status[1]**	**ELMT (2025)**	**Records, Surveys**
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Absent	Very close
Red-shouldered hawk	*Buteo lineatus*	BOP		Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Absent	On site
Red-tailed hawk	*Buteo jamaicensis*	BOP		On site/**On site**
Ferruginous hawk	*Buteo regalis*	WL, BOP	Absent	Very close
Zone-tailed hawk	*Buteo albonotatus*	BOP		Nearby
Harris' hawk	*Parabuteo unicinctus*	WL, BOP		In region
Rough-legged hawk	*Buteo lagopus*	BOP		In region
American barn owl	*Tyto furcata*	BOP		Very close/**On site**
Western screech-owl	*Megascops kennicotti*	BOP		Nearby
Great horned owl	*Bubo virginianus*	BOP		Nearby
Burrowing owl	***Athene cunicularia***	**BCC, CCE, SSC2, BOP**	**Moderate**	**Very close**
Long-eared owl	***Asio otus***	**BCC (2021), SSC3, BOP**	**Absent**	**In region**
Short-eared owl	***Asia flammeus***	**BCC (2021), SSC3, BOP**	**Absent**	**Nearby**
Lewis's woodpecker	*Melanerpes lewis*	BCC		Nearby
Nuttall's woodpecker	*Picoides nuttallii*	BCC		Nearby
American kestrel	*Falco sparverius*	BOP		On site/**On site**
Merlin	*Falco columbarius*	WL, BOP	Low	On site/**On site**
Peregrine falcon	*Falco peregrinus*	BOP	Absent	On site
Prairie falcon	*Falco mexicanus*	WL, BOP	Low	Very close

Common name	***Species Name***	**Status[1]**	**ELMT (2025)**	**Records, Surveys**
Olive-sided flycatcher	***Contopus cooperi***	**BCC, SSC2 (2011)**	**Absent**	**Nearby**
Willow flycatcher	*Empidonax trailii*	CE	Absent	Very close
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	Absent	Nearby
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Absent	On site
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Absent	Nearby
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Low	On site
Oak titmouse	*Baeolophus inornatus*	BCC		Very close
California horned lark	*Eremophila alpestris actia*	WL	Moderate	On site/**On site**
Bank swallow	*Riparia riparia*	CT		Very close
Purple martin	*Progne subis*	SSC2		Nearby
Wrentit	***Chamaea fasciata***	**BCC (2021)**		**Nearby**
California gnatcatcher	***Polioptila c. californica***	**FT, SSC2 (2016)**	**Absent**	**Nearby**
California thrasher	***Toxostoma redivivum***	**BCC (2021)**		**Nearby**
Cassin's finch	***Haemorhous cassinii***	**BCC (2021)**		**In region**
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Absent	Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2	Absent	Nearby
Black-chinned sparrow	*Spizella atrogularis*	BCC		In region
Gray-headed junco	*Junco hyemalis caniceps*	WL		In region
Bell's sparrow	*Amphispiza b. belli*	WL	Absent	Nearby
Oregon vesper sparrow	***Pooecetes gramineus affinis***	**SSC2 (2017)**		**In range**
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	Absent	Nearby
Yellow-breasted chat	*Icteria virens*	SSC3	Absent	Nearby

Common name	*Species Name*	Status[1]	ELMT (2025)	Records, Surveys
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3	Absent	On site
Bullock's oriole	***Icterus bullockii***	**BCC (2021)**		**Very close/On site**
Tricolored blackbird	***Agelaius tricolor***	**CT (2018), BCC, SSC1**	**Absent**	**Very close**
Prothonotary warbler	*Protonotaria citrea*	BCC		In region
Lucy's warbler	*Leiothlypis luciae*	SSC3		In region
Virginia's warbler	***Leiothlypis virginiae***	**WL, BCC (2021)**		**Nearby**
Northern yellow warbler	*Setophaga aestiva*	SSC2	Absent	Very close
Prairie warbler	*Setophaga discolor*	BCC		In region
Summer tanager	*Piranga rubra*	SSC1	Absent	Nearby
Little brown bat	*Myotis lucifugus*	WBWG: M		In region
Yuma myotis	*Myotis yumanensis*	WBWG: LM	Absent	In region
Long-eared myotis	*Myotis evotis*	WBWG: M		In region
Fringed myotis	*Myotis thysanodes*	WBWG: H		In range
Long-legged myotis	*Myotis volans*	WBWG: H		In range
California myotis	*Myotis californicus*	WBWG:L		In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M		In range
Canyon bat	*Parastrellus hesperus*	WBWG: M		In region
Big brown bat	*Episticus fuscus*	WBWG: L		In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M		In range
Hoary bat	*Lasiurus cinereus*	WBWG: M	Low	In region
Western red bat	*Lasiurus blossevillii*	SSC, WBWG: H	Absent	In region
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG: H	Low	In region

Common name	***Species Name***	**Status**[1]	**ELMT (2025)**	**Records, Surveys**
Spotted bat	*Euderma maculatum*	SSC, WBWG: H		In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H		In range
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H		In region
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L		Nearby/**On site**
Pocketed free-tailed bat	*Nyctinomops femorosaccus*	SSC, WBWG: M	Absent	In range
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H	Absent	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC	Absent	In region
Northwestern San Diego pocket mouse	*Chaetodipus fallax fallax*	SSC	Absent	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC		In range
Stephens' kangaroo rat	***Dipodomys stephensi***	**FT (2022), CT**	**Absent**	**In region**
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC		In region
San Diego Bryant's woodrat	*Neotoma bryanti intermedia*	SSC	Absent	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC		In range
American badger	*Taxidea taxus*	SSC	Absent	In region

[1] Listed on CDFW's Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered; FC = federal candidate for listing; CT or CE = California threatened or endangered; CCT or CCE = Candidate California threatened or endangered; CFP = California Fully Protected (California Fish and Game Code 3511); SSCi = California Species of Special Concern with i = priorities 1, 2 and 3; WL = CDFW's Taxa to Watch List; BGEPA = Bald and Golden Eagle Protection Act; WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BCC = U.S. Fish and Wildlife Service's Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); and BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

Response O1-58

See Response O1-54 regarding sources used in the Draft SEIR to evaluate biological resources. CEQA does not require a complete inventory of all species potentially occurring on a site, nor does it require exhaustive or protocol-level surveys in all cases. Instead, CEQA requires a reasonable and good-faith effort, supported by substantial evidence, to characterize biological resources and assess the potential for species occurrence. This includes reliance on habitat suitability, regional species ranges, and field observations, recognizing that wildlife presence may vary temporally and spatially and that short-term surveys cannot be expected to document all species that may use a site over time.

The Commenter states the field survey was too cursory, the results are poorly interpreted, and the desktop review is incomplete and inaccurate; However, no specific inaccuracies are provided. The survey was conducted in the appropriate amount of time, given the size of the project site and onsite conditions. Additionally, conservative measures were taken when evaluating potential direct and indirect impacts to species which may occur on-site. As stated previously, the survey results and mitigation measures are comparable to those of similar projects in the region.

Table 2, as provided by the Commenter, lists occurrence likelihoods of various species in the region. It is again noted that Prado Regional Park is approximately 2.8 miles south of the EBPSP site. Prado Regional Park forms a major open space area with the Prado Basin to the south, and the Santa Ana River to the east. Additionally, the Santa Ana Mountains lie further south and the Chino Hills further west. The communities and site conditions present within these open space areas do not reflect current conditions of the EBPSP site. Therefore, the occurrence likelihoods listed in Table 2 do not give an accurate depiction of the site's ability to support special-status species. The Commenter's submitted observations and data compilation are noted and will be included in the administrative record. However, they do not demonstrate that the Draft SEIR mischaracterizes existing biological conditions or that its conclusions regarding the wildlife community are unsupported. The analysis is consistent with CEQA requirements and provides a sufficient basis for impact evaluation and mitigation planning.

Comment O1-59

BIOLOGICAL IMPACTS ASSESSMENT

The impacts analysis in CEQA review involves prediction. Impact predictions are necessary in environmental review because measuring a project's impacts directly could not happen until after the impacts occur, and the timing of this type of measurement would come too late for formulating a mitigation strategy or deciding on a project alternative. As noted earlier, the accuracy of the predictions of impacts and their significance ultimately relies on the degree of

accuracy in the characterization of the existing environmental setting (Figure 3). Prediction accuracy also relies on experience, of which development projects subjected to CEQA review have been made amply available (Figure 8). CEQA prohibits the use of speculation to predict that potential project impacts would be less than significant (see CEQA Guidelines section 15145. SPECULATION), so it is experience that must be used. The type of experience proven most effective, and therefore most amenable to achieving CEQA's primary objectives, is scientific inference, as generally depicted in Figure 8. Scientific inference can be drawn from scientific studies or from the many other projects that have undergone CEQA review. The comparative method enables the use of scientific inference to predict impacts and to predict the efficacies of mitigation strategies, the latter of which should be also amply available in the record.

<Figure 8. A framework for arriving at predicted project impacts based on experience with other project sites. Ideally, there is a pool of similar projects in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.>

In the following, I analyze several types of impacts likely to result from the project, none of which are analyzed adequately by ELMT (2025) or the SEIR, and some of which are not analyzed at all.

Response O1-59

CEQA does not require impact analysis to rely on cross-project statistical inference or the type of comparative framework described by the Commenter. Instead, impacts must be supported by substantial evidence in the record, including expert judgment supported by facts, habitat-based analysis, and reasonably foreseeable project effects on biological resources. Section 3.4, *Biological Resources*, of the Draft SEIR evaluates biological impacts based on changes to existing site-specific environmental conditions, consistent with CEQA impact analysis requirements. Predictions of impact are derived from the documented baseline setting, including habitat conditions, field reconnaissance, and established biological and regulatory data sources, and do not depend on post-project measurement or comparative modeling across other projects.

The Commenter notes the importance of experience when preparing biological impact assessments. Indeed, the project biologists that conducted the EBPSP Biological Resources Assessment have a combined 22 years of experience with similar surveys. The commentor does not provide any evidence or argument demonstrating that these experts lack the qualifications necessary to render professional opinions on the subject. Additionally, four other studies completed in the area were reviewed in developing the conclusions of the EBPSP Biological Resources Assessment. This comment does not raise any issues concerning or relating to the

adequacy of the environmental analysis provided in the Draft SEIR and thus no further response is required.

Comment O1-60

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species. The site is proven to serve as habitat to at least 46 species of vertebrate wildlife which ELMT and Noriko observed on the site, but the number of avian nest sites remains unknown. The surveys that have been conducted on the project site were unsuitable for detecting all bird nests or for estimating total nest density. The alternative method for estimating avian productive capacity is to infer it from estimates of total nest density elsewhere. Noriko and I have completed studies to estimate total avian nest density in various environments, but not in an environment that would match the project site.

The projection of inferences of total nest density from study sites to the project site would benefit from knowledge of the acreages of vegetation or ground cover classifications on the project site. ELMT (2025) includes the stated objective to produce a vegetation map, but it reports only a map that crudely classifies covers as Disturbed, Developed, Active Dairy, and Stock Pond. No acreages are reported of these classes, and these classes are only crudely described to vegetative structure. Notably, the reporting is silent on the numbers and arrangements of trees and shrubs on and around the project site, lumping them all as "ornamentals." Nor is there any discussion of the management of grassland, wetland and ruderal vegetation that could affect ground-nesting birds. Therefore, my projection of inferences of total nest density from study sites to the project site is necessarily crude, and they must rely on assumptions that likely vary in accuracy. Nonetheless, my approach at least serves as an example of how a needed analysis can be conducted with a better foundation.

Noriko estimated an average 3.22 nests/acre among three of her grassland study sites in southern California, two of which were in nearby Murrieta. I estimated a weighted mean of 15.59 nests/acre on 11.42 acres of abandoned walnut trees bounded by hedge shrubs and trees in Rancho Cordova, California in 2023. Assuming Noriko's estimates represent the total nest density of the portion of the project site lacking trees and artificial structures, and my total nest density represents the rest of the site, and assuming the acreage of these two types of environment are about equally divided, then I estimate 1,778 nest sites. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 2,471 nest attempts per year. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 7,166 fledglings/year at the project site.

The loss of 1,778 nest sites and 2,471 nest attempts per year would easily qualify as significant impacts that have not been analyzed in the SEIR. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 7,166 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 8,055 birds per year lost to California.

The loss of 8,055 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most of these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds. The loss of 8,055 birds per year would easily qualify as an unmitigated significant impact.

Response O1-60

The Commenter notes that the number of on-site avian nest sites is currently unknown, and goes on to make assumptions as to the number of nests and future fledglings that may be lost due to implementation of the EBPSP. However, these estimates are not based on site-specific survey data contained in the administrative record. The studies cited by the Commenter were conducted in locations (between 30-350 miles from the EBPSP site) with habitat characteristics and environmental conditions that differ from those identified within the EBPSP project area; and therefore, do not constitute substantial evidence demonstrating that similar nesting densities or impacts would occur at the project site.

As discussed in the Biological Resources Assessment (Appendix D to the Draft SEIR), as well as the Draft SEIR, the impact analysis recognizes the potential for nesting birds to occur within the project area and incorporates mitigation measures specifically designed to avoid or minimize impacts to active nests. Pursuant to Mitigation Measure BIO-1-SP (Draft SEIR page 3.4-63), pre-disturbance nesting bird surveys would be conducted prior to vegetation removal or ground-disturbing activities during nesting season. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer established in the field with flagging, fencing, or other appropriate barriers. A qualified biological monitor would be present to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Construction activities cannot occur within the buffer area until the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions.

The Draft SEIR also identifies that the EBPSP would include approximately 35 acres of parkland which would be heavily landscaped, including forested areas, meadow areas, and open space

lawn areas, consistent with the City's Grand Park Landscape Master Plan. Additionally, landscaping within the business park areas would include a combination of evergreen and deciduous trees, shrubs, and groundcovers. While these landscaped areas are not identified as mitigation for nesting bird impacts, these areas may provide habitat and nesting opportunities for species already adapted to urbanized environments.

The comment does not identify any specific inadequacy of the biological impact analysis presented in the Draft SEIR. Accordingly, the comment does not require revision to the analysis.

Comment O1-61

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, this concern has not motivated any serious analysis of whether or how the project would interfere with wildlife movement in the region. As part of its field survey, ELMT (2025:D-3) reportedly searched for "any natural corridors and linkages that could support the movement of wildlife through the area...," but no specific methodology was described for doing so, and no results of the search for corridors and linkages is reported. Lacking field data, ELMT and the SEIR only speculate that the project site does not function as a corridor or linkage in wildlife movement.

ELMT (2025) and the SEIR rely on the red-herring argument that the project site must act as a wildlife movement corridor or linkage before changes to it could result in significant interference with wildlife movement in the region. The premise of the argument is not true. The CEQA standard expressed in Question (d) of the CEQA's App. G Checklist applies to all types of movement and not just the movement channeled by corridors. As habitat fragmentation proceeds, the remaining patches of open space increase in their importance as stopover opportunities for wildlife on long-distance dispersal or migration. In the case of this project, the project site is one of the last remaining fragments of habitat in the region, and is therefore of critical importance to many wild animals on the move.

Response O1-61

Section 3.4, *Biological Resources*, of the Draft SEIR evaluates the potential for the proposed project to interfere with wildlife movement by analyzing the existing land use setting of the Specific Plan area, the surrounding pattern of urban and agricultural development, and available biological resources and land use mapping. It concludes that the Specific Plan area is embedded in a largely developed or disturbed landscape and does not contain documented features that function as regional connectivity pathways. On this basis, the analysis determines that the Specific Plan would not substantially interfere with regional wildlife movement.

Contrary to the Commenter's assertion that the Biological Resources Assessment, and therefore the Draft SEIR, only speculate "that the project site does not function as a corridor or linkage in wildlife movement", literature review conducted as part of the Assessment included a search of the County's GIS Land Use Map as well as information from the City's General Plan regarding major open space areas. Open Space areas in the vicinity of the site include the Prado Basin, Chino Dairy Preserve, Santa Ana River, and Chino Hills Open Space. The EBPSP site is entirely developed and disturbed and is separated from these areas by additional development. As such, the EBPSP site does not contain any mapped or designated regional wildlife corridor, linkage, or movement pathway identified in applicable planning documents or conservation resources.

The administrative record further demonstrates that the proposed project site and surrounding land have supported intensive agricultural and developed land uses for decades. Historical arial photography and site investigations indicated that the property has been used for pasture crop production, cattle operations, trucking -related uses, and industrial activities since at least 1938. Contrary to the Commenter's statement that the EBPSP site currently contains open space or operates as one of the last remaining fragments of habitat in the region, no native plant communities or natural communities of special concern are present within or adjacent to the site, which has been subjected to roughly a century of anthropogenic disturbances associated with historic and ongoing land uses (i.e., dairy ranches). These disturbances have eliminated the natural plant communities that historically occurred within the site and general vicinity. Conditions of the site are documented in Draft SEIR Figure 3.1-1, *EBPSP Site Photos*.

Here, the commentor does not provide site-specific evidence demonstrating that the EBPSP site currently serves as a regional wildlife linkage or that implementation of the proposed project would substantially impede wildlife movement between recognized habitat areas. Accordingly, the comment does not identify a deficiency in the analysis and nor revision is required.

Comment O1-62

TRAFFIC IMPACTS ON WILDLIFE

The SEIR neglects to address one of the project's most obvious, substantial impacts on wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 32—35), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality

on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

<Photos 32 and 33. A desert cottontail runs across the road in Murietta, California (top), and a great-tailed grackle crosses a road in the Imperial Valley (bottom).>

<**Photos 34 and 35**. Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and California kingsnake killed by a vehicle on a rural road in El Dorado County in 2024.>

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the period of the Mendelsohn et al.

(2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Response O1-62

The Commenter's reference to wildlife mortality statistics is acknowledged. The cited study pertains to a segment of Vasco Road located approximately 350 miles from the EBPSP site. Vasco Road roadway functions as a major commuter corridor, carrying approximately 24,000 vehicles per day[2], and is situated between Vasco Caves Regional Preserve and Brushy Peak Regional Preserve, areas that support extensive natural habitat and wildlife movement. In contrast, the EBPSP project site is situated within highly disturbed and developed landscapes characterized by longstanding agricultural, industrial, and transportation-related uses. Accordingly, the conditions underlying the referenced study are not representative of the environmental setting of the EBPSP project site, and the study does not constitute substantial evidence demonstrating that similar wildlife mortality impacts would occur as a result of implementation of the proposed project.

Section 3.4, *Biological Resources*, of the Draft SEIR evaluates potential biological impacts related to traffic by considering site-specific conditions, including existing habitat quality, the surrounding urban and agricultural land uses, roadway network characteristics, and the potential for impacts to special-status species and other sensitive biological resources. It concludes that while wildlife-vehicle collisions may occur, they are associated with baseline conditions in developed or urbanizing areas and are not identified as resulting in significant impacts under the Specific Plan because no substantial evidence indicates effects on special-status species or disruption of recognized movement corridors within the Specific Plan area.

The Commenter has not identified substantial evidence demonstrating that the Draft SEIR's analysis of biological impacts related to traffic is inadequate or unsupported, and no revision to the analysis is required.

Comment O1-63

Predicting project-generated traffic impacts on wildlife

The SEIR predicts 130,631,620 annual VMT will be generated by the project. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road in Contra Costa County daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife

[2] Contra Costa County Public Works. Vasco Road Safety Improvements - Phase 2. https://www.contracosta.ca.gov/10392/Vasco-Road-Safety-Improvements---Phase-2

fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted into annual operational VMT predicts 55,564 vertebrate wildlife fatalities per year due to project-generated traffic.

However, some might argue that this prediction relies too much on a study along a road through less-disturbed rangeland that likely supports more non-volant wildlife that is more vulnerable to collision mortality. I would argue that the project-generated traffic would pass through similar rural environments with ample wildlife available to be crushed under automobile tires. Nevertheless, to better represent those reaches of road that are more urban than rural, or that would become more urban with the development of the project, I recently completed my own study of wildlife mortality caused by automobiles along roads that were urban and interfaced between urban and agricultural land uses.

I completed one year of daily pedestrian surveys along 2.7 km (1.713 miles) of local, collector and minor arterial roads in north Davis, California, where I tallied 314 fatalities of 40 species of vertebrate wildlife. Most of the fatalities were small-bodied animals such as Sierran treefrogs, western toads, western fence lizards, 10”- to 16”-long juvenile Pacific gophersnakes, valley gartersnakes and California kingsnakes, as well as bushtits, yellow-rumped warblers, deer mice and California ground squirrels. Most of the animals I found would never have been detected from a moving vehicle, which is why people often underestimate how many wild animals are killed by vehicle traffic.

The animals I found in my study did not include all the animals killed by vehicles on the roads I searched. Many had been removed by scavengers before I could find and count them. (American crows patrol the roads every morning, and so does a large flock of wild turkeys.) Some of the animals are knocked off the road in places where I could never find them, and some were undoubtedly caught and carried away in the grills of vehicles or in tire treads. Most of the Sierran treefrogs disappeared from where I found them within several hours, so daily searches missed many of the fatalities. To adjust for these undetected fatalities, I fit a logit regression model to my fatality finds, all of which transitioned to carcass detection trials after I initially found them. Starting with the first day after each detection, I monitored the carcass trials for 30 days, and I assigned each a body mass estimate based on typical body mass reported in the literature. Predictor variables were days since detection and log10 body mass. The relationship between carcass detection probability and the predictor variables is depicted in Figure 9. My fatality finds adjusted by the model results in an estimate of 2,126 vertebrate wildlife fatalities over 1.713 miles of roads in one year, or 1,241 vertebrate wildlife fatalities/mile/year. This rate is 40.9% of the rate measured at Vasco Road, or an estimated 5,748 vehicle miles per fatality. Applying this urban fatality rate to the predicted construction MT predicts 830 vertebrate wildlife fatalities, and applying it to annual operational VMT predicts 22,726 vertebrate wildlife fatalities per year in the area around the project that is traveled by project-generated traffic.

<**Figure 9.** Wildlife carcass detection probability is a function of the number of days since discovery and log10 body mass.>

A reasonable range of predicted mortality is therefore 22,726 to 55,564 vertebrate wildlife fatalities per year due to project-generated traffic. Based on my analysis, the project-generated traffic would cause significant impacts on wildlife. The SEIR does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that these impacts would be unmitigated.

Response O1-63

See Response O1-62. The Commenter cites another study located approximately 370 miles from the EBPSP site in support of assertions regarding potential traffic-related wildlife mortality rates in the project vicinity. However, the mortality data referenced by the Commenter was derived from roadway segments and habitat conditions substantially different from those present within and surrounding the EBPSP area. As discussed in Response O1-62, the EBPSP is located within a highly disturbed and developed environment that does not function as a recognized wildlife corridor or regional habitat linkage. Accordingly, the cited study does not constitute substantial evidence demonstrating that similar wildlife movement patterns or mortality rates would occur in the vicinity of the EBPSP site.

The Commenter also references potential roadway mitigation measures intended to improve wildlife crossing safety. However, the Draft SEIR does not identify a significant impact related to wildlife movement or wildlife-vehicle collisions that would require such mitigation. Here, the Draft SEIR concludes, based on site-specific conditions and available biological information, that implementation of the EBPSP would not substantially interfere with wildlife movement or connectivity.

In addition, many of the roadway modifications or off-site wildlife crossing improvements referenced by the Commenter, would occur on properties or within transportation corridors that are not owned, or controlled, or operated by the Applicant. The Commenter does not demonstrate how such measures would be roughly proportional to the identified project impact or otherwise necessary to mitigate a significant biological impact attributable to the EBPSP. Accordingly, the comment does not identify a deficiency in the Draft SEIR's analysis and no revision to the analysis is required.

Comment O1-64

CUMULATIVE IMPACTS

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would contribute significantly to cumulative impacts of past, present and future projects, or to multiple types of impacts that are cumulatively considerable. Unfortunately, the SEIR fails to seriously analyze the project's contribution to cumulative impacts on biological resources. According to the SEIR (p. 3.4-76), "The proposed project, including the EBPSP, would comply with the City's Habitat Mitigation Fee per Ontario Ranch Settlement Agreement, which would reduce impacts with respect to the cumulative loss of habitat for sensitive species. Additionally, mitigation measures would reduce impacts to sensitive species that may be present on future development sites, as well as the EBPSP and off-site improvements, to less than significant. Projects in the CDFW inland deserts region, including future development in accordance with the Policy Plan Amendment, would be required to comply with existing state regulations protecting biological resources, which could include the preparation of biological reports and surveys. Impacts of the proposed project would be less than cumulatively considerable with implementation of mitigation. Therefore, this impact is less than significant." However, the CEQA Guidelines (§15064(h)(3)) states, "When relying on a plan, regulation or program, the lead agency should explain how implementing the particular requirements in the plan, regulation or program ensure that the project's incremental contribution to the cumulative effect is not cumulatively considerable." The SEIR fails to explain how payment of a mitigation fee per the settlement agreement would minimize, avoid or offset the project's contributions to cumulative impacts. Nor does the SEIR summarize the performance of the settlement agreement to date.

Following a settlement agreement between the City and Endangered Habitats League and Sierra Club, who challenged the City's 1998 General Plan Amendment EIR, the City "established a habitat mitigation fee to cover potential environmental impacts to the burrowing owl, DSFLF [Delhi Sands flower-loving fly], raptor foraging, loss of open space, and agricultural lands" (SEIR p. 3.4-11). Following disfunction over the implementation of the City's settlement agreement, the City entered into a memorandum of agreement (MOA) on 21 November 2023 with the Inland Empire Resource Conservation District to administer the mitigation fund. The SEIR (p. 3.4-12) reports, "With respect to burrowing owl and DSFLF, this MOA ensures:

- A mitigation fee will be applied to development projects within Ontario Ranch that will impact burrowing owls or their habitat;
- The City of Ontario will identify lands occupied by burrowing owl or DSFLF and suitable long-term habitat for these species to be avoided and maintained;

- In the case of burrowing owls being present on proposed development sites that are not viable long-term habitat, developers can pay the Habitat Mitigation Fee and relocate the owls in consultation with the California Department of Fish and Wildlife; and

- Up to 25 percent of the Habitat Mitigation Fee collected for burrowing owls can be used for the recovery of the DSFLF."

An explanation is needed, however, how the relocation of burrowing owls would be allowed without an CDFW-issued incidental take permit for a species that is now a candidate for listing under the California Endangered Species Act. And considering the SEIR's assertion (p. 3.4-12) that "Native habitats and vegetation communities are mostly gone throughout Ontario," explanations are needed as to where burrowing owls could be relocated and where burrowing owl habitat that can be protected. As written, the MOA's requirements are not credible Also important to the MOA's credibility, a summary is needed of the number of burrowing owls that have benefitted from this MOA to date.

A burrowing owl expert cited by Miller (2024) as a personal communication cautioned that "Most remaining owl colonies in western San Bernardino County were small, highly fragmented, unprotected, and on the brink of extirpation" (Pete Bloom, 2002). Another expert, "Kidd et al. (2007) reported that burrowing owls continued to decline in southwestern San Bernardino County, where they nested in native habitat and on dairy lands; of 78 known pairs in the southwest corner of the county, 26 were eliminated due to habitat loss; and of 54 known breeding pairs in the high desert portion of their study area, 21 pairs were eliminated, also from habitat loss. Most remaining breeding pairs and colonies were small, highly fragmented, unprotected, and declining rapidly in the absence of adequate mitigation for habitat loss." The local threats to burrowing owls mirror the regional threats from habitat loss, habitat degradation, and habitat fragmentation. It is therefore essential that the City summarize the performance of its MOA with the Inland Empire Resource Conservation District.

Response O1-64

Pursuant to the Ontario Ranch Settlement Agreement, a comprehensive burrowing owl and habitat mitigation framework applies to new development projects within Ontario Ranch through buildout. As described in the Draft SEIR, implementation of these measures is intended to address potential impacts to burrowing owl and associated habitat resources on a regional basis. The Settlement Agreement requires, among other things:

- Prior to issuance of grading permits, Ontario shall impose a $4,320 per net acre mitigation fee on proposed developments in Annexation Area 163 that require discretionary approval or permitting from the City.

- Ontario, 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.

- Since habitat that benefits DSFLF can be expected to benefit burrowing owl, up to 25 percent of the mitigation fee may be used by the City for DSFLF recovery.

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

- 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 in the habitat area designated as part of the settlement agreement. Unacceptable properties are those that would otherwise be purchased by another entity or group as open space mitigation for environmental impacts.

Pursuant to the Ontario Ranch Settlement Agreement, mitigation fees have been collected by the City and have been deposited into a trust fund to be used for the acquisition, restoration, rehabilitation, and maintenance of lands deemed to have long-term conservation value.

As discussed in the Draft SEIR, Inland Empire Resource Conservation District (IERCD) is the nonprofit trust entity responsible for the administration of the habitat mitigation fees and creation of a habitat program pursuant to the requirements of the Settlement Agreement. IERCD is responsible for maintaining interactive mapping and a current inventory of the burrowing owl occurrences and to select adequate lands for passive relocation. (Also see Draft SEIR pages 3.4-9 through 3.4-12.)

The Commenter's suggestion that specific relocation sites should be identified is not consistent with the regulatory process applicable to burrowing owl relocation. Relocation, if needed, is conducted on a case-by-case basis in coordination with CDFW and requires the preparation of a project-specific burrowing owl relocation plan based on then-existing site conditions, owl occupancy, and availability of suitable habitat. Burrowing owl relocation often does not involve translocating owls within the same City, especially since (as highlighted by the Commenter and the Draft SEIR) native habitats and vegetation communities are mostly gone throughout Ontario. For example, a recent burrowing owl relocation involved translocating owls from a site

near the Ontario Airport to a site in Nuevo, Riverside County, over 40 miles southeast. Relocation sites are assessed in collaboration with CDFW for their ability to provide suitable habitat for burrowing owl prior to translocation. This occurs on a case-by-case basis. Thus, no relocation sites are currently recommended at this time.

Importantly, no burrowing owls were observed onsite at the time of the biological assessment. Nevertheless, a pre-construction burrowing owl clearance survey (BIO-2-SP) shall be completed prior to project-related disturbance to ensure impacts to burrowing owl do not occur. Although not anticipated, in the event burrowing owl is detected onsite during the clearance survey, CDFW shall be notified and focused surveys and a relocation plan may be required in accordance with applicable regulatory requirements and agency direction. Accordingly, the Draft SEIR identifies enforceable mitigation measures and compliance procedures sufficient to address potential impacts to burrowing owl consistent with CEQA and the Ontario Ranch Settlement Agreement.

Comment O1-65

As for the notion that implementation of the project-specific mitigation measures would avoid significant cumulative impacts, this notion is inconsistent with CEQA's definition of a cumulative impact. CEQA defines a cumulative impact as an impact "created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts" (CEQA Guidelines §15065 (a)(3)). Even though a project's direct or indirect effects might be mitigated to a less than significant impact at the project level, it can still incrementally contribute to the effects of other projects for a significant cumulative impact.

The SEIR's conclusion that an existing settlement agreement and project-specific mitigation would avoid significant cumulative impacts lacks evidentiary support, and it is readily refutable. Noriko Smallwood and I performed an experiment to measure the efficacy of applicable laws and regulations, permitting requirements, and required mitigation measures at avoiding or minimizing project impacts including cumulative impacts. We revisited the project sites we had surveyed as experts to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to control these sources of variation to cleanly measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. All the developed sites had included mitigation measures to avoid, minimize or compensate for impacts to wildlife. Nevertheless, we found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. We found that "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds

(-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures and existing policies and regulations. Experimental evidence demonstrates the need to analyze a project's potentially significant contributions to cumulative impacts on wildlife despite existing laws, policies, previous settlement agreements and project-by-project requirements of mitigation. The environmental review for this project needs to include an appropriate cumulative impacts analysis as required by CEQA.

Response O1-65

The Commenter's concerns regarding the cumulative reduction of species richness within urban development are noted, as are the results of the Commenter's independent observations and analyses. CEQA recognizes that individual projects may contribute incrementally to broader cumulative impacts even where project-level effects are reduced through mitigation. However, CEQA does not require or rely on post-hoc experimental comparisons, extrapolations from unrelated project sites, and retrospective ecological reconstruction methodologies of the type described by the Commenter to evaluate cumulative impacts. Instead, CEQA Guidelines section 15130 requires a reasonable, good-faith effort to analyze a project's incremental contribution in the context of reasonably foreseeable development, existing environmental conditions, and applicable regulatory and planning frameworks.

Consistent with these requirements, the Draft SEIR evaluates cumulative biological impacts based on the proposed project's incremental effects within the regional setting, together with other planned and foreseeable development, existing site conditions, and applicable regulatory protections and mitigation programs. These include, among other things, compliance with State and federal protections for special-status species, implementation of project-specific mitigation measures, and participation in the City's habitat mitigation framework established pursuant to the Ontario Ranch Settlement Agreement. Based on this analysis, the Draft SEIR concludes that the project's contribution to cumulative biological impacts would not be cumulatively considerable following implementation of applicable mitigation measures and regulatory requirements.

The Draft SEIR also identifies that the EBPSP includes open space park areas which would provide habitat for wildlife species known to occur in the vicinity. Any species currently occurring within the site are acclimated to a high degree of anthropogenic disturbance associated with ongoing agricultural operations and adjacent industrial uses. The Draft SEIR does not conclude that implementation of the EBPSP would have no biological effect; rather, it concludes, based on substantial evidence in the record, that the project would not substantially affect regional biodiversity, disrupt recognized wildlife movement functions, or result in

cumulatively considerable impacts to special-status biological resources following implementation of identified mitigation measures.

Accordingly, the commentor does not identify a deficiency in the cumulative biological resources analysis contained int eh Draft SEIR, and no revision to the analysis is required.

Comment O1-66

FLAWED MITIGATION STRATEGY

The mitigation strategy needs to be based on a sound understanding of the existing wildlife community. It needs to be known which species occur or are likely to occur on the project site as well as the nature of their occurrences. It needs to known which species are resident and which are migratory. For special-status species, detection surveys should have been completed to either detect the species or to obtain evidence of its absence. Surveys should have been completed to understand how wildlife use the site in their movement patterns. And what was found of wildlife species needs to be carefully interpreted by comparing the findings to the findings from other survey efforts at other sites. Failures to detect species should be interpreted relative to the probabilities of their detections given the survey effort. The mitigation strategy needs to follow the steps under Assess species occurrence likelihoods and Characterize wildlife community, followed by Step 7: Predict impacts (Figure 3). However, the IS/MND's mitigation strategy does not follow from these steps. This pointed out, my comments follow in regular font the summary of each required mitigation measure in italics.

Policy Plan Amendment (These are new measures that did not appear in 2022 EIR)

Mitigation Measure BIO-1-PPA: Biological Resources Assessment. *Applicants for future development projects on non-infill sites with suitable natural habitat shall conduct a biological resources assessment of the proposed project ... by a qualified biologist and summarized in a biological resources letter report or biological resources technical report that will be submitted to the Ontario Planning Department for review and approval prior to being issued a grading permit*. …

Mitigation Measure BIO-2-PPA: Biological Reconnaissance-Level Survey.

The biological reconnaissance-level survey shall include, but not be limited to:

An analysis of available literature and biological databases including ... California Department of Fish and Wildlife (CDFW); California Natural Diversity Database (CNDDB); California Native Plant Society (CNPS) ... The literature review shall be performed prior to the field survey to identify sensitive biological resources that were reported previously from the proposed development

project vicinity and to help determine the type of sensitive biological resources that may be in the survey area. …

A field assessment survey that includes mapping vegetation communities in the proposed development project ... An evaluation of each mapped vegetation community's State and Global rarity ranks shall be determined using CDFW's Vegetation Classification and Mapping Program (VegCAMP) … the proposed development project's potential to support special status plant and wildlife species ... nesting habitat for migratory and special status bird species ... potential impacts to bats and roosts ... potential jurisdictional areas, including wetlands and riparian habitats ... potential local and regional wildlife movement corridors.

Mitigation Measure BIO-3-PPA: Focused Species Surveys. *If one or more special status plant or animal species has the potential to occur within the proposed development project area … a qualified biologist shall conduct additional focused surveys for said species using the most recently updated protocols recommended by natural resource agencies or, if not available, standards accepted in the professional biological community to survey that taxonomic group, community, or species. …*

Mitigation Measure BIO-4-PPA: Biological Resources Report. *The results of the biological survey for proposed development projects with no significant impacts may be presented in a biological survey letter report. For proposed development projects with significant impacts that require mitigation to reduce the impacts to below a level of significance, and/or agency consultation and permitting, the results of the biological survey shall be presented in a biological technical report. The impact analysis shall consider impacts from areas subject to fuel modification and grading to accommodate the development.*

Mitigation Measure BIO-5-PPA: Special-Status Species, Sensitive Habitats, Wetlands, Other Non-wetland Waters, Native Wildlife Nursery Sites, and Wildlife Corridors*. If a sensitive biological resource is identified during field surveys (see Mitigation Measures BIO-2-PPA and BIO-3-PPA), the City shall require implementation of mitigation measures at the project level that fully account for the adversely affected resource. Mitigation measures shall adhere to the following order of priority to reduce adverse impacts of a proposed project to the resource: avoid impacts, minimize impacts, and compensate for impacts. Mitigation measures shall be used on a project-level basis and be tailored to on-site conditions and sensitive biological resources present.*

Priority 1, Avoidance of Impacts. … Priority 2, Minimize Impacts. … Priority 3, Offset Impacts. … The applicant shall obtain incidental take authorization from USFWS (16 US Code Section 1531 et seq.) or CDFW (California Fish and Game Code Sections 2050–2115.5) prior to commencing development of the project site [for Endangered, Rare, Threatened, or Candidate Species…

Mitigation Measure BIO-6-PPA: Demarcate Work Area Boundary.

Mitigation Measure BIO-7-PPA: Preconstruction Special Status Species Surveys. ...

Mitigation Measure BIO-8-PPA: Pre-disturbance Nesting Bird Surveys. *The City of Ontario shall require applicants for future development projects with suitable natural habitat, to contract with a qualified biologist with experience in conducting breeding bird surveys to conduct a preconstruction general nesting bird survey …. no more than 5 days prior to initiation of construction...*

Mitigation Measure BIO-9-PPA: Active Nest Avoidance and No-Work Buffers. *If active nests of avian species protected by the Migratory Bird Treaty Act and Fish and Game Code are detected within the proposed development project area or within a 300-foot buffer (500-foot buffer for raptors and listed species) of the proposed development project area, a no-work buffer will be established around the nest (typically 300 feet for passerines and 500 feet for raptors and listed species) and construction shall be restricted in the area until the young have fledged; there is no evidence of a second attempt at nesting if the nest attempt has failed, as determined by the qualified biologist …*

Mitigation Measure BIO-10-PPA: Nest Monitoring. *…*

Mitigation Measures BIO-1-PPA through BIO-10-PPA generally represent the City's view of industry standards, but without any statement of nexus between CEQA's primary objectives and these measures. These perceived industry standards introduce many shortfalls that leave the reports that follow from them vulnerable to challenge, as exemplified by my comments on ELMT (2025).

For example, BIO-1-PPA insufficiently defines the scope of the letter report where it refers to a "biological resources assessment," and what it means by "suitable natural habitat," and "qualified biologist." More detail is needed, such as whether the biological resources assessment is intended to achieve CEQAs primary objectives, and how it would do so. There is no such thing in wildlife ecology as "suitable habitat," just as there is no such thing as "unsuitable habitat" (see Krausman 2016). It needs to also be explained whether protocol-level detection surveys are to be conducted.

BIO-2-PPA would continue to misuse the CNDDB to obtain incomplete lists of special-status species for analysis of occurrence likelihoods, and it would continue to present findings from the desktop review and field surveys as definitive rather than in contexts facilitated by comparative analysis.

BIO-3-PPA requires protocol-level detection surveys for special-status species determined by a qualified biologist to potentially occur on the project site. Problems with this requirement start with the lack of any definition of what qualifies as a qualified biologist. In the case of this project, the consulting biologist fails to recognize that species it detected in its reconnaissance

survey, such as yellow-headed blackbird, are special-status species. As for the burrowing owl, no protocol-level detection survey was completed despite the consulting biologist determining that burrowing owls have a high likelihood of occurrence. The language of BIO-3-PPA is too subjective for it to be enforceable. Moreover, in situations where a candidate or listed species potentially occurs, such as the burrowing owl, the applicant needs to consult with the appropriate regulatory authority prior to conducting the surveys.

BIO-4-PPA requires a letter report for biological studies leading to determinations of less-than-significant impacts with mitigation, but otherwise a technical report.

However, whether the report is letter form or report form is irrelevant to the need to achieve CEQA's primary objectives.

BIO-5-PPA requires a prioritized series of mitigation actions in response to survey results that reveal sensitive biological resources on the project site. It requires the attainment of an ITP for resources that cannot be mitigated through avoidance or minimization measures, but if such a resource is found on site or determined to potentially occur, then the priority is to put consultation with the regulatory agencies ahead of any decision over whether avoidance, minimization or compensatory mitigation is appropriate. The agencies must be consulted first.

BIO-6-PPA and BIO-7-PPA should be implemented if the project goes forward, but it needs to be understood that the conservation benefits of these measures are de minimis relative to the potential project impacts on the resources at issue.

BIO-8-PPA should be implemented if the project goes forward, but it needs to be understood that the conservation benefits of these measures are de minimis relative to the potential project impacts on the resources at issue. Moreover, this measure suffers the same shortfalls as BIO-1-PPA, where it lacks suitable definitions for "suitable natural habitat" and "qualified biologist."

BIO-8-PPA would not detect and salvage more than a small fraction of the bird nests on the project site in the time allotted. Preconstruction, take-avoidance surveys should consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. To be successful, these types of observations typically require many surveys on many dates spread throughout the breeding season even for a single species. To identify and locate the birds of all species nesting on a site would require a much greater survey effort than can be accomplished in BIO-2's allotted timespan. Many bird nests would be missed.

I estimate the project site supports 1,778 nest sites in the average year, and this number does not include those that would need to be located within the defined buffer area beyond the

project site's boundary. Even assuming all these nests could be found (not likely), the mitigation measure would apply only to the breeding season of the survey. After the breeding season of the preconstruction survey, there would be no further production of birds from the project site. The long-established principle of carrying capacity would ensures that the numbers of birds residing in California would be recued by the numbers lost from the breeding populations on the project site. The project's impact on birds would be permanent and of large magnitude. The conservation benefits of this measure would be *de minimis* compared to the project's potential impacts on breeding birds.

BIO-9-PPA and BIO-10-PPA allow a single individual to make subjective decisions, outside the public's view, to determine the buffer area and buffer timing for any given species. These measures lack objective criteria, and they are therefore unenforceable.

Lastly, Mitigation Measures BIO-1-PPA through BIO-10-PPA lack any summary of their efficacy, neither for any single Measure nor for the collection of Measures. After thousands of projects have required similar mitigation measures throughout California, there surely must be a record of their performance. Some record of performance is especially warranted in this SEIR, because the City of Ontario is nearly built out while the burrowing owl and many other special-status species have declined within the City. As Pete Bloom informed Miller (2024), the burrowing owl is approach extirpation throughout southwest San Bernardino County. And as a test of the general collection of Mitigation Measures BIO-1-PPA through Bio-10-PPA, Smallwood and Smallwood (2023) measured substantial declines in various types of vertebrate wildlife species despite the requirements of these measures. The evidence is overwhelming that Mitigation Measures BIO-1-PPA through BIO-10-PPA are ineffective.

Response O1-66

Section 3.4, *Biological Resources*, of the Draft SEIR presents a tiered mitigation framework that links the level of biological investigation and mitigation requirements to the specific conditions present at the time future development activities are proposed. This approach is consistent with CEQA practice for large planning areas and specific plans where subsequent site-specific development proposals may occur over time and where precise disturbance areas, construction timing, and biological conditions may change prior to implementation. Mitigation Measures BIO-1-PPA through BIO-10-PPA require progressively detailed biological review including, record searches, habitat assessment, focused field investigations, and protocol-level surveys where warranted based on habitat suitability or species-specific regulatory requirements. These evaluations are required to be conducted by qualified biologists and are subject to review and approval by the City and, where applicable, coordination with responsible resource agencies such as the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

Mitigation measures requested by GSEJA are reviewed below:

- ***Mitigation Measure BIO-1-PPA: Biological Resources Assessment.*** This structure ensures that biological constraints are evaluated at the time impacts could occur, when project design modifications, avoidance measures, buffers, seasonal restrictions, and other mitigation options remain feasible and effective. CEQA does not require an EIR for large-scale planning document to predetermine all future biological conditions or conduct protocol-level surveys for every species absent evidence demonstrating such surveys are presently necessary. Rather, CEQA permits the use of performance standards, deferred mitigation, and future site-specific review where the agency commits itself to specific performance criteria and implementation mechanisms capable of reducing impacts. Here, the Draft SEIR establishes enforceable biological review procedures, mitigation requirements, and agency coordination process sufficient to ensure biological impacts are identified and addressed during subsequent project implementation. The Commenter's concerns regarding terminology such as "qualified biologist" or "suitable habitat" do not demonstrate that the mitigation measures are unenforceable or improperly deferred. Such terminology is commonly used in CEQA documents and biological resource permitting because its meaning is informed by professional standards, agency guidance, and species-specific survey protocols administered by CDFW, USFWS, and other regulatory agencies. During implementation, determinations regarding habitat suitability, survey requirements, and appropriate mitigation measures are made pursuant to these established standards and subject to agency oversight and City

- ***Mitigation Measure BIO-2-PPA: Biological Reconnaissance-Level Survey.*** The comment asserts that Mitigation Measure BIO-2-PPA would rely on incomplete California Natural Diversity Database (CNDDB) information to evaluate special-status species occurrence potential and would present desktop review and field survey findings as definitive rather than comparative. The comment has been reviewed. As written, Mitigation Measure BIO-2-PPA requires a comprehensive biological assessment utilizing multiple sources of information, including but not limited to the California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDB), California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants, National Wetland Inventory (NWI), USGS National Hydrographic Dataset (NHD), EcoAtlas, and U.S. Fish and Wildlife Service databases, in addition to field assessment surveys and habitat evaluations. The measure further requires evaluation of habitat suitability for special-status plant and wildlife species, nesting birds, bats, jurisdictional resources, and wildlife movement corridors. Accordingly, the analysis is not based solely on CNDDB records, but on multiple biological databases, literature review, field observations, and professional evaluation of site conditions to assess species occurrence potential. No substantial evidence has been provided demonstrating that the methodology required under BIO-2-PPA is inadequate; therefore, no revisions to the Draft EIR are required.

- ***Mitigation Measure BIO-3-PPA: Focused Species Surveys.*** Please see Response O1-57 regarding the Commenter's assertions concerning exhaustive species inventories and protocol-level surveys. CEQA requires agencies to rely on substantial evidence and reasonable professional judgment to determine the appropriate level of biological investigation necessary to support environmental review. The Draft SEIR's use of reconnaissance-level assessment combined with trigger-based focused surveys is consistent with this standard and with common biological resources practice and CEQA standards for programmatic and planning-level environmental review. approval authority.

- ***Mitigation Measure BIO-4-PPA: Biological Resources Report.*** The comment notes that Mitigation Measure BIO-4-PPA requires preparation of a letter report for biological studies supporting determinations of less-than-significant impacts with mitigation and a technical report in other circumstances. The comment has been reviewed. Mitigation Measure BIO-4-PPA is intended to establish the appropriate level of documentation based on the nature and significance of biological resource findings. The measure distinguishes between circumstances where a letter report is sufficient and those requiring a more comprehensive technical report. No revisions to the Draft SEIR are required.

- ***Mitigation Measure BIO-5-PPA: Special-Status Species, Sensitive Habitats, Wetlands, Other Non-wetland Waters, Native Wildlife Nursery Sites, and Wildlife Corridors.*** Please see Response O1-65 regarding mitigation effectiveness. CEQA requires that mitigation be feasible, enforceable, and reasonably capable of reducing impacts. The Draft SEIR meets this standard by incorporating established biological survey practices, mandatory avoidance and minimization measures, regulatory compliance mechanisms, and oversight mechanisms that are routinely applied to reduce impacts to sensitive biological resources. Mitigation Measure BIO-5-PPA is intended to require consultation with applicable regulatory agencies where sensitive biological resources are identified or determined to potentially occur on the project site. As written, implementation of avoidance, minimization, compensatory mitigation, and permitting requirements, including a potential Incidental Take Permit (ITP), would occur in coordination with the applicable agencies and consistent with regulatory requirements. Therefore, no revisions to the Draft SEIR are required.

- ***Mitigation Measure BIO-6-PPA: Demarcate Work Area Boundary.*** Please see Response O1-65 regarding mitigation effectiveness. CEQA requires that mitigation be feasible, enforceable, and reasonably capable of reducing impacts. The Draft SEIR meets this standard by incorporating established biological survey practices, mandatory avoidance and minimization measures, regulatory compliance mechanisms, and oversight

mechanisms that are routinely applied to reduce impacts to sensitive biological resources.

- ***Mitigation Measure BIO-7-PPA: Preconstruction Special Status Species Surveys.*** Please see Response O1-65 regarding mitigation effectiveness. CEQA requires that mitigation be feasible, enforceable, and reasonably capable of reducing impacts. The Draft SEIR meets this standard by incorporating established biological survey practices, mandatory avoidance and minimization measures, regulatory compliance mechanisms, and oversight mechanisms that are routinely applied to reduce impacts to sensitive biological resources.

- ***Mitigation Measure BIO-8-PPA: Pre-disturbance Nesting Bird Surveys.*** Please see Response O1-65 regarding mitigation effectiveness. CEQA requires that mitigation be feasible, enforceable, and reasonably capable of reducing impacts. The Draft SEIR meets this standard by incorporating established biological survey practices, mandatory avoidance and minimization measures, regulatory compliance mechanisms, and oversight mechanisms that are routinely applied to reduce impacts to sensitive biological resources. With respect to construction-phase protections, the inclusion of preconstruction nesting bird surveys, buffers, and monitoring reflects established avoidance and minimization measures used to comply with the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). These measures are designed to avoid direct impacts to active nests during construction activities and are routinely applied in comparable development contexts. The Commenter's concerns regarding terminology such as "qualified biologist" or "suitable habitat" do not demonstrate that the mitigation measures are unenforceable or improperly deferred. Such terminology is commonly used in CEQA documents and biological resource permitting because its meaning is informed by professional standards, agency guidance, and species-specific survey protocols administered by CDFW, USFWS, and other regulatory agencies. During implementation, determinations regarding habitat suitability, survey requirements, and appropriate mitigation measures are made pursuant to these established standards and subject to agency oversight and City.

- ***Mitigation Measure BIO-9-PPA: Active Nest Avoidance and No-Work Buffers.*** Mitigation Measure BIO-9-PPA has been revised to clarify that a Qualified Biologist will make the determination (see Chapter 3, *Revisions to the Draft SEIR*). The terminology "qualified biologist" is commonly used in CEQA documents and biological resource permitting because its meaning is informed by professional standards, agency guidance, and species-specific survey protocols administered by CDFW, USFWS, and other regulatory agencies.

- ***Mitigation Measure BIO-10-PPA: Nest Monitoring.*** As noted int BIO-10-PPA, "Periodic nest monitoring will be conducted at the discretion of the qualified biologist". The terminology "qualified biologist" is commonly used in CEQA documents and biological resource permitting because its meaning is informed by professional standards, agency guidance, and species-specific survey protocols administered by CDFW, USFWS, and other regulatory agencies.

Comment O1-67

Specific Plan

Mitigation Measure BIO-1-SP: Pre-disturbance Nesting Bird Surveys, Avoidance, and Monitoring. *If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within 3 days of the start of any vegetation removal or ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the preconstruction clearance survey, construction activities shall stay outside of a no-disturbance buffer, which is typically 50 to 100 feet for songbird nests and 100 to 300 feet for raptors; however, the ultimate size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of construction noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed about the sensitivity of nest areas. A biological monitor shall be present to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur*.

If the project goes forward, preconstruction surveys for nesting birds should be implemented, but this measure would not avoid the permanent loss of habitat, nor the collision mortality with automobiles. Preconstruction, take-avoidance surveys should consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. To be successful, these types of observations typically require many surveys on many dates spread throughout the breeding season even for a single species. To identify and locate the birds of all species nesting on a site would require a much greater survey effort than can be accomplished in BIO-1-SP's allotted timespan. Many bird nests would be missed.

I estimate the project site supports 1,778 nest sites in the average year, and this number does not include those that would need to be located within the defined buffer area beyond the project site's boundary. Even assuming all these nests could be found (not likely), the mitigation measure would apply only to the breeding season of the survey.

After the breeding season of the preconstruction survey, there would be no further production of birds from the project site. The project's impact on birds would be permanent and of large magnitude. The conservation benefits of this measure would be *de minimis* compared to the project's potential impacts on breeding birds.

Furthermore, the mitigation language allows a single individual to make a subjective decision, outside the public's view, to determine the buffer area and buffer timing for any given species. This measure lacks objective criteria, and it is therefore unenforceable.

Lastly, the mitigation language includes the requirement that the preconstruction nest survey shall be conducted by a qualified biologist, and this requirement carries over to determinations of the buffer areas and buffer timing to avoid take caused by construction activities. Undefined, however, is what qualifies as a "qualified biologist" in these contexts. As mentioned earlier in this letter, Noriko Smallwood and I have been conducting surveys over the past several years to estimate total nest density, which is relevant to a preconstruction, take-avoidance survey because our surveys were likewise directed to all bird species that could be concurrently nesting on a site. Searching for the nests of one species is difficult, but searching for nests of all bird species at once is vastly more difficult. For this reason, there are very few published estimates of total nest density, and there are very few wildlife biologists who have experience with surveys for the nest attempts of all bird species on a given site. A technical way to qualify a wildlife biologist for the tasks outlined in this measure would be to obtain an agency Memorandum of Understanding in which the biologist is named and said to be qualified for conducting the preconstruction survey and for determining the take-avoidance buffer area and timing. However, a more compelling means of qualifying the biologist would be to require that the biologist has achieved demonstrable experience with nest surveys and avian nesting behavior. Without a better definition of what is a qualified biologist in the contexts of these tasks, BIO-1-SP lacks objective criteria, and it is therefore unenforceable.

Response O1-67

The Commenter again states that the EBPSP would result in the loss of habitat for nesting birds and other wildlife species. However, as discussed in Response O1-60, the existing vegetation within the project site primarily consists of disturbed agricultural land, ruderal vegetation, and ornamental landscaping associated with ongoing and historic anthropogenic land uses. The Draft SEIR acknowledges that redevelopment of the site would alter existing conditions, but also explains that the EBPSP would incorporate substantial landscaped open space, including

approximately 35 acres of parkland featuring forested areas, meadow areas, and open space lawn areas consistent with the City's Grand Park Landscape Master Plan, together with additional landscaping throughout the business park portions of the project. These landscaped areas may provide habitat and nesting opportunities for bird species adapted to urbanized and disturbed environments.

The Commenter also raises concerns regarding wildlife mortality associated with vehicle traffic. These issues are addressed in Response O1-62. As explained there, the Draft SEIR evaluates biological impacts related to traffic based on site-specific conditions and concludes that the project would not substantially interfere with wildlife movement corridors or result in significant impacts to special-status wildlife species.

Draft SEIR Mitigation Measure BIO-1-SP requires pre-construction nesting bird surveys consistent with the Migratory Bird Treaty Act and applicable provisions of the California Fish and Game Code, protecting nesting birds, nests, and eggs from unauthorized take or destruction.

The Commenter incorrectly suggests that such surveys must be conducted continuously and repeatedly throughout the breeding season. The purpose of a pre-construction nesting bird survey is to identify active nests immediately prior to vegetation removal or ground-disturbing activities so that direct impacts to nesting birds may be avoided during construction. Consistent with standard biological practice and regulatory guidance, surveys are conducted within a defined period prior to disturbance activities because nesting conditions can change rapidly over time and surveys conducted too far in advance may not accurately reflect active nesting conditions at the time work occurs.

Further, if active nests are observed during the clearance survey, a no-disturbance buffer would be established around the nest, and biological monitoring would be required to monitor previously recorded nest sites. Monitoring also involves re-checking the site to determine if additional active nests have been established. Accordingly, the mitigation framework does not rely solely on a single site visit without follow-up oversight, as implied by the Commenter.

The Commenter's estimate that the EBPSP site supports 1,778 nest sites in the average year is not supported by site-specific survey data contained in the administrative record. The Commenter's assertion that no further bird reproduction would occur within the project area following implementation of the EBPSP fails to account for the landscaped open space, parkland, and ornamental vegetation proposed as part of the EBPSP, which may continue to support nesting opportunities for certain bird species adapted to developed environments.

The Commenter also asserts that Mitigation Measure BIO-1-SP improperly allows a single individual to make subjective decisions regarding nesting bird protections. However, the mitigation specifically requires that surveys and associated determinations be conducted by a qualified biologist with relevant training and experience. The use of qualified biologists to

establish species-appropriate avoidance buffers and monitoring requirements is standard practice in California biological resources management and is routinely implemented pursuant to guidance form the California Department of Fish and Wildlife and other resource agencies. Wildlife buffers are tailored to the individual species and the level of disturbance associated with the site. This methodology is supported by CDFW and it is generally recommended that no-disturbance buffers of 300-500 feet for raptors and 100-300 feet for songbirds are established.

Under CEQA, mitigation measures are not required to eliminate all potential ecological effects or ensure complete biological certainty. Rather, mitigation measures must be feasible, enforceable, and reasonably capable of reducing potentially significant impacts. Mitigation Measure BIO-1-SP meets this standard by establishing enforceable survey, avoidance, buffering, and monitoring requirements designed to avoid direct impacts to active nests during construction activities. Accordingly, the Commenter does not identify a deficiency in the Draft SEIR's analysis or mitigation framework, and no revision to the analysis is required.

Comment O1-68

Mitigation Measure BIO-2-SP: Preconstruction Burrowing Owl Surveys. *To ensure burrowing owl are still absent from the Specific Plan area, a pre-construction burrowing owl clearance survey shall be conducted in accordance with CDFW's 2012 Staff Report on Burrowing Owl Mitigation. Two surveys shall be conducted, the first 14 to 30 days prior to ground-disturbing activities, and the second within 24 hours before ground-disturbing activities. ... If burrowing owls are found within the Specific Plan area during the pre-construction clearance surveys, coordination with the CDFW will be required to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to burrowing owl, or if an Incidental Take Permit under Section 2081 of the CESA will need to be prepared and approved by CDFW.*

Due to a rapid decline throughout California (Miller 2024), the California Fish and Game Commission voted unanimously in 2024 to designate the burrowing owl as a candidate for listing under the California Endangered Species Act. It is therefore imperative to first consult with the CDFW about whether and how to obtain an incidental take permit (ITP), and otherwise to adhere to the CDFW (2012) survey and mitigation guidelines. The SEIR does not indicate that there has been any consultation with CDFW, and it misrepresents CDFW's (2012) survey and mitigation guidelines by skipping breeding-season detection surveys before performing preconstruction take-avoidance surveys.

For the burrowing owl, there are three types of surveys recommended and described in the CDFW's (2012) survey and mitigation guidelines: (1) Habitat assessment, (2) Detection surveys, and (3) Preconstruction survey. The habitat assessment is intended to evaluate the likelihood that the site supports burrowing owls, and to decide whether detection surveys should be

performed. The detection survey, otherwise described as either or both breeding-season or non-breeding-season survey, is intended to detect whether the site truly supports burrowing owls, and if so, where and how many. The preconstruction survey, otherwise known as a take-avoidance survey, is intended to determine whether burrowing owls immigrated to the site since completion of the detection survey, or whether they returned to the site since passive or active relocations were performed as mitigation. The three types of survey carry distinct but inter-related purposes, and CDFW (2012) intends them to be completed in chronological order as numbered above.

The first two types of survey support impacts analysis, whereas the third type of survey is a mitigation measure. Burrowing owls can be determined absent at the time of the survey based on evidence derived from the habitat assessment or detection survey, but only if the surveys achieved the minimum standards of CDFW (2012). Whereas an absence determination naturally follows from the negative findings of properly performed detection surveys, the following three questions must be answered negatively to determine absence based on the habitat assessment:

A) Are there occurrence records nearby the project site?

B) Is the site's vegetation cover and height typical of where burrowing owls are found?

C) Are there fossorial mammals present which typically construct burrows useable by burrowing owls, or are there surrogate cavities that can serve as nest sites?

If the answers to these questions are compellingly negative, then detection surveys are not necessary, but they could be implemented to make certain that burrowing owls are absent on the project site. If the answers to these questions are affirmative or not compellingly negative, then it should be assumed that burrowing owl habitat exists on the site until detection surveys prove otherwise.

To question A, the nearest burrowing owl occurrence records are within 1.5 miles of the project site. Moreover, ELMT (2024) determines a moderate likelihood of occurrence. The evidence easily justifies an affirmative answer to question A, and so this part of the habitat assessment warrants a detection survey effort.

To question B, the vegetation cover is typical of conditions where burrowing owls often occur. The answer to question B is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

To question C, ground squirrels are known to occur on the project site. Ground squirrels construct burrows used by burrowing owls, and these two species mutually alarm-call for predators and survive better together (K. S. Smallwood, unpublished data). The answer to question C is affirmative, and so this part of the habitat assessment warrants a detection survey effort.

The answers to all three questions are affirmative. Therefore, breeding-season detection surveys are needed, and these surveys are not to be confused with preconstruction take-avoidance surveys. Breeding-season detection surveys are needed to accurately characterize the existing environmental setting and to publicly disclose potential impacts on the burrowing owl.

Lastly, regardless of the survey outcome, the project would permanently eliminate potential burrowing owl habitat from the project site, and in doing so it would reduce the region's carrying capacity for supporting burrowing owls.

Response O1-68

The Commenter incorrectly states that coordination with CDFW for an incidental take permit (ITP) is required prior to determining whether burrowing owls are present within the project site. As described in the Draft SEIR and Biological Resources Assessment, incidental take authorization would only be necessary if burrowing owls are detected and project activities could result in take as defined under applicable law. If pre-construction surveys confirm the absence of burrowing owls within the areas subject to disturbance, no incidental take authorization would be required.

The Commenter also mischaracterizes the survey methodology applicable to burrowing owl evaluation. The Biological Resources Assessment prepared for the EBPSP included a habitat assessment consistent with CDFW survey guidance to evaluate whether the project site contains habitat conditions suitable to support burrowing owls. The assessment conducted on April 18, 2025, included pedestrian reconnaissance surveys throughout the site and surrounding accessible areas. Biologists systematically evaluated the site for habitat features associated with burrowing owl occupancy, including suitable grassland or disturbed open habitats, presence of fossorial mammal burrows, earthen beams, drainage features, anthropogenic structures potentially usable as burrows, and other habitat indicators identified in applicable guidance documents. Binocular surveys were also conducted to inspect suitable habitat areas, adjacent perch locations, and surrounding accessible lands within approximately 150 meters of the project boundary.

The methodology used in the habitat assessment is described in the Biological Resources Assessment and reflects accepted practice for determining whether focused protocol-level burrowing owl surveys are warranted. The assessment identified no evidence of burrowing owl occupancy within the project site or adjacent accessible areas. While many small mammal burrows were observed, the assessment concluded that the observed burrows generally lacked the size, condition, or configuration typically associated with burrowing owl use. Further, the site supports active dairy/agricultural operations and a high degree of associated disturbance. The site supports and is surrounded by tall trees, and utility poles which are utilized by raptors

to prey on burrowing owl. Based on these site-specific conditions, the qualified biologist determined that focused surveys were not warranted at the time of the assessment.

The Commenter states further suggests that the mere presence of nearby occurrence records, grassland vegetation, or fossorial mammals automatically requires focused burrowing owl surveys. However, the Commenter's simplified formulation does not accurately reflect the professional evaluation process used to determine habitat suitability under CDFW guidance. Habitat suitability determinations require consideration of multiple site-specific factors, including habitat condition, disturbance context, burrow characteristics, surrounding land uses, predator pressures, and evidence of current or recent occupancy. The existence of regional occurrence records or isolated small mammal burrows alone does not establish that a site supports suitable occupied habitat warranting focused protocol level survey.

Notwithstanding the conclusion that the site currently provides only marginal habitat and lacks evidence of occupancy, the Draft SEIR incorporates Mitigation Measures BIO-2-SP to address the potential for temporary or seasonal site occupation prior to construction activities. BIO-SP-2 requires pre-construction burrowing owl clearance surveys immediately prior to project-related disturbance activities. If burrowing owls are detected during those surveys, the measure requires coordination with CDFW regarding appropriate avoidance measures, minimization requirements, relocation procedures if necessary, and any applicable permitting requirements, including incidental take authorization under the California Endangered Species Act where warranted.

The Commenter states that implementation of the EBPSP would eliminate burrowing owl habitat, thus reducing the region's carrying capacity for the species. However, as the Draft SEIR concluded, based on substantial evidence and site-specific investigation, the EBPSP site currently provides only marginal habitat conditions and does not support occupied burrowing owl habitat. The Draft SEIR therefore does not conclude that development of the site would eliminate occupied burrowing owl habitat or substantially reduce regional habitat availability for the species. Further, Mitigation Measure BIO-2-SP would require preconstruction surveys to address potential short-term site reoccupation. Where burrowing owls are detected, the measure requires coordination with CDFW to determine appropriate avoidance, minimization, or permitting actions, including incidental take authorization under the California Endangered Species Act, if necessary. Therefore, development of the EBPSP site would not eliminate burrowing owl habitat or lead to a reduction in carrying capacity. The Commenter does not identify a deficiency in the Draft SEIR's burrowing owl analysis or mitigation framework, and no revision to the analysis is required.

Comment O1-69

Mitigation Measure BIO-3-SP: Pre-disturbance Roosting Site Survey and Bat Management Plan. *If on-site clearing or grading will take place between late spring and late summer and/or in the fall (generally mid-March through late October), a qualified biologist shall be retained to determine whether potential roosting sites for bats may be affected. For large ornamental trees and palms suitable for bat roosting/nursery, exit counts and acoustic surveys shall be performed prior to initial ground disturbance or vegetation or structure removal to determine whether the Specific Plan area (and a 300-foot buffer) supports a nursery or roost. If the*

results of the bat survey find a single roosting individual of a special-status bat species or 25 or more individuals of a non-special status bat species with potential to be present in the Specific Plan area (i.e., hoary bat, western yellow bat), a Bat Management Plan shall be developed to ensure mortality to bats does not occur. For each location confirmed to be occupied by bats, the plan shall provide details both in text and graphically where exclusion devises and/or staged tree removal will need to occur, the timing for exclusion work, and the timeline and methodology needed to exclude the bats. The plan shall be reviewed and approved by CDFW prior to disturbance of the roosts.

If the project goes forward, I concur that preconstruction surveys for roosting bats should be completed, but I would extend the surveys to all bats whether roosting or not. Further, these surveys should be the second set of surveys, the first having been detection surveys to inform the characterization of the existing environmental setting, to disclose potential project impacts on bats, and to formulate an effective mitigation strategy. The detection surveys should have already been completed. The SEIR should be withdrawn from public circulation until an adequate detection survey is completed and its results disclosed in a more complete draft of the CEQA review.

Finally, regardless of survey outcome and unless a substantial mitigation strategy is required, the survey alone cannot avoid or minimize the loss of the region's carrying capacity due to habitat destruction caused by the project. The carrying capacity of bats cannot be relocated unless an already degraded portion of the environment is restored to increase the carrying capacity of bats at another site.

Response O1-69

Draft SEIR Mitigation Measure BIO-3-SP addresses the potential presence of both roosting and non-roosting bat species within the project area. As described in the Draft SEIR, bat surveys are required to be conducted between March and late October, which corresponds to the period of highest bat activity in Southern California and includes the maternity roosting season for many

bat species. Conducting surveys during this timeframe maximizes the likelihood of detecting bat species and identifying potentially occupied roost sites prior to disturbance activities.

Mitigation Measure BIO-3-SP further provides that if bats or active roosts are identified onsite, preparation and implementation of a Bat Management Plan would be required prior to disturbance of occupied habitat or roost features. The Bat Management Plan would identify all confirmed bat roost locations and specify appropriate avoidance, exclusion, minimization, and monitoring measures based on the species present and site conditions. Such measures may include, as appropriate installation of exclusion devices, phased or staged tree removal, seasonal work restrictions, establishment of avoidance buffers, monitoring requirements, and methodologies for humane exclusion of bats from occupied features.

Importantly the Draft SEIR requires that the Bat Management Plan be reviewed and approved by CDFW prior to implementation of disturbance activities affecting occupied bat habitat or roost sites. Accordingly, the mitigation framework incorporates both agency oversight and species-specific protective measures designed to avoid or minimize impacts to bats consistent with accepted biological resources management practices.

The Commenter's assertion that the Draft SEIR lacks a substantial mitigation strategy for bats is therefore incorrect. Mitigation Measure BIO-3-SP establishes enforceable survey requirements, mandatory preparation of a CDFW-reviewed Bat Management Plan where warranted, and implementation of species-appropriate avoidance and exclusion procedures. Under CEQA, mitigation measures are required to be feasible, enforceable, and reasonably capable of reducing potentially significant impacts. The Draft SEIR's bat mitigation framework satisfies this standard.

Comment O1-70

Wildlife Movement

To mitigate impacts on project interference with wildlife movement in the region, the SEIR refers to requirements under the Policy Plan Amendment and Specific Plan to complete preconstruction surveys for nesting birds and roosting bats. However, the SEIR fails to explain how these surveys would avoid or minimize project interference with wildlife movement in the region. These surveys would accomplish nothing in the ways of avoiding or minimizing the losses of stopover and roosting opportunities for migrating birds or bats. In no way does the SEIR mitigate for these potential impacts.

Response O1-70

As stated on Draft SEIR page 3.4-36, the City is extensively urbanized and developed with a combination of urban, industrial, transportation, and agricultural land uses. The Draft SEIR

explains that large areas of intact native habitat are generally absent within the City and that remaining open space primarily consists of agricultural lands, parks, golf courses, flood control facilities, utility corridors, and scattered disturbed vacant parcels. The Draft SEIR further identifies certain drainage channels and utility corridors that may provide limited local movement opportunities for urban-adapted wildlife species such as insects, reptiles, birds, and small- to medium-sized mammals. However, these features are largely constrained by surrounding development, are frequently concrete-lined or otherwise disturbed, and do not function as substantial regional wildlife corridors for larger mammals or species requiring extensive contiguous habitat.

Importantly, the drainage corridors and Southern California Edison utility corridors identified in the Draft SEIR are not located within or adjacent to the EBPSP site. As explained in the Draft SEIR, the EBPSP site itself is highly disturbed, surrounded by existing development and infrastructure, and lacks riparian habitat, natural open space linkages, or other features typically associated with regional or local wildlife movement functions. The Draft SEIR specifically concluded that the project site does not contain or connect to recognized wildlife corridors, habitat linkages, or stepping-stone habitat areas that would facilitate meaningful wildlife movement through the region. Development associated with the EBPSP would therefore occur within areas that are already disturbed and isolated form recognized wildlife movement features.

The Draft SEIR's conclusions are also consistent with the analysis contained in the 2022 Certified EIR for the approved project, which similarly determined that implementation of the approved project would not result in significant impacts to wildlife movement, and did not identify any mitigation measures related to wildlife corridors or habitat connectivity as necessary.

The Commenter's assertion that the Draft SEIR fails to address or mitigate impacts to wildlife movement corridors is therefore incorrect. In addition to the site-specific analysis conducted for the EBPSP, the Draft SEIR incorporates Mitigation Measure BIO-2-PPA, which requires future projects subject to discretionary review elsewhere within the planning area to prepare a Biological Reconnaissance-Level Survey that specifically contains (among other requirements) an evaluation of potential local and regional wildlife movement corridors. Refer to Draft SEIR pages 3.4-56 and 3.4-57. If future site-specific investigations identify a wildlife movement feature or corridor with the potential to be adversely affected by development appropriate avoidance, minimization, or mitigation measures would be developed through the subsequent CEQA and permitting process.

Accordingly, the Draft SEIR evaluates wildlife movement based on site-specific evidence and regional land use conditions and includes mechanisms for additional review where warranted by future project conditions. The Commenter does not identify substantial evidence

demonstrating that the EBPSP site currently functions as a wildlife corridor or that the Draft SEIR's analysis is inadequate.

Comment O1-71

NEEDED MITIGATION MEASURES

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by collisions with automobiles due to project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Wildlife overcrossings and under-crossings have been built and tested for wildlife use. Strategic fencing and speed controls have also been implemented, as speed is an important factor to wildlife mortality (Illner 1992), and whereas a required mitigation includes an onsite speed limit, this measure would not apply to commuter traffic off the project site.

Response O1-71

Refer to Responses O1-62 and O1-63. Under CEQA, mitigation measures are required only for impacts determined to be significant or potentially significant based on substantial evidence. Where an environmental analysis concludes that a particular impact would be less than significant, CEQA does not require the adoption of compensatory, off-site, or speculative mitigation measures.

In addition, mitigation imposed pursuant to CEQA must also be feasible, enforceable, and supported by a demonstrated nexus and rough proportionality to the project's impacts. As discussed in Responses O1-62 and O1-63, the Draft SEIR concludes, based on site-specific biological analysis and existing environmental conditions, that implementation of the EBPSP would not substantially interfere with wildlife movement corridors, significantly affect regional habitat connectivity, or result in significant impacts associated with wildlife-vehicle collisions. The Commenter has not provided substantial evidence demonstrating otherwise.

Accordingly, CEQA does not require implementation of the additional mitigation measures proposed by the Commenter, particularly where such measures are directed toward impacts that were not identified as significant in the Draft SEIR or would involve modifications to off-site properties and infrastructure outside the Applicant's control. The Draft SEIR conclusion that no additional mitigation is warranted is therefore consistent with CEQA's requirements governing impact analysis and mitigation.

Comment O1-72

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation is needed, and it ought to also include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured during construction and by collisions with automobiles traveling to and from the project site during project operations**.**

Thank you for your consideration,

Response O1-72

See Response O1-71. CEQA focuses on impacts to wildlife populations and habitats as a whole, rather than individual wildlife casualties, unless those casualties would meaningfully affect a species' regional population. In this case, the EBPSP site's sensitive biological resources were thoroughly surveyed and analyzed. The Draft SEIR determined that, with the adopted mitigation measures, the EBPSP would not result in significant impacts to sensitive wildlife species.

Mitigation measures are in place to avoid and minimize harm to wildlife during construction – for example, a qualified biologist has authority to halt construction if protected wildlife is present and pre-construction surveys and avoidance provides for locating and avoiding impacts to sensitive species before any ground disturbance. These measures would greatly reduce the likelihood of animals being injured on-site. Furthermore, if any injured wildlife (particularly special-status species) is found during construction, standard protocols require that the on-site biologist humanely capture and transport the animal to an authorized rehabilitation center or contact wildlife authorities, as appropriate. Such responses are part of normal mitigation implementation and regulatory compliance (e.g., under CDFW guidance), and do not necessitate a special funding mandate on the EBPSP.

The Commenter's proposed mitigation measure requiring the Applicant to provide funding to wildlife rehabilitation centers is not supported by substantial evidence demonstrating that implementation of the EBPSP would result in significant wildlife injury impacts, overwhelm existing wildlife care centers, or cause substantially affect wildlife populations in a manner requiring compensatory funding. Under CEQA, mitigation measures must be reasonably related and roughly proportional to identified significant impacts. As discussed in Response O1-71, the EBPSP's biological impacts would be reduced through implementation of enforceable mitigation measures and compliance with existing wildlife protection requirements.

Accordingly, the Draft SEIR appropriately concludes that additional compensatory mitigation in the form of mandatory funding for wildlife rehabilitation facilities is not necessary to reduce a significant environmental impact.

Comment O1-73

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Response O1-73

The Commenter's bibliography is noted. No response is necessary.

O2. Center for Biological Diversity – April 20, 2026

Comment O2-Intro

These comments are submitted on behalf of the Center for Biological Diversity (the "Center") regarding the Ontario Plan 2050 ("TOP 2050") Policy Plan Amendment ("PPA") and Eucalyptus Business Park Specific Plan ("EBPSP") Project ("Project"). The Center has reviewed the Draft Supplemental Environmental Impact Report ("DSEIR") for the Project closely and is concerned that the City of Ontario ("City") has failed to adequately analyze and mitigate the potential environmental impacts of the Project. Critical deficiencies in the DSEIR include, but are not limited to, the DSEIR's Project Description, and analysis of and mitigation for the Project's emissions of air pollutants and greenhouse gases. The Center urges the City to recirculate a revised DSEIR that, inter alia, sufficiently analyzes and mitigates Project impacts related to air quality and greenhouse gas emissions, and includes a legally sufficient Project description.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.8 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in the Inland Empire, including the City of Ontario.

Response O2-Intro

Responses to the Center for Biological Diversity's comments are provided in Responses O2-1 through O2-10.

Comment O2-1

I. THE DSEIR FAILS TO ADEQUATELY DESCRIBE THE LAND USE CHANGES PROPOSED UNDER THE PROJECT

An accurate, stable, and finite project description remains the sine qua non of an informative and legally sufficient EIR. (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 193.) For planning projects, like the proposed amendments to TOP 2050, this requires the inclusion of relevant details available to the lead agency and prohibits conflicting or inconsistent descriptions of the nature of the project or its main elements. (Citizens for a Sustainable Treasure Island v. City and County of San Francisco (2014) 227 Cal.App.4th 1036 at 1052-1055.) Here, the DSEIR fails to adequately describe the Project because it fails to include relevant details regarding the land use changes that would result from its adoption, and because the description of the industrial land use expansion under the project is inconsistent.

Response O2-1

See Responses O2-2 and O2-3. Chapter 2, *Project Description*, provides a complete, accurate, and stable project description for the proposed Policy Plan Amendment sufficient to support informed environmental review under CEQA. The Draft SEIR clearly identifies the nature and extent of the proposed land use modifications, including changes in residential development potential, non-residential development intensity, population, and employment assumptions relative to the previously approved TOP 2050 framework.

Table 2-4, *Comparison of the Approved TOP 2050 to Policy Plan Amendment*, summarizes the net changes associated with the proposed Policy Plan Amendment, including changes in residential units, population, non-residential square feet, and employment generation compared to the currently approved TOP. Table 2-3, *TOP 2050 Policy Plan Amendment Proposed Land Use Summary*, provides additional detail regarding the proposed land use designations and anticipated buildout characteristics associated with the amended land use plan. Together, these tables and accompanying narrative provide sufficient detail regarding the proposed project to permit meaningful environmental analysis and public review.

CEQA does not require a project description to include every future design detail or implementation decision, particularly for planning-level land use amendments and long-term buildout scenarios. Rather, the project description must contain sufficient information to allow decisionmakers and the public to understand the project and evaluate its environmental consequences. The Draft SEIR satisfies this standard by clearly describing the scope of the proposed amendments, the anticipated development program, and the changes being analyzed relative to the approved TOP 2050. Accordingly, the Commenter has not identified a deficiency in the Draft SEIR's project description.

Comment O2-2

A. The DSEIR's Project Description Lacks Sufficient Detail and Contains Out-of-Date Information

Nowhere in the DSEIR is a clear and comprehensive accounting of the land use changes that would occur under the PPA. In many places, the Project is only generally summarized, for example as "modifying the currently permitted and planned TOP land use pattern across more than 1,300 acres in southern Ontario" or as affecting "approximately 1,300" acres. (DSEIR at ES-10, 2-17, 2-34.) These modifications are summarized vaguely as including, in part, "a handful" of changes in northern Ontario. (DSEIR at ES-10, 2-20.) The DSEIR does include a list of parcels affected by the PPA, but does not describe the location or acreage of the parcels, nor does it indicate how the land use designation of the parcels would change under the Project. (DSEIR at 2-18–2-20.) The DSEIR does include maps that purport to show the land use designations under

the adopted TOP 2050 and those proposed under the Project (See DSEIR 2-13, 2-21.) However, Figure 2-4: Current TOP Land Use Plan includes text stating that "this figure is out of date" at the top of the map. (DSEIR at 2-13.) The DSEIR fails to explain in what way this map of current land uses is out of date. Given the lack of accurate information displaying the geographic extent and distribution of current land uses, it is impossible to accurately identify the changes proposed under the Project. The DSEIR should be revised to clearly and accurately describe the changes proposed under the PPA in order to render the DSEIR adequate as an informational document under CEQA.

Response O2-2

Chapter 2, *Project Description*, provides a complete, accurate, and stable project description for the changes associated with the Policy Plan Amendment to support informed environmental review and decision-making under CEQA. The Draft SEIR clearly identifies the nature, extent, geographic distribution of the proposed land use changes, including changes in residential development potential, non-residential development intensity, population, and employment assumptions relative to the approved TOP 20250 framework.

Table 2-4, *Comparison of the Approved TOP 2050 to Policy Plan Amendment*, summarizes the net changes associated with the Policy Plan Amendment, including changes in residential units, population, non-residential square feet, and employment associated with the currently approved TOP 2050. Table 2-3, *TOP 2050 Policy Plan Amendment Proposed Land Use Summary*, provides additional detail for buildout of the proposed project. Table 2-3 is based on the buildout methodology, which has been added as Appendix C, *Buildout Methodology*, to the Final SEIR.

The Draft SEIR also identifies specific properties affected by the proposed Policy Plan Amendment. As noted by the Commenter, the section entitled "Assessor Parcel Numbers" lists each individual parcel subject to proposed land use changes and Figure 2-6, *Policy Plan Amendment Areas of Change*, identifies the location of those parcels geographically. In response to the Commenter's request, Figures 2-6a through 2-6c, *Policy Plan Amendment Area of Change*, have been added to the SEIR in order to identify the parcel numbers directly on these figures.

In addition, Figure 2-4, *Current TOP Land Use Plan*, has been corrected in the Final SEIR (see Appendix B, *Revised Figures*). The City has also made available an interactive online mapping tool that identifies proposed land use changes associated with the Policy Plan Amendment, including specific information and geographic locations of the proposed amendments. This mapping resource is publicly accessible at: https://www.myinput.com/OntarioPPA/land-use-changes. Similar to Figure 2-5, *Proposed Land Use Plan*, and Figure 2-6, the interactive map

identifies the parcels affected by proposed land use modifications and allows users to review the geographic distribution of proposed changes.

CEQA does not require a planning-level EIR to provide final engineering-level detail or parcel-by-parcel development plans for future buildout scenarios. Rather, the project description must contain sufficient information to allow the public and decisionmakers to understand the project and evaluate its environmental consequences. The Draft SEIR clearly identifies the proposed land use amendments, affected properties, anticipated development assumptions, and geographic extent of the proposed changes. Accordingly, the Commenter has not identified a deficiency in the Draft SEIR's project description.

Comment O2-3

B. The DSEIR Provides Conflicting Data Regarding Industrial Land Use Changes Proposed Under the Project

In addition to failing to clearly and accurately describe the overall land use designation changes proposed by the Project, the DSEIR also fails specifically to provide an accurate, stable, and definite description of the industrial land use component of the Project. In the Executive Summary, a quantification of the total industrial square-footage increase under the Project is provided, but the figure is not included in the summary of the proposed Project, instead being included in the description of the reduced intensity project alternative. (DSEIR at ES-26 [describing a net increase of 6,370,304 square feet of industrial land use designated area under the proposed Project.]) However, this figure is inconsistent with other data regarding the prospective change in land use area provided in the DSEIR. For example, elsewhere the Executive Summary includes quantifications of the total square footage impacted by the PPA as compared to the TOP 2050, categorized only as "residential" and "non-residential." (DSEIR at ES-20.) Here, the net increase in non-residential land uses is stated to be 4,344,416 square feet. (Id.) Because the total non-residential square footage stated in the Executive Summary (which can reasonably be assumed to include industrial uses and is not explained to do otherwise) is considerably smaller than the industrial square footage stated earlier in the same section of the DSEIR, the accuracy of both figures cannot be determined. Also, in Tables 2-1 and 2-3 of the Project Description, the DSEIR identifies the total industrial land use area under the approved TOP 2050 as 7,591.3 acres, and the total industrial land use area under the Project as 7,606.2 acres. (DSEIR at 2-10, 2-33.) The difference between these areas, 14.9 acres, corresponds to approximately 649,044 square feet, not the 6,370,304 square feet described in the Executive Summary. Because the DSEIR includes inconsistent and apparently conflicting descriptions of the changes in the total industrial buildout allowed under the Project as compared to the adopted TOP 2050, it fails to provide a clear, accurate, and stable description of the Project.

Response O2-3

As stated in Response O2-2, Table 2-3, *TOP 2050 Policy Plan Amendment Proposed Land Use Summary*, provides additional detail for buildout of the proposed project. Table 2-1, *Approved TOP 2050 Land Use Designation*, provides corresponding buildout information for the currently approved TOP 2050 framework. Table 2-1 and Table 2-3 in the Draft SEIR are based on the buildout methodology, which has been added as Appendix C, *Buildout Methodology*, to the Final SEIR. Table 2-3 and Table 2-1 provides a detailed accounting of the acres, housing units, households, population, non-residential square footage, and employment by land use type. In contrast, Table 2-4, *Comparison of the Approved TOP 2050 to Policy Plan Amendment*, is a summary table provided in the Draft SEIR that identifies the total change in residential units, population, non-residential square feet, and employment associated with the current TOP compared and the Policy Plan Amendment project.

The industrial and business park land uses in Table 2-1 for the current TOP and Table 2-3 for the Policy Plan Amendment are summarized under the heading "Employment". At buildout, the proposed project would result in 215,009,231 square feet of industrial land uses. Compared to the current TOP (see Appendix C), the "Employment" land uses are currently, 208,638,928 square feet. As a result, the proposed project result in an increase in 6,370,304 square feet of industrial land use and an increase in 294.1 acres of industrial land uses in the City, of which the EBPSP represents 47 percent of that change.

The Commenter asserts that these figures conflict with the total net increase in non-residential square footage identified in Table 2-4. However, the figures are not inconsistent because Table 2-4 summarizes total non-residential square footage across all non-residential land use categories, not solely industrial or employment-related uses. While the proposed Policy Plan Amendment increases employment-related square footage, the land use changes also include reductions to other non-residential categories, such as hospitality and commercial land uses. As a result, the overall net increase in total non-residential square footage identified in Table 2-4 is lower than the increase associated specifically with employment-related land use categories. Appendix C and Table 2-1 and Table 2-3 identify these changes by individual land use designation and demonstrate how the summarized totals were derived.

The Commenter also incorrectly states that the approved TOP 2050 currently provides only 7,591.3 acres of industrial land use. That figure reflects only the acreage associated with specific "Industrial" land use designation and does not account for all employment-related land use categories capable of accommodating industrial, warehouse, logistics, or related employment-generating uses. As shown in Table 2-1, the current TOP includes approximately 8,797.4 acres of employment-related land use categories, while Table 2-3 identifies approximately 9,091.5 acres under the proposed Policy Plan Amendment, resulting in a net increase of 294.1 acres of employment-related land uses citywide.

Accordingly, the Draft SEIR does not contain inconsistencies regarding non-residential or employment-related development assumptions. The Draft SEIR, together with Appendix C, provides sufficient information regarding the nature, extent, and distribution of the proposed land use changes to allow the public and decision makers to understand the project and evaluate its environmental impacts. The Commenter has not identified a deficiency in the Draft SEIR's project description.

Comment O2-4

II. THE DSEIR FAILS TO ADEQUATELY DISCLOSE, ANALYZE, OR MITIGATE GREENHOUSE GAS EMISSIONS IMPACTS

The climate crisis is an immediate and significant threat to Californian communities. Climate change is already transforming California, increasing ambient temperatures and the frequency and severity of wildfires, reducing the quantity and longevity of snowpack, and changing water availability patterns. (Turco et al., 2023.) Climate change is causing sea level rise, extreme weather events, and "irreversible losses" at the species and ecosystem levels. (IPCC, 2023; US Global Change Research Program, 2023.) And it is increasing stress on species and ecosystems, causing species-level changes in morphology, behavior, phenology, and geographic range shifts, and ecosystem-level changes such as the increasing frequency of extreme weather events, widespread changes in productivity, species interactions, and vulnerability to biological invasions. (Weiskopf et al., 2020.) In fact, climate-change-related local extinctions are already widespread and have occurred for hundreds of species. (Wiens, 2016.) And catastrophic levels of species extinctions are projected in the coming decades if climate change continues unabated. (Maclean & Wilson, 2011; Thomas et al., 2004; Urban, 2015.)

Despite the fact that the United States has contributed more to the climate crisis than any other country, neither domestic nor international climate policy is on pace to avert catastrophic levels of warming. (Climate Action Tracker, 2023; Friedlingstein et al., 2023; Friedrich et al., 2023.) As a result, California has taken steps through legislation and regulation to fight climate change and reduce statewide greenhouse gas ("GHG") emissions in lieu of competent federal or international action. The California Climate Crisis Act (AB 1279) requires the State to achieve net zero GHG emissions by no later than 2040, to achieve and maintain net negative GHG emissions thereafter, and to ensure that by 2045, statewide GHG emissions are reduced to 85 percent the level in 1990. (AB 1279 (2022).) And Governor Newsom has issued several executive orders to help the State meet this mandate. (See, e.g., Executive Order N-19-19 (2019); Executive Order N-79-20 (2020).)

However, the State's climate goals require the active involvement of local governments like the City when considering industrial projects with potentially far-reaching climate impacts. Indeed, "the extent to which current and future generations will experience a hotter and

different world depends on [the] choices [made at the local level] now and in the near term." (IPCC, 2023.) Given this background, and the increasingly urgent need for drastic action to reduce GHG emissions, the DSEIR's failure to adequately analyze and mitigate Project-related GHG emissions is alarming. The City must amend the DSEIR in the following ways to more thoroughly analyze and more comprehensively minimize Project-related GHG emissions.

Response O2-4

The comment states that the Draft SEIR does not adequately analyze and mitigate project-related GHG emissions. However, the Draft SEIR includes a detailed, quantified analysis of project- and cumulative-level GHG emissions impacts in Section 3.8, *Greenhouse Gas Emissions*. The Draft SEIR also identifies feasible mitigation measures to minimize construction- and operation-related GHG impacts.

The Draft SEIR also provides extensive background information regarding climate change science, applicable regulatory frameworks, and the relationship between project-generated GHG emissions and statewide climate policy objectives. Section 3.8, *Human Influence on Climate Change* and *Potential Climate Change Impacts for California*, describes the rapid change in the climate and the associated risks to California, including impacts to public health, water resources, agriculture, coastal sea level, forest and biological resources, and energy.

Impact GHG-1 evaluates whether construction and operational emissions associated with the proposed Policy Plan Amendment would conflict with the State's long-term reduction goals and achieving substantial progress toward carbon neutrality. The analysis includes consideration of the South Coast AQMD Working Group recommended project-level significance threshold framework and evaluates the ability of EBPSP and broader Policy Plan Amendment to achieve consistency with applicable climate goals and reduction trajectories.

Impact GHG-2 separately evaluates consistency of the proposed project with applicable plans, policies, and programs adopted for the purpose of reducing GHG emissions, including the City's Community Climate Action Plan (CCAP), the Riverside-San Bernardino-Ontario metropolitan statistical area Priority Climate Action Plan (PCAP), California Air Resources Board (CARB) Scoping Plan, and Southern California Association of Governments (SCAG) Connect SoCal. The Draft SEIR analyzes consistency with these regulatory and planning documents and identifies applicable reduction measures incorporated into the project.

Importantly, the Draft SEIR expressly acknowledges that implementation of the project would result in new and significant GHG impacts relative to the previously Certified 2022 EIR. The Draft SEIR further concludes that the project's contribution to global climate change would be cumulatively considerable, even with mitigation, due to the nature of GHG emissions and the project's scale. Accordingly, contrary to the Commenter's assertion, the Draft SEIR does not minimize or ignore the project's GHG impacts; rather, it discloses, quantifies, and evaluates

those impacts consistent with CEQA requirements and identifies feasible mitigation measures intended to reduce emissions to the extent practicable.

Comment O2-5

A. The DSEIR's Analysis of Project GHG Impacts Improperly Excludes GHG Impacts Resulting from Vegetation Changes

The DSEIR's GHG analysis omits one of the key sources of Project construction and operational GHG emissions: the conversion of working lands and grasslands into developed areas. Currently, much of the Project area is comprised of dairy operations and associated agricultural land uses. (DSEIR at 3.2-6.) The Project would impact hundreds of acres of these areas. (DSEIR at ES-17.) Despite this, the DSEIR does not reflect any accounting of the GHG impacts associated with the loss of above and below ground carbon storage, or any consideration of how altering the land cover of this acreage will change the carbon sequestration potential of the area. (See DSEIR at 3.8-21 – 3.8-24.)

As detailed in a 2023 Center report, "Hidden in Plain Sight: California's Native Habitats are Valuable Carbon Sinks" (Yap et al., 2023), California habitats, including grasslands, are important carbon sinks that should be included in carbon calculations. Although the carbon storage and sequestration potential of such habitats are often overlooked, carbon in these systems is stored in the form of soil organic carbon (e.g., extensive root networks, soil microbial communities, and mycorrhizae), soil inorganic carbon (e.g., calcite/caliche), and above-ground vegetation. (Janzen, 2004; Meyer, 2012; Mi et al., 2008; Thomey et al., 2014; Wang et al., 2010; Zamanian et al., 2016.) Non-native grasslands have been found to store, on average, 38.4 to 60.3 metric tons of carbon per acres in their soils, and to sequester an estimated 1.3 to 1.8 metric tons of carbon per acre, per year (Koteen et al., 2011). Cultivation grasses for dairy production can also result in carbon net carbon storage from the atmosphere. (Cavallo et al., 2011.)

Estimating the quantity of existing carbon stock can be done using RePlan, a core component of the California Strategic Growth Council's ("SGC") Integrated Regional Conservation and Development ("IRCAD") initiative. (California Strategic Growth Council, 2026b). This sophisticated online tool provides a myriad of functionality, including the ability to estimate carbon stocks throughout California. The tool takes as input a shapefile or drawn polygonal map area and outputs an estimate of the total carbon over the defined acreage. The data backing this tool comes from the California Natural and Working Lands Inventory conducted by CARB. (California Strategic Growth Council, 2026a). The City thus has no excuse for overlooking emissions associated with the loss of vegetation, topsoil, and grasslands, all of which sequester carbon.

Because the DSEIR does not account for either carbon emissions resulting from land use conversion or the loss of carbon sequestration capacity that would result from such land use conversion, the estimate of total emissions is inaccurate, and the true amount of GHG emissions resulting from the proposed Project is likely to be higher than stated in the DSEIR. The omission of any sequestration analysis is particularly concerning, as the loss of the sequestration ability of existing landscapes will lead to a continued increase in net emissions into the future. The DSEIR fails to account for these decades of lost sequestration opportunity, in violation of CEQA, and the City must consequently amend its analysis and recirculate an updated DSEIR to account for this deficiency. (CEQA Guidelines §§ 15126, 15378.)

Response O2-5

The proposed Policy Plan Amendment is evaluated at a programmatic level and analyzes the environmental effects associated with proposed changes in land use designations throughout the City. The Draft SEIR's GHG focuses on emission sources associated with anticipated land use development under the proposed project, including construction activity, transportation, energy consumption, water usage, wastewater treatment, and sold waste generation. The analysis does not separately quantify emissions or sequestration associated with the natural and working lands emissions sector (e.g., wetlands, agriculture, forests) because the emissions inventory and forecast are based on projected urban development activities under both the approved TOP 2050 framework and the proposed Policy Plan Amendment. The analysis likewise does not assume or rely upon future carbon sequestration credits or speculative future emissions sinks in evaluating projects. Accordingly, an independent inventory of existing natural and working lands sequestration capacity was not necessary to evaluate the incremental GHG impacts associated with the proposed land use changes analyzed in the Draft SEIR.

The CEQA baseline is based on buildout of the current TOP 2050 and impact identified in the Certified EIR (see Chapter 3, *Environmental Impacts*, under the section titled "Evaluation Methodology"). The existing agricultural land estimates provided in Table 3.2-2 that the Commenter references reflect existing agricultural land in the City, and are not equivalent to the approved or proposed future buildout scenarios analyzed under the SEIR. As discussed on page 3.2-23 of the Draft SEIR, the City contains no forest lands; therefore, the natural and working lands sector for the City would be limited to agricultural lands for existing conditions only. Neither the current TOP 2050 (approved project) nor the proposed project allows for agricultural land within the City. The proposed project would result in no change in land use designations from forest land or farmland to non-forest land or non-farmland designations (see pages 3.2-22 and 3.2-23 of the Draft SEIR).

As identified on pages 32 and 37 of the City's Community Climate Action Plan (CCAP)[3], existing agricultural lands accounted for 8 percent of citywide GHG emissions in 2008 and decreased to 3 percent of citywide GHG emissions in 2019 as a result of changes in fertilizer use and retirement of livestock lands in the City. Moreover, as noted on page 32 of the CCAP, the land use and sequestration sector, the smallest source of GHG emissions in Ontario, remained at less than 1 percent during this time. Accordingly, the omission of separate natural and working lands sequestration inventory form the programmatic GHG analysis does not materially affect the Draft SEIR's evaluation of project-related GHG impacts.

Importantly, the Draft SEIR does not conclude that the proposed project would result in less-than-significant GHG impacts. To the contrary, the Draft SEIR expressly determines that implementation of the proposed project would result in a significant and unavoidable GHG impact. In response to those impacts, Mitigation Measure GHG-1-PPA requires the City to update its current CCAP to quantify an updated citywide emissions inventory and forecast, including for the natural and working lands sector, and identify and implement measures necessary to reduce GHG impacts.

Accordingly, the Commenter has not demonstrated that the Draft SEIR's programmatic GHG analysis is inadequate or inconsistent with CEQA.

Comment O2-6

B. The DSEIR Fails to Adequately Mitigate Greenhouse Gas Emissions from Warehouses

The Center recognizes that the City has already identified several mitigation measures that relate to GHG emission reductions. (See DSEIR at ES-81, 3.8-36 [mitigation measure GHG-1- PPA: "measures may include…encouraging the construction of solar arrays above parking lots and the integration of solar and other renewable energy generation technologies"; GHG-1-SP Reduction Measure 2: "Installation of rooftop solar energy system which generates enough electricity to meet 45 percent of annual warehouse electricity demand."]) However, despite these measures, the DSEIR concludes that the Project would result in significant and unavoidable GHG emissions without mandating feasible, commonsense mitigation to the maximum extent possible, as required. (DSEIR at 3.8-35 – 3.8-39; Pub. Res. Code §§ 21002.1(b); 21081(a)(1); CEQA Guidelines § 15021(a).) The City should require, at a minimum, current common GHG emission mitigation measures that have been used throughout the state for future warehouse developments within the planning area. Examples of such measures include those listed in the Fontana Ordinance No. 1891, which were specifically formulated to mitigate impacts from warehouse development and protect residents and the air basin from cumulative environmental impacts. (Fontana

[3] Ontario, City of. 2022, August 16. Community Climate Action Plan (CCAP)

Warehouse Ordinance, 2022.) The California Office of the Attorney General memorandum detailing warehouse best practices should also assist the City in complying with its mitigation requirements. (See California Attorney General, 2022.) Nearly all the example mitigation measures in this document have been adopted at other warehouse projects in California, demonstrating their feasibility.

Response O2-6

Mitigation Measure (MM) GHG-1-PPA and MM GHG-1-SP include specific performance standards, identify the types of potential actions that can feasibly achieve that performance standard, and include means to ensure enforceability in line with the requirements of CEQA Guidelines section 15126.4. CEQA does not require mitigation measures to prescribe every future design or technological solution at the programmatic planning level. Rather, deferred or performance-based mitigation is permissible where the agency commits itself to specific performance standards and procedures capable of achieving those objectives.

For example, MM GHG 1-PPA requires that the Community Climate Action Plan (CCAP) consider a trajectory consistent with AB 1279 for year 2045. Likewise, EBPSP MM GHG 1-SP identifies that projects within the EBPSP achieve 100 points based on the City's current CCAP screening tables. Additionally, both mitigation measures also identify representative categories of reduction measures and implementation strategies that must be considered during subsequent project review and implementation . Accordingly, the mitigation measures establish identifiable performance criteria, implementation procedures, and compliance mechanisms sufficient to satisfy CEQA's requirements for enforceability and effectiveness.

In addition, future development projects within the project area would remain subject to applicable State regulatory requirements intended to reduce energy consumption and GHG emissions. These include compliance with the California Building Standards Code, Part 6 (Energy Code), which requires consideration of rooftop readiness and implementation of energy-efficiency measures in future building design and construction.

The Draft SEIR also incorporates MM AIR-3-PPA, which requires future projects subject to CEQA review to prepare a technical assessment of potential operational air quality impacts and implement measures to reduce impacts. While MM AIR-3-PPA is directed primarily towards operational air quality impacts, many of the measures implemented under MM AIR-3-PPA would also reduce GHG emissions. For instance, measures that may be implemented under this mitigation include idling restrictions, renewable energy generation and storage, CALGreen voluntary measures to reduce demand on vehicle trip generation, electric vehicle charging infrastructure, and Energy Star-rated appliance installation. These measures would contribute to reductions in both criteria pollutant emissions and GHG emissions associated with future development.

The City has reviewed the measures in the documents referenced by the Commenter and has determined that the additional measures are already included TOP 2050 policies and implementation measures, have been integrated as mitigation measures, are not applicable to the project, and/or were determined to not be feasible for this programmatic review.

CEQA does not require adoption of every mitigation measure proposed by commenters, particularly where the lead agency determines that existing mitigation adequately addresses the identified impacts or where proposed measures are infeasible or unsupported by substantial evidence.

Accordingly, the Draft SEIR's GHG mitigation framework is consistent with CEQA requirements, and no revision to the analysis or mitigation measures is warranted.

Comment O2-7

i. *The City Must Require Rooftop Solar Sufficient for 100 Percent of Warehouse Energy Demands*

Installing solar on the roofs of large warehouses in California is a crucial opportunity to use miles of flat, sunny space that would otherwise be underutilized. The technology exists now to feasibly require all future building sites to install enough rooftop solar photovoltaic panels to meet 100 percent of projected energy needs or be built with the capacity for these panels to be added later. In order to meet its decarbonization targets, California needs to double its clean energy generation in the next decade, which will require a "record-breaking" expansion of clean energy infrastructure. (Gill et al., 2021.) The Joint Agency SB 100 Report calls for building 2.8 GW/year of solar every year for 25 years, which is higher than the previous maximum annual build. (Id.) The biggest obstacle to increasing solar energy capacity as fast as needed is the large amount of flat, sunny land that solar farms require. (Groom, 2022.) Building solar infrastructure across undeveloped land is an imperfect solution that hurts important ecosystems, eliminates opportunities for natural carbon sinks, and is often opposed by local residents. (Courage, 2021; Groom, 2022.)

Each warehouse built with the capacity to provide 100 percent of its own clean energy via rooftop solar brings California closer to the clean energy targets we must meet to avoid the climate crisis's most devastating effects. The California Attorney General recommends that new warehouses are built with this capacity, and companies and municipalities are realizing it makes sense. (California Attorney General, 2022.) The City of Fontana already requires that every warehouse over 400,000 square feet generate all required power from rooftop solar. (Fontana Warehouse Ordinance, 2022) However, despite this potential, the DSEIR does not require solar panels; rather, just updates to the Community Climate Action Plan, based on which future projects "may include" solar or other renewable energy sources. (DSEIR at 3.8-33 [emphasis

added].) First, this improperly deferred and overly vague mitigation violates CEQA. (See San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated and have not been subject to analysis and review within the EIR"].) In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (See POET, LLC v. State Air Resources Bd. (2013) 218 Cal.App.4th 681, 736 –737 [review denied].) Here, the DSEIR fails to meet these criteria. It does not attempt to explain why it is not possible to formulate and disclose a mitigation plan now, and it does not list the mitigation measures to be considered.

Also, because this is a feasible mitigation measure, the DSEIR must go beyond the vague and future planning actions identified in GHG-1-PPA and the inadequate 45 percent requirement in GHG-1-SP and require rooftop solar to meet 100 percent of each building's energy needs. In particular, the City should amend the mitigation measures related to renewable energy use to require sufficient photovoltaic generation capacity to meet 100 percent of the warehouse energy demand, including the total demand of expanded electric vehicle charging onsite as well. To achieve this, warehouses should be required to build out the maximum available photovoltaic coverage consistent with the California Attorney General's recommendation that new warehouses be built "to accommodate the maximum future coverage of solar panels and installing the maximum solar power generation capacity feasible." (California Attorney General, 2022.) The City must therefore strengthen mitigation measures GHG-1-PPA and GHG-1-SP to require future developers to install the maximum feasible solar generation capacity, sufficient to meet any demand attendant to medium- and heavy-duty electric truck charging onsite. (Uphold Our Heritage, 147 Cal.App.4th at 600; Citizens of Goleta Valley, 197 Cal.App.3d at 1180.) If the City declines to adopt such a measure, it must explain the basis for its decision. (Los Angeles Unified Sch. Dist., 58 Cal.App.4th at 1029.) Failure to do so would violate CEQA.

Response O2-7

Please refer to Response O2-6 regarding the applicability of the California Energy Code to future new development projects and the appropriateness of Mitigation Measure GHG-1-PPA for this programmatic level of environmental review. Contrary to the Commenter's assertion, MM GHG-1-PPA does not constitute improper deferral of mitigation under CEQA.

The Draft SEIR in the *Executive Summary* identifies that the EIR is a "Program EIR". The analysis in the Draft SEIR is based on the level of information available. Therefore, it is unknown what site-specific constraints may be present for future projects facilitated by the proposed project. Because of this, MM GHG-1-PPA appropriately requires the City to update its Climate Action Plan and develop measures that would apply to future individual projects to achieve the State's long-term GHG emission reduction targets. The lack of project-level data in a program EIR does not constitute inaccurate, inconsistent, or incomplete information pursuant to CEQA. The information included in Section 3.8, *Greenhouse Gas Emissions*, includes the detail needed to disclose the potential program-level environmental impacts to the public and decision makers regarding potential GHG emissions impacts.

To be clear, the rooftop solar energy system contemplated as part of the EBPSP are project design features incorporated into the Specific Plan and are not mitigation measures relied upon by the Draft SEIR to reduce significant GHG impacts. Separate from these design features, Mitigation Measure GHG-1-SP to achieve a minimum of 100 points based on the City's current CCAP screening tables, or equivalent future standards adopted by the City. Compliance with these requirements would occur through subsequent project-level review and the City's discretionary approval and permitting process.

At the programmatic planning stage evaluated in the Draft SEIR, the identities of future tenants, specific building configurations, operational characteristics, and ultimate energy demands associated with the future development within the EBPSP are not currently known. Accordingly, it would be speculative and infeasible at this time to require 100 percent of future operational electricity demand be supplied exclusively through on-site rooftop solar generation. Future demands may vary substantially depending on tenant-specific operational needs, including refrigeration systems, warehouse automation, industrial processes, HVAC requirements, electric vehicle fleet charging, equipment charging, data processing systems, and other energy-intensive commercial or industrial activities that cannot presently be quantified with precision.

In addition, the amount of rooftop area suitable for photovoltaic installation may vary considerably among future buildings due to structural engineering requirements, rooftop mechanical equipment, ventilation systems, skylights, fire access pathways, screening features, shading conditions, roof orientation, and applicable building and fire code setback requirements. These constraints may substantially reduce the area available for solar installations and, in some cases, may prevent rooftop systems from generating sufficient electricity to offset total project demand. Further, photovoltaic generation is inherently intermittent and may not coincide with periods of peak operational electricity demand associated with future industrial or logistics uses.

For these reasons, the Draft SEIR does not assume that rooftop generation alone would be sufficient to achieve consistency with long-term GHG reduction targets. Instead, future project

applicants would retain the flexibility to achieve compliance with Mitigation Measure GHG-1-SP through a combination of feasible GHG reduction strategies, which may include rooftop solar installations, battery storage systems, renewable energy procurement, building electrification, energy efficiency improvements, electric vehicle infrastructure, transportation demand reduction measures, and other qualifying measures identified through future project-level review and implementation for the City's CCAP

Accordingly, the Draft SEIR establishes enforceable performance standards, identifies feasible categories of reduction measures, incorporates existing regulatory programs and City implementation mechanisms, and commits the City to future CCAP updates and project-level review sufficient to satisfy CEQA Guidelines section 15126.4. Substantial evidence supports the conclusion that the mitigation framework is reasonably capable of reducing GHG emissions associated with future development facilitated by the project, while appropriately accounting for the programmatic nature of environmental review and the presently unknown characteristics of future individual development projects. Therefore, no edits to the Draft SEIR are warranted.

Comment O2-8

ii. The City Must Require Warehouse Developments to Maximize Electric Truck Infrastructure

The DSEIR must require concrete, enforceable measures that prepare future developments to operate with an all-electric fleet, as it will soon be required to do. CARB has developed strategies to completely electrify heavy-duty trucks in the state by 2045, and specifically to achieve 100 percent zero-emissions drayage trucks by 2035. (CARB, 2022.) Substantial evidence shows that requiring the usage of zero-emission heavy-duty trucks in lieu of diesel trucks is an effective means of reducing the GHG implications of heavy-duty truck traffic. (Union of Concerned Scientists, 2025.) Battery-electric trucks have lower lifecycle GHG emissions than diesel trucks no matter the operating characteristics of the vehicle or the electric grid. (Id.) Battery-electric heavy-duty trucks operating in the United States result in only 18 percent of the lifecycle GHG emissions associated with analogous diesel trucks. (Id.) This is notable because although battery-electric vehicles do not have tailpipe GHG emissions like diesel vehicles, there are still GHG emissions associated with the generation of the electricity used to charge and thereby power the vehicles. California has a larger proportion of renewable electricity generation sources than the national average, so electric heavy-duty trucks operating and charging in California would reduce the GHG emissions associated with Project-related truck traffic even more. (Nuclear Energy Institute, 2022) And as discussed infra, it would be feasible for future developments to comply with a mitigation measure requiring the use of medium- and heavy-duty electric trucks as often and as quickly as possible. (Uphold Our Heritage, 147 Cal.App.4th at 600; Citizens of Goleta Valley, 197 Cal.App.3d at 1180.) The DSEIR

must require more electric truck charging infrastructure to meet the demands of the fleet mix of 2045. Otherwise, the City will lag sorely behind the much-needed transition and will cement diesel emissions for decades.

Heavy-duty electric trucks are already available for purchase, and many freight facilities and other distribution centers have committed to utilizing such vehicles. (Fadhil & Xie, 2025.) Based on company announcements, there are at least ten Class 7 or 8 models with ranges up to 550 miles that have already been commercially deployed or are slated for commercial deployment in the coming years. (Fadhil & Xie, 2025; Good Car, Bad Car, 2024) Tesla is projecting to complete construction of its "Tesla Semi" production line so that it can begin volume production in 2026, and the company expects to produce 50,000 semi-trucks per year upon reaching full capacity. (Fred Lambert, 2025.) And several international companies, including the Chinese manufacturer BYD and the German manufacturer Daimler, produce heavy-duty electric trucks and have already sold hundreds of zero-emission electric heavy-duty trucks in the United States. (Fred Lambert, 2020.) As a result, sales of new medium- and heavy-duty electric trucks in California jumped from just a few hundred in 2021 to one in 12 medium- and heavy-duty trucks sold in 2022, one in six in 2023, and one in four in 2024. (California Air Resources Board, 2023, 2024, 2025.) Many companies involved in the warehousing industry, including UPS, Fedex, Anheuser-Busch, Frito-Lay, PepsiCo, and IKEA, have already purchased thousands of heavy-duty electric trucks and are on pace to purchase even more such vehicles. (See, e.g., Fedex, 2025; Frito-Lay, 2019; IKEA, 2025; Mark Matousek, 2018; Nora Manthey, 2022; WattEV, 2025.)

Moreover, many warehouse and distribution facilities throughout California have committed to requirements mandating that medium- and heavy-duty truck electrification be attained and maintained early in the occupancy process, including the Beaumont Pointe Project in Beaumont, California, the Compass Danbe Centerpointe Project in Moreno Valley, California, the Citrus and Oleander Project in Fontana, California, among others. (City of Beaumont, 2023 [referring mitigation measures B-41 and B-42 therein and stating that they require that "all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030" and that "tenants to use zero-emission light- and medium-duty vehicles as part of business operations"]; City of Fontana, 2023; Compass Danbe Settlement, 2021 [requiring that all heavy-duty trucks serving the warehouse be electric within three years of occupancy or whenever "widely commercially available" and establishing an enforceable, aggressive schedule by which specified portions of all other warehouse-related commercial vehicles must be electric by dates certain].) In 2022, Walmart opened a fulfillment center in Canada which will feature a fully electric fleet. (Walmart, 2022.) And the South Coast Air Quality Management District has committed to deploying 23 Class 8 Volvo battery-electric trucks to move freight across the Inland Empire and another 100 Battery-electric trucks broadly throughout California via a partnership with NFI Industries and Schneider. (NFI, 2021.)

Additionally, government regulators are increasingly investing in programs to facilitate medium- and heavy-duty truck electrification. California offers significant incentives to assist warehousing companies attain and utilize heavy-duty electric trucks, with the most prominent being the Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, which provides $150,000 as a voucher to offset some of the purchase price for certain vehicles. (See, e.g., California Air Resources Board, 2020, 2018, 2019, 2024; California Public Utilities Commission, 2018; San Diego Gas & Electric Co., 2024.) And California utilities have already committed to support the development of heavy-duty charging infrastructure and are likely to continue to do so in the future as well. (California Public Utilities Commission, 2018.) The South Coast Air Quality Management District, for instance, allows for the purchase and use of electric heavy-duty trucks as one way to comply with its indirect source rule for warehouses (referred to as the Warehouse Actions and Investments to Reduce Emissions or WAIRE program). (South Coast Air Quality Management District, 2020.) In fact, in enacting that rule, that Air District expressly found that battery-electric heavy-duty trucks are commercially available. And on June 12, 2025, Governor Newsom signed Executive Order N-27-25, reaffirming California's commitment to deploying zero-emission vehicle technologies to improve air quality.

As a result of these programs, in part, the total cost of ownership for electric heavy-duty trucks is likely to be less than for analogous diesel trucks. (California Air Resources Board, 2021.) One study found that when incentives and utilities' investments were incorporated into a total-cost-of-ownership analysis, battery-electric heavy-duty trucks currently have a favorable total cost of ownership compared to diesel equivalents. (ICF, 2019.) That study further indicates that battery-electric trucks should be able to compete with equivalent diesel trucks on a total-cost-of-ownership basis without regulatory incentives by 2030. (Id. at 32.)

It is therefore feasible for the City to require future developers and subsequent tenants and/or lessees of warehouse developments to utilize medium- and heavy-duty electric trucks as often and as quickly as possible. (Uphold Our Heritage, 147 Cal.App.4th at 600; Citizens of Goleta Valley, 197 Cal.App.3d at 1180.) If the City declines to adopt a mitigation measure requiring future operators to utilize medium- and heavy-duty electric trucks as often and as quickly as possible, it must explain the basis for its decision as to each measure. (Los Angeles Unified Sch. Dist., 58 Cal.App.4th at 1029.) Failure to do so would violate CEQA.

Response O2-8

For the proposed Policy Plan Amendment, it would be infeasible at this programmatic stage of environmental review to require all future trucking activities to utilize zero-emission (ZE) or near zero-emission (NZE) technologies. The proposed Policy Plan Amendment evaluates long-term land use changes and development potential throughout the City and does not identify specific future tenants, operational characteristics, fleet compositions, logistics models, delivery schedules, or freight service providers associated with future individual projects. Accordingly,

the operational needs, energy demands, technological requirements, and infrastructure constraints associated with future trucking activity are not currently known with sufficient specificity to support imposition of a universal ZE or NZE fleet mandate.

Under CEQA Guidelines section 15364, "feasible" means capable of being accomplished in successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. CEQA does not require adoption of mitigation measures that are speculative, technologically uncertain, unenforceable, or outside the lead agency's jurisdiction and control. Here, substantial evidence in the administrative record supports the conclusion that a mandatory requirement restricting all future truck activity to ZE or NZE vehicles is not presently feasible for the proposed Policy Plan Amendment or the EBPSP.

The City's land use authority extends to regulation of development proposals and land uses within its jurisdiction, but not to independently owned third-party trucking companies, interstate commerce carriers, regional freight operators, or off-site fleet operations utilizing public roadways. Truck fleets serving future development facilitated by the proposed project may include independent owner-operators, regional distribution fleets, interstate carriers, and logistics providers across multiple jurisdictions. The City lack direct regulatory authority to mandate vehicle technology standards for such off-site fleets operating on public highways, which are primarily regulated through State and federal mobile source programs administered by the California Air Resources Board and the U.S. Environmental Protection Agency. Accordingly, a mitigation measure requiring that only ZE trucks serve future development would attempt to regulate third-party activities beyond the City's practical enforcement authority.

In addition, future project applicants may not possess direct control over the technologies utilized by freight carriers serving their facilities. Warehousing, logistics, manufacturing, and distribution tenants frequently rely upon common carriers operating mixed fleets throughout the regional and interstate supply chains. At present, heavy-duty ZE truck technologies continue to face operational limitations related to vehicle range, charging duration, payload impacts, charging availability, and fleet deployment capacity, particularly for long-haul freight operations and high-intensity logistics uses. Consequently, requiring immediate universal conversion to ZE technologies for all future truck trips associated with speculative future industrial and logistics development may not presently be technologically or commercially feasible across all potential operational scenarios.

Widespread deployment of heavy-duty ZE truck fleets would require substantial supporting infrastructure, including utility distribution upgrades, transformer capacity expansion, substation improvements, transmission interconnections, high-capacity charging equipment, and coordination with local regional utility providers. Such infrastructure improvements are dependent upon future utility planning, regional electrical grid capacity, technological

advancement, and third-party implementation schedules that are presently unknown and outside the City's control. The amount and timing of electrical infrastructure necessary to support future heavy-duty truck electrification cannot presently be determined because future tenant operations, vehicle fleet compositions, charging schedules, and energy demands remain speculative.

Nevertheless, the Draft SEIR identifies multiple mechanisms intended to facilitate future transition toward lower-emission freight operations and reduce operational emissions associated with future development. Pursuant to Mitigation Measure AIR-1PPA and AIR-3-PPA, future projects subject to CEQA review would be required to prepare project-specific technical analyses evaluating operational air quality impacts and to implement feasible mitigation measures where warranted. Depending on characteristics of future projects, such measures as individual electric truck charging infrastructure, loading dock electrical hookups, renewable energy systems, transportation demand management measures, renewable energy procurement, and other operational emission reduction strategies.

Future development projects would additionally be required via CALGreen to install electric vehicle charging infrastructure according to the off-street parking supply and loading spaces provided and the project's occupancy type, for both passenger vehicles and trucks. For example, Section 5.106.5.3 of the January 2026 Errata of the 2025 CALGreen code specifies mandatory standards for electric vehicle capable space and electric vehicle charging infrastructure installation in new nonresidential construction. Moreover, Section 5.106.5.5 of the January 2026 Errata of the 2025 CALGreen code specifies mandatory standards to support future electric truck charging for new facilities that accommodate truck activities, including warehouses, grocery stores, office buildings, manufacturing facilities, and retail stores with planned off-street loading spaces.

In addition, MM AIR-3-PPA identifies electric vehicle charging standards which exceed mandatory compliance with CALGreen as a sample measure that can be implemented on individual projects to reduce impacts, and loading dock electrical hookups are identified as an additional sample measure that future warehousing, industrial, or other trucking-intensive projects can implement to reduce potential impacts.

The Draft SEIR also recognizes that heavy-duty vehicle emissions and fleet transition requirements are already subject to extensive State regulatory oversight, including implementation of statewide heavy-duty fleet transition and clean truck programs intended to increase deployment of ZE technologies over time. Future projects facilitated by the Policy Plan Amendment and EBPSP would remain subject to those evolving state regulations in addition to applicable local mitigation measures, CALGreen requirements, South Coast AQMD regulations, and future City climate and air quality implementation programs.

Accordingly, substantial evidence supports the City's conclusion that a mandatory requirement restricting all future truck activity to exclusive ZE or NZE technologies is not presently feasible at the programmatic stage of review. The Draft SEIR appropriately identifies feasible performance-based mitigation measures and future project-level implementation mechanisms consistent with the scope and level of detail appropriate for a program EIR. Therefore, no edits to the Draft SEIR are warranted.

Comment O2-9

III. THE CITY MUST IMPOSE CONDITIONS ON ANY POTENTIAL FUTURE DATA CENTER DEVELOPMENT

The DSEIR concludes that the PPA would have the potential to result in significant impacts due to the generation of additional, long-term emissions of criteria air pollutants in exceedance of the relevant SCAQMD thresholds and would contribute to the air basin's nonattainment status. (See e.g. DSEIR at ES-33.) For this reason, the DSEIR incorporates into the PPA mitigation measure AIR-3-PPA. This measure establishes that "[p]rior to future discretionary approval by the City of Ontario for development projects subject to CEQA review" the City will review and approve applicant-prepared assessments of "project operation-phase-related air quality impacts," based on which the City will require mitigation measures to reduce operational emissions be included as conditions of permit approval. Despite the implementation of this mitigation measure, the DSEIR concludes the Project would result in significant and unavoidable air quality impacts due to exceedances of criteria pollutant thresholds. (DSEIR at ES-33.) The DSEIR makes a similar conclusion for GHG emissions, with the Project projected to result in a 3 percent increase over that of the approved TOP 2050. (DSEIR at 3.8-28)

The Center is concerned that the potential for data center development within areas of the City with the Industrial or Business Park designation could ultimately result in air quality, GHG, and other impacts that exceed the assumptions of the DSEIR. Data centers are associated with significant environmental impacts. These include air quality, GHG, energy use, water use, and noise. (Xiao et al., 2025; Yarñez-Barnuevo, 2026.) Currently, data centers are allowed by right in the City under the zoning that conforms to the general plan Business Park and Industrial land use designations. (Ontario Development Code at 5.02-19.) As a result, DSEIR mitigation such as AIR-3-PPA would not apply to these developments, which would not require discretionary approval. The zoning for the proposed EBPSP shows that data centers require a conditional use permit, allowing the City to evaluate the impacts of any proposed development and impose appropriate conditions on their approval. (Eucalyptus Business Park Specific Plan at 5-9.) The Center urges the City to make data center developments conditional when zoning all areas with the Business Park and Industrial land use designations proposed under the Project.

Further, the Center recommends the adoption of the following as best practices to mitigate the potential environmental impacts of data centers within the City.

Response O2-9

For the proposed Policy Plan Amendment, the Draft SEIR evaluates land use changes at a programmatic planning level and does not identify specific future tenants or end users for industrial and business park land uses. At this stage of planning, the identities, operational characteristics, utility demands, and site-specific operational profiles of future occupants are speculative and unknown. No site-specific information regarding future facility size, server density, cooling technology, electrical loads, water demand, backup power systems, or operational intensity is presently available.

The buildout assumptions for industrial land are based on standardized development intensity and employment-rate methodologies consistent with those utilized for the approved TOP 2050 (see Final SEIR Appendix C, *Buildout Methodology*). The proposed project does not materially alter the methodology used to estimate development potential. Similarly, the water supply evaluation for TOP is based on Ontario Municipal Utility Company (OMUC) adopted water demand rates by acreage by land use type, which is consistent with the methodology used for the Certified EIR. OMUC's demand factors are based on planning-level utility forecasting methodologies intended to account for a range of industrial and other land uses at buildout and are routinely used for general plan planning, utility forecasting, infrastructure planning, and Uban Water Management Plan analyses where final tenant composition is not yet known.

The Commenter's concern regarding potential development of future data centers within the City will be forwarded to decision-makers for their consideration. However, the Draft SEIR does not assume that future industrial or business park development will consist predominantly, or exclusively, of data center uses, nor does the proposed Policy Plan Amendment specifically approve any data center project. The EBPSP permits a broad range of employment and industrial uses, and the environmental analysis evaluates the reasonably foreseeable impacts associated with the land use intensities and development assumptions available at the programmatic planning stage. The Draft SEIR therefore does not defer analysis of known future project or improperly segment environmental review.

Importantly, the EBPSP does not permit data centers as a use by right. As identified in Table 5-1 of the Specific Plan, "Data Centers" are classified as a Conditionally Permitted ("C") use. Therefore, additional discretionary review would be required for a data center project since it is not a Permitted ("P") land use by right but a Conditionally Permitted land use. Should an applicant propose this use within the Specific Plan area, the City will consider the best practices identified in Responses O2-10 through O2-13.

As part of the future discretionary review process, the City may require additional technical studies to evaluate potential impacts of a data center, including energy and water use. Meaningful project-specific analysis of those impacts cannot presently be conducted int eh absence of an actual development proposal.

Accordingly, substantial evidence supports the Draft SEIR's use of planning-level land use and utility assumptions appropriate for a program EIR. The possibility that future conditional use application could include data center proposals does not render the environmental analysis inadequate where no specific project exists, future operational characteristics remain unknown, and subsequent discretionary review would require additional project-specific environmental analysis and mitigation as appropriate under CEQA.

Comment O2-10

A. If approved, data centers should be responsibly sited and use on-site renewable energy, storage, and micro-grids

As a threshold matter, data centers should be responsibly sited. State and local governments should require companies to determine the availability of renewable resources like solar and wind, along with water availability so that local water resources are not depleted. The companies should be required to assess the potential site's effects on any nearby communities and wildlife, especially imperiled species.

If approved, data centers provide the opportunity to generate electricity where it is consumed on-site or "on campus." Therefore, once sited, data centers should be constructed to maximize energy efficiency and be powered by on-site renewables like solar and wind, batteries and microgrids, eliminating the need for fossil and diesel generators for backup power.

Solar and wind energy co-location with data centers is not a new concept, as multiple companies have begun exploring this arrangement both in the U.S. and globally. (See e.g. He et al., 2024; Mock & Bush, 2024.) For example, Google and partners Intersect Power and TPG Rise Climate recently announced plans to co-locate data centers with high capacity, clean electricity such as solar alongside battery storage in the United States. (Howland, 2024.) Apple claims that 100% renewable energy powers its data center in Maiden, North Carolina, of which a large percentage comes from onsite solar. (Apple, 2018.) A data center co-located with Japan Renewable Energy Corporation's solar farm runs entirely on solar. (Butler, 2023.) Powering data centers with renewable energy and storage instead of fossil fuels curbs greenhouse gas emissions, yields more resilience in climate disasters, and avoids environmental justice, public-health, and wildlife harms.

Moreover, powering data centers with on-site renewables bypasses the pitfalls of relying on the country's antiquated and fragile fossil-fueled grid. It avoids the risk of blackouts because

of increased load demand, particularly from extreme heat, as well as longer development timelines due to cumbersome transmission buildout, interconnection and process delays, and greater infrastructure costs.

Response O2-10

See Response O2-9. Data centers are not permitted by right within the EBPSP and are instead classified as a conditionally permitted use subject to discretionary review and approval by the City. Any future data center proposal within the EBPSP would require additional project-specific environmental review under CEQA, as appropriate, based on the characteristics and operational details of the proposed facility. Approval of the proposed Policy Plan Amendment would not commit the City to approval of any future data center project or foreclose the ability to impose additional environmental review, operational conditions, infrastructure requirements, or mitigation measures during subsequent discretionary review.

If a future data center project is proposed, the City would require additional technical studies evaluating potential impacts and feasible mitigation to reduce those impacts, including those recommended by the Commenter.

The Commenter's request regarding responsible siting of data centers and use of on-site renewable energy systems are acknowledged and will be forwarded to City decisionmakers. However, the Draft SEIR appropriately evaluates the proposed project at a programmatic level based on currently available information and does not omit analysis of a known future project. The Commenter has not demonstrated a deficiency in the Draft SEIR's analysis under CEQA, and no revisions to the Draft SEIR are warranted.

Comment O2-11

B. For any additional energy demand, data centers must pay for all new energy infrastructure, instead of passing costs onto ratepayers, and deploy distributed energy to open grid capacity

To the extent that on-site renewable energy and storage is insufficient to power AI data centers, companies may seek to use grid resources. In that case the costs of providing power to data centers should be borne entirely by the data center company or operators, not subsidized by captured residential and other commercial customers. State regulators should require that these corporations invest their own money in any new energy generation and related infrastructure as a portion of the company's overall investment. This rectifies the current practice, where ratepayers are subsidizing the data center industry by paying for new gas power plants and pipelines for data center infrastructure, some of which is eventually unused by technology companies. (See, e.g Kunkel, 2025.)

Any new energy infrastructure should start with the deployment of distributed energy resources for existing grid customers to free up grid capacity for data center needs. Specifically, data centers should pay for existing grid customers — prioritizing low-income and historically marginalized communities — to obtain rooftop solar, storage, microgrids and energy-conservation technologies like heat pumps and bi-directional electric vehicle charging. This will allow those customers to locally generate sufficient power to offset grid power consumed by the data center. Grid-enhancing technologies and virtual power plants can also ensure that data center needs on the grid can be adaptable to serve new loads. (See, e.g., Environmental Law and Policy Center, 2025 [also discussing emerging mechanisms like clean transition tariffs, which help carry out continued clean energy sourcing.])

Response O2-11

See Response O2-9. Data centers are not permitted by right within the EBPSP and are instead classified as a conditionally permitted use subject to future discretionary review and approval by the City. Any future data center project in the EBPSP would require additional project-specific environmental review under CEQA, as appropriate, based on the operational characteristics and infrastructure demands of the proposed facility. Approval of the proposed project would not commit the City to approval of any future data center project or foreclose the ability to require additional environmental review, technical studies, utility coordination, infrastructure improvements, or mitigation measures during subsequent discretionary approvals.

If a future data center project is proposed, the City would require additional technical studies evaluating potential impacts and, based on those studies, identify feasible mitigation measures, infrastructure requirements, and project conditions necessary to reduce significant impacts consistent with CEQA requirements. Such measures could include, where appropriate, energy efficiency requirements, renewable energy integration, utility infrastructure upgrades, demand management measures, backup power restrictions, or other project-specific mitigation measures supported by the subsequent environmental analysis.

The Commenter's recommendation that future data center projects bear their full cost of energy infrastructure associated with their operations is acknowledged and will be forwarded to decision-makers for their consideration. However, the Draft SEIR appropriately evaluates the project a programmatic level using currently available information and does not omit analysis of a known future project. Accordingly, the Commenter has not identified a deficiency with the Draft SEIR's analysis under CEQA, and no edits to the Draft SEIR are warranted.

Comment O2-12

C. To curb water usage, data centers must adopt best practices such as advanced cooling technologies to optimize water efficiency

In addition to being sited responsibly, data centers should utilize technologies for minimizing water usage. Closed-loop designs can reduce water consumption by enabling the reuse of water to cool servers, while zero-water cooling systems, using PFAS-free cooling fluid, can be employed in especially water-stressed regions. To reduce water quality impacts, data centers should pre-treat any cooling system discharges before releasing them into wastewater or stormwater systems.

To supply closed-loop systems, data centers should use recycled or reclaimed water and avoid unsustainable withdrawals of surface and groundwater sources used for drinking water. Where possible, data centers should be co-located with existing water recycling facilities or wastewater treatment plants to supply recycled water for cooling purposes. Developers should factor water risks into early planning decisions, including site selection and infrastructure design, and local governments should require that data centers disclose sources of water, as well as anticipated and actual water usage. Data centers should adopt and make publicly available monitoring and mitigation plans for water usage at the time of project approval. Monitoring and mitigation plans should include on-going obligations that ensure the surrounding ecosystems and nearby communities' water supplies are not negatively impacted by the data center's water usage throughout the life of the project. As with data center infrastructure, water infrastructure costs should not be passed onto ratepayers. Data center developers should not only pay for water infrastructure, but also fees for every centum cubic feet or thousand gallons of potable water used.

Response O2-12

See Response O2-9. Data centers are not permitted by right within the EBPSP and are instead classified as a conditionally permitted use subject to future discretionary review and approval by the City. Any future data center project in the EBPSP would require additional project-specific environmental review under CEQA, as appropriate, based on the operational characteristics and infrastructure demands of the proposed facility. Approval of the proposed project would not commit the City to approval of any future data center project or foreclose the ability to require additional environmental review, technical studies, utility coordination, infrastructure improvements, or mitigation measures during subsequent discretionary approvals.

If a future data center project is proposed, the City would require additional technical studies evaluating potential impacts, and based on those studies, identify feasible mitigation measures, infrastructure requirements, and project conditions necessary to reduce significant impacts

consistent with CEQA requirements. Such measures could include, where appropriate, energy efficiency requirements, renewable energy integration, utility infrastructure upgrades, demand management measures, backup power restrictions, or other project-specific mitigation measures supported by the subsequent environmental analysis.

As provided in the Draft SEIR, Section 3.19 *Utilities and Service Systems*, pages 3.19-25 to -27, recycled water comprised approximately 25 percent of the City's total water supply in 2024 and the recycled water infrastructure to the EBPSP would be expanded as part of Specific Plan development. Depending upon the characteristics of any future data center proposal, recycled water infrastructure could potentially support certain cooling technologies, including closed-loop cooling systems, subject to future engineering analysis, utility coordination, public health requirements, and project-specific feasibility review. Any such use of recycled water would be evaluated through the future discretionary review and site-specific technical studies with a proposed conditional use permit application.

Future data center proposals would also require coordination with applicable utility providers regarding electrical service capacity, recycled water availability, potable water demand, wastewater conveyance, infrastructure improvements, and applicable service obligations. Any required infrastructure upgrades or utility improvements would be evaluated during subsequent project review based on the operational characteristics and demands of the proposed facility.

The Commenter's recommendation that future data center projects bear the full cost of associated energy and water infrastructure improvements is acknowledged and will be forwarded to decision-makers for their consideration. However, the Draft SEIR appropriately evaluates the proposed project at a programmatic level using the information reasonably available at the time of analysis and does not omit analysis of a known future project. Accordingly, the Commenter has not identified a deficiency in the Draft SEIR's analysis under CEQA, and no edits to the Draft SEIR are warranted.

Comment O2-13

D. Noise impacts should be considered early in the planning stage, and state regulators should regulate noise impacts of data centers

State and local governments should utilize legislative solutions to reduce the noise impacts of data centers on surrounding communities. (Hammer et al., 2013.) Noise code limits should fall below 55 decibels near residential areas, schools, hospitals, and public lands, and buffers of at least 500 feet should be required. In addition, local noise ordinances should address noise factors beyond A-weighted decibels (dBA) over set periods, as data centers' tonality and frequency content can also impact surrounding communities. To address concerns

regarding the character of noise, state and local governments should also engage stakeholders early in the planning process, such as local businesses and public health experts, to gain broader insights on data center noise impacts.

Data center developers should take noise minimization into account at the planning stage. An early design-level acoustical analysis can help optimize site layouts and identify noise management strategies. Technologies such as rooftop screening, acoustical wraps, physical acoustical screening (such as a noise wall), noise attenuation wraps for air cooled chillers, and other soundproofing materials can reduce data center noise and minimize impacts on the local community. Data centers should continue to monitor noise levels to document and ensure compliance with local and/or state regulations for the duration of their operation.

Response O2-13

See Response O2-9. Data centers are not permitted by right within the EBPSP and are instead classified as a conditionally permitted use subject to future discretionary review and approval by the City. Any future data center project in the EBPSP would require additional project-specific environmental review under CEQA, as appropriate, based on the operational characteristics and infrastructure demands of the proposed facility. Approval of the proposed project would not commit the City to approval of any future data center project or foreclose the ability to require additional environmental review, technical studies, utility coordination, infrastructure improvements, or mitigation measures during subsequent discretionary approvals.

If a future data center project is proposed, the City would require additional technical studies evaluating potential impacts, and based on those studies, identify feasible mitigation measures, infrastructure requirements, and project conditions necessary to reduce significant impacts consistent with CEQA requirements. Such measures could include, where appropriate, energy efficiency requirements, renewable energy integration, utility infrastructure upgrades, demand management measures, backup power restrictions, or other project-specific mitigation measures supported by the subsequent environmental analysis.

As discussed on page 3.13-44 of the Draft SEIR, future stationary noise sources developed under the project would be required to comply with the exterior and interior noise standards established in the City's Municipal Code Section 5.29 and summarized in Table 3.13-5 of the Draft SEIR. Depending on the characteristics of a future data center proposal, feasible noise reduction measures could include, among others, project site layout modifications, rooftop equipment screening, acoustical enclosures or wraps, noise barriers or walls, equipment setbacks, operational restrictions, and incorporation of sound attenuating building material and design features. Such measures would be evaluated based on the specific design and operational characteristics of the proposed facility at the time of future discretionary review.

The Commenter's recommendation that future data center projects to evaluate and mitigate potential noise impacts is acknowledged and will be forwarded to decision-makers for their consideration during future policy and project review process. However, the Draft SEIR appropriately evaluates the proposed Project at a program level using the information reasonably available at the time of analysis and does not omit analysis of a known future project. Accordingly, the Commenter has not identified a deficiency in the Draft SEIR's analysis under CEQA, and no edits to the Draft SEIR are warranted.

Comment O2-14

IV. CONCLUSION

Thank you for the opportunity to submit comments on the DSEIR for the Project. As detailed above, the Center is concerned that the DSEIR lacks an adequate project description and analysis of, and mitigation for, Project impacts related to air quality and greenhouse gas emissions. The Center urges the City to revise the DSEIR to correct these deficiencies, consistent with the City's obligations as a lead agency under CEQA, and to recirculate the revised DSEIR for public review and comment.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the "administrative record" of this proceeding. (Pub. Res. Code § 21167.6(e); Golden Door Properties, LLC v. Superior Court (2020) 53 Cal.App.5th 733, 763) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes "pretty much everything that ever came near a proposed [project] or [] the agency's compliance with CEQA. . . ." (County of Orange v. Superior Court (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City's representatives or employees, that relate to the Project. Maintenance and preservation of the administrative record requires that, inter alia, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the Project, using the contact information below, and do not hesitate to contact the Center with any questions.

Response O2-14

As identified in CEQA Guidelines section 15088.5, *Recirculation of an EIR prior to Certification*, none of the conditions that would trigger recirculation have been met. None of the comments contain substantial evidence that the proposed project will result in a significant new

environmental impact not previously disclosed in the Draft SEIR, a significant increase in the severity of a previously identified environmental impact that will not be mitigated, or any of the other circumstances requiring recirculation described in Section 15088.5 of the CEQA Guidelines. Specifically, Chapter 2, *Project Description*, provides a complete, clear and consistent description of the proposed Project (see Responses O2-1 through O2-3), Section 3.3, *Air Quality*, adequately describes the air quality impacts (see Response O2-4). Section 3.8, *Greenhouse Gas Emissions*, provides a comprehensive analysis of the proposed project's GHG emissions impacts (see Responses O2-5 through O2-8).

The City of Ontario will retain the administrative record in accordance with the California Public Resources Code and City procedures. The Center for Biological Diversity will be included on the proposed project mailing list.

Comment O2-15

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Response O2-15

This section summarizes the reference material cited by the Center for Biological Diversity. The supporting reference materials supplied by the Center for Biological Diversity are part of the record and can be reviewed upon request.

O3. Fair Ontario – April 20, 2026

Comment O3-Intro

Fair Ontario submits these comments on the Draft Supplemental Environmental Impact Report (DSEIR) for the proposed Ontario Plan 2050 Amendment and Eucalyptus Business Park Specific Plan.

The proposed project would enable development of approximately 189 acres, including up to nearly 3 million square feet of industrial-scale uses under the label of a "business park."

In substance, the project facilitates large-scale warehouse and logistics operations with significant environmental, land use, and public trust implications.

Response O3-Intro

Fair Ontario's overview of project description is acknowledged. Responses to Fair Ontario's comments are provided in responses O3-1 through O3-10 below.

Comment O3-1

LEGALLY INADEQUATE PROJECT DESCRIPTION

CEQA requires a "stable, finite and accurate" project description (CEQA Guidelines §15124; *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185).

Here, the DSEIR repeatedly characterizes the project as a "business park" while the Specific Plan expressly allows warehousing and distribution uses.

This inconsistency obscures:

- The scale of logistics operations
- Truck traffic generation
- Air quality impacts

An EIR that fails to disclose the project's true operational characteristics is legally inadequate.

Response O3-1

As defined in the City's Policy Plan (Table LU-02), the Business Park designation is defined as "[e]mployee-intensive office uses including corporate offices, technology centers, research and

development, “clean” industry, light manufacturing, and supporting retail within a business park setting.”

Further, Division 5.01, Zoning Districts and Boundaries, of the City’s Development Code provides a description of the Business Park Zoning District: “…to accommodate industrial-serving commercial and office uses, and very light industrial uses, which may be developed at a maximum intensity of 0.6 FAR. Development within this zoning district is typically multi-tenant in nature; however, single-tenant buildings are not precluded.”

The Business Park zone is, in fact, an industrial zone and allows warehousing, so long as it is contained within an enclosed building (See Development Code Table 5.02-1, Land Use Matrix). The diverse range of building sizes proposed by the EBPSP are provided in an effort to house a diverse range of businesses, and create a business park setting. Square footages permitted within the EBPSP are below the maximum allowable FAR. As such, Business Park is the appropriate zoning for the EBPSP site.

Section 2.4.2, *Eucalyptus Business Park Specific Plan Project*, identifies that the “Business Park” land use designation is intended to provide for uses such as employee-intensive office spaces, technology centers, research and development facilities, warehouse and distribution, and light manufacturing. As shown in Table 2-7, *EBPSP Land Use Statistics Summary*, the EBPSP would include 2,939,000 square feet (SF) of Business Park uses.

The environmental analysis contained in the Draft SEIR evaluates the reasonably foreseeable buildout of the EBPSP based on the range of permitted and conditionally permitted uses allowed under the Specific Plan. The EBPSP Air Quality Study (Appendix C3 of the Draft SEIR), EBPSP Health Risk Assessment (Appendix C4 of the Draft SEIR), and EBPSP VMT Memo (Appendix K2 of the Draft SEIR) utilize conservative assumptions regarding the composition and operational characteristics of future land uses in order to evaluate the worst-case development scenario for transportation, air quality, GHG emissions, energy demand, and health risk impacts. Specifically, the analyses assume that 1,905,300 SF of the proposed buildings (64 percent) would be warehousing, and high-cube fulfillment centers; and 988,700 SF (7.5 percent) would be industrial and manufacturing uses. Only 28 percent of the Business Park uses are retail, fast food, and public animal shelter uses. These land use types do not generate substantial daily commercial truck trips.

Although the identities and operational characteristics of future tenants are currently unknown, the Draft SEIR conservatively assumes a development profile dominated by truck-intensive land uses in order to avoid underestimating potential operational impacts. The analysis therefore evaluates a reasonably foreseeable maximum-intensity operational scenario using accepted modeling methodologies and truck trip generation assumptions derived from recognized technical sources and industry-standard forecasting methodologies. Substantial evidence in the

record therefore supports the conclusion that the Draft SEIR provides a conservative evaluation of potential truck activity and associated operational impacts within the EBPSP.

In addition, future projects within the EBPSP could not exceed the development intensity square footage, or land use assumptions evaluated in the Draft SEIR without further CEQA review and approval. Likewise, conditionally allowed uses within the Specific Plan would require additional site-specific evaluation and additional CEQA review and approval. Approval of the EBPSP does not authorize development beyond the scope analyzed in the Draft SEIR or foreclose future environmental review where additional impacts may occur.

Therefore, transportation, air quality, GHG, energy, and health risk analyses provide a conservative evaluation of truck-generating land uses and reasonably foreseeable development with the EBPSP. The Commenter has not identified significant new information, substantial changes to the project, or substantial increase in the severity of environmental impacts beyond those already disclosed in the Draft SEIR that would require recirculation pursuant to CEQA Guidelines section 15088.5.

Comment O3-2

BASELINE AND LAND USE ANALYSIS DEFICIENCIES

CEQA requires that impacts be analyzed against an accurate environmental baseline (CEQA Guidelines §15125; *Communities for a Better Environment v. South Coast AQMD* (2010) 48 Cal.4th 310).

The project converts land planned for residential and mixed-use development into industrial use.

The DSEIR fails to adequately analyze:

- Loss of planned housing capacity
- Policy implications of this land use conversion
- Differences in environmental impacts between residential and logistics uses

This constitutes a failure to evaluate impacts against a meaningful baseline.

Response O3-2

The Commenter does not explain the basis for the assertion that the Draft SEIR utilizes an inadequate baseline, nor does the Commenter provide supporting evidence, data, or expert opinion demonstrating that the baseline methodology is inconsistent with CEQA's requirements. CEQA Guidelines §15204(c) provides that comments on environmental documents should

explain the rationale for the Commenter's position and include supporting facts, reasonable assumptions based on facts, or expert opinion supported by facts. The comment does not identify a legally or factually supported alternative baseline or explain how the Draft SEIR's baseline approach would materially distort the analysis of environmental impacts.

As described in section Chapter 3, *Evaluation Analysis*, of the Draft SEIR, the SEIR evaluates the impacts of the Policy Plan Amendment and the EBPSP relative to The Ontario Plan (TOP) 2050 (approved project), as required by CEQA Guidelines section 15162 and section 15163. A description of the CEQA baseline and evaluation methodology is provided in Section 3 under the section entitled "Evaluation Methodology." As noted in this section, the baseline for the Policy Plan Amendment and the EBPSP is the current TOP 2050 and the SEIR analyzes any land use changes, and associated environmental impacts, related to the Policy Plan Amendment and the EBPSP when compared to the TOP 2050. This includes any changes for land previously designated for residential and mixed-use development to industrial use. Therefore, the Draft SEIR evaluates impacts based on an accurate baseline.

The Commenter asserts that the Draft SEIR fails to adequately analyze loss of planned housing capacity. One of the primary goals of the Policy Plan Amendment is to "Ensure there is no net loss in overall housing capacity within the City, consistent with the requirements of state law." As stated on Draft SEIR page 2-37, the proposed land use changes would result in a net gain in housing capacity, increasing the estimated number of allowed units from 129,951 units under TOP 2050, to 137,177 units under the proposed project, an increase of 5.6 percent, meeting the requirements of SB 330. The reason the City must plan for an increase in housing units rather than net replacement of units is due to more stringent requirements related to Senate Bill 166. This includes the land uses within the EBPSP area.

Additionally, the Commenter erroneously states that the Draft SEIR does not analyze policy implications of converting land previously designated for residential and mixed-use development to industrial use. The Draft SEIR assesses the implications of land use changes and updates to the Ontario Policy Plan Amendment component of the TOP 2050 that are required for internal consistency with proposed land use and circulation changes. Chapter 3.11, *Land Use and Planning*, of the Draft SEIR analyzes the consistency of the EBPSP with the policies of the TOP 2050.

Accordingly, substantial evidence supports the Draft SEIR's baseline methodology and analysis of housing capacity and land use policy implications. The Commenter has not identified substantial evidence demonstrating that the Draft SEIR utilizes an improper baseline, omits analysis of reasonably foreseeable impacts, or otherwise fails to comply with CEQA's requirements for subsequent environmental review. The Draft SEIR provides decisionmakers and the public with sufficient information to understand and evaluate the environmental

consequences of the proposed Policy Plan Amendment and EBPSP, and no revisions to the analysis are warranted.

Comment O3-3

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The DSEIR acknowledges significant impacts related to:

- Traffic and truck congestion
- Air quality degradation
- Noise

Under CEQA, mitigation measures must be feasible and enforceable (CEQA Guidelines §15126.4).

Here, mitigation measures are vague, deferred, or dependent on future action, rendering them legally insufficient.

Response O3-3

The Commenter does not explain the basis for the assertion that the mitigation measures identified in the Draft SEIR are vague, improperly deferred, or dependent on speculative future actions, nor does the Commenter provide supporting evidence, data, or expert opinion demonstrating that the mitigation framework is inconsistent with CEQA's requirements. CEQA Guidelines section 15204(c) provides that comments on environmental documents should explain the rationale for the commenter's position and include supporting facts, reasonable assumptions based on facts, or expert opinion supported by facts. The comment does not identify specific mitigation measures alleged to be deficient, or identify alternative feasible mitigation measures supported by substantial evidence.

CEQA permits the use of performance-based mitigation and future project-level implementation measures where the agency commits itself to achieving identified performance standards and establishes criteria and procedures capable of reducing impacts. The Mitigation Measures in the Draft SEIR are consistent with CEQA Guidelines section 15126.4 because they identify specific performance objectives, establish implementation procedures, identify categories of feasible mitigation actions, and include enforceable compliance mechanisms tied to future discretionary review and project approval process.

For example, Mitigation Measures AIR-1-PPA through AIR-3-PPA, AIR-1-SP through AIR-8-SP, NOI-1-PPA through NOI-3-PPA, TRA-1-PPA, and TRA-1-SP each establish identifiable performance standards, identify the types of potential actions that can feasibly achieve that

performance standard, and include review and approval of technical analyses by the City of Ontario Planning Department prior to discretionary approval for development projects subject to CEQA. The mitigation measures are enforceable through conditions of approval, mitigation monitoring and reporting requirements, discretionary permit conditions, and other legally binding mechanism available to the City. In addition, the measures incorporate compliance with existing regulatory standards. The mitigation framework does not rely upon undefined future study or speculative future action without enforceable standards.

Accordingly, substantial evidence supports the City's conclusion that the mitigation measures adopted in the Draft SEIR comply with CEQA Guidelines section 15126.4 and provide enforceable, feasible, and reasonably effective mechanisms for reducing environmental impacts associated with future development projects. No revisions to the Draft SEIR are warranted.

Comment O3-4

GREENHOUSE GAS ANALYSIS IS DEFICIENT

The DSEIR admits the project:

"would result in an increase in GHG emissions… and would not achieve the carbon neutrality threshold of AB 1279."

CEQA requires mitigation measures to be enforceable and effective, not speculative (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70).

Deferring mitigation—such as electrification or solar deployment—to future implementation violates CEQA.

Response O3-4

See Response O3-3. The Commenter does not explain the basis for the assertion that the GHG mitigation measures identified in the Draft SEIR are unenforceable, ineffective, or speculative, nor does the Commenter provide supporting evidence, data, or expert opinion demonstrating that the mitigation framework is inconsistent with CEQA's requirements. CEQA Guidelines section 15204(c) provides that comments on environmental documents should explain the rationale for the Commenter's position and include supporting facts, reasonable assumptions based on facts, or expert opinion supported by facts. The comment does not identify specific mitigation measures alleged to be deficient, or identify alternative feasible mitigation measures supported by substantial evidence.

Mitigation Measures GHG-1-PPA and GHG-1-SP include specific performance standards, identify the types of potential actions that can feasibly achieve that performance standard, and include

means to ensure enforceability in line with the requirements of CEQA Guidelines section 15126.4. For example, Mitigation Measure GHG 1-PPA requires that the Community Climate Action Plan (CCAP) consider a trajectory consistent with AB 1279 for year 2045. Likewise, EBPSP Mitigation Measure GHG 1-SP requires that projects within the EBPSP achieve 100 points based on the City's current CCAP screening tables. Additionally, both Mitigation Measures GHG 1-PPA and Mitigation Measure GHG 1-SP provide example measures that shall be considered.

Accordingly, these mitigation measures are not vague or improperly deferred. They establish enforceable performance standards and implementation procedures consistent with CEQA Guidelines section 15126.4, and no revisions to the Draft SEIR are warranted.

Comment O3-5

FAILURE TO PROVIDE ADEQUATE RESPONSES TO COMMENTS

CEQA requires good-faith, reasoned responses to public comments (CEQA Guidelines §15088).

As documented in submitted comments:

- Key issues are redirected without analysis
- Agency constraints are not addressed
- Substantive objections receive no meaningful response

This failure undermines the integrity of the environmental review process.

Response O3-5

The Commenter asserts the Draft SEIR fails to provide adequate responses to public comments in violation of CEQA Guidelines section 15088. The City respectfully disagrees. CEQA requires a lead agency to provide good-faith, reasoned responses to comments raising significant environmental issues. Responses are sufficient where they demonstrate that the lead agency considered the environmental issues raised and provided a reasoned explanation supported by substantial evidence

The Final SEIR includes detailed written responses addressing substantive environmental issues raised by commenters regarding air quality, GHG emissions, biological resources, traffic and vehicle miles traveled, utilities, land use, noise, and other environmental topics. Where comments raised overlapping or repetitive issues, the response appropriately incorporated or referenced related responses addressing the same substantive concerns in order to avoid redundancy and improve clarity within the record. CEQA expressly permits responses to address comments by reference where the environmental issues has been adequately discussed elsewhere in the EIR or responses to comments.

The Commenter generally asserts that "key issues are redirected without analysis," "agency constraints are not addressed," and "substantive objections receive no meaningful response," but does not identify specific comments allegedly lacking a response or explain how any particular response fails to satisfy CEQA Guidelines section 15088. Nor does the Commenter identify any substantial environmental issue raised during the public review process that was omitted from consideration by the City. Conclusory assertions that responses are inadequate, unsupported by citation to specific deficiencies in the Final SEIR or administrative record, do not demonstrate a violation of CEQA.

The Draft SEIR, Table 1-1, *NOP Comment Summary*, provides a list of the comments received during the Notice of Preparation (NOP), the date received, a summary of the comment, and where the issue is addressed. Accordingly, the Final SEIR demonstrates that the City considered and responded in good faith to substantive environmental comments received during the public review period consistent with CEQA Guidelines section 15088. The Commenter has not identified substantial evidence demonstrating that the City failed to provide reasoned responses to significant environmental issues or that any alleged deficiency prejudicially impaired informed decision-making or public participation under CEQA.

Comment O3-6

INADEQUATE CUMULATIVE IMPACT ANALYSIS

CEQA requires analysis of cumulative impacts (CEQA Guidelines §15130; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692).

The project is located within a region already saturated with warehouse and logistics development.

The DSEIR fails to adequately evaluate:

- Combined regional truck traffic
- Air quality impacts across multiple projects
- Public health consequences

This omission is legally significant.

Response O3-6

The Commenter asserts that the Draft SEIR fails to adequately analyze cumulative impacts associated with regional warehouse and logistics development, including combined truck traffic, air quality impacts, and public health consequences. The City respectfully disagrees. The Draft SEIR includes cumulative impact analysis consistent with CEQA Guidelines section 15130.

The Draft SEIR includes a detailed, quantified analysis of project- and cumulative-level impacts in the Draft SEIR. Each topical section of Chapter 3, *Environmental Analysis*, includes a subsection on cumulative impacts. As noted in CEQA Guidelines section 15130(b)(1)(B), a general plan is considered a plan that evaluates the conditions contributing to cumulative effect. Therefore, TOP 2050 inherently considers cumulative growth that can be used to define cumulative impacts in a CEQA document.

With respect to transportation impacts, the Draft SEIR's traffic and vehicle miles traveled analyses incorporate cumulative traffic conditions and regional travel demand forecasts that account for planned and foreseeable development throughout the region, including industrial and logistics-related growth. The transportation analysis evaluates cumulative roadway operations, truck traffic contributions, and regional circulation impacts using accepted traffic modeling methodologies and SCAG regional transportation assumptions.

In addition to the growth projections associated with TOP 2050 considered in the Draft SEIR, individual topical sections also consider the greater cumulative area of effect. Specifically, Section 3.3, *Air Quality*, Section 3.3.6, *Cumulative Impact Analysis*, identifies the SoCAB as the cumulative setting for air quality. The emissions analysis considers the truck trip for trucks associated with land uses within the City (see the section entitled "Methodology"). The Health Risk Assessment also considers whether commercial trucks associated with the Ontario Policy Plan Amendment would cumulatively contribute to health risks in the SoCAB (see section entitled "Non-permitted Sources (Warehouses)" and the summary on Draft SEIR page 3.3-98). Similar to that identified in the Certified EIR, the proposed project also identified significant and unavoidable project and cumulative impacts for regional air quality and health risk. A discussion of the public health consequences was included under the section entitled "Health Impacts".

The Commenter cites *Kings County Farm Bureau v. City of Hanford* (199) 221 Cal.App.3d 692. However, unlike the deficiencies identified in that case, the Draft SEIR here does not omit discussion of cumulative impacts or fail to disclose the project's contribution to regional environmental conditions. Rather, the Draft SEIR includes separate cumulative analyses for applicable resource areas, identifies cumulative significance conclusions, evaluates the project's incremental contribution to those impacts, and identifies feasible mitigation measures consistent with CEQA Guidelines section 15130.

Accordingly, substantial evidence supports the Draft SEIR's cumulative impact analyses for transportation, air quality, GHG, and public health impacts. The Commenter has not identified substantial evidence demonstrating that the Draft SEIR omits required cumulative analysis or otherwise fails to comply with CEQA's cumulative impact requirements.

Comment O3-7

PROPOSITION 70: FAILURE TO ADDRESS PUBLIC TRUST OBLIGATIONS

The DSEIR fails to analyze legal constraints associated with Proposition 70 lands.

As documented in the Planning and Conservation League's October 20, 2006 letter:

- San Bernardino County received state bond funds to acquire agricultural land
- The County explicitly committed to placing conservation easements on these lands
- These easements were required to function as perpetual deed restrictions
- These commitments constitute binding public trust obligations

Further, the County:

- Accepted approximately $20 million in bond funds
- Generated additional trust funds from agricultural operations
- Was required to preserve the land consistent with the original conservation purpose

The DSEIR does not analyze:

- Whether these obligations have been satisfied
- Whether conversion to industrial use is legally permissible
- Whether required conservation easements have been implemented

This is not a question of land configuration or contiguity.

It is a question of compliance with the original purpose and intent of Proposition 70 Fulfillment of binding public trust obligations, and failure to analyze these issues renders the DSEIR incomplete and legally deficient.

Response O3-7

The Commenter asserts that the Draft SEIR is deficient because it does not evaluate alleged legal obligations associated with Proposition 70 funding, including whether San Bernardino County satisfied obligations related to agricultural preservation, implementation of conservation easements, or continued use of certain lands consistent with the original purposes of the funding program. The City disagrees that the Draft SEIR is legally deficient under CEQA on this basis.

Fair Ontario's comments regarding the administration of the County of San Bernardino Proposition 70 lands are not comments on the physical environmental impacts associated with the proposed project. Fair Ontario's concerns about the loss of agricultural land associated with Proposition 70 are noted and will be forwarded to the decision-makers for their review and consideration.

The Commenter does not identify any recorded conservation easement, deed restriction, enforceable public trust encumbrance, or other legally operative land use restriction applicable to the EBPSP site or properties affected by the Policy Plan Amendment that would prohibit the land use changes evaluated in the Draft SEIR. Although the Commenter references historical funding arrangements, correspondence, and general preservation objectives associated with Proposition 70 bond funding, the Commenter has not provided substantial evidence demonstrating that the subject properties are currently encumbered by enforceable restrictions requiring permanent agricultural preservation or prohibiting future urban development.

It should be noted that the City of Ontario is not a participant in the San Bernardino County Proposition 70 implementation. The Southern California Agricultural Land Foundation managed 200 acres of farmland within Ontario Ranch through a 1988 Park Bond Act with San Bernardino County, which ceased in 2006. The County of San Bernardino deed restrictions remain in effect until either a conservation easement is recorded or until the County of San Bernardino sells or exchanges the property. For the City of Ontario, the City evaluated conversation of agricultural land to non-agricultural use as part of the 2010 Certified EIR and, prior to that, as a result of annexation of the New Model Colony in 1999 from the County of San Bernardino; however, the proposed project would not result in any additional conversion of agricultural land in Ontario compared to the approved project (see Section 3.2, *Agriculture and Forestry Resources*, of the Draft SEIR).

Accordingly, substantial evidence supports the conclusion that the Draft SEIR adequately analyzes environmental impacts associated with the proposed Policy Plan Amendment and EBPSP and is not rendered incomplete or legally deficient by the Commenter's assertions regarding Proposition 70 funding or alleged public trust obligations. No revisions to the Draft SEIR are warranted.

Comment O3-8

FAILURE TO ANALYZE AGRICULTURAL PRESERVATION ALTERNATIVES

CEQA requires evaluation of feasible alternatives that reduce environmental impacts (*Laurel Heights Improvement Assn. v. Regents of UC* (1988) 47 Cal.3d 376).

The DSEIR does not adequately evaluate alternatives that:

- Preserve agricultural use
- Maintain compliance with Proposition 70
- Reduce environmental impacts

Response O3-8

The Commenter asserts that the Draft SEIR fails to adequately evaluate feasible alternatives that would preserve agricultural uses, maintain compliance with alleged Proposition 70 obligations, and reduce environmental impacts. The City respectfully disagrees. The Draft EIR includes an alternatives analysis consistent with CEQA Guidelines section 15126.6, which requires evaluation of a reasonable range of alternatives capable of attaining most of the project objectives while avoiding or substantially lessening significant environmental impacts.

The alternatives analysis in the Draft SEIR evaluates alternatives appropriate to the nature and objectives of the proposed Policy Plan Amendment and EBPSP, including consideration of alternatives that would reduce the intensity of development or avoid portions of the proposed land use changes. As noted in Chapter 3,2, *Agriculture and Forestry Resources*, the proposed project has less than significant impacts on agricultural resources therefore CEQA does not require the analysis of an alternative to reduce environmental impacts to agricultural uses.

To the extent the Commenter suggests that the Draft SEIR was required to evaluate preserving the project site entirely in agricultural use, the Commenter does not explain how such alternative would feasibly obtain most of the basic objectives of the proposed Policy Plan Amendment and EBPSP. As discussed in Section 3.2, the City has experienced longstanding urbanization and conversion of agricultural land pursuant to previously approved planning documents, including TOP 2050. The approved TOP 2050 baseline already contemplates urban development of the project area, and the Draft SEIR evaluates the incremental environmental changes associated with the proposed amendment.

In addition, the Commenter's reference to alleged Proposition 70 obligations do not establish the existence of enforceable land use restrictions requiring permanent agricultural preservation of the project site. As discussed in Response O3-7, the Commenter has not identified any recorded conservation easement, deed restriction, or legally operative encumbrance applicable to the project site that would prohibit the proposed land use change. CEQA does not require an EIR to evaluate alternatives premised upon speculative legal assumptions or unsupported assertions regarding land use restrictions that have not been demonstrated to apply to the project properties.

See Response O3-7. The City of Ontario is not a participant in the San Bernardino County Proposition 70 implementation. The County of San Bernardino deed restrictions remain in effect until either a conservation easement is recorded or until the County of San Bernardino sells or

exchanges the property. Accordingly, substantial evidence supports the Draft SEIR's alternatives analysis and its evaluation of feasible alternatives consistent with CEQA Guidelines section 15126.6. The Commenter has not demonstrated that the Draft SEIR fails to evaluate a reasonable range of feasible alternatives or otherwise violates CEQA's alternatives analysis requirements.

It is also noted that Draft SEIR Section 4.7 evaluates a Reduced Intensity Alternative. The Reduced Intensity Alternative would result in a 30 percent reduction in building area on the EBPSP project site. The Reduced Intensity Alternative was selected for analysis in an effort to reduce overall impacts associated with air quality, noise, and transportation. As concluded on Draft SEIR page 4-39, the Reduced Intensity Alternative was identified as the environmentally superior alternative because it would either lessen or result in similar impacts as the proposed project; however, it would not avoid any significant and unavoidable impacts.

Comment O3-9

QUESTIONABLE ECONOMIC BENEFITS

The project's economic justification is unsupported.

Warehouse development:

- Produces fewer jobs per acre
- Is increasingly automated
- Provides lower-wage employment

The DSEIR fails to substantiate claimed benefits or compare them to alternative land uses.

Response O3-9

Fair Ontario's comments regarding the economic benefits of the project are not comments on the physical environmental impacts associated with the proposed project. The Draft SEIR evaluated potential impacts in Chapter 3, *Environmental Analysis*. Alternatives to the proposed project were considered in Chapter 4, *Alternatives to the Proposed Project*. Fair Ontario's concerns about the economic value of warehouse development in Ontario are noted will be forwarded to the decision-makers for their review and consideration.

Accordingly, the Commenter has not identified substantial evidence demonstrating that the Draft SEIR fails to disclose or analyze the project's physical environmental impacts as required by CEQA. The Commenter's disagreement with economic or policy rationale underlying the proposed land use changes does not establish a deficiency in the Draft SEIR's environmental analysis.

Comment O3-10

CONCLUSION

The DSEIR fails to comply with CEQA and does not adequately analyze critical environmental, legal, and policy issues.

Fair Ontario respectfully requests:

1. Recirculation of the DSEIR with an accurate project description
2. Full and enforceable mitigation measures
3. Comprehensive cumulative and GHG analysis
4. Explicit analysis of Proposition 70 public trust obligations
5. Evaluation of agricultural preservation alternatives
6. Meaningful responses to all public comments

Until these deficiencies are corrected, the project should not proceed.

Response O3-10

See Responses O3-2 through O3-9. Pursuant to CEQA Guidelines section 15088.5, a Draft EIR is required to be recirculated only when "significant new information" is added to the EIR after circulation of the Draft EIR. The proposed project's Draft SEIR was prepared in accordance with CEQA Guidelines. The Draft SEIR provides a stable and accurate project description, comprehensively assesses the significant environmental effects of the project at the appropriate programmatic level, provides a reasonable range of alternatives to the proposed project, and identifies feasible mitigation measures to reduce and avoid potentially significant environmental impacts. No "significant new information" has been added to the revised Draft SEIR; and therefore, the Draft SEIR is not inadequate and does not need to be recirculated.

The mitigation measures in the Draft SEIR comply with the requirements of CEQA Guidelines section 15126.4. Each topical section of the Draft SEIR includes a comprehensive analysis of cumulative impacts, including GHG emissions.

Fair Ontario's concerns about the loss of agricultural land associated with Proposition 70 are noted will be forwarded to the decision-makers for their review and consideration. The Grand Park allows for continues agricultural use and existing agricultural use is allowed to continue under the City's Right-to-Farm Ordinance. Additionally, the Grand Park envisions creation of a Farm Hub as well as potential agricultural uses.

Accordingly, the Final SEIR provides good-faith, reasoned responses to substantive environmental comments and contains sufficient analysis to inform the public and decisionmakers regarding the environmental consequences of the proposed project. No recirculation or additional revisions are required.

2.3.3 Comments from Residents

R1. Alejandra Barajas – March 5, 2026

Comment R1-1

Hello,

I recently received the proposed plan for Eucalyptus park and have to express my dissatisfaction with the proposal. My biggest concern being the Air Quality impacts with and without mitigation measures. Ontario does not need more air pollution!

When will public comment be taken live? I would love to express my thoughts in person as well.

Response R1-1

The Commenter does not express specific concerns with the air quality analysis; and therefore, a specific response cannot be provided. The Commenter is referred to Section 3.3, *Air Quality*, for a full analysis, per CEQA, of the EBPSP.

The Commenter states general opposition to the EBPSP, and identifies air quality as their primary concern. No specific Draft SEIR discussions or conclusions are mentioned; the Commenter's concerns will be forwarded to the City decision-makers for consideration during their deliberations on the project.

The Commenter also inquires about opportunities for public engagement on the project:

- A public scoping meeting was held on November 20, 2025, to solicit public input.
- The Draft SEIR was made available for public review and comment from March 5, 2026, through April 20, 2026.
- The project went before the City Planning Commission on April 28, 2026.
- The project is scheduled to go before the City Council on June 16, 2026.

The City will provide notice for the hearing in line with the City's established noticing requirements.

R2. Yesenia Varela – March 6, 2026

Comment R2-1

Hello, I like would like to highly suggest different truck routes in my neighborhood. I live 3 houses from the corner of Phillips and Sultana. Every single day there is Semis passing this intersection. I understand there is warehouses on campus that they need to get to. But Euclid elementary and De Anza Middle school are near by. Children walk these routes as well. The streets here are narrow and besides the noise these semis cause the safety of the children should be a priority. I really hope the city can mandate a different route that suggest campus ave for these semi truck drivers as it is a bigger street.

Response R2-1

The City has designated certain roadways as truck routes for the purpose of channeling large trucks through and within the City. Neither Sultana Avenue nor Phillips Avenue are designated truck routes as shown in Figure 2-8, *Current Truck Routes,* and Figure 2-9, *Proposed Truck Routes*, in the Draft SEIR. The closest truck route to the intersection of Phillips Avenue and Sultana Avenue is Euclid Avenue. The City is proposing to install truck route signage to implement the proposed Truck Routes. The request for truck route signage to direct trucks off of Phillips Street and Sultana Avenue has been noted and will be forwarded to decision-makers.

R3. Annjanet Cruz – March 9, 2026

Comment R3-1

I want to submit my public comment to oppose the further disgrace of adding even more warehouses in Ontario. It's already zoned for 'affordable housing' whatever that means and should remain housing... the warehouses along Euclid are the ugliest and the city should really be ashamed for this poor planning. Build beautiful houses, with beautiful landscape and parks. These warehouse jobs can't even support the workers to live here. Do better by the people. No on Eucalyptus Park

Response R3-1

The Commenter's general opposition to the development of warehouses within the City is noted, as is their opinion regarding the aesthetics of existing warehouses located elsewhere in the City.

The Commenter references the sites existing zoning, and states their preference for the development of residential uses and parks. It is noted that the project includes the development of approximately 35 acres of parkland to further development of the City's planned Grand Park.

See Chapter 2, *Project Description*. The Policy Plan Amendment abides by the requirements of SB 330/SB 166, which requires no net loss of housing capacity. Per the Ontario Policy Plan Amendment, if any proposed rezonings convert land from uses that allow housing to uses that do not allow housing, the City offsets this by concurrently upzoning another property elsewhere to prevent a net loss of housing capacity. This includes the land uses within the EBPSP area.

Assumptions by the Commenter regarding future employee wages are speculative. No specific Draft SEIR discussions or conclusions are mentioned; The Commenter's concerns will be forwarded to the City decision-makers for consideration during their deliberations on the project.

R4. Ray Smith – April 15, 2026

Comment R4-1

Numerous Public Comments cite the necessity for controlling the undeniable harms caused by ever increasing levels of GHG emissions. This is clearly not dealt with adequately as per the admission on page 93, Table ES-3

"Implementation of the proposed project would result in an increase in GHG emissions compared to the approved project (current plan) and would not achieve the carbon neutrality threshold of AB 1279".

The suggested remedy is to revise and front load the mitigation measures to a future date to bring them back into compliance with the CCAP guidelines. This is not acceptable. The mitigation "suggestions" found in several places in the document need to be changed to mandates for immediate inclusion. Rooftop solar to cover the complete building demand and built out charging stations need to be in 100% operation. Use of electric battery storage on site and preferential treatment for EV delivery vehicles are other means of meeting GHG targets.

Response R4-1

The Commenter incorrectly states that mitigation measures contained with the Draft SEIR are merely "suggestions." This is not the case, mitigation measures are required by CEQA, along with a Mitigation Monitoring and Reporting Plan that allows the City to track and verify their implementation.

As identified in Section 3.6, *Greenhouse Gas Emissions*, in the Draft SEIR, GHG emissions impacts were identified as a significant and unavoidable impact of the proposed project. While all future discretionary projects within the City are subject to the measures in the City's existing Community Climate Action Plan (CCAP)—including measures for rooftop solar, charging station, and battery energy storage—the existing CCAP does not address the more recent carbon neutrality requirements of the State. Therefore, mitigation measures are warranted. Mitigation Measures GHG-1-PPA and GHG-1-SP include specific performance standards, identify the types of potential actions that can feasibly achieve that performance standard, and include means to ensure enforceability in line with the requirements of CEQA Guidelines section 15126.4.

Specific to the Commenter's GHG mitigation concerns on the EBPSP, future projects implemented pursuant to the EBPSP are required by Mitigation Measure GHG-1-SP to achieve the 100-point performance standard of the City's CCAP. Selected measures would be incorporated into development plans. Mitigation Measures AIR-1-SP through AIR-8-SP require features such as water efficient fixtures, Energy Star-rated appliances, outdoor electrical outlets

(to accommodate outdoor electrical equipment), rooftop solar, idling restrictions, EV charging stations, and infrastructure for truck EV charging stations (to accommodate this technology at such time it becomes commercially available).

The Commenter's assertion that compliance with these measures could be pushed out to a future date is incorrect. It is important to note that the Specific Plan is a regulatory document that provides land use plans, infrastructure plans, and development guidelines to provide a framework for future development within the Specific Plan area. Future projects implemented pursuant to the EBPSP would still require project-level review. As required by the Draft SEIR, implementation of the selected CCAP measures would be verified by the City prior to the issuance of Building Permit(s) and/or Certificate(s) of Occupancy. No additions, revisions, or corrections to the Draft SEIR are necessary.

Comment R4-2

The Public Comments (Page 122, Section 1.2.1., Table 1-1) are not specifically addressed. Rather they are referred to general, non-specific topics in the SEIR. For example the comment by San Bernardino County Public Works states that they own a parcel included in the Specific Plan and "that development cannot proceed at this parcel". No where is this addressed in Section 3.11 as promised. Again the Endangered Habitats League requests assurances that terms of a Settlement and General Use Agreement be observed. They are simply referred to the same Section 3.11. Another, Jason Alonzo generally objects to the proposed land use changes but his "strong dissatisfaction" gets no reply in Section 3.11. CCAEJ wondered about the cumulative impacts of all the existing warehouses with the addition of 6 more in this proposal. Specifically what do we learn from reading 3.8 and 3.11?

Response R4-2

CEQA Guidelines section 15088 requires evaluating comments on environmental issues received from agencies, organizations, and individuals received during the Notice of Availability (NOA) public review period and preparing written responses to those comments. This section of the Final SEIR includes responses to written comments in accordance with Section 15088.

The Draft SEIR, Table 1-1, *NOP Comment Summary*, provides a list of the comments received during the Notice of Preparation (NOP), the date received, a summary of the comment, and where the issue is addressed. Written responses are not required for comments submitted during the NOP.

A scoping meeting is held early in the environmental review process to identify the key issues to be analyzed within an EIR. It provides the public with an opportunity to raise concerns, suggest alternatives, and recommend mitigation measures so the EIR can focus on potentially significant impacts and avoid unnecessary analysis. In this case, no environmental topics were "scoped

out," meaning the Draft SEIR analyzed every CEQA topic. CEQA does not require formal individual responses to scoping meeting comments, rather they are considered by the Lead Agency to identify areas of concern as they relate to the CEQA process. No additions, revisions, or corrections to the Draft SEIR are necessary.

- The comment regarding the San Bernardino County Public Works comment is in regard to a parcel that the County mistakenly identified as a parcel affected by the Policy Plan Amendment. Upon review and coordination with the County, this parcel was determined to be outside of the Areas of Change. All parcels within the EBPSP area are under the control of the Applicant; no parcels are owned by the San Bernardino County.

- The requirements of the Settlement Agreement identified by the Endangered Habitats League, as noted in Table 1-1, are described in Section 3.4, *Biological Resources* (see page 3.4-9 through 3.4-12).

- Cumulative impacts from warehouses within Ontario are addressed throughout Chapter 3, *Environmental Analysis*, including Section 3.3, *Air Quality*. The Draft SEIR identifies that future individual development under the proposed project would generate air toxics that could contribute to elevated levels of risk, which is a significant and unavoidable impact of the Policy Plan Amendment.

Comment R4-3

Why is the EBPSP being zoned Business Park? The document here and elsewhere (Zoning Code) specifies this zone encompasses: "Employee-intensive office uses including corporate offices, technology centers, research and development, "clean" industry, light manufacturing and supporting retail within a business park setting". There is no mention of warehousing large or small.

Response R4-3

The EBPSP would function as the regulatory document for implementing zoning for the entire site. The EBPSP project site would be designated as Specific Plan in both TOP 2050 and the City's Zoning map. Business Park land uses are defined within the Specific Plan, which is summarized in Chapter 2, *Project Description*, of the Draft SEIR.

As defined in the City's Policy Plan (Table LU-02), and correctly quoted by the Commenter, the Business Park designation is defined as "[e]mployee-intensive office uses including corporate offices, technology centers, research and development, "clean" industry, light manufacturing, and supporting retail within a business park setting."

Further, Division 5.01, Zoning Districts and Boundaries, of the City's Development Code provides a description of the Business Park Zoning District: "…to accommodate industrial-serving commercial and office uses, and very light industrial uses, which may be developed at a maximum intensity of 0.6 FAR. Development within this zoning district is typically multi-tenant in nature; however, single-tenant buildings are not precluded."

The Business Park zone is, in fact, an industrial zone and allows warehousing, so long as it is contained within an enclosed building (See Development Code Table 5.02-1, Land Use Matrix). The diverse range of building sizes proposed by the EBPSP are provided in an effort to house a diverse range of businesses, and create a business park setting. Square footages permitted within the EBPSP are below the maximum allowable FAR. As such, Business Park is the appropriate zoning for the EBPSP site. No additions, revisions, or corrections to the Draft SEIR are necessary.

Comment R4-4

How are you making a legitimate response and consideration of these comments due on April 20 when the SEIR goes before the Planning Commission on April 28?

Response R4-4

CEQA Guidelines section 15087 require responses to public comments be provided to commenting agencies at least 10 days prior to certification. The public comment period was from March 5, 2026, through April 20, 2026. The Planning Commission is a recommending body for the Ontario Policy Plan Amendment, Zoning, and EBPSP. The approving body (City Council) meeting is currently scheduled for June 16, 2026. Responses to all public comments will be provided appropriately. No additions, revisions, or corrections to the Draft SEIR are necessary. Responses to comments are part of the Final SEIR, which will be made available 10 days prior to the City Council action on the project.

Comment R4-5

Are we just steam rolling over the existing PACE agreements? Are we being told that the city is just going to arbitrarily cancel these so the EBPSP can just move ahead?

Response R4-5

This comment does not include supporting information or evidence that would allow for a focused response. The Commenter's concerns about Proposition 70 lands within Ontario Ranch are noted and will be forwarded to the decision-makers for their review and consideration.

A PACE agreement is a financing mechanism which allows property owners to finance energy-efficient upgrades. PACE agreements create a lien on the property, typically paid similar to property taxes, and cannot just "be cancelled." The lien stays with the property, not the individual. As such, they are typically paid in full at the sale of the property. The City of Ontario is not a participant in the San Bernardino County Proposition 70 implementation. The County of San Bernardino deed restrictions remain in effect until either a conservation easement is recorded or until the County of San Bernardino sells or exchanges the property. For the City of Ontario, the City evaluated conversation of agricultural land to non-agricultural use as part of the 2010 Certified EIR and prior to that as a result of annexation of the New Model Colony in 1999 from the County of San Bernardino; however, the proposed project would not result in any additional conversion of agricultural land in Ontario compared to the approved project (see Section 3.2, *Agriculture and Forestry Resources*, of the Draft SEIR). No PACE agreements are in place for properties within the EBPSP. No additions, revisions, or corrections to the Draft SEIR are necessary.

R5. Randi Campell – April 17, 2026

Comment R5-1

Dear Mr. Grahn, I'm a long time resident of Ontario and an active member of the community. I am a member of the board and donate my time and money to multiple organizations in the City. I attend City Council meetings, Planning Commission meetings and am very active in arts and culture events in Ontario. I am writing today because I am very concerned about the expansion of mega warehouses in our city. Ontario already is cited as having the worst air quality in the entire United States and the truck traffic needed for warehouses is notorious for contributing to air pollution in addition to general traffic and noise. We all understand the need for the City to generate revenue and provide economic opportunity. But mega warehouses are not the only option; my neighbors and I want to live in a city that is citizen friendly as well. Smaller, multi-use developments provide a much better alternative; safer streets, cleaner air, reduced noise, improved quality of life. We deserve to live in a healthy environment. We must reconsider this choice for our city. Thank you in advance and best regards, Randi Campbell

Response R5-1

Chapter 4, *Alternatives,* includes an evaluation of alternatives to the proposed project including the No Project Alternative/Current TOP 2050 and the Reduced Intensity Alternative that considers a reduced development for the EBPSP area. The Reduced Intensity Alternative was selected to reduce overall impacts associated with air quality, noise, and transportation for the EBPSP site. The Commenter's concerns about additional warehousing and associated air quality, traffic, and noise in Ontario are noted and will be forwarded to the decision-makers for their review and consideration.

R6. Tina Silva– April 20, 2026

Comment R6-1

I am writing to oppose the Ontario Plan amendments. The EIR clearly identifies unavoidable impacts to air quality, traffic, and noise, which will harm residents' health and quality of life.

Response R6-1

The Commenter's concern associated with the air quality, traffic, and noise impacts of the project are noted and will be forwarded to the decision-makers for their review and consideration.

Comment R6-2

I am especially concerned about the proposed use of Prop 70 land, which should be protected and preserved for open space and environmental benefits. This project would result in the permanent loss of land that supports groundwater recharge and helps mitigate flooding and climate impacts.

Response R6-2

The Commenter's concerns about Proposition 70 lands within Ontario Ranch and the associated benefits of agricultural land are noted and will be forwarded to the decision-makers for their review and consideration. The City of Ontario is not a participant in the San Bernardino County Proposition 70 implementation. The County of San Bernardino deed restrictions remain in effect until either a conservation easement is recorded or until the County of San Bernardino sells or exchanges the property. For the City of Ontario, the City evaluated conversation of agricultural land to non-agricultural use as part of the 2010 Certified EIR and prior to that as a result of annexation of the New Model Colony in 1999 from the County of San Bernardino; however, the proposed project would not result in any additional conversion of agricultural land in Ontario compared to the approved project (see Section 3.2, *Agriculture and Forestry Resources*, of the Draft SEIR).

Comment R6-3

The plan will also increase truck traffic through local streets, as many of these warehouse and business park sites are not located directly adjacent to freeways. This means diesel trucks will travel longer distances on city roads, worsening congestion, damaging infrastructure, and increasing air pollution in residential neighborhoods.

Response R6-3

The Commenter's concerns about truck traffic associated with warehousing and business park uses noted and will be forwarded to the decision-makers for their review and consideration. As described in Chapter 2, *Project Description*, the Policy Plan Amendment evaluates changes to the City's current Truck Routes concurrent with the TOP 2050 land use plan changes. As described under the section entitled "Transportation", the changes to the truck route map are to minimize the number of existing and proposed sensitive receptors adjacent to the truck routes. AB 98/SB 415 requires cities to balance impacts to sensitive receptors with commercial truck operational needs.

Comment R6-4

Additionally, the project proposes roughly 2.9 million square feet of business park/warehouse uses yet is projected to generate only about 1,500 jobs. This is a low return for such a large amount of land, especially when weighed against the environmental and public health costs.

Response R6-4

The comments on employment associated with warehouses do not address the adequacy of the analysis in the Draft SEIR, and no further response is necessary. The Commenter's concerns about the economic value of warehouse development in Ontario are noted and will be forwarded to the decision-makers for their review and consideration.

Comment R6-5

Given these unavoidable harms and limited benefits, I urge the City to reject these amendments and prioritize a healthier, more sustainable future for our community.

I hope the community emails are taken into consideration before the upcoming Planning Committee meeting on April 28th.

Would you kindly acknowledge my email as well?

Response R6-5

The Commenter's opposition to the project is noted and will be forwarded to the decision-makers for their review and consideration.

R7. Marty McBride– April 20, 2026

Comment R7-1

Good afternoon –

I am a resident of Ontario and I have some grave concerns regarding the environmental impact of the proposed development. There appears to be significant impact issues with respect to air quality, noise, pollution, and disturbance to native wildlife and plants that are an important part of our local ecosystem. These issues must be addressed by the City prior to greenlighting these projects - and the appropriate agencies and experts must be collaborators to mitigate as much as possible any harmful effects of development.

My greatest concern, however, is that the people of Ontario were not provided with public information sessions to review the reports and understand the significance of these developments in layman's terms. Without such sessions, residents have no opportunity to ask for clarification prior to the end of the comment period.

The city can and must do better to assist its residents to be well informed so they can make informed decisions and recommendations to the city. Resident engagement is a hallmark of good governance, and more residents would feel comfortable providing feedback if they were fully aware of the issues they are being asked to comment on.

Sincerely

Response R7-1

The Commenter does not express specific concerns with the air quality analysis, noise, transportation analysis in the Draft SEIR; and therefore, a specific response cannot be provided. The Commenter can refer to Section 3.3, *Air Quality,* Section 3.13, *Noise,* and Section 3.4*, Biological Resources,* for a full analysis, per CEQA, in the Draft SEIR.

In regard to outreach conducted for the proposed project, the City has conducted the following:

- Community Survey. A community survey was launched from July 9, 2025, to August 8, 2025, which gathered 125 responses regarding policy topics such as extreme heat, flooding, open space, and conflicts related to truck routes. Respondents expressed strong support for completing Grand Park and other planned parks. There were concerns about flooding and extreme heat, with many calls for the addition of shade trees and cooling infrastructure. Participants also advocated for better enforcement of truck routes and the implementation of noise buffers. Additionally, there was an emphasis on equitable resource allocation across neighborhoods.

- Notice of Preparation (NOP) and Scoping Meeting. The NOP was circulated for a 30-day public review period on November 4, 2025. During the public review period, the City hosted a public scoping meeting on November 20, 2025, along with a concurrent open house, at the De Anza Teen and Community Center, which was attended by approximately 50 participants. This meeting was also noticed on the City's social media. The purpose of the meeting was to gather input from responsible and trustee agencies, as well as the community, prior to preparation of the SEIR. Key concerns identified during the scoping process included truck routes and warehousing-related impacts, including air quality, noise, and vibration; the loss of agricultural resources; and increased housing density.

- Notice of Availability (NOA). The NOA for the Draft SEIR for the Policy Plan Amendment and EBPSP was posted to the City website. The NOA indicated that the Draft SEIR was available for review and that the City would be accepting comments through April 20, 2026. The NOA was advertised as a hearing in at least one newspaper of general circulation in the City of Ontario (the Inland Valley Daily Bulletin newspaper).

The Commenter's request for additional outreach on project in the City is noted and will be forwarded to the decision-makers for their review and consideration.

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3. REVISIONS TO THE DRAFT EIR

3.1 INTRODUCTION

This section contains revisions to the Draft SEIR based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of Draft SEIR publication; and/or (3) typographical errors. This section also includes additional mitigation measures to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the Draft SEIR.

None of the revisions to the Draft SEIR require recirculation of the document. Recirculation is only required when significant new information is added. Information is not significant unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect. Recirculation is not required where the new information merely clarifies, amplifies, or makes insignificant modifications. (CEQA Guidelines Section 15088.5.) As explained below, none of the changes adds any new significant information and recirculation is not required.

For each revision, the Draft SEIR page and location on the page are identified, followed by the textual, tabular, or graphical revision. Changes made to the Draft SEIR are identified here in ~~strikethrough~~ to indicate deletions and in Double underlined to signify additions.

3.2 DRAFT EIR REVISIONS

Revisions to Draft SEIR Figures

Revisions to the Draft SEIR figures are included as Appendix B, *Revised Draft SEIR Figures*, of the Final SEIR. These figures have been revised reflect the correct basemap for the approved TOP, as well as minor corrections to the EBPSP figures.

- Figure 2-4, *Current TOP Land Use Plan*
- Figure 2-6a, b, and c*, Policy Plan Amendment Areas of Change*
- Figure ES-5, *Conceptual EBPSP Land Use Plan*
- Figure 2-11, *Conceptual EBPSP Land Use Plan*
- Figure 2-13, *Conceptual EBPSP Vehicular Circulation and Access Plan*

- Figure 2-14, *Conceptual EBPSP Non-Vehicular Circulation and Mobility Plan*
- Figure 3.19-4, EBPSP Sanitary Sewer Infrastructure
- Figure 3.19-5, *EBPSP Storm Drain Infrastructure*

Executive Summary

Section ES.4, *Summary of Proposed Project,* on page ES-10 has been revised to reflect the specific acreage of land use changes.

The Policy Plan Amendment project component primarily involves modifying the currently permitted and planned TOP land use pattern across ~~more than 1,300~~ 1,435 acres in southern Ontario. These proposed changes to TOP are driven by requests from property owners and developers who seek to alter the allowable type or intensity of land use on their properties as well as land use changes required to improve land use compatibility, maintain compliance with state laws, uphold long-term planning goals, and plan for a cohesive land use pattern that repositions the southwest portion of the City as a central business center.

Section ES.4, *Summary of Proposed Project,* on page ES-20 and ES-21 has been revised based on minor changes to the EBPSP site plan.

As illustrated in Figure ES-5, *Conceptual EBPSP Land Use Plan*, the EBPSP would establish 9 planning areas that would provide for development of the site with approximately 2,939,000 SF of Business Park uses on 137.9 acres and ~~36.15~~ 35.88 acres of Open Space–Parkland. The remaining ~~14.97~~ 15.24 acres would be utilized for roadway improvements. Table ES-2, *EBPSP Land Use Statistical Summary*, provides a breakdown of acreages by planning area. The EBPSP would result in estimated 1,590 employees within the project site.

Section ES.4, *Summary of Proposed Project,* Table ES-2, *EBPSP Land Use Statistical Summary*, on page 2-49 has been revised based on minor changes to the EBPSP site plan.

Table 2-7 EBPSP Land Use Statistical Summary

Planning Area (PA)	Land Use Designation	Acres	Target Buildout SF
1	Business Park	7.70	162,600
2	Business Park	18.33	273,700
3	Business Park	18.21	340,700
4	Business Park	18.19	423,200
5	Business Park	37.76	859,300
6	Business Park	37.71	879,500
7	Open Space – Parkland	~~8.05~~ 8.00	—
8	Open Space – Parkland	~~14.10~~ 13.99	—
9	Open Space – Parkland	~~14.00~~ 13.89	—
-	Roadway	~~14.97~~ 15.24	—
	TOTAL	**189.0**	**2,939,000**

Chapter 2, Project Description

Section 4.1, *Policy Plan Amendment Project,* on page 2-17 has been revised to reflect the specific acreage of land use changes.

The Policy Plan Amendment project component primarily involves modifying the currently permitted and planned TOP land use pattern across ~~more than 1,300~~ 1,435 acres in southern Ontario. These proposed changes to TOP are driven by requests from property owners and developers who seek to alter the allowable type or intensity of land use on their properties as well as land use changes required to improve land use compatibility, maintain compliance with state laws, uphold long-term planning goals, and plan for a cohesive land use pattern that repositions the southwest portion of the City as a regional employment and logistics center. A critical aspect of these proposed Policy Plan Amendments is to ensure compliance with state laws, including requirements enacted by the following Senate and Assembly Bills (SB/AB).

Section 2.4.1, *Policy Plan Amendment Project,* on page 2-34 has been revised to reflect the specific acreage of land use changes.

Figure 2-6, *Policy Plan Amendment Areas of Change*, shows the changes in land use between the Current TOP and proposed project that will be evaluated in this SEIR. The proposed project

has ~~approximately 1,300~~ 1,435 acres of land use changes that affect the buildout projections throughout the City; however, the majority of changes are concentrated in Ontario Ranch.

Section 2.4.2, *Eucalyptus Business Park Specific Plan Project,* on page 2-49 has been revised based on minor changes to the EBPSP site plan

As illustrated in Figure 2-11, *Conceptual EBPSP Land Use Plan*, the EBPSP would establish 9 planning areas that would provide for development of the site with approximately 2,939,000 SF of Business Park uses on 137.9 acres and ~~36.15~~ 35.88 acres of Open Space–Parkland. The remaining ~~14.97~~ 15.24 acres would be utilized for roadway improvements.

Section 2.4.2, *Eucalyptus Business Park Specific Plan Project,* Table 2-7, *EBPSP Land Use Statistical Summary*, on page 2-49 has been revised based on minor changes to the EBPSP site plan.

Table 2-7 EBPSP Land Use Statistical Summary

Planning Area (PA)	Land Use Designation	Acres	Target Buildout SF
1	Business Park	7.70	162,600
2	Business Park	18.33	273,700
3	Business Park	18.21	340,700
4	Business Park	18.19	423,200
5	Business Park	37.76	859,300
6	Business Park	37.71	879,500
7	Open Space – Parkland	~~8.05~~ 8.00	—
8	Open Space – Parkland	~~14.10~~ 13.99	—
9	Open Space – Parkland	~~14.00~~ 13.89	—
-	Roadway	~~14.97~~ 15.24	—
	TOTAL	**189.0**	**2,939,000**

Section 2.4.2, *Eucalyptus Business Park Specific Plan Project,* on page 2-53 has been revised based on minor changes to the EBPSP site plan.

Situated between the northern boundary of the Specific Plan and new Public Street 'A', Planning Areas 7, 8, and 9 would be designated Open Space–Parkland. This ~~36.15~~ 35.88-acre area would implement a segment of the City's public "Grand Park."

Section 2.5, *Intended Uses of the SEIR*, Table 2-11, *Project Approvals Needed*, on page 2-78 has been revised based on comments from South Coast AQMD.

Table 2-11 Project Approvals Needed

Lead Agency	Action
City of Ontario City Council	▪ Certification of the SEIR ▪ Adoption of the Policy Plan Amendment ▪ Adoption of the EBPSP ▪ Approval of the Cancelation of Williamson Act Contracts ▪ Approval of the EBPSP Development Agreement ▪ Approval of the EBPSP Tentative Parcel Map ▪ Adoption of the Findings of Fact and Statement of Overriding Considerations ▪ Adoption of the Mitigation Monitoring Program ▪ Adoption of any ordinances, guidelines, programs, actions, or other mechanisms that implement the Policy Plan Amendment and Specific Plan
Responsible Agencies	**Action**
Ontario International Airport–Inter Agency Collaborative (ONT-IAC) Technical Advisory Group	▪ For review of local airport-related policies
California Department of Forestry and Fire Protection (CAL FIRE)	▪ Review of the Safety Element for policies in state responsibility areas and very high fire hazard severity zones
California Department of Housing and Community Development	▪ For certification of the Housing Element
<u>South Coast Air Quality Management District (South Coast AQMD)</u>	▪ <u>Permits associated with stationary equipment associated with the EBPSP</u>

Section 3.3, Air Quality

Section 3.3.1, *Regulatory Framework*, on page 3.3-16 has been modified in response to comments from South Coast AQMD.

<u>South Coast AQMD Permitting Requirements</u>

<u>Implementation of the EBPSP will require the installation of stationary and portable equipment subject to permitting by the South Coast AQMD. Based on the project description, the EBPSP</u>

includes emergency fire water pumps in each development phase, including two emergency fire pumps in Phase 1, four emergency fire pumps in Phase 2, and five emergency fire pumps in Phase 3. These diesel-fueled stationary compression ignition engines are subject to the above South Coast AQMD rules as well as the following applicable permitting rules, at a minimum:

- **Rule 201, Permit to Construct.** Requires a permit prior to construction, installation, or modification of any equipment that may emit air contaminants.
- **Rule 203, Permit to Operate.** Requires a permit to operate any equipment for which a Permit to Construct has been issued.
- **Rule 1110.2. Emissions from Gaseous and Liquid Fueled Engines.** Establishes emission limits and operational requirements for stationary internal combustion engines.
- **Rule 1470, Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines.** Establishes emission standards, operational requirements, and health risk notification requirements for stationary diesel-fueled compression ignition engines, including emergency fire pumps.

Future project applicants within the EBPSP will be required to consult with South Coast AQMD's Engineering and Permitting staff prior to installation of any stationary or portable equipment to determine the full scope of applicable permitting requirements. As a result of the permitting requirements described above, South Coast AQMD will serve as a Responsible Agency for the proposed project under CEQA, as set forth in CEQA Guidelines Sections 15086 and 15096.

AQMP Consistency Analysis on page 3.3-51 has been modified to address a minor typo.

Impacts for the Specific Plan are embodied in the emissions tables (Tables 3.3-~~12~~11 to 3.3-18) under Air Quality Threshold b...

Section 3.3.5, *Environmental Impact*, on page 3.3-55 has been modified in response to comments from South Coast AQMD.

Consistent with industry standards and typical construction practices, each piece of equipment is assumed to operate up to a total of eight hours per day. Standard construction practices to be employed during EBPSP construction include:

- Fugitive dust controls, including soil watering, soil stabilization, limited speeds on-site, and the use of rumble plates or street sweepers.
- Equipment emission controls, including the use of Tier 4 Final off-road diesel equipment, idling restrictions, and the use of electrical equipment when feasible.
- Construction vehicle controls, including encouraging ridesharing and covering haul truck loads.

- Architectural coatings, including the use of low-VOC paints, primers, and sealants.
- Construction phasing, including sequencing construction to minimize overlap of high-emission activities and avoiding simultaneous high-emission operations when feasible.

Mitigation Measure AIR-1-PPA on page 3.3-58 has been modified in response to comments South Coast AQMD and GSEJA.

Mitigation Measure AIR-1-PPA [Former MM 3-1]: Prior to discretionary approval by the City of Ontario for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the City of Ontario Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology for assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the South Coast AQMD–adopted thresholds of significance, the City of Ontario Building Department shall require feasible mitigation measures to reduce air quality emissions. Potential measures shall be incorporated as conditions of approval for a project and may include:

- Require fugitive dust control measures that exceed South Coast Air Quality Management District's Rule 403, such as:
  - Requiring use of nontoxic soil stabilizers to reduce wind erosion.
  - Applying water every ~~four~~ 4 hours to active soil disturbing activities.
  - Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials.
- Using construction equipment rated by the United States Environmental Protection Agency as having Tier 4 interim or higher exhaust emission limits.
- Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.
- Limiting nonessential idling of construction equipment to no more than ~~five~~ 5 consecutive minutes.

- Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the South Coast Air Quality Management District's website at: ~~http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf.~~ https://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings.
- Using electric off-road vehicles and equipment where feasible and using renewable diesel fuel for diesel-fueled vehicles and equipment where gasoline, natural gas, or electric alternatives are not available.

These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Department.

Operation – Regional Emissions, Specific Plan, on page 3.3-63 has been modified in response to comments from South Coast AQMD and GSEJA.

Estimated peak operational emissions for all phases are summarized in Table 3.3-15, *EBPSP Peak Operational Emissions Summary: Phase 1*; Table 3.3-16, *EBPSP Peak Operational Emissions Summary: Phases 1 and 2*; and Table 3.3-17, *EBPSP Peak Operational Emissions Summary: Phases 1, 2, and 3*. As shown in these tables, Phase 1 emissions would exceed the numerical thresholds of significance established by the South Coast AQMD for emissions of ROG (summer only) and NO_x. Phase 1 and 2 emissions would exceed the South Coast AQMD significance thresholds for emissions of ROG, NO_x, and CO (summer only).

An evaluation of the potential maximum daily emissions associated with overlapping construction and operational phases of the EBPSP was conducted (see Appendix C3, Appendix 3.13 on page C3-926). Three construction phases occur sequentially with no internal overlap among construction phases. However, because Phase 1 construction concludes and Phase 1 operations commence in 2028, and because Phase 2 and Phase 3 construction commence while prior phases are already operational, the following construction/operations overlap scenarios exist and emissions are shown in Table 3.3-18, *EBPSP Overlapping Construction and Operational Emissions Summary*:

- *Overlap Scenario 1 — Phase 2 Construction / Phase 1 Operations*: Phase 2 construction occurs from July 2028 through December 2029, during which time Phase 1 is operational. The peak combined emissions for this scenario are the Phase 2 construction peak (50.64 lbs/day ROG and 47.92 lbs/day NOx) added to Phase 1 operational emissions (55.12 lbs/day

ROG and 87.50 lbs/day NOx), yielding combined maximum daily emissions of approximately 105.76 lbs/day ROG and 135.42 lbs/day NOx.

- *Overlap Scenario 2 — Phase 3 Construction / Phase 1 and 2 Operations*: Phase 3 construction occurs from January 2030 through June 2031, during which time Phases 1 and 2 are both operational. The peak combined emissions for this scenario are the Phase 3 construction peak (61.19 lbs/day ROG and 46.71 lbs/day NOx) added to Phase 1 and 2 operational emissions (107.39 lbs/day ROG and 169.30 lbs/day NOx), yielding combined maximum daily emissions of approximately 168.58 lbs/day ROG and 216.01 lbs/day NOx.

The overlap scenarios also represent a conservative worst-case analytical construct, as peak construction and peak operational activity would not necessarily occur on the same calendar day. The duration of any overlap period is temporary and bounded by the sequential construction schedule.

At buildout, the EBPSP's operational emissions would exceed the applicable South Coast AQMD significance thresholds for emissions of ROG, NO_x, CO, and PM_{10}. This would be a **potentially significant** impact. Long-term operational impacts associated with the approved project were identified as significant and unavoidable in the 2022 Certified EIR. Therefore, the EBPSP would not result in a new or substantial increase in the severity of impacts when compared to the 2022 Certified EIR..

Operation – Regional Emissions on page 3.3-66 a new table has been added in response to comments from South Coast AQMD and GSEJA.

Table 3.3-18 EBPSP Overlapping Construction and Operation Emissions Summary

Source	Emissions (lbs/day)					
	ROG	NO_X	CO	SO_2	$PM_{10}T$	$PM_{2.5}T$
Overlap Scenario 1						
Phase 2 Construction (Table 3.3-12)	50.64	47.92	72.64	0.19	13.31	5.28
Phase 1 Operations (Table 3.3-15)	55.12	87.50	335.45	1.01	60.12	16.73
Maximum Daily Emissions	105.76	135.42	408.09	1.20	73.43	22.01
South Coast AQMD Regional Thresholds	55	55	550	150	150	55
Threshold Exceeded?	YES	YES	NO	NO	NO	NO
Overlap Scenario 2						
Phase 3 Construction (Table 3.3-13)	61.19	46.71	71.43	0.19	12.66	5.16
Phase 1 and 2 Operations (Table 3.3-16)	107.39	169.30	648.49	2.08	133.76	36.78
Maximum Daily Emissions	168.58	216.01	719.92	2.27	146.42	41.94
South Coast AQMD Regional Thresholds	55	55	550	150	150	55
Threshold Exceeded?	YES	YES	YES	NO	NO	NO

Table 3.3-18 EBPSP Overlapping Construction and Operation Emissions Summary

Source	Emissions (lbs/day)					
	ROG	NO_X	CO	SO_2	$PM_{10}T$	$PM_{2.5}T$

Source: Appendix C3.
Note: Emissions may not total to 100 percent due to rounding.

Mitigation Measure AIR-3-PPA on page 3.3-67 has been modified in response to comments from South Coast AQMD and GSEJA.

Mitigation Measure AIR-3-PPA [Former MM AQ-1]: Prior to discretionary approval by the City of Ontario for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project operation-phase-related air quality impacts to the City of Ontario Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the South Coast AQMD–adopted thresholds of significance, the City of Ontario Planning Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions could include, but are not limited to the following:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles

while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 sec. 2485).

- Provide changing/shower facilities as specified in Section A5.106.4.3 of CALGreen (Nonresidential Voluntary Measures).
- Provide bicycle parking facilities per Section A4.106.9 of CALGreen (Residential Voluntary Measures).
- Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per Section A5.106.5.1 of CALGreen (Nonresidential Voluntary Measures).
- Provide facilities to support electric charging stations per Section A5.106.5.3 and Section ~~A5.106.8.2~~ A4.106.8 of CALGreen (Nonresidential Voluntary Measures; Residential Voluntary Measures).
- Applicant-provided appliances shall be Energy Star–certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star–certified or equivalent appliances shall be verified by the City during plan check.
- Use cool roof materials to improve reflectance and thermal emittance performance of roof structures per Section A5.106.11.2 and Section A4.106.5.1 of CALGreen (Nonresidential Voluntary Measures; Residential Voluntary Measures).
- Limit the daily number of trucks accessing the project site to levels analyzed in the technical assessment.
- Design the project such that truck entrances and exits are not facing sensitive receptors, and trucks will not travel past sensitive land uses to enter or leave the project site.
- Design the project such that truck traffic interior to the project site is located as far away from nearby sensitive receptors as feasible.
- Design the project such that trucks accessing the project site have available on-site overnight parking to prevent trucks from parking in sensitive land use areas.

- Design the project such that any truck check-in location is in the interior of the project site to prevent truck queueing and idling outside the project site and in closer proximity to nearby sensitive receptors.

New Mitigation Measures, Specific Plan on page 3.3-68 has been modified to identify the construction-related measures being implemented as part of the EBPSP.

Standard construction practices such as fugitive dust controls; use of Tier 4 off-road-road diesel equipment; idling restrictions; use of electrical equipment, when feasible; encouraging ridesharing; use of low-VOC paints, primers, and sealants; and construction phasing to minimize overlap of high-emission activities were incorporated to reduce the EBPSP's construction emissions. In addition, ~~i~~Implementation of the following Mitigation Measures would be required for Specific Plan:

Mitigation Measure AIR-3-SP on page 3.3-69 has been modified in response to comments from South Coast AQMD and GSEJA.

Mitigation Measure AIR-3-SP: Idling Regulations. Prior to issuance of a certificate of occupancy, legible, durable, weather-proof signs shall be installed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include the following instructions for truck drivers to shut off engines when not in use.

a) Instructions for drivers of diesel trucks to restrict idling to no more than ~~5~~ 2-minutes once the vehicle is stopped, the transmission is set to "neutral" or "park" and the parking brake is engaged.

b) Telephone numbers of the building facilities manager and CARB to report violations.

Mitigation Measure AIR-9-SP has been added on page 3.3-72 in response to comments from South Coast AQMD and GSEJA.

Mitigation Measure AIR-9-SP: Prior to the commencement of construction activities that may overlap with operation of nearby approved or existing uses and result in concurrent emissions-generating activities ("overlap periods"), the project applicant shall prepare and submit a construction emissions management

plan to the City for review and approval. The plan shall identify and implement feasible measures to minimize construction-related emissions during overlap periods and shall include, at a minimum, the following measures, where applicable and feasible:

a) Apply water or approved soil stabilizers to disturbed soils, unpaved haul roads, staging areas, and stockpiles as necessary to prevent visible dust emissions.

b) Cover, water, or otherwise stabilize all soil stockpiles and inactive disturbed areas.

c) Limit vehicle speeds on unpaved surfaces to 15 miles per hour or less.

d) Install and maintain track-out control devices, including rumble plates, wheel washers, or equivalent measures, at construction access points.

e) Suspend grading and other soil-disturbance activities during high wind events when visible dust cannot be adequately controlled.

f) Utilize off-road diesel-powered construction equipment meeting U.S. EPA Tier 4 Final emissions standards for engines rated at 50 horsepower or greater, unless such equipment is demonstrated to be unavailable or infeasible.

g) All diesel-powered off-road construction equipment and on-road haul trucks operating during overlap periods shall utilize renewable diesel meeting California Air Resources Board specifications to the extent commercially available and feasible.

h) Require off-road equipment with a power rating below 19 kilowatts, including plate compactors and pressure washers, to be electrically powered or battery operated where commercially available and feasible.

i) Prohibit the idling of construction equipment and on-road haul trucks for more than five consecutive minutes, except where necessary for safety, operational requirements, or manufacturer specifications.

j) Utilize electrically powered or battery-powered hand construction tools and equipment where commercial available and feasible.

k) Require heavy-duty haul trucks entering the construction site during grading and building construction phases to be model year 2014 or newer to the extent feasible and commercially available.

l) Encourage construction workers to carpool, rideshare, or utilize shared transportation to access the construction site and provide information regarding available ridesharing and transit opportunities to construction personnel.

m) Use architectural coatings, including paints, primers, sealants, adhesives, and caulks, that comply with applicable South Coast AQMD VOC content limits in effect at the time of construction. To the extent feasible, coatings with VOC levels below applicable regulatory thresholds shall be utilized.

n) Use high-pressure/low-volume paint applicators with minimum transfer efficiency of 50 percent or other application techniques with equivalent or greater transfer efficiency where feasible.

o) Keep paint container lids closed when not in use and utilize compliant low-VOC cleaning solvents for paint equipment cleaning activities.

p) Use pre-painted construction materials to the extent feasible.

q) Recycle or properly dispose of all unused paint and paint-related materials at an authorized facility or household hazardous waste collection facility, as applicable. Water-based and oil-based paints shall be stored and disposed of separately.

r) Sequence grading, excavation, paving, and other intensive construction activities to avoid simultaneous operation of multiple high-emission equipment fleets in close proximity, limit concurrent operation of heavy-duty diesel-powered equipment where feasible, and coordinate construction scheduling to reduce peak daily emissions during overlap periods.

s) Construction haul routes shall be designed to avoid or minimize exposure to sensitive receptors to the extent feasible.

Construction-Phase Localized Significance Thresholds on page 3.3-79 has been revised to reflect revised table numbering.

Based on South Coast AQMD's LST Methodology, emissions of concern during construction activities include NO_X, CO, $PM_{2.5}$, and PM_{10}. Table 3.3-~~18~~19, *EBPSP Construction Source LST*

Summary: Phase 1; Table 3.3-~~19~~20, *EBPSP Construction Source LST Summary: Phase 2;* and Table 3.3-~~20~~21, *EBPSP Construction Source LST Summary: Buildout,* present the construction-source localized emissions that can be expected during each construction phase of the Specific Plan. As shown in these tables, emissions for all construction phases would not exceed South Coast AQMD's localized significance thresholds at the maximally exposed receptors as a result of construction activities.

Table 3.3-~~18~~19 EBPSP Construction-Source LST Summary: Phase 1

	CO		NO_2	PM_{10}	$PM_{2.5}$
	Averaging Time				
Phase 1 Construction	**1-Hour**	**8-Hours**	**1-Hour**	**24-Hours**	**24-Hours**
Peak Day Localized Emissions	0.03	0.01	1.05E-02	0.84	0.41
Background Concentration	1.5	1.1	0.085	—	—
Total Concentration	1.53	1.11	0.10	0.84	0.41
South Coast AQMD Threshold	20	9	0.18	10.40	10.40
Threshold Exceeded?	NO	NO	NO	NO	NO

Source: Appendix C4.

Table 3.3-~~19~~20 EBPSP Construction-Source LST Summary: Phase 2

	CO		NO_2	PM_{10}	$PM_{2.5}$
	Averaging Time				
Phase 2 Construction	**1-Hour**	**8-Hours**	**1-Hour**	**24-Hours**	**24-Hours**
Peak Day Localized Emissions	0.04	0.01	1.40E-02	1.01	0.49
Background Concentration	1.5	1.1	0.085	—	—
Total Concentration	1.54	1.11	0.10	1.01	0.49
South Coast AQMD Threshold	20	9	0.18	10.40	10.40
Threshold Exceeded?	NO	NO	NO	NO	NO

Source: Appendix C4.

Table 3.3-~~20~~21 EBPSP Construction-Source LST Summary: Buildout

Phase 3 Construction	CO		NO_2	PM_{10}	$PM_{2.5}$
	Averaging Time				
	1-Hour	8-Hours	1-Hour	24-Hours	24-Hours
Peak Day Localized Emissions	0.08	0.03	2.69E-02	1.59	0.77
Background Concentration	1.5	1.1	0.085	—	—
Total Concentration	1.58	1.13	0.11	1.59	0.77
South Coast AQMD Threshold	20	9	0.18	10.40	10.40
Threshold Exceeded?	NO	NO	NO	NO	NO

Source: Appendix C4.

Construction-Phase Toxic Air Contaminants on page 3.3-80 has been revised to reflect revised table numbering.

Construction-related DPM emissions are expected primarily as a function of the operation of heavy-duty construction equipment. Potential health risks to residents, workers, and school children were evaluated over a period of 30, 25, and 9 years of exposure, as discussed below. Table 3.3-~~21~~22, *Summary of EBPSP Construction Health Risks*, presents a summary of the previous discussions of EBPSP construction health risks.

Table 3.3-~~21~~22 Summary of EBPSP Construction Health Risks

Maximum Exposed Location	Receptor Location	Time Period (Year)	Maximum Lifetime Cancer Risk[1]	Significance Threshold[1]	Exceeds Significance Threshold?
Cancer Risk					
Sensitive Receptor	R5	4.50	1.39	10	NO
Worker Receptor	R6	4.50	0.04	10	NO
Individual School Child	R9	4.50	<0.01	10	NO
Maximum Exposed Location	**Receptor Location**	**Time Period**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold?**
Non-Cancer Risk					
Sensitive Receptor	R5	Annual Average	<0.01	1	NO
Worker Receptor	R6	Annual Average	<0.01	1	NO
Individual School Child	R9	Annual Average	<0.01	1	NO

Source: Appendix C4.
1. risk per million

Non-permitted Sources (Warehousing and Industrial Land Uses), Individual Health Risk Impacts, on page 3.3-87 has been revised to reflect revised table numbering.

The calculated health risk values are based on the modeled receptor concentration over an average 70-year lifetime. Unmitigated results of the health risk assessment shown in Table 3.3-~~22~~23, *Ontario Ranch Truck Route Changes Operational Health Risk Summary*, indicate that the maximum incremental cancer risk resulting from the proposed project would be less than the South Coast AQMD threshold of 10 in one million. The incremental risk shown in Table 3.3-~~22~~23 reflects the net change between 2050 conditions for the approved project and 2050 conditions for the proposed project, focusing specifically on the change of route designations and redistribution of truck volumes on the designated truck route network for each 2050 scenario. As shown, the MER would experience a cancer risk of approximately 9.5 per million people. The MER would also not exceed the South Coast AQMD's chronic hazard threshold of 1.0. Because the incremental cancer risk and hazard index do not exceed the South Coast AQMD thresholds, changes to the City's truck routes (see Figure 2-9) in addition to the growth in truck traffic associated with the Policy Plan Amendment would not expose sensitive receptors to substantial pollutant concentrations.

Table 3.3-~~22~~23 Ontario Ranch Truck Route Changes Operational Health Risk Summary

Receptor	Incremental Increase Cancer Risk (per million)	Incremental Increase Chronic Hazard
Maximally Exposed Receptor	9.5	<0.1
South Coast AQMD Threshold	10	1.0
Significant?	NO	NO

Source: See Appendix C2.

Non-permitted Sources (Warehousing and Industrial Land Uses), Citywide Cancer Burden, on page 3.3-97 has been revised to reflect revised table numbering.

As shown in Table 3.3-~~23~~24, *Unmitigated Cancer Burden Summary*, the proposed project would result in a total cancer burden of 0.43, which would be below the South Coast AQMD's significance threshold of 0.5. As a result, changes to the City's truck routes (see Figure 2-9) in addition to the growth in truck traffic associated with the Policy Plan Amendment would not substantially increase cancer burden in the City.

Table 3.3-~~23~~24 Unmitigated Cancer Burden Summary

Risk Contour	Square Miles	Population	Cancer Burden
5 to 9 per million	0.3	2,567	0.02
2 to 5 per million	1.2	10,266	0.05
1 to 2 per million	12.3	105,227	0.21
<1 per million	36.2	309,691	0.15
Total Cancer Burden	—	—	0.43
South Coast AQMD Threshold	—	—	0.5
Significant?	—	—	NO

Source: See Appendix C2.

Operational-Source Localized Significance Thresholds, on page 3.3-101 has been revised to reflect revised table numbering.

Table 3.3-~~24~~25, *EBPSP Operational Source LST Summary: Phase 1*; Table 3.3-~~25~~26, *EBPSP Operational Source LST Summary: Phases 1 and 2*; and Table 3.3-~~26~~27, *EBPSP Operational Source LST Summary: Phases 1, 2, and 3*, present the operational-source localized emissions that can be expected during each operational phase of the Specific Plan. As shown, emissions for all operational phases would not exceed South Coast AQMD's localized significance thresholds at the maximally exposed receptors as a result of operational activities.

Table 3.3-~~24~~25 EBPSP Operational-Source LST Summary: Phase 1

	CO		NO_2	PM_{10}	$PM_{2.5}$
	Averaging Time				
Peak Operations	1-Hour	8-Hours	1-Hour	24-Hours	24-Hours
Peak Day Localized Emissions	3.96E-02	3.43E-02	1.52E-03	0.23	0.09
Background Concentration	1.5	1.1	0.085		
Total Concentration	1.54	1.13	0.09	0.23	0.09
South Coast AQMD Threshold	20	9	0.18	2.50	2.50
Threshold Exceeded?	NO	NO	NO	NO	NO

Source: Appendix C4.

Table 3.3-~~25~~26 EBPSP Operational-Source LST Summary: Phases 1 and 2

	CO		NO_2	PM_{10}	$PM_{2.5}$
	Averaging Time				
Peak Operations	**1-Hour**	**8-Hours**	**1-Hour**	**24-Hours**	**24-Hours**
Peak Day Localized Emissions	4.65E-02	3.49E-02	2.28E-03	0.57	0.18
Background Concentration	1.5	1.1	0.085		
Total Concentration	1.55	1.13	0.09	0.57	0.18
South Coast AQMD Threshold	20	9	0.18	2.50	2.50
Threshold Exceeded?	NO	NO	NO	NO	NO

Source: Appendix C4.

Table 3.3-~~26~~27 EBPSP Operational-Source LST Summary: Phases 1, 2, and 3

	CO		NO_2	PM_{10}	$PM_{2.5}$
	Averaging Time				
Peak Operations	**1-Hour**	**8-Hours**	**1-Hour**	**24-Hours**	**24-Hours**
Peak Day Localized Emissions	5.20E-02	3.94E-02	2.65E-03	0.72	0.23
Background Concentration	1.5	1.1	0.085		
Total Concentration	1.55	1.14	0.09	0.72	0.23
South Coast AQMD Threshold	20	9	0.18	2.50	2.50
Threshold Exceeded?	NO	NO	NO	NO	NO

Source: Appendix C4.

Operational-Source Health Risk Thresholds, on page 3.3-103 has been revised to reflect revised table numbering.

Table 3.3-~~27~~28, *Summary of EBPSP Operational Health Risks,* presents a summary of the EBPSP operational health risk analysis.

Table 3.3-~~27~~28 Summary of EBPSP Operational Health Risks

Maximum Exposed Location	Receptor Location	Time Period (Year)	Maximum Lifetime Cancer Risk[1]	Significance Threshold[1]	Exceeds Significance Threshold?
Cancer Risk					
Sensitive Receptor	R5	30	2.27	10	NO
Worker Receptor	R6	25	0.21	10	NO
Individual School Child	R9	9	0.04	10	NO
Maximum Exposed Location	**Receptor Location**	**Time Period**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold?**
Non-Cancer Risk					
Sensitive Receptor	R5	Annual Average	<0.01	1	NO
Worker Receptor	R6	Annual Average	<0.01	1	NO
Individual School Child	R9	Annual Average	<0.01	1	NO

Source: Appendix C4.

Notes:

1. risk per million

Construction and Operational Impacts Combined, on page 3.3-105 has been revised to reflect revised table numbering.

The land use with the greatest potential exposure to construction-source and operational-source DPM emissions is Location R5. As shown in Table 3.3-~~28~~29, *Summary of EBPSP Construction and Operational Health Risks Combined,* at the MEIR, the maximum incremental cancer risk attributable to construction-source and operational-source DPM emissions is estimated at 2.38 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be ≤0.01, which would not exceed the applicable threshold of 1.0. As such, the EBPSP would not cause a significant human health or cancer risk to adjacent land uses as a result of construction and operational activity. All other receptors during construction and operational activity would experience less risk than what is identified for this location.

Table 3.3-~~28~~29 Summary of EBPSP Construction and Operational Health Risks Combined

Maximum Exposed Location	Receptor Location	Time Period (Year)	Maximum Lifetime Cancer Risk[1]	Significance Threshold[1]	Exceeds Significance Threshold?
Cancer Risk					
Sensitive Receptor	R5	30	2.38	10	NO
Maximum Exposed Location	**Receptor Location**	**Time Period**	**Maximum Hazard Index**	**Significance Threshold**	**Exceeds Significance Threshold?**
Non-Cancer Risk					
Sensitive Receptor	R5	Annual Average	<0.01	1	NO

Source: Appendix C4.

1. risk per million

Section 3.4, Biological Resources

Mitigation Measure BIO-9-PPA on page 3.4-62 has been modified to clarify the determination should be made by a Qualified Biologist.

Mitigation Measure BIO-9-PPA: Active Nest Avoidance and No-Work Buffers. If active nests of avian species protected by the Migratory Bird Treaty Act and Fish and Game Code are detected within the proposed development project area or within a 300-foot buffer (500-foot buffer for raptors and listed species) of the proposed development project area, as determined by the qualified biologist, a no-work buffer will be established around the nest (typically 300 feet for passerines and 500 feet for raptors and listed species) and construction shall be restricted in the area until the young have fledged; there is no evidence of a second attempt at nesting if the nest attempt has failed, as determined by the qualified biologist; or until appropriate protection measures (installation of noise and/or visual barriers, intermittent halting or rerouting of high noise-producing construction activities to other portions of the project area, biological monitoring, and/or noise monitoring to ensure effectiveness of no-work buffers and/or noise reduction measures, etc.) that respond to the specific situation have been developed and implemented in consultation with the City and regulatory agencies. A figure showing the locations of no-work buffers established during

the preclearance nesting survey shall be included in the predisturbance survey report (see Mitigation Measure BIO-8-PPA)

Section 3.5 Cultural Resources

Mitigation Measure CUL-1-PPA on page 3.5-38 has been modified because potentially historic buildings within Ontario Ranch have already been evaluated for historic significance through the City's tier system.

Mitigation Measure CUL-1-PPA [Former MM 5-1]: Historic or potentially historic resources in the City, except for those properties in the Ontario Ranch, shall be evaluated for historic significance through the City's tier system prior to the issuance of plan or development approvals. Pursuant to the City's Development Code (Chapter 4, Permits, Actions, and Decisions, and Chapter 7, Historic Preservation), mitigation measures for ~~all~~ Tier III Historic Resources citywide, Tier II historic resources in Ontario Ranch, or potentially significant historic resources in Ontario Ranch shall include the following:

a) Each historic resource shall be fully documented and cataloged pursuant to Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards, to provide a record of the resource, including, but not limited to: [i] the preparation of site plans, floor plans, exterior and interior elevations, and detail drawings of character defining features (such as moldings, stairs, etc.); and [ii] photographs of the resource, including the exterior, interior, and interior and exterior character defining features (such as moldings, light fixtures, trim patterns, etc.).

b) A mitigation fee ~~established pursuant to Section 7.01.030 (Historic Preservation Mitigation Fee)~~ shall be paid to the City and deposited into the Historic Preservation Trust Fund prior to the issuance of a demolition permit for Tier III historic resources, Tier II Historic Resources located in Ontario Ranch, or a potentially significant historic resource in Ontario Ranch. Fees for Tier III Historic Resources citywide shall be 10 percent and fees for Tier II historic resources in Ontario Ranch and potentially significant historic properties in Ontario Ranch shall be 30 percent of the price per square foot construction cost, as established in the most current ICC Building Valuation Data. Fees for Tier I citywide and II historic resources outside of Ontario Ranch shall be determined during the Environmental Impact Report process. ~~The fees established for Tier III will be used as a reference point for establishing fees for Tier I and II historic resources.~~

c) Issuance of a ~~A~~ Certificate of Appropriateness shall be required ~~not be issued~~ for the demolition of a~~n~~ Tier III historic resource citywide or a Tier II historic resource in Ontario Ranch, either in whole or in part~~,~~ However, it shall not be issued until such time that a demolition permit application and a replacement structure has been approved by the City, and appropriate permits have been issued for its construction, unless: [i] a waiver is granted pursuant to Subsection H (Replacement Structure Waiver for Historic Resources Located within Industrial Zoning Districts) of Section 4.02.050; [ii] a deferral of the replacement structure requirement is granted pursuant to Subsection G (Replacement Structure Deferral) of Section 4.02.050; or [iii] demolition is required pursuant to Section 7.01.050 (Unsafe or Dangerous Conditions) ~~of this Development Code~~.

d) In an effort to preserve features and artifacts from historic resources, a determination whether items within or on the resource should be salvaged must be made by the Planning Department and may include the local historical society prior to the issuance of the demolition permit. The applicant shall be responsible for the removal, relocation, storage, and donation of such items selected for salvaging. The applicant shall provide an inventory of salvaged items to the Planning Department, and shall include a list of each item name, description, and dimension (as necessary), and the location of each item on a floor plan.

Section 3.11, Land Use and Planning

Table 3.11-1, *Policy Plan Amendment Consistency with SCAG Connect SoCal*, has been revised to reflect a minor typo.

Table 3.11-1 Policy Plan Amendment Consistency with SCAG Connect SoCal

Connect SoCal Policy~~/Objective Number~~	Policy Plan Amendment Consistency Analysis

Table 3.11-3, *EBPSP Policy Plan Consistency Analysis*, has been revised in response to minor changes to the EBPSP site plan.

LU-1.6: Complete Community. We incorporate a variety of land uses and building types in our land use planning efforts that result in a complete community where residents at all stages of life, employers, workers, and visitors have a wide spectrum of choices of where they can live, work, shop and recreate within Ontario.	**Consistent.** The EBPSP land use plan provides business park uses that would accommodate a variety of employment uses arranged in a sensible and efficient manner that allow ease of access and complement the surrounding community. The ~~36.15~~ 35.88 acres of parkland would provide recreational amenities for residents of and visitors to the City of Ontario. The business park uses are intended to attract local, national, and international businesses and would assist in diversifying the mix of employment opportunities available in the City. Potential retail uses would serve both on-site uses and the broader community.
PR-1.9: Phased Development. We require parks be built in new communities before a significant proportion of residents move in.	**Consistent**. The EBPSP does not include the creation of new residential units, but includes ~~36.15~~ 35.88 acres of the City's Grand Park, providing amenities such as pedestrian paths, gathering areas, turf areas, and botanical gardens. Phasing of Specific Plan development is discussed in Chapter 7, *Implementation Plan*, of the EBPSP.

Section 3.13, Population and Housing

Table 3.14-7, *Comparison of Approved TOP 2050 and Proposed Project to SCAG Forecast*, and text on page 3.14-10 has been revised in response to comments from the GSEJA.

SCAG forecasts the City to be jobs-rich, with a jobs-housing ratio of 2.0 ~~2.2~~ in 2050 ~~2045~~, which is ~~the same as that of~~ slightly less than the proposed project. According to the California EDD, unemployment in the City was 5,000 in August 2025 (5.3 percent unemployment rate) and 61,700 for San Bernardino County (5.9 percent unemployment rate) (EDD 2025).

Table 3.14-7 Comparison of Approved TOP 2050 and Proposed Project to SCAG Forecasts

Category	SCAG Projections (2050)	Approved TOP 2050	Proposed Project (2050)
Population[1]	N/A	411,268	427,741
Housing Units	95,500	129,951	137,177
Jobs	187,700	299,204	301,035
Jobs-Housing Ratio	~~2.2~~ 2.0	2.3	2.2

Source: SCAG 2024b.

[1] SCAG no longer forecasts population by jurisdiction in the Regional Transportation Plan.

Section 3.15, Public Services

Section 3.15.2, *Existing Conditions*, on page 3.15-11 has been revised based on minor changes to the EBPSP site plan.

A ~~36.15~~ 35.88-acre segment of the City's "Grand Park" lies within the Specific Plan boundaries between Walker Avenue and Campus Avenue.

Section 3.15.5, *Impact Analysis*, on page 3.15-25 has been revised based on minor changes to the EBPSP site plan.

The Specific Plan includes ~~36.15~~ 35.88 acres of passive recreational opportunities for future employees and visitors through features such as pedestrian paths, gathering areas, turf areas, and botanical gardens.

Section 3.16, Recreation

Section 3.16.5, *Impact Analysis*, on page 3.16-19 has been revised based on minor changes to the EBPSP site plan.

The Specific Plan provides for the development of ~~36.15~~ 35.88 acres of the City's public "Grand Park."

Section 3.16.5, *Impact Analysis*, on page 3.16-21 has been revised based on minor changes to the EBPSP site plan.

The Specific Plan includes ~~36.15~~ 35.88 acres of passive recreational opportunities for future employees and visitors through features such as pedestrian paths, gathering areas, turf areas, and botanical gardens.

Section 3.18, Tribal Cultural Resources

Section 3.18.5, *Environmental Impacts*, Mitigation Measure TCR-3-PPA on page 3.18-18 through 3.18-19 has been revised to identify the project archeologist as the responsible entity to identify the rotating Tribal Cultural Resources Monitor schedule.

Mitigation Measure TCR-3-PPA [Former MM TCR-1]: Tribal Cultural Resources Monitoring. The project archaeologist, in consultation with interested tribes, the developer, and the City of Ontario, shall develop an archaeological monitoring plan (AMP) to address the details, timing, and responsibility of archaeological and cultural activities that will occur on the project site. Details in the AMP shall include:

1. Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.) and development scheduling;

2. The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists (if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the ~~Native American Heritage Commission~~ project archeologist shall designate the schedule for the onsite Native American Tribal Monitor for the proposed project);

3. The protocols and stipulations that the developer, City, Tribes, and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation.

At least 30 days prior to application for a grading permit and before any brush clearance, grading, excavation, and/or ground disturbing activities on the site, the developer shall retain a tribal cultural monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

Pursuant to the AMP, a tribal monitor from the consulting tribe shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities.

Section 3.19, Utilities and Public Services

Section 3.19.2, *Existing Conditions*, on page 3.19-26 has been revised based on minor changes to the EBPSP site plan.

The EBPSP establishes nine planning areas that would provide for development of the site with approximately 2,939,000 square feet of Business Park uses on 138.01 acres and ~~36.15~~ 35.88 acres of Open Space. A publicly operated animal shelter that would not exceed 35,000 square feet may also be included in any of the Business Park planning areas. The remaining ~~14.50~~ 15.24 acres would be utilized for roadway improvements.

Table 3.19-6, *EBPSP Water Demand*, and text on page 3.19-41 has been revised based on minor changes to the EBPSP site plan.

Table 3.19-6 EBPSP Water Demand

Land Use	Units	Water Demand Factor	Water Demand (GPD)	Water Demand (AFY)
Potable Water Demand				
Office Park	137.9 AC	1,800 GPD/AC	248,220	278.0
Open Space	~~36.15~~ 35.88 AC	100 GPD/AC	~~3,615~~ 3,588	4.0
Animal Shelter	Up to 35,000 SF	0.1 GPD/SF	3,500	3.9
			POTABLE - Sub Total (AFY)	**286.0**
Recycled Water Demand				
Office Park	137.9 AC	1,200 GPD/AC	165,480	185.4
Open Space	~~36.15~~ 35.88 AC	2,500 GPD/AC	~~90,375~~ 88,700	~~101.2~~ 100.5
			RECYCLED - Sub Total (AFY)	**~~286.6~~ 285.9**
			TOTAL EBPSP WATER DEMAND	**~~572.6~~ 571.9**

Section 3.19.5, *Environmental Impacts*, on page 3.19-42 has been revised based on minor changes to the EBPSP site plan.

The total water demand for the EBPSP is estimated to be ~~572.6~~ 571.9 AFY, which is less than the baseline water demand of 765.3 AFY for the previous land uses estimated in the 2022 Certified EIR (Appendix L2).

Chapter 4, Alternatives

Section 4.7.16, *Recreation*, on page 4-36 has been based on minor changes to the EBPSP site plan.

The EBPSP introduces ~~36.15~~ 35.88 acres planned for development of the City's public "Grand Park."

EXECUTIVE SUMMARY

Pages ES-30 through ES-107, Table ES-3, *Summary of Environmental Impacts and Mitigation Measures*, has been revised as a result of revisions to Mitigation Measure AIR-1-PPA and Mitigation Measure AIR-3-PPA requested by South Coast AQMD (Comment Letter A4), the addition of Impact AGF-5 to the summary table, and minor revisions to Mitigation Measures CUL-1-PPA and TCR-1-PPA.

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
AGRICULTURE AND FORESTRY RESOURCES			
Impact AGF-5: The proposed project would not involve other changes that would result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use that have not been previously disclosed.	PPA: LTS EBPSP: LTS	No mitigation measures are required.	PPA: LTS EBPSP: LTS
AIR QUALITY			
Impact AIR-2: Construction activities associated with future development that would be accommodated under the Policy Plan Amendment could generate short-term emissions in exceedance of South Coast AQMD's threshold criteria.	PPA: PS EBPSP: LTS	**Policy Plan Amendment** **Mitigation Measure AIR-1-PPA [Former MM 3-1]:** Prior to discretionary approval by the City of Ontario for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the City of Ontario Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology for assessing air quality impacts.	PPA: SU EBPSP: LTS

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		If construction-related criteria air pollutants are determined to have the potential to exceed the South Coast AQMD–adopted thresholds of significance, the City of Ontario Building Department shall require feasible mitigation measures to reduce air quality emissions. Potential measures shall be incorporated as conditions of approval for a project and may include: ▪ Require fugitive dust control measures that exceed South Coast Air Quality Management District's Rule 403, such as: o Requiring use of nontoxic soil stabilizers to reduce wind erosion. o Applying water every ~~four~~ 4 hours to active soil disturbing activities. o Tarping and/or maintaining a minimum of 24 inches of freeboard on trucks hauling dirt, sand, soil, or other loose materials. ▪ Using construction equipment rated by the United States Environmental Protection Agency as having Tier 4 interim or higher exhaust emission limits. ▪ Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards. ▪ Limiting nonessential idling of construction equipment to no more than ~~five~~ 5 consecutive minutes. ▪ Using Super-Compliant VOC paints for coating of architectural surfaces whenever possible. A list of Super-Compliant architectural coating manufactures can be found on the South Coast Air Quality	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		Management District's website at: ~~http://www.aqmd.gov/prdas/brochures/Super-Compliant_AIM.pdf.~~ https://www.aqmd.gov/home/rules-compliance/compliance/vocs/architectural-coatings/super-compliant-coatings. ▪ Using electric off-road vehicles and equipment where feasible and using renewable diesel fuel for diesel-fueled vehicles and equipment where gasoline, natural gas, or electric alternatives are not available. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City and shall be verified by the City's Planning Department. **Specific Plan** No mitigation measures are required.	
Impact AIR-3: Implementation of the proposed project would generate additional, long-term emissions in exceedance of South Coast AQMD's threshold criteria and cumulatively contribute to the South Coast Air Basin's nonattainment designations.	PPA: PS EBPSP: PS	**Policy Plan Amendment** **Mitigation Measure AIR-2-PPA [Former MM 3-2]:** The City of Ontario shall evaluate new development proposals within the City and require all developments to include access or linkages to alternative modes of transportation, such as transit stops, bike paths, and/or pedestrian paths (e.g. sidewalks). **Mitigation Measure AIR-3-PPA [Former MM AQ-1]:** Prior to discretionary approval by the City of Ontario for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), project applicants shall prepare and submit a technical assessment evaluating potential project operation-phase-related air quality impacts	PPA: SU EBPSP: SU

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		to the City of Ontario Planning Department for review and approval. The evaluation shall be prepared in conformance with South Coast Air Quality Management District (South Coast AQMD) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the South Coast AQMD–adopted thresholds of significance, the City of Ontario Planning Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions could include, but are not limited to the following: ▪ For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions. ▪ Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use. ▪ Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		California Air Resources Board Rule 2845 (13 CCR Chapter 10 sec. 2485). ▪ Provide changing/shower facilities as specified in Section A5.106.4.3 of CALGreen (Nonresidential Voluntary Measures). ▪ Provide bicycle parking facilities per Section A4.106.9 of CALGreen (Residential Voluntary Measures). ▪ Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per Section A5.106.5.1 of CALGreen (Nonresidential Voluntary Measures). ▪ Provide facilities to support electric charging stations per Section A5.106.5.3 and Section ~~A5.106.8.2~~ A4.106.8 of CALGreen (Nonresidential Voluntary Measures; Residential Voluntary Measures). ▪ Applicant-provided appliances shall be Energy Star–certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star–certified or equivalent appliances shall be verified by the City during plan check. ▪ Use cool roof materials to improve reflectance and thermal emittance performance of roof structures per Section A5.106.11.2 and Section A4.106.5.1 of CALGreen (Nonresidential Voluntary Measures; Residential Voluntary Measures). ▪ Limit the daily number of trucks accessing the project site to levels analyzed in the technical assessment.	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		▪ Design the project such that truck entrances and exits are not facing sensitive receptors, and trucks will not travel past sensitive land uses to enter or leave the project site. ▪ Design the project such that truck traffic interior to the project site is located as far away from nearby sensitive receptors as feasible. ▪ Design the project such that trucks accessing the project site have available on-site overnight parking to prevent trucks from parking in sensitive land use areas. ▪ Design the project such that any truck check-in location is in the interior of the project site to prevent truck queueing and idling outside the project site and in closer proximity to nearby sensitive receptors. **Specific Plan** **Mitigation Measure AIR-1-SP:** To facilitate the future installation of infrastructure that would charge the batteries that power the motors of electric-powered trucks, the following shall be installed: 1) prior to the shell building permit approval, an electrical room(s) and/or exterior area(s) of the site shall be designated where future electrical panels would be located for the purpose of supplying power to on-site charging facilities for electric powered trucks. Conduit shall be installed from this designated area where the panel would be located to the onsite location where the charging facilities would be located and where electric-powered trucks would park and connect to charging facilities to charge the batteries that	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		power the motors of the electric-powered trucks; 2) prior to issuance of a building permit for tenant improvements, tenants that plan to operate electric trucks would be required to construct electrical charging infrastructure in addition to the required conduits. **Mitigation Measure AIR-2-SP:** In order to promote alternative fuels, and help support "clean" truck fleets, the developer/successor-in-interest shall provide building occupants with information related to South Coast AQMD's Carl Moyer Program, or other such programs that promote truck retrofits or "clean" vehicles and information including, but not limited to, the health effect of diesel particulates, benefits of reduced idling time, and CARB regulations. Tenants shall be notified about the availability of: 1) alternatively fueled cargo handling equipment; 2) grant programs for diesel-fueled vehicle engine retrofit and/or replacement; 3) access to alternative fueling stations proximate to the site that supply compressed natural gas; and 4) the United States Environmental Protection Agency's SmartWay program. **Mitigation Measure AIR-3-SP:** Idling Regulations. Prior to issuance of a certificate of occupancy, legible, durable, weather-proof signs shall be installed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include the following instructions for truck drivers to shut off engines when not in use.	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		▪ Instructions for drivers of diesel trucks to restrict idling to no more than ~~5~~2 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park" and the parking brake is engaged. ▪ Telephone numbers of the building facilities manager and CARB to report violations. **Mitigation Measure AIR-4-SP:** All future operations shall adhere to the following: ▪ Sites shall clearly mark entry and exit points for trucks and service vehicles. ▪ Facility operators shall maintain records of their fleet equipment owned by the facility and ensure that all diesel-fueled Medium-Heavy Duty Trucks (MHDT) and Heavy-Heavy Duty Trucks (HHD) use year CARB 2010 or newer engines. The records should be maintained on-site and be made available for inspection by the lead agency. ▪ Facility operators shall train their managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. ▪ Signs should be posted in the appropriate locations and/or handouts should be provided that show the locations of nearest food options, fueling, truck maintenance services, and other similar convenience services. ▪ Each Facility shall designate a Compliance Officer responsible for implementing the measures described herein and/or in the project conditions of	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		approval and mitigation measures. Contact information shall be provided to the City and updated annually, and signs shall be posted in visible locations providing the contact information for the Compliance Officer to the surrounding community. The Compliance Officer also shall coordinate with CARB and South Coast AQMD to obtain the latest information about regional air quality concentrations, health risks, and trucking regulations. ▪ Signs shall be posted in the appropriate locations heavy truck drivers to park and perform any self-maintenance of trucks in designated on-site areas and not within the surrounding community or on public streets. ▪ Development plans and specifications shall include signs at every truck exit driveway providing directional information to the truck route. **Mitigation Measure AIR-5-SP:** Electric Vehicle Charging and Future Truck Charging Capability. Prior to issuance of building permits, the following features shall be demonstrated on the EBPSP's building plans to the extent feasible over minimum California Code of Regulations Title 24 requirements. Installation shall be verified by the City prior to issuance of a certificate of occupancy. ▪ For use by employees and visitors conducting business at the building, install automobile electric vehicle (EV) charging stations at the minimum number required by the California Code of Regulations Title 24. All charging stations shall be	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		equipped with Level 2 or faster chargers. Signs shall be posted indicating that the charging stations are for exclusive use by the building's employees and by visitors conducting business at the building. ▪ Install appropriate electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future. ▪ Install raceways for conduit to tractor trailer parking areas in logical, gated locations determined by the Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available. The charging station location(s) are to be located inside the gated and secured truck courts. **Mitigation Measure AIR-6-SP:** Water Efficient Fixtures. All water fixtures shall be water efficient (toilets/urinals (1.5 gallons per minute [gpm] or less), showerheads (2.0 gpm or less), and faucets (1.28 gpm or less). **Mitigation Measure AIR-7-SP:** City Review of Construction Documents. Prior to issuance of building permits, the following features shall be demonstrated on building and landscape plans to the extent feasible. Installation shall be verified by the City prior to issuance of a certificate of occupancy. a) Install Energy Star-rated heating, cooling, lighting, and appliances	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		b) Structures shall be equipped with outdoor electric outlets in the front and rear to facilitate use of electrical lawn and garden equipment. c) Install rooftop solar energy systems which generate enough electricity to meet 45% of the annual warehouse electricity demand. **Mitigation Measure AIR-8-SP**: Tenant Lease Agreement. Prior to issuance of a certificate of occupancy, the following language shall be included within tenant lease agreements in order to reduce operational air pollutant emissions to the extent feasible: a) Information about energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs. b) Information about funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment. c) Requirements to use the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site at such time this technology becomes commercially available. This requirement shall apply to equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc. d) Requirements to exclusively use zero-emission light and medium-duty delivery trucks and vans, when economically feasible.	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		e) Requirements to operate in compliance with, and to monitor compliance with, all current and applicable air quality regulations for on-road trucks including the California Air Resources Board's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation. f) Requirements and identification of the responsible party to maintain, replace, and upgrade rooftop solar panels per the manufacturer's recommendations for the life of the lease. The EBPSP would comply with existing solar requirements per the California Energy Code in effect during permitting (at the time of Construction Drawing Plan Check Submittal). In the case that the tenant requires additional solar capacity, this shall be addressed during the tenant improvement process. The EBPSP would be required to meet the CCR Title 24 energy efficiency standards in effect at the time building permit applications are submitted. g) Requirements and identification of the responsible party to maintain, replace, and repair the legible, durable, weather-proof signs that were installed at initial building occupancy placed at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. h) The tenant agreement shall include notification that the tenant shall comply with CARB Truck and Bus regulation, including requirements that only haul trucks meeting model year 2010 engine emission standards shall be used	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		for the on-road transport of materials to and from the site. i) Requirements for the building owner to provide a Green Cleaning Products and Paint Education Program available to the building tenant, to keep at the building's office, break room, leasing space, or on an accessible website **Mitigation AIR-9-SP:** Prior to the commencement of construction activities that may overlap with operation of nearby approved or existing uses and result in concurrent emissions-generating activities ("overlap periods"), the project applicant shall prepare and submit a construction emissions management plan to the City for review and approval. The plan shall identify and implement feasible measures to minimize construction-related emissions during overlap periods and shall include, at a minimum, the following measures, where applicable and feasible: a) Apply water or approved soil stabilizers to disturbed soils, unpaved haul roads, staging areas, and stockpiles as necessary to prevent visible dust emissions. b) Cover, water, or otherwise stabilize all soil stockpiles and inactive disturbed areas. c) Limit vehicle speeds on unpaved surfaces to 15 miles per hour or less. d) Install and maintain track-out control devices, including rumble plates, wheel washers, or equivalent measures, at construction access points.	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		e) Suspend grading and other soil-disturbance activities during high wind events when visible dust cannot be adequately controlled. f) Utilize off-road diesel-powered construction equipment meeting U.S. EPA Tier 4 Final emissions standards for engines rated at 50 horsepower or greater, unless such equipment is demonstrated to be unavailable or infeasible. g) All diesel-powered off-road construction equipment and on-road haul trucks operating during overlap periods shall utilize renewable diesel meeting California Air Resources Board specifications to the extent commercially available and feasible. h) Require off-road equipment with a power rating below 19 kilowatts, including plate compactors and pressure washers, to be electrically powered or battery operated where commercially available and feasible. i) Prohibit the idling of construction equipment and on-road haul trucks for more than five consecutive minutes, except where necessary for safety, operational requirements, or manufacturer specifications. j) Utilize electrically powered or battery-powered construction tools and equipment where commercial available and feasible. k) Require heavy-duty haul trucks entering the construction site during grading and building	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		construction phases to be model year 2014 or newer to the extent feasible and commercially available. l) Encourage construction workers to carpool, rideshare, or utilize shared transportation to access the construction site and provide information regarding available ridesharing and transit opportunities to construction personnel. m) Use architectural coatings, including paints, primers, sealants, adhesives, and caulks, that comply with applicable South Coast AQMD VOC content limits in effect at the time of construction. To the extent feasible, coatings with VOC levels below applicable regulatory thresholds shall be utilized. n) Use high-pressure/low-volume paint applicators with minimum transfer efficiency of 50 percent or other application techniques with equivalent or greater transfer efficiency where feasible. o) Keep paint container lids closed when not in use and utilize compliant low-VOC cleaning solvents for paint equipment cleaning activities. p) Use pre-painted construction materials to the extent feasible. q) Recycle or properly dispose of all unused paint and paint-related materials at an authorized facility or household hazardous waste collection facility, as applicable. Water-based and oil-based paints shall be stored and disposed of separately. r) Sequence grading, excavation, paving, and other intensive construction activities to avoid	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		simultaneous operation of multiple high-emission equipment fleets in close proximity, limit concurrent operation of heavy-duty diesel-powered equipment where feasible, and coordinate construction scheduling to reduce peak daily emissions during overlap periods. s) Construction haul routes shall be designed to avoid or minimize exposure to sensitive receptors to the extent feasible.	
BIOLOGICAL RESOURCES			
Impact BIO-1: Implementation of the proposed project could impact special-status species, as well as nesting birds, burrowing owls, and roosting bat species.	PPA: PS EBPSP: PS	**Policy Plan Amendment** **Mitigation Measure BIO-9-PPA: Active Nest Avoidance and No-Work Buffers**. If active nests of avian species protected by the Migratory Bird Treaty Act and Fish and Game Code are detected within the proposed development project area or within a 300-foot buffer (500-foot buffer for raptors and listed species) of the proposed development project area, as determined by the qualified biologist, a no-work buffer will be established around the nest (typically 300 feet for passerines and 500 feet for raptors and listed species) and construction shall be restricted in the area until the young have fledged; there is no evidence of a second attempt at nesting if the nest attempt has failed, as determined by the qualified biologist; or until appropriate protection measures (installation of noise and/or visual barriers, intermittent halting or rerouting of high noise-producing construction activities to other portions of the project area, biological	PPA: LTS EBPSP: LTS

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		monitoring, and/or noise monitoring to ensure effectiveness of no-work buffers and/or noise reduction measures, etc.) that respond to the specific situation have been developed and implemented in consultation with the City and regulatory agencies. A figure showing the locations of no work buffers established during the preclearance nesting survey shall be included in the predisturbance survey report (see Mitigation Measure BIO-8-PPA)	
CULTURAL RESOURCES			
Impact CUL-1: Implementation of the Policy Plan Amendment could impact historical resources.	PPA: PS EBPSP: LTS	**Policy Plan Amendment** **Mitigation Measure CUL-1-PPA [Former MM 5-1]:** Historic or potentially historic resources in the City, except for those properties in the Ontario Ranch, shall be evaluated for historic significance through the City's tier system prior to the issuance of plan or development approvals. Pursuant to the City's Development Code (Chapter 4, Permits, Actions, and Decisions, and Chapter 7, Historic Preservation), mitigation measures for ~~all~~ Tier III Historic Resources citywide, Tier II historic resources in Ontario Ranch, or potentially significant historic resources in Ontario Ranch shall include the following: a) Each historic resource shall be fully documented and cataloged pursuant to Historic American Building Survey/Historic American Engineering Record (HABS/HAER) standards, to provide a record of the resource, including, but not limited to: [i] the preparation of site plans, floor plans, exterior and interior elevations,	PPA: SU EBPSP: LTS

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		and detail drawings of character defining features (such as moldings, stairs, etc.); and [ii] photographs of the resource, including the exterior, interior, and interior and exterior character defining features (such as moldings, light fixtures, trim patterns, etc.). b) A mitigation fee ~~established pursuant to Section 7.01.030 (Historic Preservation Mitigation Fee)~~ shall be paid to the City and deposited into the Historic Preservation Trust Fund prior to the issuance of a demolition permit for Tier III historic resources, Tier II Historic Resources located in Ontario Ranch, or a potentially significant historic resource in Ontario Ranch. Fees for Tier III Historic Resources citywide shall be 10 percent and fees for Tier II historic resources in Ontario Ranch and potentially significant historic properties in Ontario Ranch shall be 30 percent of the price per square foot construction cost, as established in the most current ICC Building Valuation Data. Fees for Tier I citywide and II historic resources outside of Ontario Ranch shall be determined during the Environmental Impact Report process. ~~The fees established for Tier III will be used as a reference point for establishing fees for Tier I and II historic resources~~ c) Issuance of a ~~A~~ Certificate of Appropriateness shall be required ~~not be issued~~ for the demolition of a~~n~~ Tier III historic resource citywide or a Tier II historic resource in Ontario Ranch, either in whole or in part~~,~~ However, it shall not be issued until such time that a demolition permit application and a replacement structure has been approved by the City, and appropriate permits have been	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		issued for its construction, unless: [i] a waiver is granted pursuant to Subsection H (Replacement Structure Waiver for Historic Resources Located within Industrial Zoning Districts) of Section 4.02.050; [ii] a deferral of the replacement structure requirement is granted pursuant to Subsection G (Replacement Structure Deferral) of Section 4.02.050; or [iii] demolition is required pursuant to Section 7.01.050 (Unsafe or Dangerous Conditions) ~~of this Development Code~~. d) In an effort to preserve features and artifacts from historic resources, a determination whether items within or on the resource should be salvaged must be made by the Planning Department and may include the local historical society prior to the issuance of the demolition permit. The applicant shall be responsible for the removal, relocation, storage, and donation of such items selected for salvaging. The applicant shall provide an inventory of salvaged items to the Planning Department, and shall include a list of each item name, description, and dimension (as necessary), and the location of each item on a floor plan. **Mitigation Measure CUL-2-PPA:** Project applicants for development projects that contain Tier II Historic Resources in Ontario Ranch pursuant to the City's historic resource evaluation system (i.e., 8314 Edison Avenue, 8484 Schaefer Avenue, 8185 Edison Avenue, 14251 Euclid Avenue, and 13948 S. Walker Avenue) and all other potentially historic properties in Ontario Ranch shall be subject to the following additional	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		mitigation requirements prior to the issuance of any grading, demolition, or development approvals: a) **Documentation.** A complete chain of title with copies of recorded deeds / documents for each parcel within the eligible property boundaries shall be provided to the Planning Department by the project applicant to ensure that all ethnic groups associated with each significant parcel / property are identified. The information shall be integrated into the HABS-Like Local Documentation Package prepared for each property. For properties with Basque or Portugues Associations, the following additional measures are required: ▪ **Basque Associations**. For properties with Basque associations, the project applicant shall contact the Chino Basque Club to inquire if the organization possesses any historic materials relating to the property or the owners identified in the complete chain of title. New materials resulting in this effort shall be integrated with HABS-like documentation; and ▪ **Portuguese Associations**. For properties with Portuguese associations, the project applicant shall contact the Chino Valley Divino Espirito Santo (DEA) Club to inquire if the organization possesses any historic materials relating to the property or the owners identified in the complete chain of title. New materials resulting in this effort shall be integrated with HABS-like documentation.	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		b) **Avoidance.** All efforts to avoid demolition of historic resources shall be made by the project applicant. Alternatives to demolition that shall include: ▪ **Adaptive Reuse Study.** Prior to approval of demolition, an adaptive reuse study shall be prepared by a qualified professional meeting the minimum qualifications standards of the Secretary of the interior Professional Qualifications (Code of Federal Regulations, 36 CFR Part 61). The adaptive reuse study shall make recommendations on the possible reuse of the historic resource into the proposed project. If feasible and determined appropriate, the historic resource shall be integrated into the project, thereby avoiding demolition. ▪ **Structural Analysis for Relocation and/or Reconstruction**. Prior to approval of demolition, a structural analysis shall be prepared by a California licensed engineer meeting the minimum qualifications standards of the Secretary of the interior Professional Qualifications (Code of Federal Regulations, 36 CFR Part 61). The analysis shall identify the building components and materials and determine the feasibility of relocation and reconstruction. o If determined that relocation is feasible and a receiver site is available, the project applicant shall facilitate the relocation, affixing the building or structure to a permanent foundation, with	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		approved relocation plans and required permit issuance. o If a receiver site is not available, the historic resource shall be advertised and shall be offered at no cost for those who can relocate the structures off-site. Advertisements notifying the public of the opportunity to relocate the structures shall be placed for a minimum of 30 days: on-site with temporary signage, in at least 3 local publications (newspapers, magazines, local organization newsletters), and on local bulletin boards (realtor's offices, local business). A social media campaign, posted on the applicant's website or on a local non-profit heritage site, including a dedicated web page with the structure's information (description, square footage, photographs) and contact information should be incorporated into the relocation advertisement. c) **Interpretive Plan**. An interpretative plan highlighting the history, architectural styles, businesses, or individuals that have historic significance and have contributed to the development of the dairy industry shall be prepared by a qualified historian to further educate and increase community awareness of the local dairy history. The interpretive plan may be developed and constructed at a site-specific location, as determined by the City, or development in an on-line format.	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		Specific Plan **No mitigation measures are required.**	
TRIBAL CULTURAL RESOURCES			
Impact TCR-1: Tribal cultural resources could be adversely impacted by grading activities associated with the Proposed Project.	PPA: PS EBPSP: PS	**Policy Plan Amendment** **Mitigation Measure TCR-1-PPA [Former MM 5-3]:** Upon receipt of an application for a proposed project subject to CEQA and is within the City's jurisdiction, the City's representative shall consult with the relevant tribe(s)' representative(s) to determine if the proposed project is within a culturally sensitive area to the tribe. If sufficient evidence is provided to reasonably ascertain that the site is within a [tribal] culturally sensitive area, an archaeologist shall prepare a cultural resources assessment. The findings of the cultural resources assessment shall be incorporated into the CEQA documentation. A copy of the report shall be forwarded to the tribe(s). If mitigation is recommended in the CEQA document, the procedure described in Mitigation Measure ~~5-~~4 TCR-2-PPA shall be followed. **Mitigation Measure TCR-2-PPA [Former MM 5-4]:** ~~Prior to the issuance of grading permits for a proposed project for which the CEQA document defines cultural resource mitigation for potential tribal resources, the project applicant shall contact the designated tribe(s) to notify them of the grading, excavation, and monitoring program.~~ The applicant shall coordinate with ~~the City of Ontario and the~~ tribal representative(s) to ~~develop mitigation measures that~~ address the designation, responsibilities, and participation of tribal monitors during grading, excavation, and ground-	PPA: LTS EBPSP: LTS

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		disturbing activities; scheduling; terms of compensation; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on the site. The City of Ontario shall be the final arbiter of the conditions for projects within the City's jurisdiction. **Mitigation Measure TCR-3-PPA [Former MM TCR-1]:** Tribal Cultural Resources Monitoring. The project archaeologist, in consultation with interested tribes, the developer, and the City of Ontario, shall develop an archaeological monitoring plan (AMP) to address the details, timing, and responsibility of archaeological and cultural activities that will occur on the project site. Details in the AMP shall include: 1. Project-related ground disturbance (including, but not limited to, brush clearing, grading, trenching, etc.) and development scheduling; 2. The development of a rotating or simultaneous schedule in coordination with the developer and the project archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all project archaeologists (if the tribes cannot come to an agreement on the rotating or simultaneous schedule of tribal monitoring, the ~~Native American Heritage Commission~~ project archeologist shall	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		designate the schedule for the onsite Native American Tribal Monitor for the proposed project); 3. The protocols and stipulations that the developer, City, Tribes, and project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation. At least 30 days prior to application for a grading permit and before any brush clearance, grading, excavation, and/or ground disturbing activities on the site, the developer shall retain a tribal cultural monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Pursuant to the AMP, a tribal monitor from the consulting tribe shall be present during the initial grading activities. If tribal resources are found during grubbing activities, the tribal monitoring shall be present during site grading activities. **Mitigation Measure TCR-4-PPA [Former MM TCR-2]:** Treatment and Disposition of Cultural Resources. In the event that Native American cultural resources are inadvertently discovered during the course of any ground-disturbing activities, including but not limited to brush clearance, grading, trenching, etc., for the proposed project, the following procedures will be carried out for treatment and disposition of the discoveries: 1. Temporary Curation and Storage: During the course of construction, all discovered resources shall be	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		temporarily curated in a secure location on-site or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; 2. Treatment and Final Disposition: The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and nonhuman remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Ontario with evidence of same: a. Accommodate the process for on-site reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloging, basic analysis, other analyses as recommended by the project archaeologist and approved by consulting tribes, and basic recordation have been completed; all documentation should be at a level of standard professional practice to allow the writing of a report of professional quality; b. A curation agreement with an appropriate qualified repository in San Bernardino County	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		that meets federal standards per 36 CFR Part 79, and therefore the resource would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility in San Bernardino County, to be accompanied by payment of the fees necessary for permanent curation; c. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, materials shall be curated at the San Bernardino County Museum by default; d. At the completion of grading, excavation, and ground-disturbing activities on the site, a Phase IV Monitoring Report shall be submitted to the City documenting monitoring activities conducted by the project archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide	

Table ES-3 Summary of Environmental Impacts and Mitigation Measures

Environmental Impact	Level of Significance without Mitigation	Mitigation Measures	Level of Significance with Mitigation
		evidence of the required cultural sensitivity training for the construction staff held during the required pregrade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the City, County Museum, and consulting tribes. **Specific Plan** **Mitigation Measure TCR-1-SP:** The EBPSP shall implement MM TCR-2-PPA, MM TCR-3-PPA, MM TCR-4-PPA.	