

**Response to Comments
on the
Draft Environmental Impact Report
Grand Park Specific Plan
Ontario, California**

State Clearinghouse No. 2012061057



Prepared for:

City of Ontario
303 East B Street
Ontario, CA 91764

Contact: Richard Ayala, Senior Planner

Prepared by:

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Contact: Thomas Holm, AICP



December 2, 2013

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SECTION 1: INTRODUCTION

The Draft Environmental Impact Report for the Grand Park Specific Plan was circulated for public review and comment beginning on August 2, 2013 and ending on September 16, 2013. As required by the California Environmental Quality Act (CEQA), this document responds to comments received on the Draft EIR.

As required by Section 15132 of the State CEQA Guidelines, the Final EIR must respond to comments regarding significant environmental points raised in the review and consultation process. This document provides responses to comments on significant environmental points, describing the disposition of the issue, explaining the EIR analysis, supporting EIR conclusions, or providing new information or corrections, as appropriate.

The Response to Comments document is organized as follows:

- **Section 1:** Provides a discussion of the relationship of this document with the Draft EIR. It also discusses the structure of this document.
- **Section 2:** Lists the agencies/organizations/individuals that commented on the contents of the Draft EIR.
- **Section 3:** Includes the comments received, and the responses to the comments that were received on the Draft EIR, and changes to the Draft EIR resulting from comments.
- **Section 4:** Identifies any additional changes or additions to the Draft EIR not described in Section 3.

This Response to Comments document is part of the Final EIR, which includes the Draft EIR and the technical appendices. These documents, and other information contained in the environmental record, constitute the Final EIR for the Grand Park Specific Plan project.

SECTION 2: LIST OF COMMENTORS

A list of public agencies, organizations, and individuals that provided comments on the Draft EIR is presented below. Each comment letter has been assigned a numerical designation. Each comment within each letter has been assigned an additional designation so that each comment can be cross-referenced with an individual response. Responses follow each comment letter.

Letter	Sender	Letter Date*
1.	California Department of Conservation, Division of Land Resource Protection	August 12, 2013
2.	County of San Bernardino, Department of Public Works	September 5, 2013
3.	U.S. Fish and Wildlife Service	September 13, 2013
4.	California Department of Fish and Wildlife	September 16, 2013
5.	Southern California Association of Governments	September 16, 2013
6.	Omnitrans	September 16, 2013
7.	Citizens Advocating Rational Development	September 16, 2013
8.	South Coast Air Quality Management District	September 19, 2013
9.	State Clearinghouse and Planning Unit	September 19, 2013
10.	State Clearinghouse and Planning Unit	September 25, 2013
11.	California Department of Transportation	October 3, 2013
*Reflects date received if known.		

SECTION 3: COMMENT LETTERS AND RESPONSES TO COMMENTS

Following are the letters received during the public review period on the Draft EIR, followed by responses to the comments in those letters. Where a comment results in a change to the Draft EIR, specific page and paragraph reference, along with the new EIR text is provided. All additions to the text are underlined and all deletions from the text are ~~stricken~~.

From: Anderson, Heather@DOC [mailto:Heather.Anderson@conservation.ca.gov]
Sent: Monday, August 12, 2013 8:47 AM
To: Richard Ayala
Cc: Borack, Alexandra@DOC
Subject: Grand Park Specific Plan DEIR (SCH # 2012061057)

Mr. Ayala,

The Department of Conservation's Division of Land Resource Protection (Division) received a copy of the DEIR for the Grand Park Specific Plan. According to the document the project has two Williamson Act contracts on different parcels: one parcel has filed a notice of non-renewal set to expire in 2015, and the other parcel has an active contract for which a notice of non-renewal has not been filed. The Division would like to take this opportunity to remind the City of Ontario that notification must be submitted to the Division when the City accepts the Williamson Act cancellation application as complete (Government Code §51284.1), and the Board must consider the Division's comments on the cancellation prior to considering approval of a tentative cancellation. Required findings must also be made by the City Council in order to approve a tentative cancellation (GC §51282(c)). The cancellation fee must be paid and any other contingencies met prior to recordation of a certificate of final cancellation or breaking ground on the project (GC §51283).

Please feel free to contact me with any questions or concerns.

Heather

*Heather Anderson
Environmental Planner
Department of Conservation
Division of Land Resource Protection
801 K Street, MS 18-01
Sacramento, CA 95814
(916) 324-0869*

**Letter 1 Heather Anderson, California Department of Conservation,
Division of Land Resource Protection**

Response to Comment 1-1

The subject correspondence is not a comment on the Draft EIR itself, but instead addresses the process for cancellation of Williamson Act contracts. Williamson Act status is described in the Draft EIR project description on page II-10, and cancellation of contracts is listed as a necessary approval on page II-39. This subject was addressed in the Draft EIR on pages IV.B-4 through IB.B-6 and IV.B-8 through IV.B-9.

DEPARTMENT OF PUBLIC WORKS

FLOOD CONTROL • LAND DEVELOPMENT & CONSTRUCTION • OPERATIONS
SOLID WASTE MANAGEMENT • SURVEYOR • TRANSPORTATION



COUNTY OF SAN BERNARDINO

825 East Third Street • San Bernardino, CA 92415-0835 • (909) 387-8104
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GERRY NEWCOMBE
Director of Public Works

September 5, 2013

Richard Ayala, Senior Planner
City of Ontario
303 E. B Street
Ontario, CA. 91764



File: 10(ENV)-4.01

Letter 2
Page 1 of 2

RE: CEQA – NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE GRAND PARK SPECIFIC PLAN FOR THE CITY OF ONTARIO

Mr. Ayala:

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on August 5, 2013** and pursuant to our review, the following comments are provided:

Water Resources Division (Mary Lou Mermilliod, PWE III, 909-387-8213):

The proposed 320-acre master planned residential community development is located within the New Model Colony Master Plan of Drainage, with proposed secondary drainage facilities planned at this location. The new Model Colony MPD was addressed in the DEIR and the Flood Control District will not maintain the proposed secondary drainage.

1. A Flood Control District permit will be required when connecting to a Flood Control District Facility, as proposed in Section IV, H – Hydrology and Water Quality.
2. According to the most FEMA Flood Insurance Rate Map, Panel 06071C9375H dated August 28, 2008, the site lies within Zone X, shaded and unshaded.
3. We recommend that the project includes and the City enforces their regulations for development in floodplains.
4. It is assumed that the City will establish adequate provisions for intercepting and conducting accumulated drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties.

Transportation Planning (Omar Gonzalez, PWE III, 909-387-8164):

1. The last sentence on I-6 appears to be referencing the wrong alternative.

GREGORY C. DEVEREAUX
Chief Executive Officer

Board of Supervisors			
ROBERT A. LOVINGOOD First District	JAMES RAMOS Third District
JANICE RUTHERFORD Second District	GARY C. OVITT Fourth District
JOSIE GONZALES Fifth District		

R. Ayala, City of Ontario
Comments – Grand Park Specific Plan DEIR
September 5, 2013
Page 2 of 2

If you have any questions, please contact the individuals who provided the specific comment, as listed above.

Sincerely,



ANNESLEY IGNATIUS, P.E.
Deputy Director – Environmental & Construction

ARI:PE:nh/CEQA Comments_DEIR_Ontario_Grand Park Specific Plan

Letter 2 Annesley Ignatius, County of San Bernardino, Department of Public Works

Response to Comment 2-1

This comment indicates that a Flood Control District (District) permit will be required to connect the project to a Flood Control Facility, and further indicates that the District will not maintain the secondary drainage facilities associated with the project. Hydrology and drainage impacts are evaluated in the Draft EIR on p. IV.H-25, and Mitigation Measure HWQ-2 indicates that the project applicant(s) shall obtain approval from affected public agencies for the storm drain connection from the on-site collection to New Model Colony (NMC) Master Plan storm drain facilities (Draft EIR p. IV.H-30). This includes the Flood Control District permit specified in the comment.

Response to Comment 2-2

This comment identifies the current FEMA Flood Insurance Rate Map panel and designation for the project site. This information is consistent with content in the Draft EIR, including content on p. IV.H-19 and FEMA Flood Map Figure IV.H-2 on p. IV.H-23.

Response to Comment 2-3

This comment recommends City enforcement of regulations for development in floodplain regulations. As described on Draft EIR p.IV.H-8 (FEMA), as a participant in the National Flood Insurance Program (NFIP), the City of Ontario enforces floodplain management standards, including identification of flood hazards and flooding risks defined by FEMA. Moreover, the City enforces standards, conditions and Best Management Practices to limit the effects of flooding through its Stormwater Ordinance (Draft EIR p.IV.H-9).

Response to Comment 2-4

This comment relates to potential for project drainage flows to impact adjacent or downstream properties. As indicated in the Draft EIR, the project would connect to NMC Master Plan facilities (p. IV.H-25) and would comply with City, RWQCB and affected public agencies requirements (p. IV.H-25 and mitigation measure HWQ-3 on p. IV.H-30).

Response to Comment 2-5

This comment indicates that the last sentence on page I-6 in the paragraph discussing the Reduced Density Alternative appear to be referencing the wrong alternative. The sentence currently references the Maximum Density Alternative and should reference the Reduced Density Alternative. The last sentence of the Summary for Alternative 3 on page I-6 of the Executive Summary is amended with the Final EIR to refer to the appropriate alternative as follows:

Under the ~~Maximum~~ Reduced Density Alternative, not all of the objectives established for the project would be attained.



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer To:
FWS-SB-13B0437-13CPA0264

SEP 13 2013

Mr. Richard Ayala
Senior Planner
City of Ontario
303 East B Street
Ontario, California 91764

Letter 3
Page 1 of 2

Subject: Response to the Draft Environmental Impact Report for the Grand Park Specific Plan, PSP12-001, City of Ontario, San Bernardino County, California

Dear Mr. Ayala:

The U.S. Fish and Wildlife Service (Service), has reviewed the draft environmental impact report for the Grand Park Specific Plan in Ontario, California. The proposed project is the development of 320 acres for residential use with a school and parks. The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

We are concerned about the potential for the presence of the federally endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*, DSF) on the portions of the proposed project site that contain Delhi sands soils, (San Bernardino County Assessor Parcel Numbers 0218-241-06, 0218-241-10, 0218-241-11, 0218-241-13, 0218-241-14, 0218-241-15, 0218-241-16, 0218-241-19, 0218-241-20, 0218-241-22, and 0218-241-23). The proposed project site was previously in agricultural use. While previous disturbance can affect the quality of DSF habitat, it does not necessarily preclude the presence of DSF. DSF have been found on sites lacking natural contours and/or which have significant cover of nonnative plant species. In our experience, the potential exists for DSF to be present when the appropriate substrate is present.

The Interim Survey Guidelines for the DSF requires two consecutive years of negative survey results in order for us to conclude that a site is not occupied. Two surveys can be completed in approximately 15 months. The surveys need to be conducted by a DSF permitted biologist following our most recent survey guidelines. Also, the timing of surveys and subsequent development is important because DSF are very mobile and may occupy a site where they were not previously present. Surveys would need to be repeated if the property was not developed between the end of the second consecutive survey with negative results (September 20) and the beginning of the next flight/survey season (July 1). The negative results from DSF surveys conducted on the project site in 2004, 2006, and 2007 are too old to demonstrate absence of

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the DSF from the proposed project site. Therefore, we recommend you follow these guidelines by having a qualified DSF biologist conduct two years of surveys before project construction begins. If DSF are documented at the project site, we are available to work with you to address compliance with the Act.

If you have any questions regarding this letter or are interested in receiving a copy of the survey guidelines and/or a list of currently permitted individuals, please contact Kai Palenscar at 760-322-2070, extension 208.

Sincerely,



Kennon A. Corey
Assistant Field Supervisor

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CONT

Letter 3 Kennon A. Corey, U.S. Fish and Wildlife Service**Response to Comment 3-1**

This comment makes recommendations for additional focused surveys for the federally endangered Delhi Sands flower-loving fly (DSF) prior to project construction. Based on the Biological Resources Study in Draft EIR, Appendix D, the majority of the project site contains no suitable habitat for this species. However, there were a few small patches of low quality habitat along portions of the northern and southern boundaries. Past years of protocol surveys for DSF at these locations in 2006 and 2007, determined that DSF is absent from the project site. The surveys concluded that these marginally suitable habitat areas contained sandy soils, but lacked the typical vegetation that is associated with occupied habitat. Suitable habitat for this species includes sparse open sandy habitat dominated by California buckwheat (*Eriogonum fasciculatum*), telegraph weed (*Heterotheca grandiflora*), and California croton (*Croton californicus*). It was also documented in the 2007 protocol survey that the habitat quality of the patches of sandy soil along the northern and southern boundary were significantly reduced for potential to support DSF. The project site is subjected to ongoing site disturbance in the form of building demolition and removal, grading, scraping, and clearing of vegetation, trash, manure, and sand. Based on the Biological Resources Study (MBA 2012) and existing conditions, which include frequent site disturbances, the existing site conditions remain essentially the same as those encountered during the 2006 and 2007 surveys. With the absence of DSF on the project site during the two previous surveys and the ongoing site disturbance, it is reasonable to assume that DSF is absent from the project site and is not expected to occupy the project site in the foreseeable future (AMEC 2007). The habitat remains unsuitable for DSF and, although one constituent habitat element (sandy soils) occurs within a small portion of the project site, it does not constitute suitable habitat. The City does not find the recommendations for additional surveys to be warranted because there is no evidence that a different conclusion could be reached.

From: Brandt, Jeff@Wildlife [Jeff.Brandt@wildlife.ca.gov]
Sent: Monday, September 16, 2013 5:39 PM
To: rayala@ci.ontario.ca; Richard Ayala
Cc: Brandt, Jeff@Wildlife; Maloney-Rames, Robin@Wildlife
Subject: Grand Park Specific Plan SCH# 2012061057

Letter 4
Page 1 of 5

Mr. Richard Ayala, Senior Planner
City of Ontario
303 East "B" Street
Ontario, CA 91764

Re: Draft Environmental Impact Report for the Grand Park Specific Plan
City of Ontario, County of San Bernardino
State Clearinghouse No. 2012061057

Dear Mr. Ayala:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Grand Park Specific Plan Project (Project) [State Clearinghouse No. 2012061057]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description and Geographic Location

The Project consists of 320 acres within the New Model Colony General Plan in what was known as the San Bernardino Agricultural preserve. The New Model Colony General Plan Amendment (GPA) for the City's sphere of influence (SOI) was adopted by the City in 1999. The GPA contains a development strategy for the future development of the SOI, which includes 30 sub-planning areas. The Project is a master planned community with an elementary school, a high school, up to 1,327 residential units, and the 130-acre Grand Park. The Project is located south of Edison Avenue, west of Haven Avenue, north of Eucalyptus Avenue (future Merrill Avenue), and east of Archibald Avenue in the City of Ontario, County of San Bernardino. Most of the surrounding area is farmland or vacant land.

Biological Resources

A five hour reconnaissance level biological survey was conducted in June, 2012. The consulting biologist walked the site to identify potentially suitable habitat areas for sensitive wildlife species. Only accessible sites were surveyed; residential sites, dairy farms and gravel mining properties were not surveyed. The unsurveyed portions of the site account for approximately 124 acres of the 320-acre project site. Soils on the site include Delhi Fine Sand and Hilmar Loamy Fine Sand. The Delhi sands flower-loving fly was not found in 2006 and 2007 surveys, and the DEIR states that only marginally suitable habitat exists for this species onsite. However, surveys conducted in 2006 and 2007 are not adequate to preclude impacts to this species, and the CEQA document should include recent surveys to reasonably demonstrate the project will not impact this species.

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The Biological Resources Study of the DEIR states that the site contains suitable habitat for four sensitive species: burrowing owl, loggerhead shrike, tricolored blackbird, western mastiff bat, and white-tailed kite. Other faunal species observed on the site include harvester ants, side-blotched lizard, turkey vulture, red-tailed hawk, American kestrel, black-necked stilt, loggerhead shrike, and the song sparrow. However, a walkover study of approximately 200 acres of a 320 acre site conducted in five hours in June is not adequate to identify the biological resources on the site.

The DEIR states that there is a high potential for burrowing owl to occur onsite, however, recent surveys were not conducted. This species was detected onsite during 2003, 2006, and 2007 surveys. The State Species of Special Concern loggerhead shrike was also observed at the site. No sensitive plants were detected on the site, although the DEIR did note that annual plant species were difficult to detect because the survey was conducted in the summer. No trapping for small mammals was conducted.

The Department has concerns regarding the biological resources analysis, including the incomplete survey area, level of survey conducted, lack of species-specific surveys conducted, and improper timing of surveys. A large percentage of the site (124 acres of the 320-acre Project site) was not surveyed and the remainder of the site (approximately 200 acres) was surveyed by foot over a period of five hours. Surveys for burrowing owl, a sensitive species known to occur onsite, were not conducted. Surveys for sensitive plants were conducted during the summer, outside of the recognized blooming period for many species in this area. The Department recommends the CEQA document include recent surveys to reasonably demonstrate the project will not impact the species and habitats noted above.

Additionally, the Project does contain Delhi sands, on which the Delhi sands flower-loving fly is dependent. The biology report states that suitable habitat for the fly is found in the northern and southern parts of the site. The CEQA document should reference the United States Fish and Wildlife's Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) 5-Year Review: Summary and Evaluation, and determine if a portion of the site could be conserved and maintained as habitat for the flower-loving fly and/or the burrowing owl.

Lake and Streambed Alteration Program

A Notification of Lake or Streambed Alteration is required by the Department, should the project impact jurisdictional waters. The Department is responsible for assessing and evaluating impacts to jurisdictional waters; typically accomplished through reviewing jurisdictional delineation (JD) reports, supporting information, and conducting site visits. Following review of a JD, the Department may request changes to the JD. The Department may also recommend that additional project avoidance and/or minimization measures be incorporated, or request additional mitigation for project-related impacts to jurisdictional areas. The Department recommends submitting a notification early in the project planning process, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

A JD was not included with the DEIR. The Department recommends that the entirety of the project site be assessed for the potential presence of Department jurisdictional areas. If Department jurisdictional areas are present, a JD needs to be prepared.

The Department opposes the elimination of ephemeral, intermittent, and perennial streams, channels, lakes, and their associated habitats. The Department recommends avoiding stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the

Department's Lake and Streambed Alteration Agreement process may be required, depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA Guidelines for the definition of mitigation.

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CONT

In the absence of specific mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are and how they are being mitigated (CEQA Guidelines Section 15002).

Cumulative Impacts

The Project is proposed in a densely populated region of southern California. The regional scarcity of biological resources may increase the cumulative significance of Project activities. Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

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Alternatives Analysis

The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). The analysis should include a range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources. The Department considers Rare Natural Communities as threatened habitats, having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.

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

Department Recommendations

The Department has the following concerns about the Project, and requests that these concerns be addressed in the CEQA document:

1. The CEQA document should include recent biological surveys for fauna and flora (CEQA Guidelines Section 15125(a)). If state or federal sensitive, threatened, or endangered species may occur within the project area, species specific surveys, conducted at the appropriate time of year and time of day, should be included with the CEQA document. Acceptable species specific surveys have been developed by the Department, and by the U.S. Fish and Wildlife Service, and are accessible through each agencies websites. The Department recommends that assessments for rare plants and rare plant natural communities follow the Department’s 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document is available here:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf
2. The CEQA document should quantify impacts to habitats and species as per the informational requirements of CEQA. An accompanying map showing the areas of impact should also be included.
3. The analysis in the CEQA document should satisfy the requirements of the Department’s Lake and Streambed Alteration Program and CESA (if deemed necessary). The CEQA document should include a JD, an assessment of impacts to State waters, and mitigation measures to offset the impacts, if applicable.
4. A CESA ITP must be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the Project, and the applicant chooses not to process the Project through the NCCP. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. The Department encourages early consultation, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA ITP. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.
5. The CEQA document should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts.
6. The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6).

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames, Environmental Scientist, at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist
Habitat Conservation
California Department of Fish and Wildlife
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764

Phone (909) 987-7161

Fax (909) 481-2945

Email jeff.brandt@wildlife.ca.gov

Please note that as of Jan 1, 2013 our new name is the California Department of Fish and Wildlife (CDFW) and new department web and email addresses took effect.

**Letter 4 Jeff Brandt, California Department of Fish and Wildlife
(Department)****Response to Comment 4-1**

The Department makes recommendations for additional focused surveys for the federally endangered Delhi Sands flower-loving fly (DSF) to be included in the CEQA document to demonstrate the project will not impact this species. Based on the Biological Resources Study (MBA 2012) in Draft EIR, Appendix D, the majority of the project site contains no suitable habitat for this species. Although there were a few small patches of low quality habitat along portions of the northern and southern boundaries, it should be noted that the only constituent habitat element observed within the project site is Delhi Sand soils.

Past years of protocol surveys for DSF at these locations in 2006 and 2007 were previously conducted based on the fact that the project site contains Delhi Sands. No other habitat factors were identified. Two years of protocol surveys determined that DSF is absent from the project site. The surveys concluded that these marginally suitable habitat areas contained sandy soils, but lacked the typical vegetation that is associated with occupied habitat. Suitable habitat for this species includes sparse open sandy habitat dominated by California buckwheat (*Eriogonum fasciculatum*), telegraph weed (*Heterotheca grandiflora*), and California croton (*Croton californicus*).

The habitat quality of the patches of sandy soil along the northern and southern boundary were significantly reduced for potential to support DSF (AMEC 2007). Based on the existing site conditions (MBA 2012), the portion of the project site that contains Delhi Sands soil is still routinely disturbed and, it is reasonable to assume that DSF remains absent from the project site and will not occupy the project site in the foreseeable future. The habitat remains largely unsuitable for DSF and previous protocol surveys were conducted only as a conservative effort based on the presence of Delhi sands (MBA 2012). Even the best of these areas, however, were highly disturbed and contained essentially no native plant species associated with the DSF or its habitat (AMEC 2007).

Although one constituent habitat element (sandy soils) occurs within a small portion of the project site, it does not constitute suitable habitat. Habitat elements for DSF have not improved and the City does not find the recommendations for additional surveys to be warranted because there is no indication that a different conclusion could be reached. The project site does not provide suitable habitat for any plant or wildlife species protected under the California Endangered Species Act. .

Natural aeolian sands and their associated vegetation communities are not present on the project site. The site is currently and has been historically subjected to severe habitat disturbance and alteration and no natural habitat remains. As a result of the ongoing farming and agricultural practices, there is no potential for the occurrence of the DSF on the project site (AMEC 2003). The project site has been disturbed and has not provided suitable habitat for the last ten years. Given this there is no evidence suggesting that the site will provide suitable habitat that can support a viable population of DSF in the foreseeable future.

Response to Comment 4-2

This comment identified concerns about the sufficiency of the biological resources investigations at the project site, specifically, concern about the information to identify biological resources on the site, incomplete survey area, the level of survey conducted, a lack of focused surveys, and timing of surveys. The Department recommends the CEQA document include recent surveys to demonstrate the project would not impact the species and habitats referenced.

As indicated in the Biological Resources Study, while discrete areas of the project site could not be traversed, they could still be observed from adjacent areas, and the conditions were further characterized based on aerial map review (Appendix D, Section 3.3). Every area of a project site need not be walked to ascertain the habitats and potential for sensitive plant and wildlife species to occur within the project site. Rather a combination of information including site conditions, vegetation and habitats present, species accounts and records, soil conditions, species observed, and other information, was considered in determining the likelihood of a species to be present or supported on the project site. Based on collective information gathered for the project site and vicinity, the Biological Resources Study was prepared (Draft EIR, Appendix D), and project impacts described in a thorough EIR analysis (Draft EIR, pp. IV.D-1 through IV.D-34).

Based on the professional opinion of the project biologist, a sufficient amount of time was spent assessing the existing site conditions to determine the potential for any sensitive species to occur within the project site. If the project site contained native vegetation communities or a diversity of habitat components, then additional time would have been required to ascertain existing conditions within the project site. Also, more biologically complex project sites often require multiple surveys during different seasons (spring, summer, winter, and fall) to fully understand the potentially significant biological resources within the project site. However, the Grand Park project site consist of 320 acres of low-quality agricultural fields and other farm land. Plant and wildlife species observed during the survey as consistent with those species found in disturbed habitats. Therefore, based on professional experience, the project site does not require additional survey time or surveys during different seasons, to assess the potentially significant impacts associated with the project site.

The reconnaissance-level survey was also conducted in the middle of the blooming season for smooth tarplant, which is the only sensitive plant species that has any potential (low potential) to occur within the project site. If present, this plant species would have been identifiable during the reconnaissance-level survey and most likely in a bloom stage. Most of the five hours of survey time was spent in those areas that would be considered marginally suitable for smooth tarplant. Due to a lack of suitable habitat, this species is not likely to occur with the project site.

In addition, the analysis assumes the likely presence of a number of species, including burrowing owl and nesting birds, and accordingly identifies measures to address the likely presence of these species. As indicated in the Draft EIR, p. IV.D-24, because burrowing owls were observed within the project site in the 2006 Biological Assessment (Draft EIR, Appendix D), and because suitable habitat for burrowing owl (BUOW) is present on the site, focused protocol surveys for BUOW were recommended to map the location of suitable burrows, if any, and to formally determine presence or absence on the site. Accordingly, the Draft EIR included a detailed Mitigation Measure BIO-1, which

includes protocol and pre-construction surveys, avoidance measures, along with provisions for on-site and off-site mitigation (Draft EIR, pp. IV-27 through IV-30).

Potential impacts to the loggerhead strike, tri-colored black bird, and white-tailed kite are discussed in the Biological Resources Study (Draft EIR, Appendix D), as well as the Draft EIR (p. IV.D-23). The white-tailed kite is listed as a Fully Protected Species by the California Department of Fish and Wildlife. A Fully Protected Species is protected by the California Department of Fish and Game Code and does not allow for any permits for incidental take of the species. Therefore, any project related impacts associated with the white-tailed kite are considered significant. This bird is not known to nest within the project site, but has been known to forage in similar agricultural areas. These birds often eat their prey on the ground within shrub covered areas. The white-tailed kite, Loggerhead shrike, and tri-colored black bird, are all species that are protected while nesting under the Migratory Bird Treaty Act. Potentially suitable nesting habitat for all three of these species is present within the eucalyptus tree windrow and other residential trees. Implementation of mitigation measure BIO-2 (Draft EIR, p. IV.D-29) would result in avoidance of impacts to these and other nesting bird species.

The project applicant will have a biologist prepare a pre-construction nesting bird survey, which will be required prior to any vegetation removal or ground disturbance activities. Any activity that may potentially cause a white-tailed kite nest failure requires a biological monitor during any vegetation or soil removal activities.

Removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions.

If suitable nesting habitat must be removed during the nesting season, a qualified biologist shall conduct a pre-construction nesting bird survey to identify any potential nesting activity. If active nests are observed, construction activity must be prohibited within a buffer around the nest, as determined by a biologist, until the nestlings have fledged. Because the proposed project will result in the loss of eucalyptus tree windrows, which provide potential foraging and nesting habitat for raptors, the proposed project will be subject to paying mitigation fees for the cumulative losses of raptor nesting and foraging habitat. This will mitigate the impact below a level significance.

Prior to issuance of grading permit(s), Project applicant(s) shall pay their fair share towards the \$22.7 million for the habitat land acquisition within the Chino/El Prado Basin Area that shall serve as the designated Waterfowl and Raptor Conservation Area (WRCA). The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure I-6, that state a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees. The habitat land acquisition shall be managed by Land Conservancy, a non-profit organization selected by the City and The Endangered Habitat's League and the Sierra Club.

Additional surveys are not required since white-tailed kite are considered present within the project site and require complete avoidance during construction activities.

Based on this combination of information, sufficient information is provided to describe the likely project impacts, and address the identified biological thresholds in the Draft EIR. As stated in the Biological Resources Study, the object of the survey was not to extensively search for every species occurring within the project site, but to ascertain general site conditions and identify potentially suitable habitat areas for various sensitive plant and wildlife species. Due to the disturbed nature of the project site, seasonal surveys were not required to document existing conditions and current biological surveys were conducted to document recent fauna and flora. There are no sensitive plants or sensitive plant communities that potentially occur within the project site, and therefore, additional surveys are not required. See Response to Comment 4-1 addressing recommendations for additional surveys for Delhi sands flower-loving fly.

The Fish and Wildlife DSF 5-Year Review provides information with regard to the current status of the species. Despite the conservation efforts to protect lands occupied by Delhi sands flower-loving fly, habitat destruction associated with residential and commercial development continues to be the primary threat to the species. The 5-year Review recommends conservation of additional habitat large enough to support a viable population. More research is necessary to identify effective and efficient techniques to establish or maintain Delhi sands flower-loving fly habitat characteristics. In general, the habitat conservation goals in the Recovery Plan should be refined to provide more specific guidance and to ensure that the goals can be realistically achieved. Specifically, criteria related to population abundance or density trends need to be revised to provide realistically achievable standards that can be measured with accepted sampling techniques and analyses. It is important that all criteria are measurable and threats-based.

The proposed project is not located within an area that is required for the long-term conservation of this species. Since the proposed project is not necessary for long-term conservation of the species and no DSF occur within the project site or none are expected in the future, no mitigation measures are required for impacts to DSF.

Response to Comment 4-3

This comment provides information on requirements for a Notification of Streambed Alteration, and indicates that the Department opposes elimination of streams, channels and associated habitats. The Department also recommends the inclusion of specific information in the CEQA document. This information is acknowledged. However, as indicated in the Draft EIR, pp. IV.D-22, the Biological Resources Study (pp. 8, 35) concludes that no potentially impacted jurisdictional waters or wetlands occur on the site. Accordingly, a jurisdictional delineation is not necessary, and the project would have no impacts to jurisdictional waters.

Response to Comment 4-4

This comment suggests analysis is needed of all potential direct and indirect project related impacts to a variety of habitats, wildlife movement, sensitive species, open lands/space and adjacent natural habitats in the cumulative effects analysis. A thorough cumulative impacts analysis, developed as described in Guidelines section 15130, is provided in the Draft EIR on pp. IV.D-30 through IV.D-34.

Response to Comment 4-5

This comment suggests evaluation is needed of an alternative location with lower resource sensitivity, and consideration of off-site compensation for unavoidable impacts. The comment further indicates the Department's opposition to relocation, salvage or transplantation as these efforts are largely unsuccessful.

The Draft EIR evaluates a reasonable range of alternatives, as required under CEQA, including No Project, Maximum Density, Reduced Density, and Agriculture Retention alternatives (Draft EIR pp. V-1 through V-28). The need to evaluate additional alternatives is typically driven by significant, or at least substantial, impacts to a particular resource. For instance, the Agriculture Retention alternative was developed specifically to evaluate whether significant impacts to agriculture could be reduced. The Draft EIR indicates that project and cumulative level biological impacts are less than significant with mitigation (Draft EIR IV.D-34), and therefore evaluation of an alternative site would not have shown any significant impacts to be avoided. Further, CEQA does not require that an alternative site alternative be evaluated. Pub. Res. Code §§21001(g), 21002.1(a), 21061; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 491. Also, an alternative site was considered and rejected during the scoping period because it would not avoid or substantially lessen any significant impacts and the applicant does not own an alternative site. In addition, the Specific Plan proposal is consistent with approved master planning for the New Model Colony. Based on these considerations, evaluation of the suggested alternative is not warranted.

With regard to the recommendation for off-site compensation for unavoidable impacts, as there are no significant biological resource impacts after mitigation, additional off-site compensation through acquisition and protection of high-quality habitat is not needed. Mitigation Measure BIO-1 for burrowing owl impacts includes in part the following provision (Draft EIR pp.IV.D-27, -28):

“Off-site mitigation: If the project will impact suitable habitat on-site below the threshold level of 6.5 acres per relocated pair or single bird, the habitat should be replaced off-site. Off-site habitat must be suitable and approved by CDFW, and the land should be placed in a conservation easement in perpetuity and managed for BUOW habitat. Off-site habitat preservation should be provided as summarized in Table IV.D-2.”

Mitigation Measure BIO-2 for foraging and nesting birds includes in part a project fair-share payment towards habitat land acquisition within the Chino/El Prado Basin Area, as follows (Draft EIR pp.IV.D-29):

“Prior to issuance of grading permit(s), Project applicant(s) shall pay their fair share towards the \$22.7 million for the habitat land acquisition within the Chino/El Prado Basin Area that shall serve as the designated Waterfowl and Raptor Conservation Area (WRCA). The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure I-6, that state a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees. The habitat land acquisition shall be managed by Land Conservancy,

a non-profit organization selected by the City and The Endangered Habitat's League and the Sierra Club."

Therefore, no additional off-site compensation measures beyond the measures already included in the Draft EIR, nor new alternatives are necessary.

Response to Comment 4-6

This comment provides recommendations for focused survey and/or assessments.

See Responses to Comments 4-1 and 4-2 regarding the biological surveys for sensitive species and flora and fauna, and mitigation measures to avoid impacts to sensitive species.

Response to Comment 4-7

This comment recommends that the CEQA document quantify impacts to habitats and species and provide a map showing the areas of impact.

Project development would result in the loss of 320 acres of agriculture and dairies, ornamental plant communities, basins, and assorted farm buildings (Draft EIR IV.D-21-22). These areas are mapped in the Biological Resources Study conducted in 2012 for the entire project site (MBA 2012). Due to the dominance of non-native species and relatively low value as habitat, impacts to habitats and species are considered less than significant as indicated in the Draft EIR, pp. IV.D-21.

Response to Comment 4-8

This comment indicates that the CEQA document should satisfy the requirements of the Department's Lake and Streambed Alteration Program, CESA, include a Jurisdictional Delineation, and assessment to of impacts to State Waters and mitigation measures to offset impacts.

As indicated in the Draft EIR, pp. IV.D-22, the Biological Resources Study, pp. 8, 35, and as explained in Response 4-3, above, the biological resources study concludes that no potentially jurisdictional water or wetland occur on the site. Accordingly, a jurisdictional delineation is not necessary, and the project would have no impacts to jurisdictional waters.

Response to Comment 4-9

This comment provides information on CESA ITP requirements. This information is acknowledged, and summarized in the Draft EIR (pp. IV.D-3 - 4) and no further response is needed.

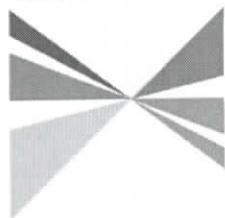
Response to Comment 4-10

The comment indicates the CEQA document should provide an analysis of direct, indirect and cumulative impacts and identify specific measures to offset impacts. Impacts to biological resources are described in Section IV.D, relevant mitigation measures are provide on pp. IV.D-27 through IV.D-29, and cumulative impacts are described beginning on p. IV.D-30. Also, see Response to Comment 4-4 above.

Response to Comment 4-11

This comment suggests analysis of a range of alternatives to the project. The Draft EIR analyzes a reasonable range of alternatives consistent with the requirements of CEQA; see Section V of the Draft EIR. Also, see Response to Comment 4-5.

SOUTHERN CALIFORNIA



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September 16, 2013

Mr. Richard Ayala
Senior Planner
City of Ontario
303 East B Street
Ontario, CA 91764
rayala@ci.ontario.ca

**RE: Comments on the Draft Environmental Impact Report for the Grand Park Specific
Plan [SCAG No. I20130191]**

Dear Mr. Ayala:

Thank you for submitting the Draft Environmental Impact Report for the Grand Park Specific Plan to the Southern California Association of Governments (SCAG) for review and comment. The proposed project is a master planned residential community on approximately 320-acres in the City of Ontario, California, that would be developed with up to 1,327 residential units in a variety of housing types and densities, an elementary school, a high school, and a Grand Park. Based on SCAG staff's review, the proposed project supports overall the goals of the 2012-2035 RTP/SCS. SCAG staff's comments are detailed in the attachment to this letter.

When available, please send a copy of the Final Environmental Impact Report to the attention of Pamela Lee at SCAG, 818 West 7th Street, 12th floor, Los Angeles, California, 90017 or by email to leep@scag.ca.gov. If you have any questions regarding the attached comments, please contact Pamela Lee at (213) 236-1895 or leep@scag.ca.gov. Thank you.

Sincerely,

Jonathan Nadler,
Manager, Compliance and Performance Assessment

**SCAG STAFF COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE GRAND PARK SPECIFIC PLAN [SCAG NO. I20130191]**

SUMMARY

SCAG is the designated Regional Transportation Planning Agency under state law responsible for preparation of the Regional Transportation Plan (RTP) including its Sustainable Communities Strategy (SCS) component pursuant to SB 375. As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of the regional goals and policies in the adopted 2012-2035 RTP/SCS.

Based on SCAG staff review, the proposed project supports applicable goals of the 2012-2035 RTP/SCS.

2012-2035 RTP/SCS GOALS

The 2012-20135 RTP/SCS links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations (see <http://rtpscs.scag.ca.gov>). The goals included in the 2012-2035 RTP/SCS, listed below, may be pertinent to the proposed project.

2012-2035 RTP/SCS GOALS	
RTP/SCS G1:	<i>Align the plan investments and policies with improving regional economic development and competitiveness</i>
RTP/SCS G2:	<i>Maximize mobility and accessibility for all people and goods in the region</i>
RTP/SCS G3:	<i>Ensure travel safety and reliability for all people and goods in the region</i>
RTP/SCS G4:	<i>Preserve and ensure a sustainable regional transportation system</i>
RTP/SCS G5:	<i>Maximize the productivity of our transportation system</i>
RTP/SCS G6:	<i>Protect the environment and health for our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking)</i>
RTP/SCS G7:	<i>Actively encourage and create incentives for energy efficiency, where possible</i>
RTP/SCS G8:	<i>Encourage land use and growth patterns that facilitate transit and non-motorized transportation</i>
RTP/SCS G9:	<i>Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies</i>

SCAG Staff Comments

The proposed project would develop a residential community within a larger master planned community by providing a broad array of spaces, including residential, pedestrian-oriented neighborhoods, parks and recreational facilities, and schools. The overall land use development pattern supports and complements and supports transportation system preservation, active transportation and transportation demand management measures (IV.C-44). The Grand Park Specific Plan area is regionally accessibility via the Ontario Freeway (Interstate 15) located approximately 1.5 miles east of the site. The freeways also provide access to communities and cities within Los Angeles, San Bernardino and Riverside County (II-1).

Regional trails (Class 1 Bike Paths) help create accessibility within Grand Park and support proposed pedestrian

September 16, 2013
Mr. Ayala

SCAG No. I20130191

circulation and trails (II-24). The Grand Park would include active recreational facilities for the residents of Ontario and is within walking and biking distance to residences of the Grand Park Specific Plan. In addition, pocket parks would also be developed within each residential planning area (IV.K.4-6).

The Draft EIR discusses how the purpose and design of the proposed project favorably meet the applicable goals and strategies of SCAG's Regional Comprehensive Plan, the Compass Blueprint program, and the 2012-2035 RTP/SCS. SCAG staff acknowledges the proposed project includes many forward looking community design features, and encourages consideration of the feasibility of maximizing these features to ensure sustainability well into the future. Such important design features include active (non-motorized) transportation infrastructure, first/last mile strategies to public transit, complete streets concepts, housing density, water conservation and replenishment, and energy efficiency requirements (e.g., energy conservation measures, photovoltaic systems on buildings, etc.).

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2012-2035 RTP/SCS REGIONAL GROWTH FORECASTS

The most recently adopted SCAG forecasts are the 2012-2035 RTP/SCS population, household and employment forecasts (adopted by the SCAG regional Council in April 2012). The forecasts for the region and jurisdiction are below.

Adopted SCAG Region Wide Forecasts			Adopted City of Ontario Forecasts		
	Year 2020	Year 2035		Year 2020	Year 2035
Population	19,663,000	22,091,000	Population	203,800	307,600
Households	6,458,000	7,325,000	Households	57,700	87,300
Employment	8,414,000	9,441,000	Employment	142,900	214,400

3

SCAG Staff Comments

The Draft EIR refers to a number of SCAG's planning documents, but does not specifically state that the Draft EIR analyses were based on the adopted Regional Growth Forecasts. Please refer to the adopted SCAG 2012-2035 RTP/SCS Regional Growth Forecasts (<http://www.scag.ca.gov/forecast/index.htm>) in the Final EIR.

MITIGATION

SCAG Staff Comments

The Draft EIR includes mitigation measures as appropriate. SCAG staff recommends review of the SCAG 2012-2035 RTP/SCS Final Program EIR List of Mitigation Measures Appendix (http://scag.ca.gov/igr/pdf/SCAG_IGRMMRP_2012.pdf) for additional guidance, as appropriate.

4

Letter 5 Jonathan Nadler, Southern California Association of Governments**Response to Comment 5-1**

It is noted that based on the SCAG staff review the proposed project supports the overall goals of the 2012-2035 RTP/SCS. This comment describes SCAG's responsibility as the designated Regional Transportation Planning Agency in conducting consistency reviews for regionally significant projects, and identifies RTP and Sustainable Communities Strategies goals potentially relevant to the proposed project. This information is acknowledged and no further response is needed.

Response to Comment 5-2

This comment encourages consideration of the feasibility of maximizing features to ensure sustainability well into the future, along with specific suggestions. A number of project design features, as well as mitigation that support sustainability, are currently identified in the Draft EIR. Discussion of the regulatory environment in the air quality analysis of the Draft EIR, p. IV.C.-11, identifies Title 24 and California Green Building Standards with an emphasis on energy efficiency for new buildings, and these are further discussed in the technical report (Draft EIR, Appendix C). The Draft EIR also includes mitigation measures that would reduce energy usage and encourage pedestrian, bicycle and transit use. Mitigation Measure AQ-4 (see Draft EIR p. IV.C-48) reduced criteria pollutant and greenhouse gas emissions, primarily through measures that reduce energy consumption. Mitigation Measure AQ-5 (see Draft EIR pp. IV.C-48 to IV.C-49) emphasizes pedestrian, bicycle and transit oriented design; usage of the modes reduces energy consumption compared to single-passenger vehicles. Specific components of these measures include the following:

- Create and preserve distinct, identifiable neighborhoods whose characteristics support pedestrian travel, especially within, but not limited to, mixed-use and transit oriented development areas.
- Provide continuous sidewalks with shade trees and landscape strips to separate pedestrians from traffic
- Provide safe and convenient access for pedestrians and bicyclists to, across, and along major transit priority streets. Encouraging new construction to include vehicle access to properly wired outdoor receptacles to accommodate ZEV and/or plug in electric hybrids (PHI).
- Reduce required road width standards wherever feasible to calm traffic and encourage alternative modes of transportation.
- Add bicycle facilities to city streets and public spaces, where feasible.
- Ensure new development is designed to make public transit a viable choice for residents.
- Ensure transit stops and bus lanes are safe, convenient, clean, sheltered, well-lit, and efficient.
- Provide access for pedestrians and bicyclist to public transportation through construction of dedicated paths, where feasible.

Response to Comment 5-3

This comment suggests that the Final EIR make specific reference to the analyses being based on adopted Regional Growth Forecasts (<http://www.scag.ca.gov/forecast/index.htm>). The Draft EIR is revised to add the following references to SCAG Regional Growth Forecasts.

The last sentence on p. III-16 is revised as follows:

According to SCAG, from 2003 to 2008 employment in Ontario increased by 20 percent; in comparison, housing increased by 11 percent (SCAG 2013).

The last sentence of the first paragraph on p. III-17 is revised as follows:

According to SCAG projections, the City is expected to remain jobs-rich, and the jobs/housing ratio is expected to decrease from 2.50 in 2008 to 2.04 in 2035 (SCAG 2013).

The first sentence under the subheading Assumptions in the AQMP on Draft EIR page IV.C-30, is revised as follows:

The preparation of an AQMP is based, in part, on the growth and population projections contained in the general plans prepared by the various cities within SCAG (SCAG 2013).

The following reference is added to Section VII of the Draft EIR:

SCAG Regional Growth Forecasts (SCAG) 2013. Website:
<http://www.scag.ca.gov/forecast/index.htm>. Accessed September 2013.

Response to Comment 5-4

This comment recommends review of SCAG's 2012-2035 RTP/SCS Final Program EIR List of Mitigation Measures Appendix for additional mitigation guidance. This information is acknowledged and no further response is needed.



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September 16, 2013

Richard Ayala, Senior Planner
City of Ontario
303 East B Street
Ontario, CA 91764

Subject: Comments Regarding the City of Ontario Draft Environmental Impact Report for the Grand Park Specific Plan

Dear Richard,

Thank you for offering Omnitrans, the public transportation provider for the San Bernardino Valley, the opportunity to provide comments on the City of Ontario Draft Environmental Impact Report (DEIR). We appreciate that the City of Ontario is supportive of public transit and recognizes that new development will impact the transportation system. By conducting the Congestion Management Program (CMP), impacts on the transportation system can be mitigated. This includes not only automobile thoroughfare but also access to local bus routes and sidewalk connectivity.

We do have a recommendation regarding how future transit is portrayed in the DEIR. Page IV.L-9 doesn't directly mention bus service. With 1,327 new dwelling units and two schools being built, transit service may need to be increased. Development impact fees could potentially be used to provide bus stop improvements/amenities. Also consider providing proposed configurations of the roadway with local bus stops.

Omnitrans looks forward to working with the City of Ontario on this project. For additional information, feel free to contact me at (909) 379-7256 or Anna.Rahtz@Omnitrans.org.

Respectfully,

A handwritten signature in black ink that reads "Anna Rahtz". The signature is written in a cursive, flowing style.

Anna Rahtz
Acting Director of Planning & Development Services

AMR:ac

Letter 6 Anna Rahtz, Omnitrans

Response to Comment 6-1

This comment makes suggestions for how future transit is portrayed in the Draft EIR. In particular, development impact fees may be used to provide bus stop improvements/amenities, and include local bus stops in roadway configurations. As indicated in the Draft EIR, transit stops and bus turnouts shall be provided as required by the City and Omnitrans, along the Master Plan streets, which are a part of the Grand Park community (Draft EIR, p. II-22). In addition, specific mitigation has been identified in the Draft EIR, which supports transit.

Excerpt from Mitigation Measure AQ-4 part h) and i) (Draft EIR p. I-13):

- h) Create and preserve distinct, identifiable neighborhoods whose characteristics support pedestrian travel, especially within, but not limited to, mixed-use and transit oriented development areas.
- i) Provide continuous sidewalks with shade trees and landscape strips to separate pedestrians from traffic.

Excerpt from Mitigation Measure AQ-5 (Draft EIR p. I-13 through 14):

- a) Reduce required road width standards wherever feasible to calm traffic and encourage alternative modes of transportation.
- b) Add bicycle facilities to city streets and public spaces, where feasible.
- c) Ensure new development is designed to make public transit a viable choice for residents.
- d) Ensure transit stops and bus lanes are safe, convenient, clean, sheltered, well-lit, and efficient.
- e) Provide access for pedestrians and bicyclist to public transportation through construction of dedicated paths, where feasible.

From: Nicholas Green [mailto:nick@rationaldev.org]
Sent: Monday, September 16, 2013 4:42 PM
To: Richard Ayala
Cc: nick@rationaldev.org
Subject: The Grand Park Specific Plan - DEIR Challenge from CARD (Citizens Advocating Rational Development)

Mr. Ayala,

These comments are submitted on behalf of CARD (Citizens Advocating Rational Development) in response to the Draft EIR prepared for The Grand Park Specific Plan. Please make sure that our comments are added to the public record.

Additionally, we are requesting that a copy of the NOD for the The Grand Park Specific Plan be sent to us (nick@rationaldev.org) when it is issued.

Thank you!

Nick R. Green
President

Phone: +1 818 618 8897
Email: nick@rationaldev.org
Web: rationaldev.org



Richard Ayala
City of Ontario
909 395 2036
303 East B Street
Ontario, CA 91764

rayala@ci.ontario.ca.us

Re: Grand Park Specific Plan

(State Clearing House No: 2012061057)

Dear Mr. Ayala,

The undersigned represents Citizens Advocating Rational Development ("CARD"), a non-profit corporation dedicated to issues in development and growth.

This letter contains comments on the Draft Environmental Impact Report on the Grand Park Specific Plan, in accordance with CEQA and the Notice of Completion and Availability. Please ensure that these comments are made a part of the public record.

ENERGY

The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; The proposed project is for the development of a master planned residential community on approximately 320 gross acres of land,

the development of up to 1,327 residential units with trails and pocket parks, a high school, elementary school, and the Grand Park will devour copious quantities of electrical energy, as well as other forms of energy.

WATER SUPPLY

The EIR (or DEIR – the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

1
CONT

What the DEIR fails to do is:

- a | 1. Make reference to any urban water management plan;
- b | 2. Document wholesale water supplies;
- c | 3. Document Project demand;
- d | 4. Determine reasonably foreseeable development scenarios, both near-term and long-term;
- d | 5. Determine the water demands necessary to serve both near-term and long-term development and project build-out;
- e | 6. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
- e | 7. Identify the likely yields of future water from the identified sources;
- f | 8. Determine cumulative demands on the water supply system;
- g | 9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
- h | 10. Identify the environmental impacts of developing future sources of water; and
- i | 11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.
- j | 12. Discuss the effect of global warming on water supplies.

2 (a-j)

There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.

For the foregoing reasons, this EIR is fatally flawed.

AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming.

This portion of the EIR fails for the following reasons:

1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others.
2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project.
3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately.
4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard.

For the foregoing reasons, the EIR is fatally flawed.

ALTERNATIVE ANALYSIS

The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the Grand Park Specific Plan facilities upon those same surrounding properties and the land uses which may or have occurred thereon.

Thank you for the opportunity to address these factors as they pertain to the referenced DEIR.

3 (a-c)

4

Letter 7 Nick R. Green, Citizens Advocating Rational Development

Response to Comment 7-1

This comment raises concerns about energy usage and encourages discussion of energy saving techniques and solar facilities.

The CEQA Guidelines were specifically revised to address SB 97 requirements to address greenhouse gas emissions (GHG) resulting from the effects of transportation and energy consumption; see discussion in the Draft EIR on pp. IV.C-13 through IV.C-14. Therefore, the evaluation of energy usage, or conservation, is inherently incorporated into the evaluation of air quality and greenhouse gases as discussed in Section IV.C of the Draft EIR.

Discussion of the regulatory environment in the air quality analysis of the Draft EIR, p. IV.C-11, identifies compliance with Title 24 and California Green Building Standards with an emphasis on energy efficiency for new buildings. These are further discussed in the technical report (Draft EIR, Appendix C).

The Draft EIR also includes mitigation measures that would reduce energy usage in conformance with the City's Policy Plan (General Plan). The TOP contains Policies (ER3-1 through ER3-6) that address alternative energy resources. Below is Energy Section ER3 from the Environmental Resources Element of the Policy Plan:

Goal

ER3 Cost-effective and reliable energy system sustained through a combination of low impact building, site and neighborhood energy conservation and diverse sources of energy generation that collectively helps to minimize the region's carbon footprint.

Policies

- ER3-1 *Conservation Strategy.* We require conservation as the first strategy to be employed to meet applicable energy-saving standards.
- ER3-2 *Green Development - Communities.* We require the use of best practices identified in green community rating systems to guide the planning and development of all new communities.
- ER3-3 *Building and Site Design.* We require new construction to incorporate energy efficient building and site design strategies, which could include appropriate solar orientation, maximum use of natural daylight, passive solar and natural ventilation.
- ER3-4 *Green Development - Public Buildings.* We require all new and substantially renovated City buildings in excess of 10,000 square feet achieve a LEED Silver Certification standard, as determined by the U.S. Green Building Council.

- ER3-5 *Fuel Efficient and Alternative Energy Vehicles and Equipment.* We purchase and use vehicles and equipment that are fuel efficient and meet or surpass state emissions requirements and/or use renewable sources of energy.
- ER3-6 *Generation - Renewable Sources.* We promote the use of renewable energy sources to serve public and private sector development.

Draft EIR Mitigation Measure AQ-4 (see Draft EIR p. IV.C-48) identifies a series of nine specific land use and building mitigation measures to reduce criteria pollutant and greenhouse gas emissions, primarily through measures which reduce energy consumption. Among these are passive solar building siting design requirements, use of Energy Star appliances and fixtures, and encouraging energy audits for residential and commercial buildings prior to completion of sale, with audit results and information about availability of energy efficiency and saving improvements presented to buyers. Such information can include availability of solar facilities.

Mitigation measure AQ-5 (see Draft EIR pp. IV.C-48 to IV.C-49) emphasizes pedestrian, bicycle and transit oriented design; usage of the modes reduces energy consumption compared to single-passenger vehicles.

With the application of mitigation measures in the Draft EIR including energy efficiency and savings measures, the project impacts associated with greenhouse gas emissions are reduced to less than significant (see EIR Table IV.C-11: Project Operational Greenhouse Gas Emissions at Horizon Year 2030-Land Use). Although solar facilities will certainly be commercially available to residential and institutional users within the project, the EIR demonstrates that inclusion of active solar facilities is not required to meet GHG emissions reduction targets.

Response to Comment 7-2

Comments 7-2, and 7-2a through 7-2l raise concerns regarding water supply. See below for specific responses.

Response to Comment 7-2a

This comment suggests that the Draft EIR does not make reference to any urban water management plan. Water supply, including urban water management planning, and specific discussion of an urban water management plan is included in Section IV.M.1 Utilities and Service Systems: Water Supply. This subject is discussed under the regulatory framework of this section, Draft EIR p. IV.M.1-1, and in the environmental setting for water supply, Draft EIR, p. IV.M.1-4. A complete reference for the City's plan is also included in the Section VII References, Draft EIR p. VII-1. Based on the water supply analysis in Section IV.M.1, Draft EIR pp. IV.M.1-1 through IV.M.1-6, the Draft EIR concluded that impacts on water supply would be less than significant Draft EIR, p. IV.M.1-6. In addition, a specific water supply assessment is provided in Appendix L of the Draft EIR.

Response to Comment 7-2b

This comment asserts there is no discussion of wholesale water supplies in the Draft EIR. As indicated in the Draft EIR, p. III-19, the City water supply is derived from a combination of local and imported water, obtained primarily from four sources: Ontario wells and treatment in the Chino Groundwater Basin, the Chino Desalter Authority (CDA) wells and treatment in the Chino Groundwater Basin, treated State Water Project water from the Water Facilities Authority (WFA), and recycled water from the Inland Empire Utilities Agency (IEUA), a member agency of the Metropolitan Water District of Southern California (MWD). See additional discussion of the water basin under Utilities and Service Systems beginning on page III-19. In addition, a specific water supply assessment is provided in Appendix L of the Draft EIR.

Response to Comment 7-2c

This comment suggests the Draft EIR has not documented project [water] demand. Project water demand is specifically described under this topic heading (Water Demand) in the Draft EIR, pp. IV.M.1-6 through IV.M.1-8. In addition, a specific water supply assessment is provided in Appendix L of the Draft EIR.

Response to Comment 7-2d

This comment suggests that there is no discussion of reasonably foreseeable development scenarios that water demands are not determined for near-term, long-term and project build out, and that related water supply sources are not identified in the Draft EIR.

The water supply analysis in the Draft EIR Section IV.M.1, addressed full build out of the proposed project. In addition, the project may reasonably rely upon the City's Urban Water Management Plan, which considers long- and near- term conditions for water supply, including future build out in determining whether there is sufficient capacity to accommodate the proposed project, existing users, and projected growth in the short and near-term. As indicated in the cumulative impacts analysis on this topic, the Water Supply Assessment and the New Model Colony Water Master Plan have already assessed and planned for additional water supplies or facilities to adequately serve the entire New Model, and the project and cumulative project would not generate excess water demands not already accounted for (Draft EIR, p. IV.M.1.-10). In addition, a specific water supply assessment is provided in Appendix L of the Draft EIR. Also, see Response to Comment 7-2b.

Response to Comment 7-2e

This comment asserts that the Draft EIR has not identified the likely yields of future water sources. See Response to Comment 7-2d.

Response to Comment 7-2f

This comment asserts that the Draft EIR has not determined the cumulative demands on the water supply system. See Response to Comment 7-2d.

Response to Comment 7-2g

This comment asserts that the Draft EIR has not compared near-term and long-term demand to near-term and long-term supply options to determine the water supply sufficiency. See Response to Comment 7-2d.

Response to Comment 7-2h

This comment asserts that the Draft EIR has not identified the impacts of developing future water sources. See Response to Comment 7-2d.

Response to Comment 7-2i

This comment indicates that the Draft EIR has not identified mitigation measures for the impacts of developing future water supplies. As indicated in the Draft EIR, pp. IV.M.1-1 – 10, water supply impacts would be less than significant and no mitigation measures are required.

Response to Comment 7-2j

This comment implies that the Draft EIR does not discuss the effect of global warming on water supplies. Discussion of global warming and the consequences of climate change is included in the Air Quality and Greenhouse Gas Assessment Report; see Appendix C of the Draft EIR, Section 3.1.2, Consequences of Climate Change. This section identifies a reduction in the quality and supply of water from the Sierra snowpack as an effect in California. In summary, if heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada snowpack by as much as 70 to 90 percent. This can lead to challenges in securing adequate water supplies and a potential reduction in hydropower.

Response to Comment 7-3.a

This comment suggests that the Draft EIR does not provide support or evidence that the Guidelines used in the analysis are supported by substantial evidence.

It is not clear what Guidelines on the subject of air quality and greenhouse gases the commentor is referring to. The impacts of the project on air quality and greenhouse gases, and the thresholds of significance relied upon in determining the significance of such impacts, are fully described and evaluated in Section IV.C of the Draft EIR. The regulatory environment and guidance from various state agencies are described in the Draft EIR, pp. IV.C-1 through IV.C-17, and the specific thresholds and methodologies used in the analysis and the rationale for using them is also included in detail in the Draft EIR, pp. IV.C-25 through IV.C-46. The EIR undertakes a thorough quantitative and qualitative analysis of the proposed project based on established methodologies established by appropriate regulatory authorities, such as the South Coast Air Quality Management District. Appendix C of the Draft EIR also includes a detailed air quality and greenhouse study further supporting the analysis.

Response to Comment 7-3b

This comment suggests the Draft EIR does not provide an adequate discussion on the causes, effects, and implications of climate change. The Air Quality Report, provided in Appendix C of the Draft EIR includes a Section (3) on Climate Change Discussion, with extensive discussion of the following topics: climate change, alternate views, consequences, common greenhouse gases, emissions inventories, and the regulatory environment (Draft EIR, Appendix C, Section 3, pp. 47-69).

Response to Comment 7-3c

This comment asserts that the Draft EIR does not evaluate cumulative impacts for water supply, air quality and climate change. Cumulative impacts on water supply are evaluated in the Draft EIR, p. M.1-10, and long-term cumulative impacts on air quality, including greenhouse gases, are evaluated on pp. IV.C-32 through IV.C-46. See also Response 7-3b on climate change.

Response to Comment 7-4

This comment suggests that the alternatives analysis is inadequate because it provides no discussion of the project, or the absence of the project, on the surrounding land uses, and the likely increase in development that will accompany the project, or adverse effects of failing to update the project on surrounding uses.

The comment is unclear. The comment may be suggesting that the No Project alternative and comparative effects on the surrounding environment with and without the project have not been considered. Section 15126.6 of the CEQA Guidelines states,

“ . . . if the project is other than a land use or regulatory plan, for example a development project on identifiable property, the no project alternative is the circumstance under which the project does not proceed. Here the discussion would compare the environmental effects of the property remaining in its existing state against environmental effects which would occur if the project is approved. If disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other project, this no project consequence should be discussed.”

The impacts of the No Project/No Development alternative are fully evaluated on pp. V-7 through V-12 of the Draft EIR. The Draft EIR (p. V-7) describes this alternative as the project site could remain in its current state and condition for an undetermined period of time and not be the subject of any further development proposals. A summary table comparing the impact of the proposed project, with other alternatives, including the No Project/No Development alternative is also provided on pp. V-5 and V-6.



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

E-MAILED: SEPTEMBER 13, 2013

rayala@ci.ontario.ca.us

September 13, 2013

Mr. Richard Ayala, Senior Planner
City of Ontario, Planning Department
303 East "B" Street
Ontario, CA 91764

Review of the Draft Environmental Impact Report (Draft EIR) for the Proposed Grand Park Specific Plan/PSP12-001

The South Coast Air Quality Management District (SCAQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the lead agency and should be incorporated into the Final EIR, as appropriate.

Based on the project description, the lead agency proposes to construct a master planned community on 320 gross acres that will include up to 1,327 dwelling units (single-family residential attached and detached homes as well as multi-family residences), an elementary school, a high school, a park, infrastructure and other uses. Construction will occur in five phases starting in 2014 with buildout planned for 2030.

The SCAQMD staff requests that additional feasible mitigation measures be incorporated into the Final EIR. Because the lead agency has determined that project air quality impacts exceed the SCAQMD recommended daily significance thresholds for localized and regional air quality impacts for construction and operations, the SCAQMD recommends changes and additions to the mitigation measures proposed by the lead agency in the Draft EIR. Details are included in the attachment.

Pursuant to Public Resources Code Section 21092.5, SCAQMD staff requests that the lead agency provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Gordon Mize, Air Quality Specialist CEQA Section, at (909) 396-3302, if you have any questions regarding the enclosed comments.



Mr. Richard Ayala,
Senior Planner

2

September 13, 2013

Letter 8
Page 2 of 4

Sincerely,

A handwritten signature in black ink, appearing to read "Ian V. MacMillan". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Ian MacMillan
Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

IM:GM

SBC130806-04
Control Number

Revisions and Additional Mitigation Measures

- In the Draft EIR, the lead agency has determined that project impacts exceed the SCAQMD recommended daily significance thresholds for localized and regional construction air quality impacts, as well as for regional operations. Pursuant to CEQA Guidelines §15126.4, the SCAQMD recommends the following changes and additional mitigation measures in addition to the measures included in the Draft EIR starting on page IV.C-46 in order to reduce those impacts. Finally, the lead agency cites compliance with SCAQMD Rule 403 – Fugitive Dust in the Draft EIR. Since complying with a rule, regulation, law, etc., should not be considered as mitigation if it is required, the lead agency should include how the lead agency will comply with Rule 403 in the Final EIR. The final document should include those measures from the cited rule, regulation, etc., showing how the lead agency will comply with that rule, regulation, etc

1

MM AQ-1

~~a) Prior to the year 2017, off-road diesel-powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA) Tier 3 off-road emissions standards.~~

~~b) In the year 2017 and after, off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent equipment within 200 miles of the project has been conducted, the results of which are submitted to the City, but has been unsuccessful in obtaining the necessary construction equipment, then Tier 3 equipment can be used.~~

2

~~f) Onsite electrical hook ups to power grid shall be provided for electric construction tools including saws, drills and compressors, where feasible, to reduce the need for diesel powered electric generators.~~

Revised Wording to MM AQ-1

- Require the use of 2010 and newer diesel haul trucks (e.g., material delivery trucks and soil import/export).
- Consistent with measures that lead agencies in the region (including Port of Los Angeles, Port of Long Beach, Metro and City of Los Angeles)¹ have

¹ For example see the Metro Green Construction Policy at:
http://www.metro.net/projects_studies/sustainability/images/Green_Construction_Policy.pdf

enacted, require all on-site construction equipment to meet EPA Tier 3 or higher emissions standards according to the following:

- ✓ Project start, to December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 3 off-road emission standards. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ Post-January 1, 2015: All off-road diesel-powered construction equipment greater than 50 hp shall meet the Tier 4 emission standards, where available. In addition, all construction equipment shall be outfitted with BACT devices certified by CARB. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine as defined by CARB regulations.
- ✓ A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- ✓ Encourage construction contractors to apply for SCAQMD "SOON" funds. Incentives could be provided for those construction contractors who apply for SCAQMD "SOON" funds. The "SOON" program provides funds to accelerate clean up of off-road diesel vehicles, such as heavy duty construction equipment. More information on this program can be found at the following website:
<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>

For additional measures to reduce off-road construction equipment, refer to the mitigation measure tables located at the following website:
www.aqmd.gov/ceqa/handbook/mitigation/MM_intro.html.

- Use electricity from power poles rather than temporary diesel or gasoline power generators.

Additional Construction Mitigation Measures

- Construct or build with materials that do not require painting or use pre-painted construction materials.
- Limit the amounts of daily soil disturbance to the amounts analyzed in the Draft MND.
- All clearing, grading, earth-moving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour.

Letter 8 Ian McMillan, South Coast Air Quality Management District

Response to Comment 8-1

This comment recommends that the EIR identify the specific measures that will be implemented to comply with Rule 403. Mitigation Measure AQ-7 is added to the Draft EIR, pp. I-15 and IV.C-49, based on this suggestion.

MM AQ-7 During project construction, the following measures in the below table shall be implemented, to the satisfaction of the City of Ontario, to address compliance with South Coast Air Quality Management District Rule 403.

<u>Best Available Control Measure¹</u>	<u>Associated Measure in CalEEMod²</u>
<p><u>Clearing and Grubbing</u> 02-1 <u>Maintain stability of soil through pre-watering of site prior to clearing and grubbing.</u> 02-2 <u>Stabilize soil during clearing and grubbing activities.</u> 02-3 <u>Stabilize soil immediately after clearing and grubbing activities.</u></p> <p><u>Earth Moving Activities</u> 08-1 <u>Pre-apply water to depth of proposed cuts</u> 08-2 <u>Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction</u> 08-3 <u>Stabilize soils once earth-moving activities are complete</u></p>	<p><u>Water exposed surfaces three times per day</u></p> <p><u>Soil stabilizers for unpaved roads</u></p> <p><u>Pre-water to 12 percent</u></p>
<p><u>Import/Export of Bulk Materials</u> 09-1 <u>Stabilize material while loading to reduce fugitive dust emissions.</u> 09-2 <u>Maintain at least six inches of freeboard on haul vehicles.</u> 09-3 <u>Stabilize material while transporting to reduce fugitive dust emissions.</u> 09-4 <u>Stabilize material while unloading to reduce fugitive dust emissions.</u> 09-5 <u>Comply with Vehicle Code Section 23114.</u></p>	<p><u>Water exposed surfaces three times per day</u></p>
<p><u>Landscaping</u> 10-1 <u>Stabilize soils, materials, slopes</u></p> <p><u>Guidance: Apply water to materials to stabilize; maintain materials in a crusted condition; maintain effective cover over materials; stabilize sloping surfaces using soil until vegetation or ground cover can effectively stabilize the slopes; hydroseed prior to rain season.</u></p>	<p><u>Replace ground cover in disturbed areas when unused for more than 10 days</u></p>
<p><u>Staging Areas</u> 13-1 <u>Stabilize staging areas during use by limiting vehicle speeds to 15 miles per hour.</u></p>	<p><u>Reduce speed on unpaved roads to 15 miles per hour.</u></p>
<p><u>Traffic Areas for Construction Activities</u> 15-1 <u>Stabilize all off-road traffic and parking areas.</u> 15-2 <u>Stabilize all haul routes.</u></p>	<p><u>Water exposed surfaces three times per day</u></p>

<u>Best Available Control Measure¹</u>	<u>Associated Measure in CalEEMod²</u>
<p><u>15-3 Direct construction traffic over established haul routes.</u></p> <p><u>Guidance: Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; barriers can be used to ensure vehicles are only used on established parking areas/haul routes.</u></p>	
<p>Sources:</p> <p><u>1 SCAQMD Rule 403</u></p> <p><u>2 Applied in CalEEMod - output in Appendix A.</u></p>	

Response to Comment 8-2

This comment suggests specific revisions to mitigation measure (MM) AQ-1, including the requirement to use equipment meeting EPA Tier 3 or Tier 4 standards, based on certain temporal conditions. However, there is no assurance that particular Tier 4 equipment will be widely and sufficiently available within the time periods identified. There is currently insufficient numbers of such equipment to service all of the construction now within the SCAQMD, and there is no assurance such equipment will be readily available in the quantities that will be required of all construction throughout the SCAQMD. The mitigation measures need to be feasible in order to make compliance successful. However, in response to this comment AQ-1 has been partially revised to address certain aspects, including provision for the SOON program. Mitigation Measure AQ-1 on pp. IV.C-46 to IV.C-47 of the Draft EIR is revised as follows:

- MM AQ-1** During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:
- a) Prior to the year ~~2017~~ 2015, off road diesel powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA Tier 3 off road emission standards.
 - b) In the year ~~2017~~ 2015 and after, off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent equipment within 200 miles of the project has been conducted, the results of which are submitted to the City, but has been unsuccessful in obtaining the necessary construction equipment, then Tier 3 equipment can be used.
 - ~~f) Onsite electrical hook ups to power grid shall be provided for electric construction tools including saws, drills and compressors, where feasible, to reduce the need for diesel powered electric generators.~~
 - c) Require the use of 2007 and newer diesel haul trucks (e.g. material delivery trucks and soil import/export).

- d) A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- e) Encourage construction contractors to apply for South Coast Air Quality Management District's Surplus Off-Road Opt-In for NOx (SOON) funds. Incentives could be provided for those construction contractors who apply for SCAQMD SOON funds. The SOON Program provides funding assistance to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at the following website: <http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>.
- f) Use electricity from power poles rather than temporary diesel or gasoline power generators.

Response to Comment 8-3

This comment suggests additional construction mitigation measures, including using pre-painted materials, limiting daily soil disturbance, and ceasing of soil disturbing activities during high winds. These measures are generally agreeable with some modification. As the maximum area of soil disturbance in a given day is between 3 and 4 acres during construction of any phase of the project, measure b) below includes a reasonable limitation within the limits of the daily soil disturbance assumed in the Draft EIR Air Quality analysis. In response to SCAQMD's comment, Draft EIR p. IV.C-49 is revised to add new Mitigation Measure, AQ- 8.

MM AQ-8 During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:

- a) Construct or build with materials that do not require painting or use pre-painted construction materials to the extent feasible.
- b) Daily soil disturbance shall be limited to no more than 5.0 acres per day.
- c) All clearing, grading, earth moving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

September 17, 2013

Letter 9
Page 1 of 3

Richard Ayala
City of Ontario
303 East B Street
Ontario, CA 91764

Subject: Grand Park Specific Plan
SCH#: 2012061057

Dear Richard Ayala:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 16, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse



SCH# 2012061057
Project Title Grand Park Specific Plan
Lead Agency Ontario, City of

Type EIR Draft EIR

Description The proposed project is the Grand Park Specific Plan for the development of a master planned residential community on approximately 320 gross acres of land. The Grand Park Specific Plan is divided into 10 planning areas and an approximately 130-net-acre Grand Park. Planning Area 10 includes a high school and Planning Area 9 includes an elementary school. The remaining planning areas contain a mix of low-density, medium-density and high-density residential development. Exhibit 4 of the IS shows the proposed land use plan. The Grand Park Specific Plan is comprised of 5 land use designations: 1) Residential: Low-Density (6-12 DU/AC Gross Max); 2) Residential: Medium Density (12-18 DU/AC Gross Max); 3) Residential: High Density (18-25 DU/AC Gross Max); 4) public schools; and 5) the Grand Park. The Specific Plan area anticipates the development of up to 1,327 residential units with trails and pocket parks, a high school, elementary school, and the Grand Park. It is also anticipated that Tentative Tract Map application(s), Development Agreement(s), and Williamson Act contract cancellation application(s) will be submitted in conjunction with the Specific Plan.

Lead Agency Contact

Name Richard Ayala
Agency City of Ontario
Phone 909 395 2036 **Fax**
email
Address 303 East B Street
City Ontario **State** CA **Zip** 91764

Project Location

County San Bernardino
City Ontario
Region
Lat / Long 33° 59' 45.8" N / 117° 35' 23.9" W
Cross Streets south-east corner of Edison Ave and Archibald Ave.
Parcel No. 218-241-06, 10, 11, 13-16, 19, 20, 22, 23

Township	Range	Section	Base
-----------------	--------------	----------------	-------------

Proximity to:

Highways Hwy 15
Airports
Railways
Waterways
Schools Ranch View ES
Land Use PLU: Dairy Farms, ag fields, rural resid.,
Z: SP/AG
GP: Low&Med resid., school, OS-parkland

Project Issues Agricultural Land; Air Quality; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 6; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 8; Department of Housing and Community Development; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission

Document Details Report
State Clearinghouse Data Base

Date Received 08/02/2013 *Start of Review* 08/02/2013 *End of Review* 09/16/2013

Letter 9 Scott Morgan, State Clearinghouse and Planning Unit

Response to Comment 9-1

This letter confirms that the Draft EIR was received and circulated, that the review period closed on September 16, 2013, that no state agencies submitted comments by that date, and that the review requirements for State Clearinghouse review under CEQA have been complied with. No additional response is required.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

September 20, 2013

Richard Ayala
City of Ontario
303 East B Street
Ontario, CA 91764



Subject: Grand Park Specific Plan
SCH#: 2012061057

Letter 10
Page 1 of 5

Dear Richard Ayala:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on September 16, 2013. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012061057) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

LAPE
09/16/13
E

Brandt, Jeff@Wildlife

From: Brandt, Jeff@Wildlife
Sent: Monday, September 16, 2013 5:39 PM
To: 'rayala@ci.ontario.ca'; 'rayala@ci.ontario.ca.us'
Cc: jeff.brandt@wildlife.ca.gov; Maloney-Rames, Robin@Wildlife
Subject: Grand Park Specific Plan SCH# 2012061057

Mr. Richard Ayala, Senior Planner
City of Ontario
303 East "B" Street
Ontario, CA 91764

RECEIVED
SEP 20 2013
STATE CLEARING HOUSE

Re: Draft Environmental Impact Report for the Grand Park Specific Plan
City of Ontario, County of San Bernardino
State Clearinghouse No. 2012061057

Dear Mr. Ayala:

The Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Grand Park Specific Plan Project (Project) [State Clearinghouse No. 2012061057]. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1).

Project Description and Geographic Location

The Project consists of 320 acres within the New Model Colony General Plan in what was known as the San Bernardino Agricultural preserve. The New Model Colony General Plan Amendment (GPA) for the City's sphere of influence (SOI) was adopted by the City in 1999. The GPA contains a development strategy for the future development of the SOI, which includes 30 sub-planning areas. The Project is a master planned community with an elementary school, a high school, up to 1,327 residential units; and the 130-acre Grand Park. The Project is located south of Edison Avenue, west of Haven Avenue, north of Eucalyptus Avenue (future Merrill Avenue), and east of Archibald Avenue in the City of Ontario, County of San Bernardino. Most of the surrounding area is farmland or vacant land.

Biological Resources

A five hour reconnaissance level biological survey was conducted in June, 2012. The consulting biologist walked the site to identify potentially suitable habitat areas for sensitive wildlife species. Only accessible sites were surveyed; residential sites, dairy farms and gravel mining properties were not surveyed. The unsurveyed portions of the site account for approximately 124 acres of the 320-acre project site. Soils on the site include Delhi Fine Sand and Hilmar Loamy Fine Sand. The Delhi sands flower-loving fly was not found in 2006 and 2007 surveys, and the DEIR states that only marginally suitable habitat exists for this species onsite. However, surveys conducted in 2006 and 2007 are not adequate to preclude impacts to this species, and the CEQA document should include recent surveys to reasonably demonstrate the project will not impact this species.

The Biological Resources Study of the DEIR states that the site contains suitable habitat for four sensitive species: burrowing owl, loggerhead shrike, tricolored blackbird, western mastiff bat, and white-tailed kite. Other faunal species observed on the site include harvester ants, side-blotched lizard, turkey vulture, red-tailed hawk, American kestrel, black-necked stilt, loggerhead shrike, and the song sparrow. However, a walkover study of approximately 200 acres of a 320 acre site conducted in five hours in June is not adequate to identify the biological resources on the site.

The DEIR states that there is a high potential for burrowing owl to occur onsite, however, recent surveys were not conducted. This species was detected onsite during 2003, 2006, and 2007 surveys. The State Species of Special Concern loggerhead shrike was also observed at the site. No sensitive plants were detected on the site, although the DEIR did note that annual plant species were difficult to detect because the survey was conducted in the summer. No trapping for small mammals was conducted.

The Department has concerns regarding the biological resources analysis, including the incomplete survey area, level of survey conducted, lack of species-specific surveys conducted, and improper timing of surveys. A large percentage of the site (124 acres of the 320-acre Project site) was not surveyed and the remainder of the site (approximately 200 acres) was surveyed by foot over a period of five hours. Surveys for burrowing owl, a sensitive species known to occur onsite, were not conducted. Surveys for sensitive plants were conducted during the summer, outside of the recognized blooming period for many species in this area. The Department recommends the CEQA document include recent surveys to reasonably demonstrate the project will not impact the species and habitats noted above.

Additionally, the Project does contain Delhi sands, on which the Delhi sands flower-loving fly is dependent. The biology report states that suitable habitat for the fly is found in the northern and southern parts of the site. The CEQA document should reference the United States Fish and Wildlife's Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*) 5-Year Review: Summary and Evaluation, and determine if a portion of the site could be conserved and maintained as habitat for the flower-loving fly and/or the burrowing owl.

Lake and Streambed Alteration Program

A Notification of Lake or Streambed Alteration is required by the Department, should the project impact jurisdictional waters. The Department is responsible for assessing and evaluating impacts to jurisdictional waters; typically accomplished through reviewing jurisdictional delineation (JD) reports, supporting information, and conducting site visits. Following review of a JD, the Department may request changes to the JD. The Department may also recommend that additional project avoidance and/or minimization measures be incorporated, or request additional mitigation for project-related impacts to jurisdictional areas.

The Department recommends submitting a notification early in the project planning process, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <http://www.dfg.ca.gov/habcon/1600/forms.html>.

A JD was not included with the DEIR. The Department recommends that the entirety of the project site be assessed for the potential presence of Department jurisdictional areas. If Department jurisdictional areas are present, a JD needs to be prepared.

The Department opposes the elimination of ephemeral, intermittent, and perennial streams, channels, lakes, and their associated habitats. The Department recommends avoiding stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Lake and Streambed Alteration Agreement process may be required, depending on the quality of habitat impacted, proposed mitigation, project design, and other factors.

The following information will be required for the processing of a Notification of Lake or Streambed Alteration and the Department recommends incorporating this information into the CEQA document to avoid subsequent documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance and minimization measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. Please refer to section 15370 of the CEQA Guidelines for the definition of mitigation.

In the absence of specific mitigation measures in the CEQA document, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process are not CEQA-compliant because they deprive the public and agencies of their right to know what project impacts are and how they are being mitigated (CEQA Guidelines Section 15002).

Cumulative Impacts

The Project is proposed in a densely populated region of southern California. The regional scarcity of biological resources may increase the cumulative significance of Project activities. Cumulative effects analysis should be developed as described under CEQA Guidelines Section 15130. Please include all potential direct and indirect project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis.

Alternatives Analysis

The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6). The analysis should include a range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources. The Department considers Rare Natural Communities as threatened habitats, having both local and regional significance. Thus, these communities should be fully avoided and otherwise protected from Project-related impacts. The CEQA document should include an evaluation of specific alternative locations with lower resource sensitivity where appropriate. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat should be addressed.

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

Department Recommendations

The Department has the following concerns about the Project, and requests that these concerns be addressed in the CEQA document:

1. The CEQA document should include recent biological surveys for fauna and flora (CEQA Guidelines Section 15125(a)). If state or federal sensitive, threatened, or endangered species may occur within the project area, species specific surveys, conducted at the appropriate time of year and time of day, should be included with the CEQA document. Acceptable species specific surveys have been developed by the Department, and by the U.S. Fish and Wildlife Service, and are accessible through each agencies websites. The Department recommends that assessments for rare plants and rare plant natural communities follow the Department's 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document is available here:
http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf

2. The CEQA document should quantify impacts to habitats and species as per the informational requirements of CEQA. An accompanying map showing the areas of impact should also be included.
3. The analysis in the CEQA document should satisfy the requirements of the Department's Lake and Streambed Alteration Program and CESA (if deemed necessary). The CEQA document should include a JD, an assessment of impacts to State waters, and mitigation measures to offset the impacts, if applicable.
4. A CESA ITP must be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project, and the applicant chooses not to process the Project through the NCCP. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats. The Department encourages early consultation, as significant modification to the proposed project and mitigation measures may be required in order to obtain a CESA ITP. Revisions to the California Fish and Game Code, effective January 1998, require that the Department issue a separate CEQA document for the issuance of a CESA ITP unless the Project CEQA document addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit.
5. The CEQA document should provide a thorough analysis of direct, indirect, and cumulative impacts and identify specific measures to offset such impacts.
6. The CEQA document should analyze a range of fully considered and evaluated alternatives to the Project (CEQA Guidelines Section 15126.6).

Thank you for this opportunity to comment. Please contact Robin Maloney-Rames, Environmental Scientist, at (909) 980-3818, if you have any questions regarding this letter.

Sincerely,

Jeff Brandt
Senior Environmental Scientist
Habitat Conservation
California Department of Fish and Wildlife
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764
Phone (909) 987-7161
Fax (909) 481-2945
Email jeff.brandt@wildlife.ca.gov

Please note that as of Jan 1, 2013 our new name is the California Department of Fish and Wildlife (CDFW) and new department web and email addresses took effect.

Letter 10 Scott Morgan, State Clearinghouse and Planning Unit

Response to Comment 10-1

This letter conveys comments received by the State Clearinghouse after the end of the state review period, which closed on September 16, 2013. The comment letter is from the California Department of Fish and Wildlife, and was received separately by the City on September 16; Responses to this letter are found in Responses to Letter 4.

DEPARTMENT OF TRANSPORTATION

DISTRICT 8

PLANNING (MS 725)

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September 30, 2013

Richard Ayala
Senior Planner
303 East "B" Street
Ontario, CA 91764

Letter 11
Page 1 of 2

Grand Park Specific Plan Ontario, CA. 08-SBD-15-PM0.0

Mr. Ayala

The California Department of Transportation reviewed the Traffic Impact Analysis (TIA) report and have the following comments:

- 1. Please include the opening year of the project. | 1
- 2. Please re-analyze the traffic study the horizon year of 2035 instead of year 2030. | 2
- 3. Indicate the peak hour period in the section Existing Traffic Volume (page 9). | 3
- 4. The interchanges at I-15/ Cantu-Galleano Ranch Road and I-15 / Limonite Avenue should be analyzed for all scenarios in this report. | 4
- 5. The intersections at SR-83 (Euclid Avenue)/ Edison Avenue and SR-83/ Eucalyptus Avenue should be analyzed for all scenarios in this report. | 5
- 6. Figure 1 should be updated to show correct interchanges on I-15. | 6
- 7. Freeway Mainline segment analysis from Archibald Avenue to Haven Avenue on SR-60 for existing year 2012, opening year and horizon year should be included in this TIA. | 7
- 8. Freeway Ramps Junction at SR-60 WB/EB Ramps at Archibald Avenue and SR-60 WB/EB Ramps at Haven Avenue for year 2012, opening year and horizon year, should be included in this TIA. | 8
- 9. All comments should be addressed and TIS should be resubmitted prior to proceeding with the Encroachment Permit Process. | 9

10. Page #14-Horizon year traffic volume. Please indicate if traffic models identified on page 14 are consistent with the San Bernardino County Transportation Analysis Model (SBTAM) and the adopted 2012-2015 Regional Transportation Plan/Sustainable Communities Strategy.

10

We appreciate the opportunity to offer comments concerning this project. If you have any questions regarding this letter, please contact Harish Rastogi at (909) 383-6908 or myself at (909) 383-4557 for assistance.

Sincerely,



DANIEL KOPULSKY
Office Chief
Community and Regional Planning

Letter 11 Daniel Kopulsky, State Department of Transportation

This letter was received after the close of the Draft EIR comment period. Responses to specific comments are provided.

Response to Comment 11-1

This comment requests inclusion of an opening year for the project.

The project is a phased project such that the opening year cannot be determined. The intent of the study is to determine the necessary improvements required should this project be a standalone project.

Response to Comment 11-2

This comment requests re-analyzing the traffic study for the horizon year of 2035 instead of year 2030.

The traffic study is consistent with The Ontario Plan (TOP-City's General Plan) and reanalysis is not necessary.

Response to Comment 11-3

This comment request identifying the peak hour period in the section Existing Traffic Volume (page 9).

This information is included with the Traffic Count Worksheets in Appendix A of the Traffic Impact Analysis (Appendix J of the Draft EIR). See Appendix A of the TIA.

Response to Comment 11-4

This comment suggests the interchanges of I-15/Cantu-Galleano Ranch Road and I-15/Limonite Avenue should be analyzed for all scenarios in this report.

This is addressed within The Ontario Plan (TOP) and TOP Environmental Impact Report (SCH No. 2008101140).

Response to Comment 11-5

This comment suggests the intersections of SR-83 (Euclid Avenue)/Edison Avenue and SR-83/Eucalyptus Avenue should be analyzed for all scenarios in this report.

This is addressed within The Ontario Plan (TOP) and TOP Environmental Impact Report (SCH No. 2008101140).

Response to Comment 11-6

This comment suggests Figure 1 in the traffic study should be updated to show the correct interchanges on I-15.

Figure 1 has been updated in response to this comment (see Section 4: Summary of Changes and Additions to the Draft EIR).

Response to Comment 11-7

This comment suggests the freeway mainline segment analysis from Archibald Avenue to Haven Avenue on SR-60 for existing year 2012, opening year and horizon year should be included in the TIA.

This is addressed within The Ontario Plan (TOP) and TOP Environmental Impact Report (SCH No. 2008101140).

Response to Comment 11-8

This comment suggests the freeway ramps junction at SR-60 WB/EB Ramps at Archibald Avenue and SR-60 WB/EB Ramps at Haven Avenue for 2012, opening year and horizon year, should be included in the TIA.

This is addressed within The Ontario Plan (TOP) and TOP Environmental Impact Report (SCH No. 2008101140).

Response to Comment 11-9

This comment suggests all comments should be addressed and the TIS (TIA) should be resubmitted prior to proceeding with the Encroachment Permit Process.

The proposed project will not require a Caltrans Encroachment Permit.

Response to Comment 11-10

With reference to page 14 of the TIA and Horizon Year traffic volume, this comment requests clarification as to whether the traffic models are consistent with the San Bernardino County Transportation Analysis Model (SBTAM) and the adopted 2012-2015 Regional Transportation Plan/Sustainable Communities Strategy.

Horizon year traffic forecasts for the Grand Park project were developed based on the most appropriate available regional travel demand model available at the time of the initiation of the project and the EIR. This was The Ontario Plan (TOP) Model, which is the Ontario Citywide Travel Demand Model developed for the City's General Plan Update program. The TOP model was developed for the General Plan update in 2009; therefore, the TOP model precedes the SBTAM and the 2012 SCAG RTP. Per the TOP Update Transportation Technical Report, "The TOP Model is a focused model based on the Ontario Airport Ground Access Model and the SCAG/SANBAG Comprehensive Transportation Plan (CTP) traffic model." The Ontario Airport Ground Access Model and the CTP Model (which was the official model for San Bernardino and Riverside Counties at the time) are both focused models based on the most recent official version of the SCAG Regional Travel Demand Forecast model at the time of the project, and therefore were compatible with the official regionally adopted growth forecasts.

SECTION 4: SUMMARY OF CHANGES AND ADDITIONS TO THE DRAFT EIR

A lead agency is required to circulate a final EIR for public review and comment when significant new information is added to the report after the period for review and comment on the draft EIR has ended. 14 Cal Code Regs §15088.5(a). New information is “significant” if it causes the EIR to be “changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that . . . that the project’s proponents have declined to implement.” *Id.*

In addition to the changes identified in Section 3 in response to specific comments, the following changes and additions to the Draft EIR are made. These revisions do not change the significance of any of the environmental impact conclusions within the Draft EIR and do not identify feasible mitigation measures to mitigate any significant impacts which the City is declining to implement. Therefore, these changes are not “significant” and do not require that the EIR, or any portion of it, be recirculated prior to certification. The revisions are listed by page number. All additions to the text are underlined and all deletions from the text are stricken.

Page 1-18

This Mitigation Measure BIO-2 in Table I-1 on p. I-18 and I-19 of the Draft EIR is revised to add the missing final paragraph. (Note that the measure is correctly stated in full on p. IV.D-29.):

MM BIO-2 Nesting Birds. The project applicant will have a biologist prepare a pre-construction nesting bird survey, which will be required prior to any vegetation removal or ground disturbance activities. Any activity that may potentially cause a nest failure, requires a biological monitor including soil sampling, and tree removal.

Removal of any trees, shrubs, or any other potential nesting habitat shall be conducted outside the avian nesting season. The nesting season generally extends from early February through August, but can vary slightly from year to year based upon seasonal weather conditions.

If suitable nesting habitat must be removed during the nesting season, a qualified biologist shall conduct a nesting bird survey to identify any potential nesting activity. If active nests are observed, construction activity must be prohibited within a buffer around the nest, as determined by a biologist, until the nestlings have fledged. Because the proposed project will result in the loss of eucalyptus tree windrows, which provide potential foraging and nesting habitat for raptors, the proposed project will be subject to paying mitigation fees for the cumulative losses of raptor nesting and foraging habitat. This will mitigate the impact below a level significance.

Prior to issuance of grading permit(s), Project applicant(s) shall pay their fair share towards the \$22.7 million for the habitat land acquisition within the Chino/El Prado Basin Area that shall serve as the designated Waterfowl and Raptor Conservation Area (WRCA). The fee shall be paid in accordance with the September 10, 2002 modification to NMC GPA Policy 18.1.12 and Implementation Measure I-6, that state a 145-acre WRCA shall be provided through either a mitigation land bank, or by purchasing a property through development mitigation/impact fees. The habitat land acquisition shall be managed by Land Conservancy, a non-profit organization selected by the City and The Endangered Habitat's League and the Sierra Club.

Page IV.C-11

The last sentence in the discussion on Title 24 and California Green Building Standards in the Draft EIR on p. IV.C-11 includes a cross-referencing to Section 1.7 Standard Conditions. This content is in the Air Quality Report, in Appendix C. Therefore, the following correction is made to that sentence:

For a description, please refer to Section 1.7, Standard Conditions of the Air Quality Report, Appendix C in this report.

Page IV.C-46 and IV.C-47

Mitigation Measure AQ-1 on pp. IV.C-46 to IV.C-47 of the Draft EIR is revised as follows to conform to the changes made in response to comments by SCAQMD, as set forth in Response to Comment 8-2:

- MM AQ-1** During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:
- a) Prior to the year ~~2017~~ 2015, off road diesel powered construction equipment greater than 50 horsepower shall meet or exceed United States Environmental Protection Agency (EPA Tier 3 off road emission standards.
 - b) In the year ~~2017~~ 2015 and after, off-road diesel-powered construction equipment greater than 50 horsepower shall implement one of the following: meet EPA Tier 4 emissions standards, meet EPA Tier 4 Interim emissions standards, or meet EPA Tier 3 standards with California Air Resources Board verified Level 3 filters to reduce 85 percent diesel particulate matter. If a good faith effort to rent equipment within 200 miles of the project has been conducted, the results of which are submitted to the City, but has been unsuccessful in obtaining the necessary construction equipment, then Tier 3 equipment can be used.
 - ~~f) Onsite electrical hook ups to power grid shall be provided for electric construction tools including saws, drills and compressors, where feasible, to reduce the need for diesel powered electric generators.~~

- c) Require the use of 2007 and newer diesel haul trucks (e.g. material delivery trucks and soil import/export).
- d) A copy of each unit's certified tier specification, BACT documentation, and CARB or SCAQMD operating permit shall be provided at the time of mobilization of each applicable unit of equipment.
- e) Encourage construction contractors to apply for South Coast Air Quality Management District's Surplus Off-Road Opt-In for NOx (SOON) funds. Incentives could be provided for those construction contractors who apply for SCAQMD SOON funds. The SOON Program provides funding assistance to applicable fleets for the purchase of commercially-available low-emission heavy-duty engines to achieve near-term reduction of NOx emissions from in-use off-road diesel vehicles. More information on this program can be found at the following website:
<http://www.aqmd.gov/tao/Implementation/SOONProgram.htm>.
- f) Use electricity from power poles rather than temporary diesel or gasoline power generators.

Page I-15 and IV.C-49

Mitigation Measure AQ-7 is added to the Draft EIR, pp. I-15 and IV.C-49 to conform to the changes made in response to comments by SCAQMD, as set forth in Response to Comment 8-1:

MM AQ-7 During project construction, the following measures in the below table shall be implemented, to the satisfaction of the City of Ontario, to address compliance with South Coast Air Quality Management District Rule 403.

<u>Best Available Control Measure¹</u>	<u>Associated Measure in CalEEMod²</u>
<u>Clearing and Grubbing</u> <u>02-1 Maintain stability of soil through pre-watering of site prior to clearing and grubbing.</u> <u>02-2 Stabilize soil during clearing and grubbing activities.</u> <u>02-3 Stabilize soil immediately after clearing and grubbing activities.</u>	<u>Water exposed surfaces three times per day</u> <u>Soil stabilizers for unpaved roads</u>
<u>Earth Moving Activities</u> <u>08-1 Pre-apply water to depth of proposed cuts</u> <u>08-2 Re-apply water as necessary to maintain soils in a damp condition and to ensure that visible emissions do not exceed 100 feet in any direction</u> <u>08-3 Stabilize soils once earth-moving activities are complete</u>	<u>Pre-water to 12 percent</u>
<u>Import/Export of Bulk Materials</u> <u>09-1 Stabilize material while loading to reduce fugitive dust emissions.</u> <u>09-2 Maintain at least six inches of freeboard on haul vehicles.</u> <u>09-3 Stabilize material while transporting to reduce fugitive dust emissions.</u>	<u>Water exposed surfaces three times per day</u>

<u>Best Available Control Measure¹</u>	<u>Associated Measure in CalEEMod²</u>
09-4 <u>Stabilize material while unloading to reduce fugitive dust emissions.</u> 09-5 <u>Comply with Vehicle Code Section 23114.</u>	
<u>Landscaping</u> 10-1 <u>Stabilize soils, materials, slopes</u> <u>Guidance: Apply water to materials to stabilize; maintain materials in a crusted condition; maintain effective cover over materials; stabilize sloping surfaces using soil until vegetation or ground cover can effectively stabilize the slopes; hydroseed prior to rain season.</u>	<u>Replace ground cover in disturbed areas when unused for more than 10 days</u>
<u>Staging Areas</u> 13-1 <u>Stabilize staging areas during use by limiting vehicle speeds to 15 miles per hour.</u>	<u>Reduce speed on unpaved roads to 15 miles per hour.</u>
<u>Traffic Areas for Construction Activities</u> 15-1 <u>Stabilize all off-road traffic and parking areas.</u> 15-2 <u>Stabilize all haul routes.</u> 15-3 <u>Direct construction traffic over established haul routes.</u> <u>Guidance: Apply gravel/paving to all haul routes as soon as possible to all future roadway areas; barriers can be used to ensure vehicles are only used on established parking areas/haul routes.</u>	<u>Water exposed surfaces three times per day</u>
Sources: 1 <u>SCAQMD Rule 403</u> 2 <u>Applied in CalEEMod - output in Appendix A.</u>	

Page IV.C-49

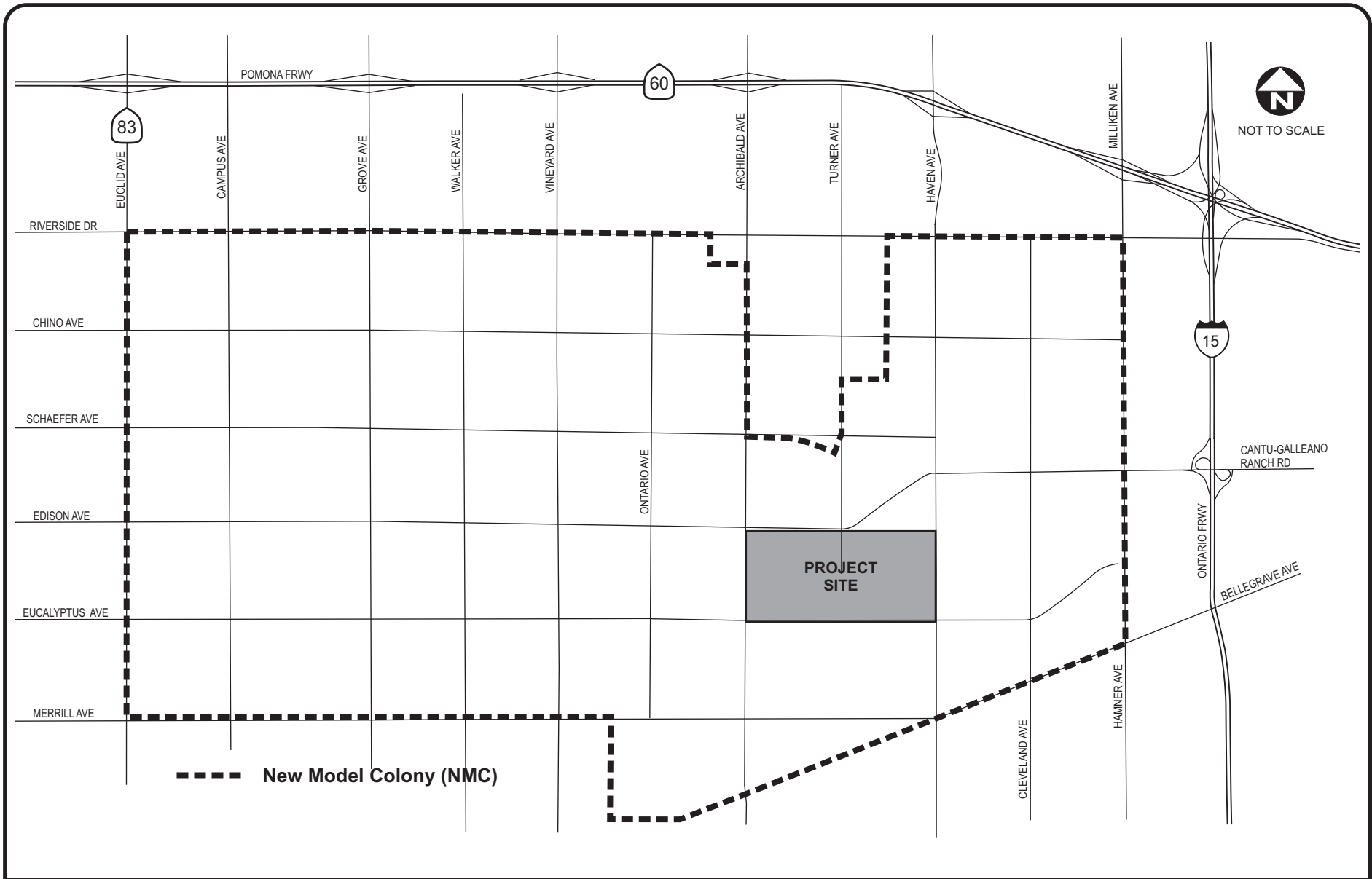
Draft EIR p. IV.C-49 is revised to add new Mitigation Measure, AQ-8 to conform to the changes made in response to comments by SCAQMD, as set forth in Response to Comment 8-3.

MM AQ-8 During project construction, the following measures shall be implemented to the satisfaction of the City of Ontario:

- a) Construct or build with materials that do not require painting or use pre-painted construction materials to the extent feasible.
- b) Daily soil disturbance shall be limited to no more than 5.0 acres per day.
- c) All clearing, grading, earth moving, or excavation activities shall cease when winds (as instantaneous gusts) exceed 25 miles per hour.

Traffic Impact Analysis Report - Figure 1

Figure 1 Project Vicinity of the TIA in Appendix J of the Draft EIR is updated with Figure 1 that follows.



Grand Park Specific Plan TIA
City of Ontario

FIGURE 1
Project Vicinity