APPENDIX C

BIOLOGICAL RESOURCES TECHNICAL REPORT

Biological Resources Technical Report

Euclid Mixed-Use Specific Plan
City of Ontario, California

FINAL REPORT

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INTRODUCTION

The following biological resources technical report describes a detailed assessment of potential sensitive natural resources located within and/or immediately adjacent to the 94.22-acre "Euclid Mixed-Use Specific Plan" project (Specific Plan Boundary). The report has been prepared to support compliance with the California Environmental Quality Act (CEQA) documentation including the preparation of an Initial Study (IS), Environmental Impact Report (EIR) and environmental review process conducted by the City of Ontario. As discussed below, the assessment included a thorough literature review, site reconnaissance characterizing existing conditions (including floral, faunal and dominant vegetation communities), impact analysis, and applicable standards and regulations to ensure impacts remain at a level below significance.

PROJECT LOCATION

The 70.04-acre project site (Project Site), 59.98-acres onsite, Assessor Parcel Numbers (APNs) 1053-071-01, -02, -03, -04, 1053-211-01, -02, 1053-281-08, 1053-081-01, -03, -04, and 10.06-acres offsite assessment area (right of ways) is located within the southwestern region of the City of Ontario, San Bernardino County, California, as shown in Figure 1, *Regional Location Map*, and Figure 2, *Project Site Map*. Specifically, the Euclid Mixed-Use Specific Plan extends north of Ontario Ranch Road, east of Euclid Avenue, south of Schaefer Avenue and west of Sultana Avenue.

The remaining parcels totaling 24.18-acres, located within the southwest region of the Specific Plan Boundary including APN's 1053-211-05, 1053-281-01, -02, -03, -04, and -07 were analyzed programmatically (Programmatic Assessment Area) based on aerial photographs and assessments from the parcel boundaries as shown in Figure 2, *Project Site Map*. To ensure that potential adverse effects to sensitive species and resources are reduced to a less than significant level, a focused biological resources assessment and impact analysis shall be conducted in the un-surveyed portion of the Specific Plan Boundary prior to approval of development within this region. In addition to completing CEQA review, any focused surveys and required mitigation measures shall be implemented prior to project approval and initiation of construction, **CM BIO-6** Programmatic Assessment Area CEQA Analysis.

PROJECT DESCRIPTION

The proposed action includes the development of thirteen (13) warehouse buildings totaling 957,595 square feet including associated offices, employee parking, and 365 trailer stalls (RGA, Office of Architectural Design).

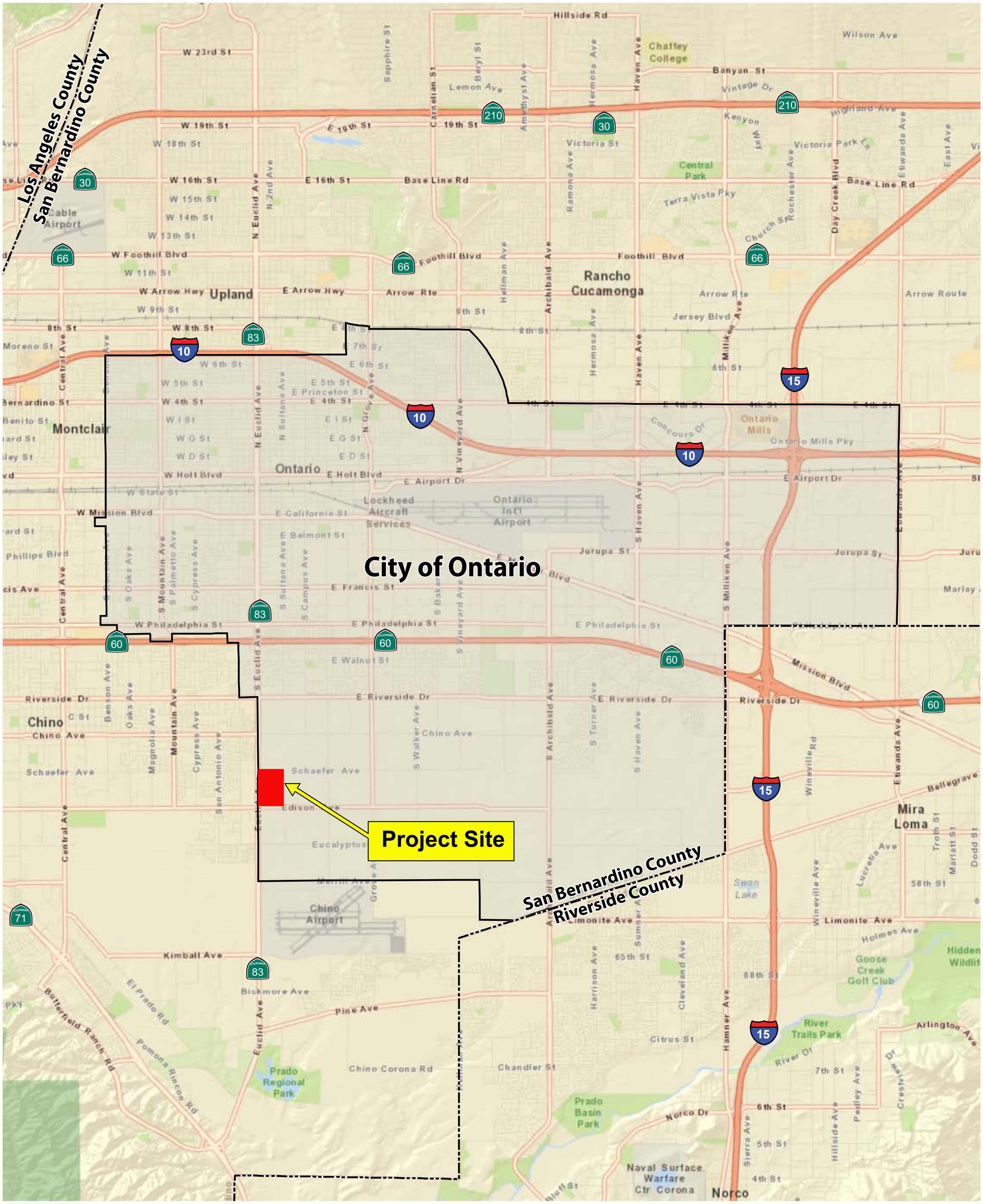

Figure 1 - Regional Location Map

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Euclid Mixed Use Specific Plan, City of Ontario, California

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N

not to scale

SPECIFIC PLAN BOUNDARY

Schaefer Avenue

Offsite Impact Area

Right-of-Way

Right-of-Way

Offsite Impact Area

Euclid Avenue

Sultana Avenue

Right-of-Way

Right-of-Way

Ontario Ranch Road

City of Chino

City of Ontario

1053-071-04

1053-081-03

1053-071-03

1053-081-01

1053-071-02

1053-081-04

1053-071-01

1053-211-02

1053-211-05

1053-211-01

1053-281-08

1053-281-01

1053-281-07

1053-281-03

1053-281-02

1053-281-04

1 2 3 4 5 6 7 8 9 10

Photo Point & Direction

Programmatic Assessment Area - Area Not Accessible for Direct Site Assessment

Figure 2 - Project Site Map

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Euclid Mixed Use Specific Plan, City of Ontario, California

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1 inch = 250 feet

METHODOLOGY

The following section details the methods implemented prior to and during the reconnaissance survey conducted throughout the Project Site.

LITERATURE REVIEW

Existing biological resource conditions within and adjacent to the Project Site were initially investigated through review of pertinent scientific literature. Federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) were also reviewed in conjunction with anticipated federally listed species potentially occurring within the region of the Project Site. The California Natural Diversity Database (CNDDB) (CDFW 2022a), a California Department of Fish and Wildlife (CDFW) Natural Heritage Division species account database, was also reviewed for all pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Combined, the reviewed sources provided an excellent baseline from which to inventory the biological resources potentially occurring in the area. Other CDFW reports and publications consulted include the following:

- Special Animals (CDFW 2022b);
- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2022c);
- Endangered, Threatened, and Rare Plants of California (CDFW 2022d); and
- Special Vascular Plants and Bryophytes List (CDFW 2022e).

FIELD SURVEY

A reconnaissance survey of the Project Site was conducted by Ruben Ramirez of Cadre Environmental on October 7th, 2022 in order to characterize and identify potential sensitive plant and wildlife habitats, and to establish the accuracy of the data identified in the literature search. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photograph, topographic maps, vegetation and rare plant maps prepared for previous studies in the region were used to determine community types and other physical features that may support sensitive plants/wildlife, uncommon taxa, or rare communities that occur within or adjacent to the Project Site. Habitat assessments were conducted for, but not limited to, the following target species/groups.

- Delhi sands flower loving fly – Federally Endangered (FE)
- Coastal California gnatcatcher – Federally Threatened (FT)/State Species of Special Concern (SSC)
- Burrowing owl - SSC
- San Bernardino kangaroo rat – FE/SSC
- Common and sensitive bat species
- Sensitive plants

Vegetation Communities/Habitat Classification Mapping

Natural community names and hierarchical structure follows the "*Manual of California Vegetation*" (Sayer and Keeler-Wolf 2009) classification system, which has been refined and augmented where appropriate to better characterize the habitat types observed onsite. A general plant survey was conducted throughout the Project Site during the reconnaissance in a collective effort to identify all species occurring onsite.

All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy follows Hickman (1993). Scientific nomenclature and common names used in this report generally follow Roberts et al. (2004) or Baldwin et al. (2012) for updated taxonomy. Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

Wildlife Resources Inventory

All animals identified during the reconnaissance survey by sight, call, tracks, scat, or other characteristic sign were documented. In addition to species actually detected, expected use of the site by other wildlife was derived from the analysis of habitats on the site, combined with known habitat preferences of regionally occurring wildlife species. Vertebrate taxonomy followed in this report is according to the Center for North American Herpetology (2022 for amphibians and reptiles), the American Ornithologists' Union (1988 and supplemental) for birds, and Baker et al. (2003) for mammals. Both common and scientific names are used during the first mention of a species; common names only are used in the remainder of the text.

Jurisdictional Resources Assessment

The Project Site was assessed for the presence/absence of United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and Regional Water Quality Control Board (RWQCB) jurisdictional resources. Non-wetland waters of the United States were assessed based on the limits of the Ordinary High-Water Mark (OHWM) as determined by erosion, the deposition of vegetation or debris, and changes in vegetation and soil characteristics. The assessment utilized the methodology for routine wetland determination according to the methods outlined in the USACE Wetland Delineation Manual (Environmental Laboratory 1987) and the Arid West Wetland Delineation Supplement and updated regulatory guidance letters (USACE 2008). Wetlands are identified by the presence of three characteristics: hydrophytic vegetation, wetland hydrology, and hydric soils. If any of these criteria were met, one or more transects were run to determine the extent of the wetland. Specifically, the presence of wetland hydrology was evaluated throughout the Project Site by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil pits, where applicable. In addition, indicators of wetland or riverine hydrology were recorded, including water marks, drift lines, rack, debris, and sediment deposits, as warranted. Any indicators of hydric soils, such as redoximorphic features, buried organic matter, organic streaking, reduced soil conditions, gleyed or low-chroma soils, or sulfidic odor were also recorded.

The following section presents the existing conditions of the Project Site. The Project Site is characterized as 70.04-acres of heavily disturbed active dairy and agricultural facilities as shown in Figure 3, *Vegetation Communities Map*, Figures 4 to 8, *Current Project Site Photographs,* and outlined in Table 1, *Project Site Vegetation Community Acreages*. The Project Site is completely bordered by high traffic roads, commercial/residential development and active dairy and agricultural facilities.

The Soil Survey of the San Bernardino County Area has the following soils mapped within the boundary of the Project Site as shown on Figure 9, *Soils Association Map*:

- Hr – Hilmar loamy fine sand
- TuB – Tujunga loamy sand 0 to 5 percent slopes.

VEGETATION COMMUNITIES

Active Dairy

Approximately half of the Project Site has and continues to be utilized as an active dairy including dry lots, milking parlors/feed storage facilities and housing (Venegas Family Farm). These areas are either devoid of vegetation or dominated by ornamental, ruderal non-native and native species commonly detected in disturbed habitats including Palmer's amaranth (*Amaranthus palmeri*), summer cypress (*Bassia scoparia*), horseweed (*Erigeron canadensis*), Russian thistle (*Salsola tragus*), prostate knotweed (*Polygonum aviculare*), cheeseweed (*Malva parviflora*), red-stemmed filaree (*Erodium cicutarium*), castor bean (*Ricinus communis*), prickly lettuce (*Lactuca serriola*), Bermuda grass (*Cynodon dactylon*), barnyard grass (*Echinochloa crus-galli*), goose grass (*Eleusine indica*), wild oat (*Avena fatua*), foxtail barley (*Hordeum murinum*), ripgut brome (*Bromus diandrus*), Peruvian peppertree (*Schinus molle*), Bougainvillea (*Bougainvillea* sp.), pine (*Pinus* sp.), Mexican fan palm (*Washingtonia robusta*), and jacaranda (*Jacaranda* sp.). Several dairy effluent retention ponds are located onsite and are either devoid of vegetation or inundated with discharge. No riparian scrub, forest or woodland habitat is associated with these ponds.

Active Agriculture

Approximately half of the Project Site has and continues to be actively farmed including the current production of pumpkin (*Cucurbita* sp.) and field corn *(Zea mays*).

Disturbed

Disturbed regions of the Project Site are either devoid of vegetation (dirt roads and fallow fields) or dominated by the following species including golden crown beard (*Verbesina encelioides*), London rocket (*Sisymbrium irio*), milk thistle (*Silybum marianum*), Australian saltbush (*Atriplex semibaccata*), big saltbush (*Atriplex lentiformis*), spiny cocklebur (*Xanthium spinosum*), field bindweed (*Convolvulus arvensis*), common sow thistle (*Sonchus oleraceus*), and annual sunflower (*Helianthus annus*).

Developed

Developed regions of the Project Site include the existing roadways within the rights-of-way.

Ornamental (Eucalyptus)

Several blue gum (*Eucalyptus globulus*) and red gum trees (*Eucalyptus camaldulensis*) are located adjacent to the northeast and western Project Site boundaries.

Table 1.
Project Site Vegetation Community Acreages

Vegetation Community	Onsite Acres	Offsite Acres	Total Acres
Active Dairy	31.17	2.69	33.86
Active Agriculture	25.71	1.62	27.33
Disturbed	3.02	4.04	7.06
Developed	--	1.18	1.18
Ornamental (Eucalyptus)	0.08	0.53	0.61
TOTAL	**59.98**	**10.06**	**70.04**

Source: Cadre Environmental 2022.

GENERAL PLANT & WILDIFE SPECIES

All plant species documented within the Project Site are presented and listed in the previous section.

General wildlife species documented on site include white-faced ibis (*Plegadis chihi*), red-winged blackbird (*Agelaius phoeniceus*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), rock dove (*Columba livia*), American kestrel (*Falco sparverius*), northern mockingbird (*Mimus polyglottos*), Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), western meadowlark (*Sturnella neglecta*), cliff swallow (*Petrochelidon pyrrhonota*), American crow (*Corvus brachyrhynchos*), Brewer's blackbird (*Euphagus cyanocephalus*), brown-headed cowbird (*Molothrus ater*), European starling (*Sturnus vulgaris*), house finch (*Haemorhous mexicanus*), white-crowned sparrow (*Zonotrichia leucophrys*) house sparrow (*Passer domesticus*), and desert cottontail rabbit (*Sylvilagus audubonii*).

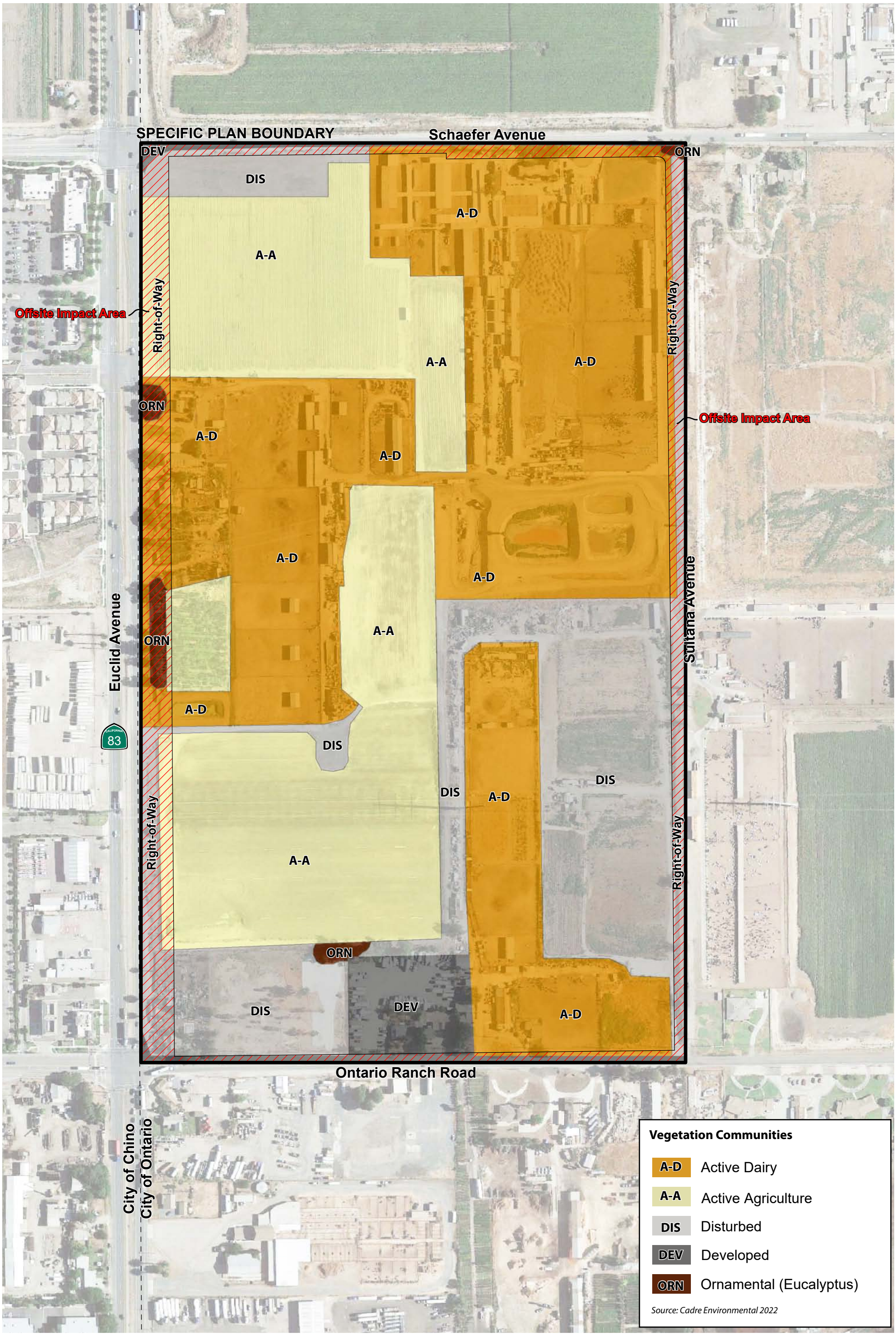

Figure 3 - Vegetation Communities Map
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Euclid Mixed Use Specific Plan, City of Ontario, California

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1 inch = 250 feet

PHOTOGRAPH 1 - Northwest view of Project Site from southeast corner adjacent to Ontario Ranch Road.

PHOTOGRAPH 2 - Northeast view of Project Site from southwest corner adjacent to Ontario Ranch Road/Euclid Avenue intersection.

Refer to Figure 2 for Photographic Key Map

Figure 4 - Current Project Site Photographs
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Euclid Mixed Use Specific Plan, City of Ontario, California

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PHOTOGRAPH 3 - Southeast view of Project Site from northwest corner adjacent to Euclid Avenue/Schaefer Avenue intersection.

PHOTOGRAPH 4 - Southwest view of Project Site from northeast corner adjacent to Schaefer Avenue.

Refer to Figure 2 for Photographic Key Map

Figure 5 - Current Project Site Photographs
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PHOTOGRAPH 5 - Active Dairy

PHOTOGRAPH 6 - Active Dairy

Refer to Figure 2 for Photographic Key Map

Figure 6 - Current Project Site Photographs
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PHOTOGRAPH 7 - Active Agriculture

PHOTOGRAPH 8 - Disturbed

Refer to Figure 2 for Photographic Key Map

Figure 7 - Current Project Site Photographs
Biological Resources Technical Report
Euclid Mixed Use Specific Plan, City of Ontario, California

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PHOTOGRAPH 9 - Active Dairy/Effluent Pond

PHOTOGRAPH 10 - Disturbed/Active Agriculture

Refer to Figure 2 for Photographic Key Map

Figure 8 - Current Project Site Photographs
Biological Resources Technical Report
Euclid Mixed Use Specific Plan, City of Ontario, California

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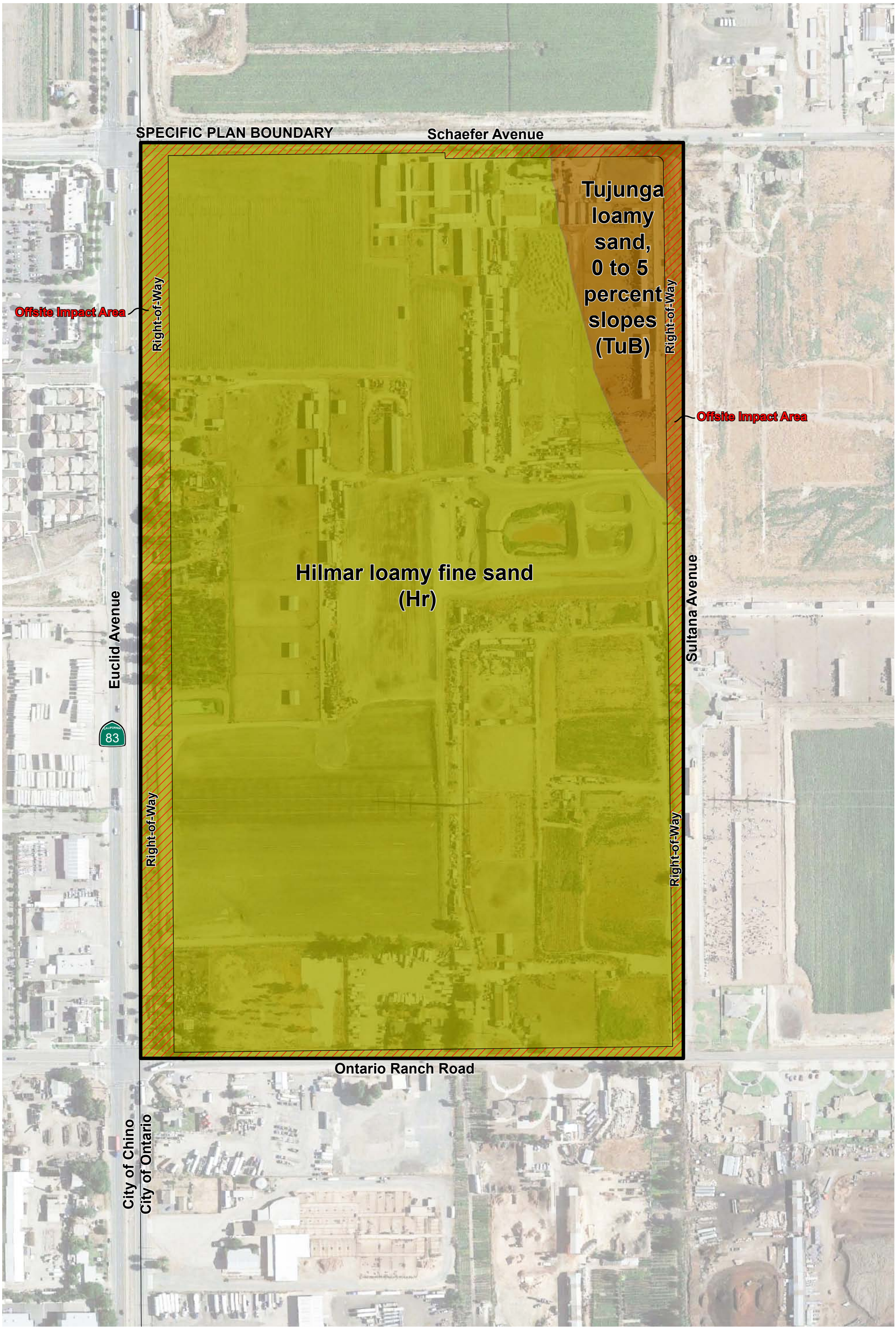

Figure 9 - Soils Association Map
Biological Resources Technical Report
Euclid Mixed Use Specific Plan, City of Ontario, California

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1 inch = 250 feet

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within the Project Site. The artificially created unvegetated dairy effluent retention ponds are isolated located in uplands and currently rotated in use resulting in a wet (inundated) and dry phase. All of the active retention ponds are devoid of wetland vegetation including but not limited to riparian scrub, forest or woodland habitat.

Impacts to water quality would be less than significant during both construction and operation following preparation of a Water Quality Management Plan (WQMP), Storm Water Pollution Prevention Plan (SWPPP) and compliance with National Pollutant Discharge Elimination System (NPDES) permit and San Bernardino County Regional Municipal Separate Stormwater Sewer System (MS4) code provisions.

SENSITIVE BIOLOGICAL RESOURCES

The following discussion describes the plant and wildlife species present, or potentially present within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by state and/or federal resource management agencies, or both, as threatened or endangered, under provisions of the state and federal endangered species act. Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as "candidates" by the USFWS. CDFW uses various terminology and classifications to describe vulnerable species.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, USFWS, and special groups like the California Native Plant Society (CNPS) maintain watch lists of such resources. For the purpose of this assessment sources used to determine the sensitive status of biological resources are:

Plants: USFWS (2022), CNDDB (CDFW 2022a), CDFW (2022d, 2022e), CNPS (2022), and Skinner and Pavlik (1994),

Wildlife: California Wildlife Habitat Relationships (2008), USFWS (2022), CNDDB (CDFW 2022a), and CDFW (2022b, 2022c).

Habitats: CNDDB (CDFW 2022a, 2022f).

FEDERAL PROTECTION AND CLASSIFICATIONS

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its

range...” Threatened species are defined as “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to “take” any listed species. “Take” is defined as follows in Section 3(18) of the FESA: “...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Further, the USFWS, through regulation, has interpreted the terms “harm” and “harass” to include certain types of habitat modification as forms of a “take.” These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now referred to simply as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS. For purposes of this assessment, the following acronyms are used for federal status species:

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FC	Federal Candidate for Listing

The designation of critical habitat can also have a significant impact on the development of land designated as “*critical habitat*.” The FESA prohibits federal agencies from taking any action that will “*adversely modify or destroy*” critical habitat (16 U.S.C. § 1536(a)(2)). This provision of the FESA applies to the issuance of permits by federal agencies. Before approving an action affecting critical habitat, the federal agency is required to consult with the USFWS who then issues a biological opinion evaluating whether the action will “*adversely modify”* critical habitat. Thus, the designation of critical habitat effectively gives the USFWS extensive regulatory control over the development of land designated as critical habitat.

The Migratory Bird Treaty Act of 1918 (MBTA) makes it unlawful to “*take*” any migratory bird or part, nest, or egg of such bird listed in wildlife protection treaties between the United States and Great Britain, the Republic of Mexico, Japan, and the Union of Soviet States. For purposes of the MBTA, “*take*” is defined as to pursue, hunt, capture, kill, or possess or attempt to do the same.

The Bald Eagle and Golden Eagle Protection Act explicitly protects the bald eagle and golden eagle and imposes its own prohibition on any taking of these species. As defined in this act, take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb. Current USFWS policy is not to refer the incidental take of bald eagles for prosecution under the Bald Eagle and Golden Eagle Protection Act (16 U.S.C. 668-668d).

STATE PROTECTION AND CLASSIFICATIONS

California's Endangered Species Act (CESA) defines an endangered species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike FESA, CESA does not include listing provisions for invertebrate species.

Article 3, Sections 2080 through 2085, of CESA addresses the taking of threatened or endangered species by stating "No person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided..." Under CESA, "take" is defined as "...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require "...permits or memorandums of understanding..." and can be authorized for "...endangered species, threatened species, or candidate species for scientific, educational, or management purposes." Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. SSC ("special" animals and plants) listings include special status species, including all state and federal protected and candidate taxa, Bureau of Land Management (BLM) and US Forest Service (USFS) sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species which are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document

for the CDFW's CNDDB project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biotic assessments. For some species, the CNDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For the purposes of this assessment, the following acronyms are used for State status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected
SP	State Protected
SR	State Rare
SSC	California Species of Special Concern
CWL	California Watch List

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under California Fish and Game Code Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the State. This organization has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001). The list serves as the candidate list for listing as threatened and endangered by CDFW. The CNPS has developed five categories of rarity (CRPR):

CRPR 1A	Presumed extinct in California
CRPR 1B	Rare, threatened, or endangered in California and elsewhere
CRPR 2A	Plants presumed extirpated in California but common elsewhere

CRPR 2B	Plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3	Plants about which we need more information – a review list
CRPR 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat

As stated by the CNPS:

> "*Threat Rank is an extension added onto the California Rare Plant Rank and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B's, 2's, 4's, and the majority of California Rare Plant Rank 3's. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension."* (CNPS 2022)

0.1	Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2	Fairly threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3	Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

LOCAL PROTECTION AND CLASSIFICATIONS

The following Local Protection and Classifications sections are excerpted from The Ontario Plan 2050 (Placeworks 2022).

The City of Ontario Plan Environmental Resources Element contains goals and policies which pertain to the protection of biological resources in the City of Ontario:

Goal ER5 Protected high value habitat and farming and mineral resource extraction activities that are compatible with adjacent development.

Policy ER5-1 Habitat Conservation Areas. We support the protection of biological resources through the establishment restoration, and conservation of high-quality areas.

Policy ER5-2 Entitlement and Permitting Process. We comply with state and federal regulations regarding protected species.

Policy ER5-4 Transition of Farms. We protect both existing farms and sensitive uses around them as agricultural areas transition to urban uses.

City of Ontario Municipal Codes

Municipal Code, Volume II, Chapter 2

Title 10, Parks and Recreation, Chapter 2, Parkway Trees, of the City's Municipal Code provides provisions on the preservation, regulation on the maintenance and removal of parkway trees, and establishes types and the locations for planting parkway trees. Parkway is defined as "…that portion of any public street right-of-way between the right-of-way boundary line and the curb line, and also the area enclosed within the curb lines of a medial divider."

The property owner abutting a public right-of-way is responsible for watering any tree in the parkway and for trimming that can be done from the ground to preserve the neat appearance and non-obstructed use of the parkway; the City is responsible for all major pruning. Removal or relocation of any parkway tree requires prior authorization from the City Public Works Agency through a permit process, and planting a replacement tree, whenever feasible, is a condition on any permit issued by the City for the removal of a parkway tree. Alternatively, an in-lieu deposit may be accepted as an alternate to the actual planting of any required parkway tree based on a fair value established by the Public Facilities Manager (The Ontario Plan 2022).

Municipal Code, Section 6.05.020

Section 6.05.020, Tree Preservation Policy and Protection Measures, of the Ontario Development Code establishes policies and measures that will further the preservation, protection, and maintenance of established and healthy heritage trees within the City. A Heritage Tree is one that is designated for preservation as a tree of historic or cultural significance, or a tree of importance to the community due to any one of the following factors:

- It is one of the largest or oldest trees of species located within the City and has a trunk diameter of 18 inches or greater when measured at 54 inches above grade;
- It has a historical significance due to association with a historic building, site, street, person, or event;
- It is a defining landmark or significant outstanding feature of a neighborhood or district, typical of early Ontario Landscapes. This includes Camphor Tree (*Cinnamomum camphora*), Deodar Cedar (*Cedrus deodara*), London Planetree (*Platanus acerifolia*), Cork Oak (*Quercus suber*), Holly Oak (*Quercus ilex*), and California Pepper (*Schinus molle*);
- It is a Native Tree. This means that it is one of the following California native tree species with a trunk diameter of more than 8 inches, measured at 54 inches above natural grade: California Sycamore (*Platanus racemose*), Torrey Pine (*Pinus torreyana*), Coast Live Oak (*Quercus agrifolia*), Engelmann Oak (*Quercus engelmannii*), Valley Oak (*Quercus lobata*), or California Bay (*Umbellularia californica*).

Healthy Heritage Trees that are approved for removal shall be replaced with new trees with a total trunk diameter equal to the tree(s) removed, or as deemed appropriate by the Approve Authority based on lot size and available planting space. Replacement trees are to be in addition to the quantity of trees required for landscaping. The Approving Authority is responsible for reviewing the landscape plan and approving appropriate species for tree replacement (The Ontario Plan 2022).

A tree inventory will be required and prepared by a City approved certified arborist or qualified horticulturalist, to determine the presence/absence of Heritage Trees including assessment of health, structure, condition, and expected life span of all affected specimens.

Property proposed for development on which a Heritage Tree exists, shall require the submittal of a Tree Inventory and Preservation Plan prepared by a licensed landscape architect, horticulturalist, certified arborist, or other related professional. Said plan shall be submitted concurrent with a Development Plan or building permit request for alterations of a site, and shall be reviewed and approved by the Approving Authority for the corresponding application request.

The Tree Inventory and Preservation Plan shall show all existing on-site trees, and those existing trees on abutting lots and public rights-of-way with a canopy or root zone that extends onto the site or within 8 feet of a construction, staging or storage area, or graded site. Furthermore, the Tree Inventory and Preservation Plan shall identify Tree Protection Areas and trees requested to be removed, and shall show replacement trees as required by this Division.

Sphere of Influence General Plan Amendment, Final EIR, and Settlement Agreement

In January 1998, the Ontario City Council approved a general plan amendment (GPA) and associated Final EIR for the sphere of influence (SOI), which is now known as the Ontario Ranch (previously the New Model Colony (NMC)). The GPA designated Ontario Ranch for a range of urban and suburban uses, including residential, commercial, business park, industrial, and open space. Most of Ontario Ranch was then in agricultural use. The Final EIR for the GPA assessed the impacts on biological resources of the conversion of Ontario Ranch from agricultural uses to developed urban and suburban uses. Before mitigation, significant impacts were identified for waterfowl and waterfowl habitat, raptors and raptor habitat, and the Delhi Sands Flower-Loving Fly (DSFLF) Ontario Recovery Unit. The EIR included three mitigation measures for impacts to biological resources:

- Mitigation Measure BR-1 modified the general plan to require the creation of new waterfowl habitat and specified a mitigation ratio of 2:1 for each acre of such habitat lost. This is off-site mitigation in the Prado Basin.
- Mitigation Measure BR-2 stipulated that the City shall create a Waterfowl and Raptor Conservation Area (WRCA), and included requirements and definitions for it; mitigation is off-site in the Prado Basin.

- Mitigation Measure BR-3 required the City to cooperate with the USFWS in taking specified actions to mitigate impacts to the Delhi Sands Flower-Loving Fly Recovery Unit.

Subsequent to the 1998 adoption of the SOI GPA and EIR, a lawsuit was filed against the City of Ontario by the Endangered Habitats League and the Sierra Club, challenging the City's CEQA compliance and approval of the SOI GPA. A Settlement Agreement was reached and agreed to by all parties that set forth revised mitigation measures for potential impacts in the New Model Colony (referred to as Annexation Area 163 in the agreement) to the burrowing owl, the DSFLF, raptor foraging and wildlife habitat, loss of open space, actual and potential habitat and agricultural land, and sensitive (listed and non-listed) species. These measures will be in effect until all the developable acres in the Ontario Ranch reach full buildout, as determined by the City.

- 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 maybe 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 operates 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.

City of Ontario Biological Resources Habitat Mitigation Fee

Since the Settlement Agreement, the City has established a habitat mitigation fee to cover potential environmental impacts to the Burrowing Owl, DSFLF, raptor foraging, loss of open space, and agricultural lands. Development impact fees for new development in Ontario Ranch were adopted on June 23, 2003, by the City Council. The Ontario Ranch development impact fees include a habitat mitigation fee of $4,320 per net acre for proposed residential, commercial, hotel and restaurant, office, and industrial development. 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. Up to $500 of the fees may be used for DSFLF. In addition, current City procedure is to require a habitat assessment to

determine existing habitat and biological resources on proposed development sites. If the assessment determines that there is potential habitat for sensitive species, focused protocol surveys are required. If potential DSFLF habitat is present, two-year (consecutive) protocol surveys per the USFWS Interim General Survey Guidelines for DSFLF are required (The Ontario Plan 2022).

The land use plan for Ontario Ranch originally provided for establishment of the WRCA, a wetlands and habitat area near the confluence of the Cucamonga Creek and the Lower Deer Creek Channels. Creation of the WRCA as part of Ontario Ranch was intended to provide a concentrated area for wetlands that would receive storm drainage from the west. Funding for the environmental restoration of the existing 85-acre Lower Cucamonga flood control basin under the WRCA would have been provided through the USACE with matching funds from the City of Ontario. This conservation area plus acquisition of 145 acres of off-site mitigation land were intended to provide mitigation for impacts resulting from development of Ontario Ranch. However, under the conditions of the settlement agreement, the WRCA is no longer proposed (The Ontario Plan 2022).

In 2010, the Ontario City Council approved the selection of the Riverside Land Conservancy (today known as River and Land Conservancy) as the administrator of the habitat mitigation fees and to create a habitat program pursuant to the requirements of the Settlement Agreement between the City of Ontario, the Endangered Habitats League, and the Sierra Club. However, due to the economic downturn shortly after 2010, the contract between the City and the Riverside Land Conservancy was never ratified. It was anticipated that once development in Ontario Ranch began to commence, the City would ratify the contract (The Ontario Plan 2022).

In 2022, the City will be going out with a Request for Proposals (RFP) to select a non-profit land trust and/or organization specializing in habitat conservation. The selected non-profit and/or organization will be responsible for the administration of the habitat mitigation fees and creation of a habitat program pursuant to the requirements of the Settlement Agreement between the City of Ontario, the Endangered Habitats League, and the Sierra Club. In partnership with the CDFW, the City will work with the selected non-profit and/or organization to maintain an interactive mapping and current inventory of the burrowing owl occurrences and in the selection of adequate lands for passive relocation (The Ontario Plan 2022).

SENSITIVE HABITATS

As stated by CDFW:

> "*One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe's Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. For alliances with State ranks of S1-S3, all associations within them are also considered to be highly imperiled*". (CDFW 2022f)

No sensitive or undisturbed native habitats were documented within the Project Site. The Project Site is characterized as 70.04-acres of heavily disturbed active dairy and agricultural facilities

SENSITIVE PLANTS

Based on a review of the CNDDB, The Ontario Plan 2050 and existing conditions within and adjacent to the Project Site, a total of thirteen (13) sensitive plant species have potential to occur within the vicinity of the Project Site as presented in Table 2, *Sensitive Plant Species Assessment*.

Table 2.
Sensitive Plant Species Assessment

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Nevin's barberry (*Berberis nevinii*) FE/SE CRPR 1B.1	Perennial evergreen shrub which generally blooms from February to June within chaparral, cismontane woodland, coastal scrub, and riparian scrub in sandy, gravelly substrates (CNPS 2022).	Not detected.
Plummer's mariposa-lily (*Calochortus plummerae*) CRPR 4.2	Perennial bulbiferous herb which generally blooms from May to June within chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, and grassland habitats with granite and rocky substrates (CNPS 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Lucky morning glory (*Calystegia felix*) CRPR 1B.1	Annual rhizomatous herb generally blooming from March to September within meadows, seeps and riparian scrub habitat (CNPS 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Parry's spineflower (*Chorizanthe parryi var. parryi*) CRPR 1B.1	Annual herb which generally blooms from April to June within chaparral, cismontane woodland, coastal scrub and grassland habitats with sandy and/or rocky openings. (CNPS 2022)	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Slender-horned spineflower (*Dodecahema leptoceras*) CRPR 1B.1 FE/SE	Annual herb which generally blooms from April to June within chaparral, cismontane woodland and coastal scrub (alluvial fan) with sandy substrates. (CNPS 2022)	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Mesa horkelia (*Horkelia cuneata ssp. puberula*) CRPR 1B.1	Perennial herb which generally blooms from February to September within chaparral (maritime), cismontane woodland and coastal scrub with sandy or gravelly substrates. (CNPS 2022)	Not detected.
Robinson's pepper-grass (*Lepidium virginicum var. robinsonii*) CRPR 4.3	Annual herb which generally blooms from January to July within chaparral and coastal sage scrub habitats (CNPS 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Prostate vernal pool navarretia (*Navarretia prostrata*) CRPR 1B.2	Annual herb generally blooming from April to July within coastal scrub, meadows and seeps, valley and foothill grasslands and vernal pools (CNPS 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Brand's star phacelia (*Phacelia stellaris*) CRPR 1B.1	Annual herb generally blooming from March to June within coastal sage scrub and dune habitats (CNPS 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
White rabbit tobacco (*Pseudognaphalium leucocephalum)* CRPR 2B.2	Perennial herb generally blooming from July to December within chaparral, cismontane woodland, coastal scrub and riparian woodland habitats (CNPS 2022).	Not detected.
Salt spring checkerbloom (*Sidalcea neomexicana*) CRPR 2.2	Perennial herb which generally blooms from March to June within chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub, and playas within alkaline/mesic gravelly substrates (CNPS 20202.	Not detected.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
San Bernardino aster (*Symphyotrichum defoliatum*) CRPR 1B.2	Perennial rhizomatous herb generally blooming from July to December within various vegetation communities in associating with wetland substrates (ditches, streams and springs) (CNPS 2022).	Not detected.
Rigid fringepod (*Thysanocarpus rigidus*) CRPR 1B.2	Annual herb generally blooming from February to May within pinyon and juniper woodland habitats (CNPS 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.

California Native Plant Society (CNPS): California Rare Plant Rank (CRPR)
CRPR 1A – plants presumed extinct in California
CRPR 1B – plants rare, threatened, or endangered in California, but more common elsewhere
CRPR 2A – plants presumed extirpated in California but common elsewhere
CRPR 2B – plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3 – plants about which we need more information, a review list
CRPR 4 – plants of limited distribution, a watch list
.1 – Seriously endangered in California
.2 – Fairly endangered in California
.3 – Not very endangered in California

Federal (USFWS) Protection and Classification
FE – Federally Endangered
FT – Federally Threatened
FC – Federal Candidate for Listing

State (CDFW) Protection and Classification
SE – State Endangered
ST – State Threatened

No suitable habitat for sensitive plant species including those listed as federal or state threatened/endangered was documented within the Project Site. No sensitive plant species listed in Table 2, *Sensitive Plant Species Assessment* or undisturbed native habitats were documented or expected to occur within the Project Site. The Project Site is characterized as 70.04-acres of heavily disturbed active dairy and agricultural facilities.

SENSITIVE WILDLIFE

Based on a review of the CNDDB, The Ontario Plan 2050 and existing site conditions, a total of fifty (50) sensitive invertebrate and wildlife species have the potential of occurring within the vicinity of the Project Site as presented in Table 3, *Sensitive Wildlife Species Assessment*.

Table 3.
Sensitive Wildlife Species Assessment

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
INVERTEBRATES		
Crotch bumble bee (*Bombus crotchii*) SC	Inhabits grasslands and shrublands and requires a hotter and drier environment than other bumblebee species (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable food sources.
Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) FE	Restricted to Delhi sand formations in Riverside and San Bernardino Counties.	No Potential. No Delhi soils mapped onsite, as shown in Figure 9, *Soils Association Map*.
AMPHIBIANS		
Western spadefoot (*Spea hammondii*) SSC	Primary habitat for this species includes suitable breeding habitat below 1500 meters (i.e., vernal pools or other standing water that is free of exotic species) with secondary habitats including adjacent chaparral, sage scrub, grassland, and alluvial scrub habitats.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed soils and continuous agricultural activities conducted throughout the Project Site.
REPTILES		
Southern California legless lizard (*Anniella stebbinsi*) SSC	Broadleaved upland forest, chaparral, coastal dunes, and coastal scrub. Occurs in sandy or loose loamy soils under sparse vegetation, generally in moist, loose soil (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
California glossy snake (*Arizona elegans occidentalis*) SSC	Generalist reported from a range of scrub and grassland habitats, often with loose or sandy soils (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Coastal western whiptail (*Aspidoscelis tigris stejnegeri*) SSC	The coastal western whiptail occurs in a wide variety of habitats including coastal sage scrub, desert scrub, Riversidean alluvial fan scrub, woodlands, grasslands, playas, and respective ecotones between these habitats.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
San Bernardino ringneck snake (*Diadophis punctatus modestus*)	Chaparral, coastal sage scrub, grassland, riparian, and woodlands (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Western pond turtle (*Actinemys marmorata*) SSC	The western pond turtle inhabits slow moving permanent or intermittent streams, small ponds, small lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock ponds, and sewage treatment lagoons (Rathbun *et al*., 1992; Holland, 1994). Pools are the preferred habitat within streams (Bury, 1972,)	Not Detected. Not expected to occur onsite based on a lack of suitable undisturbed basking sites and permanent water.
Coast horned lizard (*Phrynosoma blainvillii*) SSC	Open areas of sandy soil with coastal sage scrub, chaparral, grassland, riparian, and washes and watercourses (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Coast patch-nosed snake (*Salvadora hexalepis virgultea*) SSC	The coast patch-nosed snake prefers brushy coastal sage scrub/ chaparral habitats.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation or soils.
Two-striped gartersnake (*Thamnophis hammondii*) SSC	Marsh and swamp, riparian scrub, riparian woodland, and wetland. Highly aquatic, found in or near permanent fresh water. Often along streams with rocky beds and riparian growth (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation, soils or permanent water.
BIRDS		
Cooper's hawk (*Accipiter cooperii*) SSC	Cooper's hawk is most commonly found within or adjacent to riparian/oak forest and woodland habitats. This uncommon resident of California increases in numbers during winter migration.	Low Potential – May occasionally forage onsite and breed within the mature Eucalyptus trees.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Sharp-shinned hawk (*Accipiter striatus*) CWL	Potential habitat for the sharp-shinned hawk includes montane coniferous forest for potential breeding areas and riparian scrub, woodland, and forest habitat, oak woodland and forest, chaparral, coastal sage scrub, desert scrub, and Riversidean alluvial fan sage scrub for foraging.	Low Potential – May occasionally forage onsite.
Tri-colored blackbird (*Agelaius tricolor*) ST/SSC	Marshes and grasslands. Breeding colonies require nearby water, nesting substrate, and open range foraging habitat of natural grassland, woodland, or agricultural cropland (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of nesting habitat (cattail, rushes, and willows) within or adjacent to the Project Site.
Golden eagle (*Aquila chrysaetos*) CWL, SFP	Within southern California, the species prefers grasslands, brushlands (coastal sage scrub and chaparral), deserts, oak savannas, open coniferous forests, and montane valleys (Garrett and Dunn 1981)	Low Potential – May occasionally forage onsite.
Great egret (*Ardea alba*) Nesting Colony	Wet areas, fields, margins of open water.	Moderate Potential – Expected to occasionally forage onsite but not breed.
Great blue heron (*Ardea herodias*) Nesting Colony	Wet areas, fields, margins of open water.	Moderate Potential – Expected to occasionally forage onsite but not breed.
Burrowing owl (*Athene cunicularia)* SSC	The burrowing owl uses predominantly open land, including grassland, agriculture, playa, sparse coastal sage scrub, desert scrub habitats. Some breeding burrowing owls are year-round residents and additional individuals from the north may winter throughout the region.	Low Potential – Suitable burrows larger than 4 inches in diameter and foraging habitat documented within and east of the Project Site.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Ferruginous hawk (*Buteo regalis*) CWL	Grasslands and other open terrain of the plains and foothills. Wintering species. Primarily open fields with low vegetation (Placeworks 2022).	Low Potential – May occasionally forage onsite.
Swainson's hawk (*Buteo swainsoni*) ST	Grasslands and other open terrain (Placeworks 2022).	Low Potential – May occasionally forage onsite.
Mountain plover (*Charadrius montanus*) SSC	Dry upland prairies and plains, semidesert, bare dirt fields (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation.
Northern harrier (*Circus cyaneus*) SSC	The northern harrier frequents open wetlands, wet/lightly grazed pastures, fields, dry uplands/prairies, mesic grasslands, drained marshlands, croplands, meadows, grasslands, open rangelands, fresh and saltwater emergent wetlands.	Observed.
Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) FT/SE	Riparian. Uncommon to rare summer resident of valley foothill and desert riparian habitats (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed riparian scrub, forest or woodland vegetation.
Snowy egret (*Egretta thula*) Nesting Colony	Wet areas, fields, margins of open water (Placeworks 2022).	Moderate Potential – Expected to occasionally forage onsite but not breed.
White-tailed kite (*Elanus leucurus*) SFP	The white-tailed kite is found in riparian, oak woodlands adjacent to large open spaces including grasslands, wetlands, savannahs and agricultural fields. This non-migratory bird species occurs throughout the lower elevations of California and commonly nests in coast live oaks (Unitt 2004).	Low Potential – May occasionally forage onsite.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
California horned lark (*Eremophila alpestris actia*) CWL	Variety of open habitats, usually where trees and large shrubs are absent (Placeworks 2022).	Moderate Potential – Expected to occasionally forage and breed onsite.
Merlin (*Falco columbarius*) CWL	Grasslands, coastal sage scrub and estuaries, windrows, open fields (Placeworks 2022).	Low Potential – May occasionally forage onsite.
Prairie falcon (*Falco mexicanus*) CWL	Habitat use of the prairie falcon includes annual grasslands to alpine meadows. The prairie falcon is associated primarily with perennial grasslands, savannahs, rangeland, some agricultural fields during the winter season, and desert scrub areas, all typically dry environments of western North American where there are cliffs or bluffs for nest sites (Brown and Amadon 1968)	Low Potential – May occasionally forage onsite.
American peregrine falcon (*Falco peregrinus anatum*) SFP	Throughout the species' range, peregrine falcons are found in a large variety of open habitats, including tundra, marshes, seacoasts, savannahs and high mountains (AOU 1998)	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed vegetation.
Loggerhead shrike (*Lanius ludovicianus*) SSC	This species of shrike hunts in open or grassy areas and nests in large chaparral shrubs such as ceanothus and lemonade berry.	Low Potential – May occasionally forage onsite.
California gull (*Larus californicus*) CWL	Nearly all types of fresh and salt water, cropland, landfills, refuse areas, open lawns (Placeworks 2022).	Moderate Potential – Expected to occasionally forage onsite.
California black rail (*Laterallus jamaicensis coturniculus*) ST/SFP	Brackish marsh, freshwater marsh, marsh and swamp, salt marsh, wetland. Inhabits freshwater marshes, wet meadows and shallow margins of saltwater	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
	marshes bordering large bays (Placeworks 2022).	
Long-billed curlew (*Numenius americanus*) CWL	Coastal estuaries, upland herbaceous areas,5 croplands, wet areas, open fields, shores of open water (Placeworks 2022).	Moderate Potential – Expected to occasionally forage onsite.
Double-crested cormorant (*Nannopterum auritum*) CWL	Lakes, fresh, salt, and estuarine waters (Placeworks 2022).	Moderate Potential – Expected to occasionally forage onsite.
White-faced ibis (*Plegadis chihi*) CWL	Freshwater marshes and brackish areas (Placeworks 2022).	Observed.
Coastal California gnatcatcher (*Polioptila californica californica*) FT/SSC	The coastal California gnatcatcher is a non-migratory bird species that primarily occurs within sage scrub habitats in coastal southern California dominated by California sagebrush.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats including coastal sage scrub and associations.
MAMMALS		
Pallid bat (*Antrozous pallidus*) SSC	Chaparral, coastal scrub, desert wash, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, riparian woodland, Sonoran desert scrub, upper montane coniferous forest, and valley and foothill grassland. Oak and grassland ecotones. Prefers foraging in the open. Roosts in attics or rock cracks; in the open, near foliage at night (Placeworks 2022).	Low Potential. Expected to occasionally forage onsite.
Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*) SSC	The northwestern San Diego pocket mouse occurs in coastal sage, upland sage scrubs, and alluvial fan sage scrub, sage scrub/grassland ecotones, chaparral, and desert scrubs at all elevations up to 6,000 feet.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats including coastal sage scrub and associations.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
Townsend's big-eared bat (*Corynorhinus townsendii*) SSC	A wide variety of habitats including woodlands and arid grasslands. Roosts in mines and caves (Placeworks 2022).	Low Potential. Expected to occasionally forage onsite.
San Bernardino kangaroo rat (*Dipodomys merriami parvus*) FE/SSC	Prefers alluvial scrub, coastal sage scrub habitats with sandy and gravelly substrates.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats including Riversidean alluvial fan sage scrub and associations.
Stephens' kangaroo rat (*Dipodomys stephensi*) FE/ST	The Stephens' kangaroo rat is found almost exclusively in open grasslands or sparse shrublands with cover of less than 50 percent during the summer.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
Western mastiff bat (*Eumops perotis californicus*) SSC	Roosts in rocky areas and forages in grassland, shrublands, and woodlands.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
Western yellow bat (*Lasiurus xanthinus*) SSC	Roosts in the skirts of palm trees and forages in adjacent habitats.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
San Diego black-tailed jackrabbit (*Lepus californicus bennettii*) SSC	The San Diego black-tailed jackrabbit in open habitats, primarily including grasslands, sage scrub, alluvial fan sage scrub, and Great Basin sage scrub.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
Western small-footed myotis (*Myotis ciliolabrum*)	Feeds among trees or over brush. Roosts in caves, mines, and in cliff or rock openings (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
Yuma myotis (*Myotis yumanensis*)	Water and wooded canyon bottoms. Roosts in caves and abandoned buildings (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
San Diego desert woodrat (*Neotoma lepida intermedia*) SSC	Riversidean and coastal sage scrub, chaparral and nonnative grasslands. Shrub and desert habitats, primarily associated with rock outcroppings, boulders, cacti, or areas of	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.

Species Name (*Scientific Name*) Status	**Habitat Description**	**Comments**
	dense undergrowth (Placeworks 2022).	
Pocketed free-tailed bat (*Nyctinomops femorosaccus*) SSC	Desert habitats. Roosts in rock crevices in cliffs (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
Big free-tailed bat (*Nyctinomops macrotis*) SSC	Desert habitats. Roosts in rock crevices in cliffs (Placeworks 2022).	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.
Los Angeles pocket mouse (*Perognathus longimembris brevinasus*) SSC	Low elevation grassland alluvial sage scrub and coastal sage scrub habitats.	No Potential. Not expected to occur onsite based on a lack of suitable undisturbed habitats.

Federal (USFWS) Protection and Classification
FE – Federally Endangered
FT – Federally Threatened
FC – Federal Candidate for Listing

State (CDFW) Protection and Classification
SE – State Endangered
SSC – State Species of Special Concern
CWL – California Watch List
SFP – State Fully Protected
SC – State Candidate for Listing

No suitable breeding habitat for federal or state threatened/endangered species was documented within the Project Site. However, the 70.04-acres of heavily disturbed active dairy and agricultural facilities provide primarily low to moderate likelihood of occurrence (foraging habitat) for the following sensitive or locally monitored species:

- Cooper's hawk (*Accipiter cooperii*), SSC
- Sharp-shinned hawk (*Accipiter striatus*), CWL
- Golden eagle (*Aquila chrysaetos*), CWL, SFP
- Great egret (*Ardea alba*), Nesting Colony
- Great blue heron (*Ardea herodias*), Nesting Colony
- Burrowing owl (*Athene cunicularia),* SSC
- Ferruginous hawk (*Buteo regalis*), CWL
- Swainson's hawk (*Buteo swainsoni*), ST
- Northern harrier (*Circus cyaneus*), SSC
- Snowy egret (*Egretta thula*), Nesting Colony
- White-tailed kite (*Elanus leucurus*), SFP
- California horned lark (*Eremophila alpestris actia*), CWL
- Merlin (*Falco columbarius*), CWL
- Prairie falcon (*Falco mexicanus*), CWL
- Loggerhead shrike (*Lanius ludovicianus*), SSC

- California gull (*Larus californicus*), CWL
- Long-billed curlew (*Numenius americanus*), CWL
- Double-crested cormorant (*Nannopterum auritum*), CWL
- White-faced ibis (*Plegadis chihi*), CWL
- Pallid bat (*Antrozous pallidus*), SSC
- Townsend's big-eared bat (*Corynorhinus townsendii*), SSC
- Western mastiff bat (*Eumops perotis californicus*), SSC

The Project Site does not occur within or adjacent to a USFWS designated critical habitat for any federally listed threatened or endangered species.

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within the Project Site. The artificially created unvegetated dairy effluent retention ponds are isolated, located in uplands and currently rotated in use resulting in a wet (inundated) and dry phase. All of the active retention ponds are devoid of wetland vegetation including but not limited to riparian scrub, forest or woodland habitat.

Impacts to water quality would be less than significant during both construction and operation following preparation of a WQMP, SWPPP and compliance with NPDES permit and San Bernardino County Regional MS4 code provisions.

ENVIRONMENTAL IMPACTS

The following section includes an analysis of the direct and/or indirect impacts of the proposed action on sensitive biological resources. This analysis characterizes the project related activities that are anticipated to adversely impact the species, and when feasible, quantifies such impacts. Direct effects are defined as actions that may cause an immediate effect on the species or its habitat, including the effects of interrelated actions and interdependent actions. Indirect effects are caused by or result from the proposed actions, are later in time, and are reasonably certain to occur. Indirect effects may occur outside of the area directly affected by the proposed action.

THRESHOLD OF SIGNIFICANCE

The environmental impacts relative to biological resources are assessed using impact significance criteria which mirror the policy statement contained in the CEQA at Section 21001 (c) of the Public Resources Code. This section reflects that the legislature has established it to be the policy of the state to:

> "*Prevent the elimination of fish and wildlife species due to man's activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities*…"

The following definitions apply to the significance criteria for biological resources:

- "*Endangered*" means that the species is listed as endangered under state or federal law.

- "*Threatened*" means that the species is listed as threatened under state or federal law.

- "*Rare*" means that the species exists in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens.

- "*Region*" refers to the area within southern California that is within the range of the individual species.

- "*Sensitive habitat*" refers to habitat for plants and animals (1) which plays a special role in perpetuating species utilizing the habitat on the property, and (2) without which there would be substantial danger that the population of that species would drop below self-perpetuating levels.

- "*Substantial effect*" means significance loss or harm of a magnitude which, based on current scientific data and knowledge, (1) would cause a species or a native plant or animal community to drop below self-perpetuating levels on a statewide or regional basis or (2) would cause a species to become threatened or endangered.

Also, the determination of impacts has been made according to the federal definition of "*take*". FESA prohibits the "*taking*" of a member of an endangered or threatened wildlife species or removing, damaging, or destroying a listed plant species by any person (including private individuals and private or government entities). FESA defines "*take*" as "*to harass, harm, pursue, hunt, shoot, would, kill, trap, capture or collect*" an endangered or threatened species, or to attempt to engage in these activities.

DIRECT IMPACTS

Specifically, the biological resources assessment report addresses the following CEQA Environmental Checklist items.

Environmental Issues	**Potentially Significant Impact**	**Less than Significant with Mitigation**	**Less than Significant Impact**	**No Impact**
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		**X**		

Environmental Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		**X**		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				**X**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		**X**		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				**X**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?

Less than Significant with Mitigation. The 70.04-acre proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any plant species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. No native undisturbed suitable habitat, soils or sensitive plant species observations were documented or expected to occur within the Project Site as outlined in Table 2. *Sensitive Plant Species Assessment*. Therefore, no mitigation is required or proposed.

The 70.04-acre proposed project may result in a substantial adverse effect, either directly or through habitat modifications, on wildlife species identified as a candidate, sensitive,

or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS outlined in Table 3, *Sensitive Wildlife Species Assessment*. Specifically, two sensitive species including the northern harrier (SSC) and white-faced ibis (CWL) were documented within the Project Site. Potential impacts to foraging and nesting habitat for these species would be mitigated to a level of less than significant following implementation of Mitigation Measure **MM BIO-1**: City of Ontario Biological Resources Habitat Mitigation Fee, and Conservation Measure **CM BIO-3**: Nesting Bird and Raptor Preconstruction Surveys.

Suitable foraging and nesting habitat for the Cooper's hawk (SSC) was documented within the Project Site. Potential impacts to foraging and nesting habitat for this species would be mitigated to a level of less than significant following implementation of Mitigation Measure **MM BIO-1**: City of Ontario Biological Resources Habitat Mitigation Fee, and Conservation Measure **CM BIO-3**: Nesting Bird and Raptor Preconstruction Surveys.

Suitable foraging habitat for the sharp-shinned hawk (CWL), golden eagle (CWL, SFP), great egret, great blue heron, ferruginous hawk (CWL), snowy egret, white-tailed kite (SFP), California horned lark (CWL), Swainson's hawk (ST), merlin (CWL), prairie falcon (CWL), loggerhead shrike (SSC), California gull (CWL), long-billed curlew (CWL), and double-crested cormorant (CWL) was documented onsite within the agricultural fields and artificially created unvegetated dairy effluent retention ponds. Potential impacts to foraging habitat for these species would be mitigated to a level of less than significant following implementation of Mitigation Measure **MM BIO-1**: City of Ontario Biological Resources Habitat Mitigation Fee, and Conservation Measure **CM BIO-3**: Nesting Bird and Raptor Preconstruction Surveys.

Suitable burrows larger than 4-inches in diameter and foraging habitat for the burrowing owl (SSC) were documented within and adjacent (east) of the Project Site. Potential impacts to refugia, nesting and foraging habitat for this species would be mitigated to a level of less than significant following implementation of Conservation Measure **CM-BIO-4:** Preconstruction Burrowing Owl Surveys.

Suitable foraging and roosting habitat for the following bat species including pallid bat (SSC), Townsend's big-eared bat (SSC), and western mastiff bat (SSC) was documented onsite. Potential impacts to foraging habitat for these species would be mitigated to a level of less than significant following implementation of Mitigation Measure **MM BIO-5**: Focused Bat Survey.

b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS*?

Less than Significant with Mitigation. A total of 70.04 acres of vegetation communities will be directly impacted as a result of project implementation as summarized in Table 4, Project Site *Vegetation Community Impacts,* and illustrated on Figure 10*, Vegetation Communities Impact Map*. No riparian (scrub, forest, woodland), sensitive or undisturbed native/natural habitats were documented within or adjacent to the Project Site. The Project Site is characterized as heavily disturbed active dairy and agricultural facilities. Several artificially created dairy effluent retention ponds are located onsite and are either

devoid of vegetation of inundated with discharge. No riparian scrub, forest or woodland habitat is associated with these ponds. Permanent impacts to agricultural lands and artificially created dairy effluent retention ponds would be mitigated to a level of less than significant following implementation of Mitigation Measure **MM BIO-1**: City of Ontario Biological Resources Habitat Mitigation Fee.

Table 4.
Project Site Vegetation Community Impacts

Vegetation Community	Onsite Acres	Offsite Acres	Total Acres	Impacts Acres
Active Dairy	31.17	2.69	33.86	33.86
Active Agriculture	25.71	1.62	27.33	27.33
Disturbed	3.02	4.04	7.06	7.06
Developed	--	1.18	1.18	1.18
Ornamental (Eucalyptus)	0.08	0.53	0.61	0.61
TOTAL	**59.98**	**10.06**	**70.04**	**70.04**

Source: Cadre Environmental 2022.

c) *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within the Project Site. The artificially created unvegetated dairy effluent retention ponds are isolated, located in uplands and currently rotated in use resulting in a wet (inundated) and dry phase. All of the active retention ponds are devoid of wetland, riparian scrub, forest or woodland habitats.

Impacts to water quality would be less than significant during both construction and operation following preparation of a Water Quality Management Plan, Storm Water Pollution Prevention Plan and compliance with National Pollutant Discharge Elimination System permit and San Bernardino County Regional Municipal Separate Stormwater Sewer System (MS4) code provisions. Therefore, no mitigation is required or proposed.

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

Less than Significant with Mitigation. The Project Site is completely bordered by high traffic roads, commercial/residential development, active dairy/agricultural facilities and does not represent a wildlife movement corridor or route between open space habitats. Therefore, no mitigation is required or proposed.

The Project Site possess vegetation including trees and shrubs expected to potentially provide nesting habitat for raptors and migratory birds protected under the CDFG Codes. Measures for potential direct/indirect impacts to common and sensitive bird and raptor species will require compliance with the CDFG Code Section 3503. Construction outside the nesting season (between September 1st and January 31st) does not require preconstruction nesting bird surveys. However, if construction is proposed between

February 1st and August 31st, a qualified biologist will conduct a preconstruction nesting bird and raptor survey(s) no more than three (3) days prior to initiation of grading to document the presence or absence of nesting birds or raptors within or directly adjacent (200 feet, up to 500 feet for raptors) to the Project Site.

Loss of an active nest would be considered a potentially significant impact. Impacts to raptor foraging and potential nesting bird habitat would be reduced to less than significant with the implementation of Conservation Measure **CM BIO-3**: Nesting Bird and Raptor Preconstruction Surveys.

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

Less than Significant with Mitigation. Several mature trees are located within and adjacent to the Project Site. Therefore, a tree inventory will be required and prepared by a City approved certified arborist or qualified horticulturalist, to determine the presence/absence of Heritage Trees including assessment of health, structure, condition, and expected life span of all affected specimens.

Property proposed for development on which a Heritage Tree exists, shall require the submittal of a Tree Inventory and Preservation Plan prepared by a licensed landscape architect, horticulturalist, certified arborist, or other related professional. Said plan shall be submitted concurrent with a Development Plan or building permit request for alterations of a site, and shall be reviewed and approved by the Approving Authority for the corresponding application request. Permanent impacts to Heritage Trees would be mitigated to a level of less than significant following implementation of Mitigation Measure **MM BIO-2**: Tree Inventory and Preservation Plan.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project Site is not located within or adjacent to a Conservation Program Area. Therefore, implementation of the project would not result in a conflict with the provisions of an adopted habitat conservation plan and no impact would occur. Therefore, no mitigation is required or proposed.

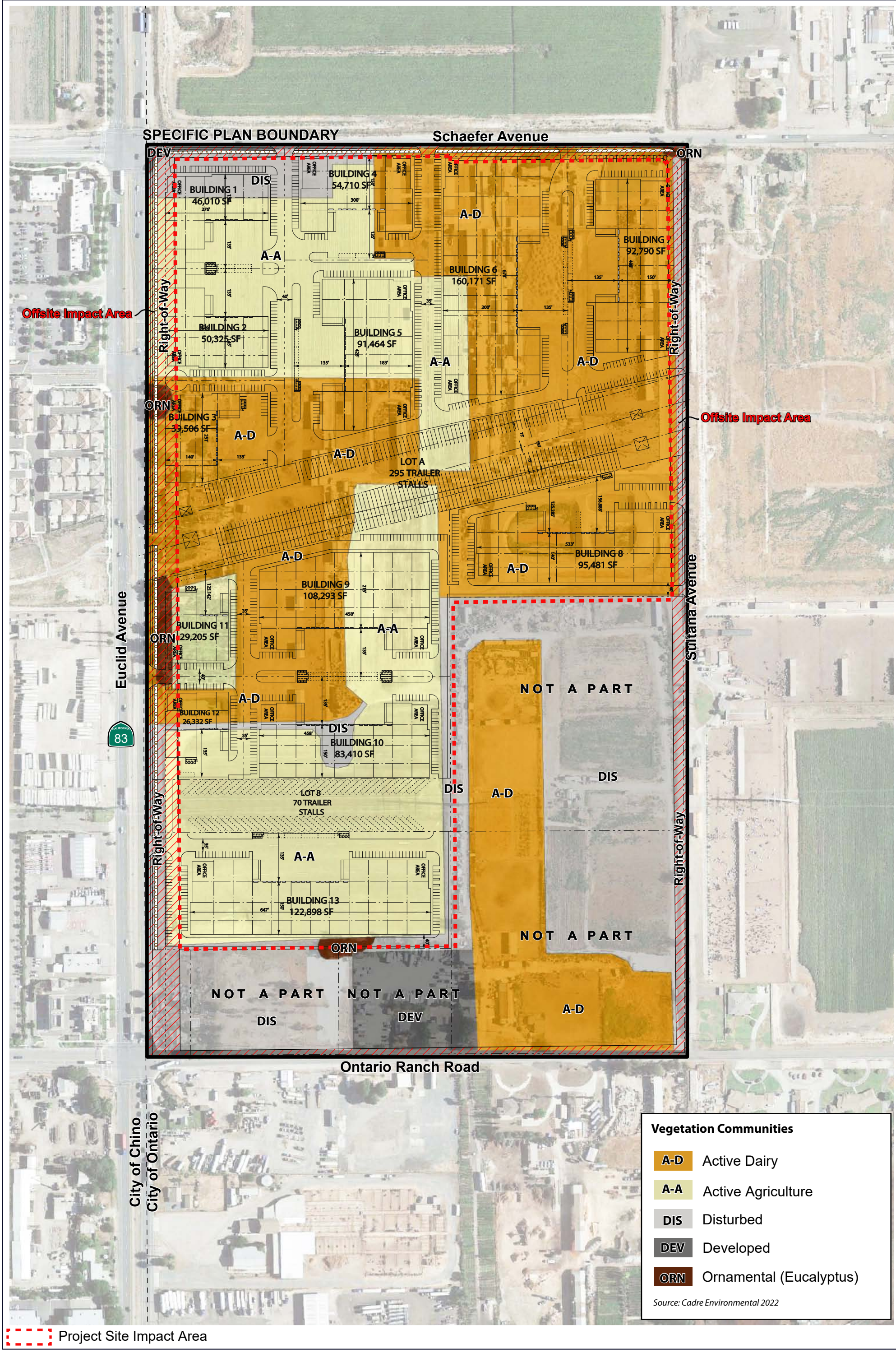

Figure 10 - Vegetation Communities Impact Map
Biological Resources Technical Report
Euclid Mixed Use Specific Plan, City of Ontario, California

CADRE Environmental

N

1 inch = 250 feet

INDIRECT IMPACTS

Potential indirect impacts include hydrological modification, discharges, lighting, and construction noise.

Water Quality

Impacts to water quality would be less than significant during both construction and operation following preparation of a Water Quality Management Plan, Storm Water Pollution Prevention Plan and compliance with National Pollutant Discharge Elimination System permit and San Bernardino County Regional Municipal Separate Stormwater Sewer System (MS4) code provisions. Therefore, no mitigation is required or proposed.

Toxics

Toxic sources within the Project Site would be limited to those commonly associated with commercial developments such as pesticides, insecticides, herbicides, fertilizers, and vehicle emissions. In order to mitigate for the potential effects of these toxics, the project will incorporate structural BMPs, as required in association with compliance with the NPDES permit system as warranted, in order to reduce the level of toxins introduced into the drainage system. Water quality measures will be implemented and no significant impacts are anticipated.

Lighting

No impacts related to lighting would occur during both construction and operation. The Project Site is not located adjacent to any open space habitats or sensitive biological resources. No impact.

Noise

Noise and vibration associated with the use of heavy equipment during project construction has the potential to disrupt bird nesting, foraging and breeding behavior within or adjacent to the Project Site. Conservation Measure **CM BIO-3:** Nesting Bird and Raptor Preconstruction Survey has been incorporated into the project to collectively contribute to reducing potential indirect noise impacts to nesting bird species located within or adjacent to the Project Site. No impact anticipated.

CUMULATIVE IMPACTS

The direct and/or indirect impacts of the project would not result in significant cumulative impacts (CEQA Section 15310) to environmental resources within the region of the Project Site. Cumulative impacts refer to incremental effects of an individual project when assessed with the effects of past, current, and proposed projects. The project represents the development of 70.04-acres of disturbed agricultural habitat, surrounded by agricultural, commercial, residential development and high traffic roads, and therefore will not result in an adverse cumulative impact to sensitive resources. Impacts related to buildout of the City and Sphere of Influence are anticipated to be less than significant if projects comply with Ontario Ranch mitigation measures and The Ontario Plan 2050

policies and standard conditions. Following implementation of the following mitigation and conservation measures, the proposed action would not conflict with the general plan policies and standard conditions for the protection of sensitive resources.

MITIGATION & CONSERVATION MEASURES

The following biological mitigation and conservation measures (Conditions of Approval) are relevant to the protection of biological resources to the extent practicable as part of ensuring all potential impacts to sensitive or regulated biological resources are in compliance with CEQA.

MM BIO-1: City of Ontario Biological Resources Habitat Mitigation Fee

The City of Ontario has established a habitat mitigation fee to cover potential environmental impacts to the burrowing owl, DSFLF, raptor foraging, loss of open space, and agricultural lands. Development impact fees for new development in Ontario Ranch were adopted on June 23rd, 2003, by the City Council. The Ontario Ranch development impact fees include a habitat mitigation fee of $4,320 per net acre for proposed residential, commercial, hotel and restaurant, office, and industrial development. Mitigation fees have been collected by the City of Ontario 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.

MM BIO-2: Tree Inventory and Preservation Plan

A tree inventory will be required and prepared by a City approved certified arborist or qualified horticulturalist, to determine the presence/absence of Heritage Trees including assessment of health, structure, condition, and expected life span of all affected specimens.

Property proposed for development on which a Heritage Tree exists, shall require the submittal of a Tree Inventory and Preservation Plan prepared by a licensed landscape architect, horticulturalist, certified arborist, or other related professional. Said plan shall be submitted concurrent with a Development Plan or building permit request for alterations of a site, and shall be reviewed and approved by the Approving Authority for the corresponding application request.

The Tree Inventory and Preservation Plan shall show all existing on-site trees, and those existing trees on abutting lots and public rights-of-way with a canopy or root zone that extends onto the site or within 8 feet of a construction, staging or storage area, or graded site. Furthermore, the Tree Inventory and Preservation Plan shall identify Tree Protection Areas and trees requested to be removed, and shall show replacement trees as required by this Division.

CM BIO-3: Nesting Bird & Raptor Preconstruction Survey

Regulatory requirement for potential direct/indirect impacts to nesting common and sensitive bird and raptor species will require compliance with the CDFG Code Section

3503. Construction outside the nesting season (between September 1st and January 31st) do not require pre-removal nesting bird surveys. If construction is proposed between February 1st and August 31st, a qualified biologist will conduct a nesting bird survey(s) no more than three (3) days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (200 feet, up to 500 feet for raptors) to the Project Site.

The survey(s) will focus on identifying any raptors and/or bird nests that are directly or indirectly affected by construction activities. If active nests are documented, species-specific measures will be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest will be postponed until the young birds have fledged. The perimeter of the nest setback zone will be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, will be submitted to the City of Ontario for review and approval prior to initiation of grading in the nest-setback zone.

The qualified biologist will serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. A final monitoring report of the findings, prepared by a qualified biologist, will be submitted to the City of Ontario documenting compliance with the CDFG Code. Any nest permanently vacated for the season would not warrant protection pursuant to the CDFG Code.

CM BIO-4 Preconstruction Burrowing Owl Surveys

A 14-day burrowing owl preconstruction survey will be conducted immediately prior to the initiation of ground-disturbing construction to ensure protection for this species. The survey will be conducted in compliance with CDFW guidelines (CDFW 2012). A report of the findings prepared by a qualified biologist shall be submitted to the City of Ontario prior to any permit or approval for ground disturbing activities.

If burrowing owls are detected onsite during the focused surveys or 14-day preconstruction survey efforts, during the breeding season (February 1st to August 31st) then construction activities shall be limited to beyond 300 feet of the active burrows until a qualified biologist has confirmed that nesting efforts are compete or not initiated. In addition to monitoring breeding activity, if construction is proposed to be initiated during the breeding season or active relocation is proposed, a burrowing owl relocation plan will be developed and approved by the City of Ontario, CDFW and USFWS.

CM BIO-5 Focused Bat Survey

Prior to implementation of Project activities, a qualified biologist shall be retained to determine whether potential roosting sites for bats may be affected. For large ornamental trees suitable for bat roosting/nursery, exit counts and acoustic surveys shall be performed prior to initial ground disturbance, vegetation or structure removal to determine whether the Project Site and a 300-foot buffer supports a nursery or roost, and by which

species. This work will occur between late -spring and late summer and/or in the fall (generally mid-March through late October).

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 with potential to be present in the Project Site (i.e., western Mastiff bat, big free-tailed bat, or pallid 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 will 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 will need to be reviewed and approved by CDFW prior to disturbance of the root(s).

CM BIO-6 Programmatic Assessment Area CEQA Analysis

The 24.18-acre Programmatic Assessment Area located within the southwest region of the Specific Plan Boundary including APN's 1053-211-05, 1053-281-01, -02, -03, -04, and -07 was not evaluated for biological resources as part of this analysis. To ensure that potential adverse effects to sensitive species and resources are reduced to a less than significant level, a focused biological resources assessment and impact analysis shall be conducted in the un-surveyed portion of the Specific Plan Boundary prior to approval of development within this region. In addition to completing CEQA review, any focused surveys and required mitigation measures shall be implemented prior to project approval and initiation of construction.

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Certification "*I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge".*

Author:_____ Date: March 29, 2023

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