

**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:

FirstCarbon Solutions | Michael Brandman Associates
220 Commerce, Suite 200
Irvine, CA 92602
714.508.4100

Contact: Thomas Holm, AICP



November 14, 2013

Table of Contents

Section 1: Introduction	1
Section 2: List of Commentors.....	3
Section 3: Comment Letters and Responses to Comments.....	5
Letter 1 Heather Anderson, California Department of Conservation, Division of Land Resource Protection	8
Letter 2 Annesley Ignatius, County of San Bernardino, Department of Public Works	11
Letter 3 Kennon A. Corey, U.S. Fish and Wildlife Service	14
Letter 4 Jeff Brandt, California Department of Fish and Wildlife (Department).....	20
Letter 5 Jonathan Nadler, Southern California Association of Governments.....	30
Letter 6 Anna Rahtz, Omnitrans	33
Letter 7 Nick R. Green, Citizens Advocating Rational Development	38
Letter 8 Ian McMillan, South Coast Air Quality Management District.....	47
Letter 9 Scott Morgan, State Clearinghouse and Planning Unit	53
Letter 10 Scott Morgan, State Clearinghouse and Planning Unit	59
Letter 11 Daniel Kopulsky, State Department of Transportation	62
Section 4: Summary of Changes and Additions to the Draft EIR	64
Page 1-18.....	64
Page IV.C-11	65
Page IV.C-46 and IV.C-47	65
Page I-15 and IV.C-49.....	66
Page IV.C-49	67
Traffic Impact Analysis Report - Figure 1	67

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).

1

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
Fax (909) 387-8130

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.

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.

**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.

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.

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.

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.

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></p> <p>02-1 <u>Maintain stability of soil through pre-watering of site prior to clearing and grubbing.</u></p> <p>02-2 <u>Stabilize soil during clearing and grubbing activities.</u></p> <p>02-3 <u>Stabilize soil immediately after clearing and grubbing activities.</u></p> <p><u>Earth Moving Activities</u></p> <p>08-1 <u>Pre-apply water to depth of proposed cuts</u></p> <p>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></p> <p>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></p> <p>09-1 <u>Stabilize material while loading to reduce fugitive dust emissions.</u></p> <p>09-2 <u>Maintain at least six inches of freeboard on haul vehicles.</u></p> <p>09-3 <u>Stabilize material while transporting to reduce fugitive dust emissions.</u></p> <p>09-4 <u>Stabilize material while unloading to reduce fugitive dust emissions.</u></p> <p>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></p> <p>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></p> <p>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></p> <p>15-1 <u>Stabilize all off-road traffic and parking areas.</u></p> <p>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>.
- e) 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.

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.

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.

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>.
- e) 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

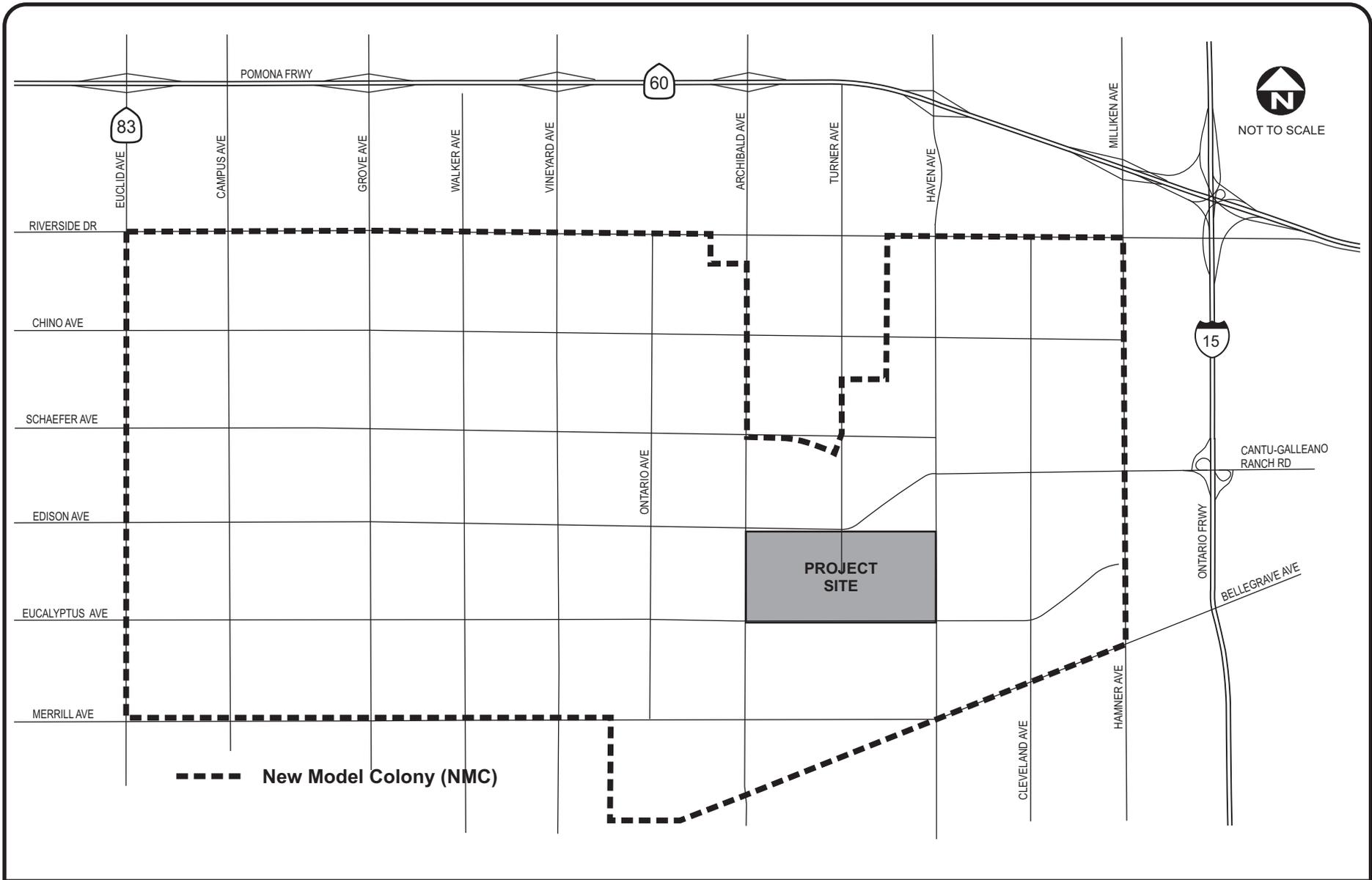
Draft EIR p. IV.C-49 is revised to add new Mitigation Measure, AQ-8 to conform to the changes made in response to comments by SCAQMD, as set forth in Response to Comment 8-3.

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