

5.4 BIOLOGICAL RESOURCES

The analysis in this section is based in part on the following technical reports:

- *City of Ontario General Plan Update Existing Conditions Report*, The Planning Center, October 2006
- *Draft Biological Resources Report for the City of Ontario General Plan Update and Environmental Impact Report*, Prepared for the City of Ontario, The Planning Center and Earthworks Restoration, Inc., October 2006.
- *Ontario Sphere of Influence (New Model Colony) General Plan Amendment*, Envicom Incorporated, January 7, 1998.

Complete copies of these studies are included in the Technical Appendices to this Draft EIR (Volume II, Appendix B).

5.4.1 Environmental Setting

Applicable Plans and Regulations

Federal and State Regulations

Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, was promulgated to protect and conserve any species of plant or animal that is endangered or threatened with extinction and the habitats in which these species are found. "Take" of endangered species is prohibited under Section 9 of the FESA. Take, as defined under the FESA, means to "harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct." Section 7 of the FESA requires federal agencies to consult with the US Fish and Wildlife Service (USFWS) on proposed federal actions that may affect any endangered, threatened, or proposed (for listing) species or critical habitat that may support the species. Section 4(a) of the FESA requires that critical habitat be designated by the USFWS "to the maximum extent prudent and determinable, at the time a species is determined to be endangered or threatened."

Critical habitat consists of specific areas, both occupied and unoccupied by a federally protected species, that are essential to the conservation of a listed species and that may require special management considerations or protection. The location of a proposed project within critical habitat typically warrants a habitat assessment and, if suitable habitat is present, focused (protocol) surveys to determine presence or absence of the listed species. Any project involving a federal agency, federal monies, or a federal permit that falls within an area designated as critical habitat requires the project proponent to consult with the USFWS regarding potential impacts to the listed species and conservation measures to offset identified impacts.

Critical habitat is formally designated by USFWS to provide guidance for planners/managers and biologists with an indication of where suitable habitat may occur and where high priority of preservation for a particular species should be given. Critical habitat receives protection under section 7 of the act through the prohibition against destruction or adverse modification of critical habitat with regard to actions carried out, funded, or authorized by a federal agency. Federal agencies and proponents of other projects involving federal funding or permits that are proposing projects within critical habitat are required to consult with USFWS as to the impacts such projects may have on protected species, and mitigation for any such impacts. Section 10 of the FESA provides the regulatory mechanism that allows the incidental take of a listed species by private interests and nonfederal government agencies during lawful activities. Habitat conservation plans (HCPs) for



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the impacted species must be developed in support of incidental take permits for nonfederal projects to minimize impacts to the species and develop viable mitigation measures to offset the unavoidable impacts.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (MBTA) is the domestic law that affirms and implements the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. The MBTA governs the taking, killing, possession, transportation, and importation of migratory birds, and their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations. USFWS administers permits to take migratory birds in accordance with the regulations promulgated by the MBTA.

Clean Water Act, Section 404

The United States Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States¹ including wetlands and nonwetland bodies of water that meet specific criteria. Pursuant to Section 404 of the federal Clean Water Act (CWA), a permit is required for any filling or dredging in waters of the US. The permit review process entails an assessment of potential adverse impacts to USACE wetlands and jurisdictional waters, wherein the USACE may require mitigation measures. Where a federally listed species may be affected, a Section 7 consultation with USFWS may be required. If there is potential for cultural resources to be present, Section 106 review may be required. Also, where a Section 404 permit is required, a Section 401 Water Quality Certification would also be required from the Regional Water Quality Control Board (RWQCB).

Clean Water Act, Section 401 and 402

Section 401(a)(1) of the CWA specifies that any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters shall provide the federal permitting agency a certification, issued by the state in which the discharge originates, that any such discharge will comply with the applicable provisions of the CWA. In California, the applicable RWQCB must certify that the project will comply with water quality standards. Permits requiring Section 401 certification include USACE Section 404 permits and National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency (EPA) under Section 402 of the CWA. NPDES permits are issued by the applicable RWQCB. The City of Ontario is within the jurisdiction of the Santa Ana RWQCB (Region 8).

California Fish and Game Code, Section 1600

Section 1600 of the California Fish and Game Code requires that a project proponent notify the California Department of Fish and Game (CDFG) of any proposed alteration of streambeds, rivers, and lakes. The intent is to protect habitats that are important to fish and wildlife. CDFG may review a project and place conditions on the project as part of a Streambed Alteration Agreement. The conditions are intended to address potentially significant adverse impacts within CDFG's jurisdictional limits.

¹ "Waters of the United States," as it applies to the jurisdictional limits of the authority of the Corps of Engineers under the Clean Water Act, includes all waters that are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide; all interstate waters including interstate wetlands; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce; water impoundments; tributaries of waters; territorial seas; wetlands adjacent to waters. The terminology used by Section 404 of the Clean Water Act includes "navigable waters," which is defined at Section 502(7) of the Act as "waters of the United States including the territorial seas."

California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA and is administered by the CDFG. Its intent is to prohibit take and protect state-listed endangered and threatened species of fish, wildlife, and plants. Unlike its federal counterpart, CESA also applies the take prohibitions to species petitioned for listing (state candidates). Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the FESA, CESA does not include listing provisions for invertebrate species. Under certain conditions, CESA has provisions for take through a 2081 permit or memorandum of understanding. In addition, some sensitive mammals and birds are protected by the state as Fully Protected Species. California Species of Special Concern are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. Known and recorded occurrences of sensitive species are listed on the CDFG's California Natural Diversity Data Base (CNDDDB) project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biological resources assessments.

Existing Conservation Plans and Areas

San Bernardino Kangaroo Rat Critical Habitat

The San Bernardino kangaroo rat (*Dipodomys merriammiparvus*) was emergency listed as federally endangered in January 1998, when its population had been reduced by approximately 95 percent due to habitat loss, urban development, degradation, water conservation activities, and fragmentation owing to sand and gravel mining operations. The species is typically found on alluvial fans, in floodplains, along washes, in adjacent upland areas, and in areas with historic braided channels. Final designation of critical habitat for the San Bernardino kangaroo rat was issued in April 2002 (Department of the Interior 2002). Approximately 145 acres in the northeastern corner of the City, associated with Etiwanda Creek and the Etiwanda Conservation Basin, are within the very southern portion of Critical Habitat Unit 4 Etiwanda Alluvial Fan and Wash (see Figure 5.4-1, *Areas of Potential Occurrence of Sensitive Species*). There may be some potential for remnant suitable habitat for San Bernardino kangaroo rat; however, the area is disturbed and surrounded by developed industrial uses. There is very low potential for the species to occur within the City. There are no HCPs for San Bernardino kangaroo rat in the City of Ontario (USFWS 2008).

Delhi Sands Flower-Loving Fly

The most prominent sensitive wildlife species noted in the region is the Delhi sands flower-loving fly (DSFLF) (*Rhaphiomidas terminatus*), a federally listed endangered species. The DSFLF is restricted (endemic) to the Colton Dunes (consisting of Delhi soil series). Delhi soils are fine sandy soils, often wholly or partly sand dunes stabilized by sparse native vegetation. These soils cover approximately 40 square miles in Riverside and San Bernardino Counties, underlying portions of the City of Ontario and other neighboring cities. By 1997, studies indicated that over 97 percent of the area containing this soil type had been converted to agriculture, developed for urban or commercial uses, or otherwise altered. The DSFLF has not been observed in the City. There is a CNDDDB-recorded occurrence of DSFLF outside and southeast of Ontario.

The DSFLF was emergency listed on September 23, 1993, because extinction within the foreseeable future was likely, as the distribution of the DSFLF at that time encompassed less than 2 percent of its former range. Critical habitat has not been designated for this species. All existing populations of the DSFLF occur within eight miles of each other. The distribution straddles I-10 in the vicinity of Colton and Rialto and Riverside and San Bernardino Counties on county, public utility, and private lands. In 1998, only six sites, totaling less than 45 acres, were known to be occupied and only one is permanently protected. The Draft Recovery Plan for the DSFLF was prepared in 1997. The plan delineated actions required to recover and/or protect the listed species. The former range of the species was divided into three recovery units (RUs): Jurupa, Colton, and Ontario. Approximately 60 percent of the Ontario RU is within the City of Ontario, comprising approximately



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21.7 square miles of the City, as shown on Figure 5.4-1. According to the Draft Recovery Plan, there is restorable habitat for the DSFLF along the Southern California Edison (SCE) right-of-way and along a shallow wash in southwestern Ontario (West Cucamonga Channel), and at a few other locations in the Ontario RU. The planned recovery of the DSFLF is partially dependent upon the restoration, management, and preservation of such areas.

There is one approved HCP in the City. The Oakmont Industrial Group HCP was established for the protection of the DSFLF on approximately 19 acres adjacent to the intersection of Greystone Drive and Stanford Avenue near the eastern City boundary (USFWS 2008).

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

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

- Mitigation Measure BR-1 modified the General Plan to require the creation of new waterfowl habitat and specified a mitigation ratio of 2:1 for each acre of such habitat lost. This is off-site mitigation in the Prado Basin.
- Mitigation Measure BR-2 stipulated that the City shall create a Waterfowl and Raptor Conservation Area (WRCA), and included requirements and definitions for it; mitigation is off-site in the Prado Basin.
- Mitigation Measure BR-3 required the City to cooperate with the USFWS in taking specified actions to mitigate impacts to the Delhi Sands Flower-Loving Fly Recovery Unit.

Subsequent to the adoption of the SOI General Plan and EIR, a lawsuit was filed against the City by the Endangered Habitats League, Inc., and the Sierra Club, challenging the City's CEQA compliance and approval of the SOI General Plan Amendment. A Settlement Agreement was reached and agreed to by all parties that set forth revised mitigation measures for potential impacts in the NMC (referred to as Annexation Area 163 in the agreement) to the burrowing owl, the DSFLF, raptor foraging and wildlife habitat, loss of open space, actual and potential habitat and agricultural land, and sensitive (listed and nonlisted) species. These measures will be in effect until all of the developable acres in the NMC reach full buildout, as determined by the City. Further, a land trust, conservancy, or nonprofit corporation or nonprofit entity will be created or selected to carry out the responsibilities, goals, and objectives of the mitigation as set forth in the settlement agreement.

Figure 5.4-1 Areas of Potential Occurrence of Sensitive Species



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- Prior to issuance of grading permits, Ontario shall impose a \$4,320 per net acre mitigation fee on proposed developments in Annexation Area 163 that require discretionary approval or permitting from the City.
- Ontario, in consultation with CDFG, will identify, through CEQA review, lands occupied by burrowing owl and suitable as long-term habitat. The City will require avoidance of those lands to maintain a viable territory and require long-term maintenance through dedication in fee or grant of easement to the Land Trust. If the site is not viable long-term habitat, the developer shall pay the mitigation fee and make provisions for relocation of the owls.
- Since habitat that benefits DSFLF can be expected to benefit burrowing owl, up to 25 percent of the mitigation fee maybe used by the City for DSFLF recovery.
- All mitigation fees collected shall be used for the above-described purposes and may be used to purchase property, conservation easements, or other land with long-term conservation value for the environmental impacts; enhance/restore lands with such values; maintain and operates these lands; and pay for related administrative costs (not to exceed 10 percent of the total fees).
- Land/easements dedicated, conveyed, or purchased to benefit wildlife, waterfowl, raptors, and/or burrowing owl must have long-term conservation value for those species and must be managed by the Land Trust. The parcels must be in the habitat area designated as part of the settlement agreement. Unacceptable properties are those that would otherwise be purchased by another entity or group as open space mitigation for environmental impacts.

As part of the implementation of the terms of the settlement agreement, the City of Ontario has established and presently collects a mitigation fee for new development in the NMC, a portion of which funds a land trust to acquire and protect habitat supporting burrowing owls, waterfowl, raptors, and DSFLF. Development impact fees for new development in the NMC were adopted on June 23, 2003, by the City Council. The NMC Development Impact Fees include a habitat mitigation fee of \$4,320 per net acre for proposed residential, commercial, hotel and restaurant, office, and industrial development. Up to \$500 of the fees may be used for DSFLF. In addition, current City procedure is to require a habitat assessment to determine existing habitat and biological resources on proposed development sites. If the assessment determines that there is potential habitat for sensitive species, focused protocol surveys are required. If potential DSFLF habitat is present, two-year (consecutive) protocol surveys per the USFWS Interim General Survey Guidelines for the Delhi Sands flower-loving fly are required.

The land use plan for the NMC originally provided for establishment of the WRCA, a wetlands and habitat area near the confluence of the Cucamonga Creek and the Lower Deer Creek Channels. Creation of the WRCA as part of the NMC was intended to provide a concentrated area for wetlands that would receive storm drainage from the west. Funding for the environmental restoration of the existing 85-acre Lower Cucamonga flood control basin under the WRCA would have been provided through the USACE with matching funds from the City of Ontario. This conservation area plus acquisition of 145 acres of off-site mitigation land was intended to provide mitigation for impacts resulting from development of the NMC.

Per the conditions of the Settlement Agreement, the WRCA is no longer proposed. Currently, the City's main emphasis is to pursue off-site mitigation lands for habitat restoration in the El Prado Basin, as outlined in the settlement agreement. The acquisition of land in the El Prado Basin Area will be conducted by a land conservancy with participation by the CDFG. The City is currently in the process of selecting a Land Conservancy to oversee the acquisition, management, and operation of approximately 305 acres of off-site mitigation lands in and around the El Prado Basin. Funding for these lands will be provided through the NMC habitat mitigation fees and managed by the Riverside Land Conservancy.



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The City's effort to acquire and manage mitigation lands pursuant to the Settlement Agreement is now known as the Greater Prado Basin Habitat Conservation Program. A number of Interest Areas, that is, prospective mitigation lands, have been identified. While the majority of the Interest Areas are in the Prado Basin south of the City of Ontario, in the cities of Chino, Norco, and in unincorporated areas of San Bernardino and Riverside Counties, some of the Interest Areas are in Ontario: the closed Milliken Waste Disposal Site, and some surrounding land, near the intersection of Milliken Avenue and Mission Boulevard; a detention basin; portions of two SCE utility corridors in the northeastern part of the City; and one detention basin (Riverside Land Conservancy 2008).

City of Ontario Municipal Code – Tree Protection on Public Property

While the City of Ontario does not have any municipal ordinances for the protection of trees on private property, Municipal Code Sections 10-1.25 and 10-2.05 prohibit the damaging or destruction of trees on City property, except under conditions specified in the Municipal Code.

Habitats and Vegetation Communities

Remnants of native habitats and vegetation communities are virtually absent throughout Ontario. The Original Model Colony (OMC) area, the part of the City north of Riverside Drive, consists primarily of structures and paved surfaces and supports very little vegetation. At one time, the developed OMC portion of the City was a major agricultural area. Native alluvial sage scrub was removed from the region in the late 1800s and early 1900s for vineyards and other forms of cultivation, including citrus groves and field crops. However, agricultural uses in the OMC have been replaced by urban land uses. The plants that are present—turf, weeds, nonnative grasses, and nonnative trees and plants used for landscaping—have limited biological resource value. Recent biological assessments for development projects in the OMC, including the Pacific Gateway Cargo Center, Tessier Work/Live Project, and Ontario Downtown Civic Center Project, found no sensitive natural communities, riparian habitat, or sensitive plant or animal species on the developed and/or highly disturbed project sites.

Historically, the NMC area, the portion of the City south of Riverside Drive, was probably dominated by Riversidean sage scrub, a form of coastal sage scrub found on alluvial fans and drainages along the base of the Transverse and Peninsular ranges. Due to the long-standing agricultural use, the NMC area supports little native vegetation. The Cucamonga and Deer Creeks also once supported riparian vegetation; however, these drainages are now completely channelized where they traverse the City (Envicom 1997).

Currently, dairy and poultry farms, pasture, crop land, and remnant vineyards make up the majority of the land uses in the NMC area. The agricultural areas contain mounds of debris, including manure, in piles overlying the native soils. Residential, commercial, industrial, and institutional uses are also scattered throughout the area. Although the NMC has been extensively altered from natural conditions to primarily agricultural use, the land still provides foraging and breeding habitat for a variety of common and sensitive wildlife species. In particular, windrows and surface water areas, such as agricultural ponds, water impoundments, and drainage channels, provide habitat for migratory birds, including raptors.

While native terrestrial vegetation communities are not present in the City, there are four nonnative vegetation communities, known as vegetation associations, primarily in the NMC (see Figure 5.4-2):

- surface water areas
- flood control channel areas
- agricultural fields
- developed areas

Figure 5.4-2 Vegetation Associations and Land Cover



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Surface Water Areas

Open water bodies in the OMC include detention basins, man-made lakes associated with Guasti-Cucamonga Park and golf courses, and concrete-lined drainages that frequently contain surface water. Water bodies in the NMC include ponds associated with dairy and poultry operations (state-mandated dairy manure water retention basins that serve as runoff collection/water treatment ponds), livestock-water ponds, and freshwater irrigation ponds. Most fallow fields accumulate surface waters in ponds or ditches. The portions of the Cucamonga and Deer Creek channels that traverse the NMC also frequently contain surface water and are concrete-lined drainages. Perennially wet ponds can support native shrubs and trees typical of riparian habitats, including mulefat (*Baccharis salicifolia*) and willow (*Salix* spp.).

Flood Control Channels

Flood control channels occur throughout the City and are described above. Vegetation, if present at all within these areas, is limited to aquatic species, including pondweed (*Potamogeton* spp.), common water nymph (*Najas guadelupensis*), and hornwort (*Ceratophyllum demersum*). Hydrophytes (plants that are able to live either in water or in very moist soils), including cattail (*Typha* spp.), sedge (*Cyperus* spp.) and rush (*Juncus* spp.) occasionally emerge in areas along the flood control channel where sediment accumulates and ponding occurs.

Agricultural Fields

Four types of agricultural fields are present in City.

- **Agricultural Industry** includes feedlots, cattle holding pens, dairy and poultry operations, and equestrian activities. These areas are typically devoid of vegetation due to the continuous presence of domesticated animals such as cattle, horses, and chickens, and due to intensive disturbance from farming or other human activities.
- **Cultivated Fields** include irrigated row crops of alfalfa, barley, and strawberries. These fields are typically grazed after harvest then left fallow.
- **Fallow Fields** develop characteristic ruderal vegetation,² including nonnative grasses and forbs (herbaceous plants other than grasses and sedges) such as black mustard (*Brassica nigra*), lambs quarters (*Chenopodium album*), Russian thistle (*Salsola tragus*), puncture vine (*Tribulus terrestris*), cheeseweed (*Malva parviflora*), stinging nettle (*Urtica dioica*), common sunflower (*Helianthus annuus*), prickly lettuce (*Lactuca serriola*), wild radish (*Raphanus sativus*), London rocket (*Sisymbrium irio*), tumbleweeds (*Amaranthus* spp.), sow-thistle (*Sonchus oleraceus*), dock (*Rumex* spp.), and other introduced grasses such as bromes (*Bromus* spp.), wild oats (*Avena* spp.), barleys (*Hordeum* spp.), and Bermuda grass (*Cynodon dactylon*). Native species can also be present in ruderal areas, including sandbur (*Ambrosia acanthicarpa*), horseweed (*Conyza canadensis*), jimsonweed (*Datura wrightii*), and spurge (*Camaesyce* sp.).
- **Vineyards** were formerly extensive, but are currently limited to two parcels in the southeastern portion of the NMC.



² Pioneering herbaceous plants that readily colonize disturbed ground.

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Windrows of trees are the tallest vegetation in the agricultural fields and are prevalent along internal roadways in areas designated as agricultural industry and cultivated fields. The most common windrow tree is blue gum (*Eucalyptus globulus*), although other species are used, including olive (*Olea europaea*), pine (*Pinus* spp.), salt cedar (*Tamarix aphylla*), and cypress (*Cupressus* spp.). These species and other trees, including ash (*Fraxinus* spp.), mulberry (*Morus* spp.), and various landscape and fruit trees, are found in residential yards and dairy frontages.

Developed

Developed areas contain structures, asphalt/concrete paved areas, residences, commercial and industrial buildings, schools, roadways and infrastructure (including SCE transmission corridors), the power substation, barren ground, and ornamental vegetation. These areas support very limited amounts of vegetation. Vegetation that is present typically consists of nonnative ornamental species planted for their aesthetic and utilitarian values.

Wildlife

Ontario has been extensively altered from natural conditions by urbanization of the northern portion and intensive agriculture and dairy production in the southern portion. Native habitat is virtually absent in the OMC. Common wildlife species, particularly birds and mammals, utilize trees throughout the City and may be found in the scattered, undeveloped, vacant parcels. Domestic dog (*Canis familiaris*) and cat (*Felis catus*), Norway rat (*Rattus norvegicus*), and house mouse (*Mus musculus*) are also common in urbanized areas. Birds such as raptors may forage in the area and use trees to roost and nest. Migratory birds may also use detention basins and flood control channels where open water is present. Species previously found within the OMC area include hawks, quail, roadrunners, owls, hummingbirds, thrashers, sparrows, finches, wrens, warblers, woodpeckers, opossums, weasels, coyotes, rabbits, mice, gophers, squirrels, skunks, toads, frogs, salamanders, king snakes, lizards, whipsnakes, rattlesnakes, and gopher snakes.

The NMC area supports a diversity of wildlife that persists in agricultural areas despite the lack of native habitat. The absence of dense urbanization provides open spaces that may still support native wildlife species, especially birds. These agricultural habitats may be open water, agricultural fields, windrows, or dairy operations/residences. Virtually all the land is subject to changing patterns of grazing, agriculture, and related operations. While these habitats would not be classified as native or natural, as they are intensively managed for agricultural purposes, they still provide value for wildlife in a region characterized by rapid urban growth.

The relatively flat topography of the agricultural areas contributes to the accumulation of standing water throughout the NMC in dairy runoff retention ponds and low spots that collect surface runoff, stormwater, and floodwaters. Other water bodies—flood control channels, detention basins, and creeks—attract numerous birds. Migratory and resident bird species use the open water and shorelines for food, protection from predators, and shelter. Large impounds at the confluence of Cucamonga and Deer Creeks support large concentrations of wintering bird species. Windrows provide important perching and nesting sites for raptors. The agricultural fields include areas of open fields that may be covered with crops, grazed by cattle, left fallow, or disked.

Wildlife that has been observed and/or is expected to occur in the NMC area is discussed below. Sensitive wildlife species are also included in Table 5.4-2 and are discussed separately.

Amphibians

Amphibians require moisture for at least a portion of their life cycle and many require standing or flowing water for breeding. Amphibians are expected to be uncommon in open fields, but more likely to be in the numerous wet areas and standing waters in the NMC. However, few species are expected, due to the lack of vegetation around most open water, frequent disturbance, and the often poor quality of surface water resulting from agricultural practices.

Reptiles

Reptile diversity and abundance typically varies with vegetation association type and character. Many species will forage in a variety of habitat types. Due to the history of land use in the NMC, the number of reptile species is expected to be low.

Birds

The open water areas of dairy runoff retention ponds, reservoirs, drainages, and low areas subject to flooding are the preferred locations for migratory birds in the NMC. Areas of open water that accumulate in the agricultural fields also attract wading birds that forage on small animals that concentrate in the wet areas. Notable open water areas include the holding ponds adjacent to the Cucamonga and Deer Creeks' confluence and the larger stock and flood control ponds scattered throughout the NMC.

The 1996 Envicom surveys found 49 species in the NMC areas. Nearly half (21 species) were found in open water and wet areas. Numerous raptor species are attracted to windrows, including red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*), and white-tailed kite (*Elanus leucurus*) (EIP 1999). Raptors use agricultural fields as foraging habitat, where small rodents or birds are most likely to be visible. The raptors may perch on trees in windrows, and on utilities poles and transmission lines overlooking open fields or may soar over the fields to forage. In open fields, ferruginous hawks (*Buteo regalis*) may roost on the ground where vegetation is low.

Several other bird species observed in open and wet fields include cattle egret (*Bubulcus ibis*), white-faced ibis (*Plegadis chihi*), American crow (*Corvus brachyrhynchos*), western meadowlark (*Sturnella neglecta*), red-winged blackbird (*Aegilais phoeniceus*), brown-headed cowbird (*Molothrus ater*), and savannah sparrow (*Passerculus sandwichensis*). Nonnative and common species observed around areas with structures, human activity, and livestock include house sparrow (*Passer domesticus*), rock dove (*Colombia livia*), European starling (*Sturnus vulgaris*), and domestic chicken (*Gallus domesticus*). Less common species include house finch (*Carpodacus mexicanus*) and Brewer's blackbird (*Euphagus cyanocephalus*).

Mammals

Agricultural fields also provide habitat for various small mammals such as mice (several species) and California ground squirrels (*Spermophilus beecheyi beecheyi*). Mammals observed during biological monitoring for the NMC General Plan Amendment include Virginia opossum (*Didelphis virginiana*), California ground squirrel, raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*). Some of these mammals particularly raccoon and opossum, may use the trees in the windrows. Common bat species have not been observed in surveys, but are also expected to use the trees. Nonnative mammal species expected in the area include domestic dog and cat, cattle/domestic cow (*Bos taurus*), horse (*Equus caballus*) and other livestock. Norway rat and house mouse feed on grains, produce, and garbage and are common near agricultural facilities and urban uses.



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Sensitive Biological Resources

Sensitive biological resources include vegetation types and habitats that are either unique, of relatively limited distribution in a region, or of particularly high value to wildlife. These resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type. Due to loss of habitat, some of these species have been designated by federal and state government resource agencies as threatened or endangered. Species listed as threatened are those whose numbers have dropped to such low levels and/or whose populations are so isolated that the continuation of the species could be jeopardized. Endangered species are those with such limited numbers or subject to such extreme circumstances that they are considered in imminent danger of extinction.

Other government agencies and resource organizations also identify sensitive species, those that are naturally rare and that have been locally depleted and put at risk by human activities. While not in imminent danger of jeopardy or extinction, sensitive species are considered vulnerable and can become candidates for future listing as threatened or endangered. These include plants identified as sensitive by the California Native Plant Society (CNPS), wildlife considered as species of special concern, special animals, or fully protected species in California.

Sensitive Natural Communities

The City of Ontario comprises portions of four CNDDDB quadrangles: Ontario, Guasti, Corona North, and Prado Dam. There are a total of six sensitive natural communities listed in the CNDDDB as occurring within these four quadrangles: California walnut woodland, Riversidian alluvial fan sage scrub, Southern California arroyo chub/Santa Ana sucker stream, southern cottonwood willow riparian forest, southern sycamore alder riparian forest, and southern willow scrub (CDFG 2006; CDFG 2008). Surface water areas can support native trees and shrubs such as mulefat and willow. Willow species have been reported in southern cottonwood willow riparian forest, southern sycamore alder riparian forest, and southern willow scrub; and mulefat has been reported in southern cottonwood willow riparian forest and southern sycamore alder riparian forest (CDFG 2008). Therefore, surface water areas are considered sensitive natural communities. Such areas in the City include detention basins and other man-made lakes including those in golf courses, dairy manure water retention ponds, livestock watering ponds, and irrigation ponds.

Sensitive Plants

No sensitive plant species have been observed in the City of Ontario since 1992. The CNDDDB and CNPS reports for the Ontario and Guasti quadrangles identified known occurrences of several sensitive plant species (see Table 5.4-1). Of these recorded occurrences, mesa horkelia (*Horkelia cuneata* ssp. *puberula*), prostrate navarretia (*Navarretia prostrata*) and Robinson's pepper grass (*Lepidium virginicum* var. *robinsonii*) were observed just within or immediately adjacent to the City (see Figure 5-4-1). However, these recorded occurrences were all prior to 1992 and the majority of sightings or collections were prior to 1937. These species have most likely been eliminated due to substantial development in the area subsequent to the sightings. No federal or state-listed plant species are known or expected to occur. The potential for sensitive plant species to occur within the City is low due to the absence of suitable habitat, high levels of development, and history of land alteration and disturbance by agricultural activities.

Table 5.4-1
Sensitive Plant Species Known or Potentially Occurring in the City of Ontario

Scientific Name	Common Name	Habitat	Federal/State Listing Status	CNPS Designation	Potential to Occur
<i>Calochortus plummerae</i>	Plummer's mariposa lily	Coastal scrub, chaparral, valley and foothill grassland, woodland, lower montane coniferous forest. Occurs on rocky and sandy sites, usually of granitic or alluvial material.	None/None	1B	Low. No suitable habitat.
<i>Horkelia cuneata</i> ssp. <i>puberula</i>	mesa horkelia	Chaparral, woodland, coastal scrub. Occurs on sand or gravelly sites.	None/None	1B	Low. No suitable habitat.
<i>Lepidium virginicum</i> var. <i>robinsonii</i>	Robinson's pepper-grass	Chaparral, coastal scrub. Occurs in dry soils, shrubland.	None/None	1B	Low. No suitable habitat.
<i>Navarretia prostrata</i>	prostrate navarretia	Coastal scrub, valley and foothill grassland, vernal pools. Occurs on alkaline soils in grassland, or in vernal pools.	None/None	2	Low. No suitable habitat.
<i>Sidalcea neomexicana</i>	salt spring checkerbloom	Alkali playas, brackish marshes, chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub.	None/None	1B	Low. No suitable habitat.
<i>Symphotrichum defoliatum</i>	San Bernardino aster	Meadows and seeps, marshes and swamps, coastal scrub, woodland, lower montane coniferous forest, grassland. Occurs in moderately moist grassland, or near ditches streams, springs, and disturbed areas.	None/None	1B	Low. No suitable habitat.

Source: California Department of Fish and Game, California Natural Diversity Database; California Native Plant Society On-line Inventory.

1B Plants considered by CNPS to be rare or endangered in California and elsewhere

2 Plants considered by CNPS to be rare, threatened, or endangered in California, but that are more common elsewhere



Sensitive Wildlife

Several sensitive wildlife species have been recorded or are expected to occur in the City, mostly in the NMC. Several species have also been observed in biological surveys for other proposed projects. The sensitive wildlife species listed in Table 5.4-2 were identified in the CNDDDB reports for the Ontario and Guasti quadrangles (CDFG 2006), or in other previous biological reports. Several migrant raptor species that may potentially fly over, forage, or roost in the planning area are also included. Species with designated critical habitat (discussed below) within the City boundaries are included. Three species (one insect, one bird, and one mammal) are federally listed as endangered or threatened. Three bird species are state-listed as threatened or endangered. The remaining species are listed as state species of special concern, listed by other agencies or organizations as sensitive, or were included in the CNDDDB because they are considered rare or sensitive and their conservation status may be of concern. The federal- and state-listed wildlife species are described in detail following the table.

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**Table 5.4-2
Sensitive Wildlife Species Known or Potentially Occurring in the City of Ontario**

Scientific Name	Common Name	Habitat	Federal/State Listing Status	Other Designations	Potential to Occur
Insects					
<i>Rhaphiomidas terminatus abdominalis</i>	Delhi Sands flower-loving fly	Wholly or partially consolidated dunes (Delhi soils series), open sand. Fine, sandy soils with sparse vegetation cover of California buckwheat, croton, deerweed, and evening primrose	FE/None	None	Low. Limited potential for occurrence. Delhi Sands built on and/or highly disturbed.
Amphibians					
<i>Spea (Scaphiopus) hammondi</i>	western spadefoot toad	Seasonal pools in coastal sage scrub, chaparral, and grasslands.	None/None	CSC/BLM	Low. No suitable habitat. Expected only rarely.
Reptiles					
<i>Anniella pulchra pulchra</i>	silvery (California) legless lizard	Coastal dune, valley-foothill, chaparral, coastal sage scrub, oak woodland, and pine forests. Alluvial areas, sandy washes, a variety of woodland habitats, and potentially some agricultural areas. Prefers loose sandy soils associated with drainages and valley bottoms.	None/None	CSC/FS	Low. Limited to no suitable habitat. Expected only rarely
<i>Aspidoscelis tigris stejnegeri</i> (<i>Cnemidophorus tigris multiscutatus</i>)	coastal (western) whiptail	Open, often rocky areas with little vegetation or sunny microhabitats within shrub or grassland associations	None/None	CSC	Low. Limited to no suitable habitat. Expected only rarely.
<i>Didophus punctatus modestus</i>	San Bernardino ringneck snake	Chaparral, coastal sage scrub, grassland, riparian, and woodlands	None/None	None/FS	Low. Limited suitable habitat. Expected only rarely
<i>Emys (Clemmys) marmorata pallida</i>	southwestern (western) pond turtle	Slow-moving permanent or intermittent streams, small ponds and lakes, reservoirs, gravel pits, permanent and ephemeral shallow wetlands, stock ponds and treatment lagoons. Abundant basking sites and cover necessary.	None/None	CSC/FS/BLM	Low. Limited to no suitable habitat. Expected only rarely. ¹
<i>Phrynosoma coronatum</i> (<i>blainvillii</i> population)	coast (San Diego) horned lizard	Open areas of sandy soil with coastal sage scrub, chaparral, grassland, riparian, and washes and watercourses	None/None	CSC/FS	Low. Limited suitable habitat. Expected only rarely. ²
<i>Salvadora hexalepis virgulata</i>	coast (western) patch-nosed snake	Desert scrub, coastal chaparral, washes, sandy flats, and rocky areas. Broad generalist in its habitat requirements	None/None	CSC	Low. Limited suitable habitat. Expected only rarely.

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**Table 5.4-2
Sensitive Wildlife Species Known or Potentially Occurring in the City of Ontario**

Scientific Name	Common Name	Habitat	Federal/State Listing Status	Other Designations	Potential to Occur
Birds					
<i>Accipiter cooperi</i> (nesting) ³	Cooper's hawk	Oak and riparian woodlands, windrows, open fields. Known to use urban areas, occupying trees among residential and commercial uses.	None/None	CSC	Moderate. Suitable foraging, limited suitable nesting habitat. Expected occasionally. Observed.
<i>Accipiter striatus</i> (nesting)	sharp-shinned hawk	Variety of residential, chaparral, grassland, sage scrub, crop land, riparian, and oak woodland, windrows, open fields.	None/None	CSC	High. Suitable foraging habitat. Uncommon winter visitor. Observed.
<i>Agelaius tricolor</i>	tricolored blackbird	Marshes and grasslands. Breeding colonies require nearby water, nesting substrate, and open range foraging habitat of natural grassland, woodland, or agricultural cropland.	None/None	CSC/BCC/BLM	High for foraging. Suitable foraging habitat. Low for nesting. Limited suitable nesting habitat. Observed.
<i>Aquila chrysaetos</i>	golden eagle ⁴	Grasslands, brushlands, deserts, oak savannas, open coniferous forests and montane valleys. Nests rock outcrops and ledges.	None/None	CSC/SFP/BCC/BLM/FS	Low. Potential for foraging. None for nesting.
<i>Ardea alba</i> (<i>Casmerodius albus</i>) (rookery)	great egret	Wet areas, fields, margins of open water.	None/None	SA/FS	Moderate to High. Fairly common resident. Observed.
<i>Ardea herodias</i> (rookery)	great blue heron	Wet areas, fields, margins of open water.	None/None	SA/FS	Moderate to High. Fairly common resident. Observed.
<i>Athene (Speotyto) cunicularia hypuaea</i>	burrowing owl	Shortgrass prairies, grasslands lowland scrub, agricultural lands, coastal dunes, desert floors, and some artificial open areas. Uses abandoned ground squirrel burrows and artificial structures such as berms, culverts, and underpasses.	None/None	CSC/BCC/BLM/FS	Low to Moderate. Suitable foraging and nesting habitat. Observed.
<i>Buteo regalis</i> (wintering)	ferruginous hawk	Grasslands and other open terrain of the plains and foothills. Wintering species. Primarily open fields with low vegetation.	None/None	CSC/BCC/BLM	Moderate. Suitable foraging, limited nesting habitat. Expected occasionally. Observed.
<i>Buteo swainsoni</i> (nesting)	Swainson's hawk	Grasslands and other open terrain.	None/ST	FS/BCC	Low. Potential for foraging. None for nesting. Expected only rarely.



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BIOLOGICAL RESOURCES

**Table 5.4-2
Sensitive Wildlife Species Known or Potentially Occurring in the City of Ontario**

Scientific Name	Common Name	Habitat	Federal/State Listing Status	Other Designations	Potential to Occur
<i>Charadrius montanus</i>	mountain plover	Dry upland prairies and plains, semidesert, bare dirt fields.	None/None	CSC/BCC	Low. Limited suitable foraging habitat. Expected only rarely. Observed.
<i>Circus cyaneus</i> (nesting)	northern harrier	Grasslands and other open terrain. Soars over open fields, low perches.	None/None	CSC	Low. Suitable foraging, limited nesting habitat. Expected only rarely. Observed.
<i>Coccyzus americanus occidentalis</i>	western yellow-billed cuckoo	Riparian. Uncommon to rare summer resident of valley foothill and desert riparian habitats	FC/SE	None/BCC/FS	Low. No suitable habitat. Not expected.
<i>Egretta thula</i> (rookery)	snowy egret	Wet areas, fields, margins of open water.	None/None	SA	Moderate to high. Fairly common resident. Observed.
<i>Elanus leucurus</i> (nesting)	white-tailed kite	Open woodlands and grasslands, windrows. Hovers over open fields.	None/None	None/SFP	Moderate. Suitable foraging, limited nesting habitat. Expected occasionally. Observed.
<i>Eremophila alpestris actia</i>	California horned lark	Variety of open habitats, usually where trees and large shrubs are absent.	None/None	CSC	Low. Uncommon resident.
<i>Falco columbarius</i> (wintering)	merlin	Grasslands, coastal sage scrub and estuaries, windrows, open fields.	None/None	CSC	Low. Suitable foraging habitat, no nesting habitat. Expected only rarely. Winter visitor. Observed.
<i>Falco mexicanus</i> (nesting)	prairie falcon	Grasslands, coastal sage scrub, and estuaries.	None/None	CSC/BCC	Low. Potential habitat for foraging, none for nesting. Expected only rarely. Winter visitor. Observed
<i>Falco peregrinus anatum</i> (nesting)	peregrine falcon	Estuaries, wetlands, and coastal bluffs. Breeding habitat in high cliffs along the coast.	Delisted/SE	None/BCC/SFP	Low. Suitable foraging, no nesting habitat. Observed.
<i>Lanius ludovicianus</i>	loggerhead shrike	Grasslands and open scrub. Forages in open country, using low perches (fences etc.) for scanning, and nests in dense scrub and brush.	None/None	CSC/BCC	Moderate. Suitable foraging and nesting habitat. Expected occasionally. Observed.

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**Table 5.4-2
Sensitive Wildlife Species Known or Potentially Occurring in the City of Ontario**

Scientific Name	Common Name	Habitat	Federal/State Listing Status	Other Designations	Potential to Occur
<i>Larus californicus</i> (nesting colony)	California gull	Nearly all types of fresh and salt water, cropland, landfills, refuse areas, open lawns.	None/None	CSC	High. Common in winter. Occasional in summer. Expected. Observed.
<i>Numenius americanus</i>	long-billed curlew	Coastal estuaries, upland herbaceous areas, ⁵ croplands, wet areas, open fields, shores of open water.	None/None	CSC	Moderate. Expected occasionally. Observed.
<i>Phalacrocorax auritus</i>	double-crested cormorant	Lakes, fresh, salt, and estuarine waters.	None/None	CSC	Moderate to high. Suitable foraging, no suitable nesting habitat. Fairly common in winter. Occasional in summer. Observed.
<i>Plegadis chihi</i> (rookery site)	white-faced ibis	Freshwater marshes and brackish areas.	None/None	CSC	Low. Limited suitable habitat. Expected only rarely. Observed.
<i>Polioptila californica californica</i>	coastal California gnatcatcher	Low elevation coastal sage scrub and coastal bluff scrub	FT/None	CSC	No suitable habitat. Not expected.
Mammals					
<i>Antrozous pallidus</i>	pallid bat	Oak and grassland ecotones. ⁶ Prefers foraging in the open. Roosts in attics or rock cracks; in the open, near foliage at night.	None/None	CSC/FS/BLM	Potential for occurrence.
<i>Chaetodipus(Perognathus) fallax fallax</i>	northwestern San Diego pocket mouse	Coastal sage scrub, sage scrub/grassland ecotones, and chaparral communities. Moderately gravelly and rocky substrates, disturbed grassland and open sage scrub vegetation with sandy-loam to loam soils	None/None	CSC	Low. Uncommon.
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	A wide variety of habitats including woodlands and arid grasslands. Roosts in mines and caves.	None/None	CSC/FS/BLM	Potential for occurrence.
<i>Dipodomys merriammi parvus</i>	San Bernardino kangaroo rat	Riversidean alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. Prefers sandy loam substrates. Santa Ana River, Cajon Creek Wash, Lytle Creek Wash, City Creek, and upper Etiwanda Wash in San Bernardino County, and sites in western Riverside County	FE/None	CSC	Low. Limited to no suitable habitat. Not expected.



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**Table 5.4-2
Sensitive Wildlife Species Known or Potentially Occurring in the City of Ontario**

Scientific Name	Common Name	Habitat	Federal/State Listing Status	Other Designations	Potential to Occur
<i>Euderma maculatum</i>	spotted bat	Arid deserts, grasslands, and mixed conifer forests. Roosts in rock crevices.	None/None	CSC/BLM	Possible roosting opportunities.
<i>Eumops perotis californicus</i>	California mastiff bat	Open areas with high cliffs.	None/None	CSC/BLM	Possible roosting opportunities.
<i>Lasiurus xanthinus</i>	western yellow bat	Desert regions of the southwestern US, southern California. Capture sites are often associated with water features; open grassy areas and scrub, canyons and riparian areas, orchards. Particular association with palms in oases and ornamental palms in landscaping.	None/None	SA	Possible roosting opportunities.
<i>Lepus californicus bennettii</i>	San Diego black-tailed jackrabbit	Coastal sage scrub and on the margins between shrub and herbaceous areas. Also know to occur in agricultural and ruderal areas.	None/None	CSC	Low. Expected only rarely. ⁷
<i>Myotis ciliolabrum</i>	small-footed myotis	Feeds among trees or over brush. Roosts in caves, mines, and in cliff or rock openings.	None/None	CSC/BLM	Possible roosting opportunities.
<i>Myotis yumanensis</i>	Yuma myotis	Water and wooded canyon bottoms. Roosts in caves and abandoned buildings.	None/None	CSC/BLM	Possible roosting opportunities.
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	Riversidean and coastal sage scrub, chaparral and nonnative grasslands. Shrub and desert habitats, primarily associated with rock outcroppings, boulders, cacti, or areas of dense undergrowth	None/None	CSC	Low to moderate. Expected occasionally.
<i>Nyctinomops femorosaccus</i>	pocketed free-tailed bat	Desert habitats. Roosts in rock crevices in cliffs.	None/None	CSC	Possible roosting opportunities.
<i>Nyctinomops macrotis</i>	big free-tailed bat	Desert habitats. Roosts in rock crevices in cliffs.	None/None	CSC	Possible roosting opportunities.
<i>Perognathus longimembris brevinasus</i>	Los Angeles pocket mouse	Inhabits open ground of fine sandy composition. Probably prefers sparsely vegetated habitats.	None/None	CSC/FS	Low. Expected only rarely.

Table 5.4-2

Sensitive Wildlife Species Known or Potentially Occurring in the City of Ontario

Scientific Name	Common Name	Habitat	Federal/State Listing Status	Other Designations	Potential to Occur
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Source: California Department of Fish and Game, California Natural Diversity Database, Ontario and Guasti Quadrangles, accessed June 20, 2006; EIP 1999; Envicom 1997 and 1998; CAI 2005; EIP 2005; CBA 1992.

Federal Designations

FE–Federally listed as Endangered

FT–Federally listed as Threatened

FC–Federal Candidate

BLM–US Department of the Interior, Bureau of Land Management sensitive species

FS–US Forest Service sensitive species

BCC–USFWS Birds of Conservation Concern

Delisted–Delisted species are monitored for 5 years

State Designations

SE–State listed as Endangered

CSC–California Species of Special Concern

SFP–State Fully Protected Species

SA–Special Animal. Taxa of concern to the California Natural Diversity Data Base regardless of their current legal or protected status.

None – not listed or designated as sensitive.

Observed – recorded observation during previous surveys.

¹ Previous sightings noted in a drainage within the Chino Airport area, immediately outside of and adjacent to the southwestern corner of the City. No sighting in 2004 surveys.

² Evidence, but no direct observation, of the species in 1992 by Harmsworth Associates at the UPS Cargo Hub in east Ontario. The site has since been developed.

³ “Nesting” or “rookery” indicates sensitivity due to loss of suitable nesting locations. “Wintering” indicates species that breed to the north, but whole habitat for winter is declining.

⁴ The golden eagle is also protected under the federal Bald Eagle Protection Act, June 8, 1949, as amended 1959.

⁵ Characterized by plants without woody stems.

⁶ Transition zone between two habitats.

⁷ Observed on Chino Airport site (CAI 2005).



Delhi Sands Flower-Loving Fly

This species is described above under Existing Conservation Plans and Areas.

San Bernardino kangaroo rat

The San Bernardino kangaroo rat is federally listed endangered, and a California species of special concern. It is one of 19 recognized subspecies of Merriam’s kangaroo rat (*Dipodomys merriammi*). In coastal southern California, it is the only species of kangaroo rat with four toes on each of its hind feet. The species are typically found on alluvial fans, in floodplains, along washes, in adjacent upland areas, and in areas with historical braided channels, which are areas where one main channel is subdivided into several smaller interconnecting channels. Currently they occupy approximately 3,240 acres of suitable habitat, divided among seven widely separated locations in San Bernardino and Riverside Counties. An additional 13,193 acres are distributed within the Santa Ana River Wash, Lytle and Cajon creeks, and San Jacinto River. The San Bernardino kangaroo rat may potentially be present in the City.

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Swainson's Hawk

Swainson's hawk (*Buteo swainsoni*) is state-listed as threatened. Typical habitat of the Swainson's hawk is open desert, sparse shrub lands, grassland or row grain, and hay cropland containing scattered, large trees or small groves. It roosts in large trees, especially along stream courses or in open woodlands, but will roost on the ground if no trees are available.

The species is in decline because of habitat destruction, a reduction in its main prey species, and pesticide use. There are probably no key population areas within the City, but migratory stopovers and flights within the region have been observed along the Santa Ana River, where they may roost due to the access to trees. They may occur within the City during migration wherever there are foraging and roosting opportunities. There are potential foraging and roosting areas for this species in the NMC, but none for nesting. This species is expected to occur only rarely.

Peregrine Falcon

The peregrine falcon (*Falco peregrinus anatum*) was formerly federally and state listed endangered, endangered, and is a state fully protected animal. Throughout the species' range, peregrines are found in a large variety of open habitats, including tundra, marshes, seacoasts, savannahs, and high mountains. The species breeds mostly in woodland, forest, and coastal habitats. Riparian areas and coastal and inland wetlands are important habitats year-round, especially in nonbreeding seasons. During migration, the peregrine falcon may be found near marshes, lakes, and ponds that have high concentrations of waterfowl, shorebirds, and other birds, and they often travel along mountain ridges on both eastern and western coastlines. In southern California, peregrine falcons are primarily found at coastal estuaries and inland oases. The species breeds and winters throughout the state, except in desert areas. There is suitable foraging habitat within the City. The species has been observed foraging over the NMC, but it is a very uncommon breeding resident and is uncommon as a migrant.

Western Yellow-Billed Cuckoo

The western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is a federal candidate, state listed threatened species. Their range historically extended from southern British Columbia to northern Mexico. Currently the only known populations of breeding western yellow-billed cuckoos are in California, Arizona, and western New Mexico. In California, the species requires dense, wide riparian woodlands with well-developed understories for breeding. It occurs in densely foliated, deciduous trees and shrubs—especially willows—which are required for roost sites. It is an uncommon, summer resident of valley, foothill, and desert riparian habitats in scattered locations in California. Up to five western yellow-billed cuckoo populations have been documented in the Prado Basin and adjacent reach of the Santa Ana River, southwest of Ontario. However, this species is not expected to occur in Ontario due to the lack of suitable dense riparian habitat.

Coast (San Diego) Horned Lizard

The coast (San Diego) horned lizard (*Phrynosoma coronatum blainvillii*) is a California species of special concern and considered a US Forest Service sensitive species. This species is found in a wide variety of vegetation types, including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland, and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat created by disturbance (e.g., floods, fire, roads, grazed areas, fire breaks). It prefers open areas of loose, crumbly, sandy soil in coastal sage scrub, chaparral, grassland, and riparian habitats, and washes and watercourses. In California, coast (San Diego) horned lizard ranges from the Transverse Ranges south to the Mexican border west of the deserts, although the species occurs on scattered sites along the extreme western desert slope of the Peninsular Ranges. No occurrences of the species have been documented within the City. However, evidence, but no direct observation, of coast (San Diego) horned lizard was noted

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during biologic surveys of the United Parcel Service Cargo Hub area in 1987. This species is rarely expected to be present because there is limited suitable habitat within the City.

Burrowing Owl

Burrowing owl (*Athene [Speotyto] cunicularia hypugea*) is a state species of special concern. They are found in open, dry grasslands, agricultural and range lands, and desert habitats often associated with burrowing animals, particularly prairie dogs, ground squirrels, and badgers. They can also inhabit grass, forb,³ and shrub stages of pinyon and ponderosa pine habitats. This semicolonial species requires large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows, which they use for roosting and nesting cover. They occur in all states west of the Mississippi Valley and breed south through the western and Midwestern states and across grassland regions in Canada. It is a resident in the open areas of the lowlands over much of the southern California region. Burrowing owl has been observed in the central and northwestern portion of the NMC. There is a CNDDB-recorded occurrence in the vicinity of Ontario Mills. Burrowing owl was also observed in the Chino Airport area.

Parts of the closed Milliken Waste Disposal Site in the OMC, which are Areas of Interest under the Greater Prado Basin Habitat Conservation Plan, are considered suitable for preservation or enhancement as burrowing owl habitat. In addition, three nesting pairs of burrowing owls recently occupied land adjacent to the Disposal Site (Riverside Land Conservancy 2008).

Coastal California Gnatcatcher

The coastal California gnatcatcher (*Polioptila californica californica*), a subspecies of the California gnatcatcher, a federally listed threatened, California species of special concern. The species is a resident of arid coastal sage scrub-dominated plant communities from southern Ventura County southward through Los Angeles, Orange, Riverside, San Bernardino, and San Diego Counties, into Baja California, Mexico.

Even in the early 1900s, the coastal California gnatcatcher population was described as being scarce and irregularly distributed, but by the 1940s habitat was noticeably reduced. In the United States, loss of coastal sage scrub habitat has been estimated to be as much as 70 to 90 percent, with approximately 33 percent lost since 1993 when the species was federally listed as threatened. Brood parasitism by brown-headed cowbirds and loss of habitat to urban development have been cited as causes of the coastal California gnatcatcher population decline. In Ontario, while coastal sage scrub was historically the dominant vegetation in alluvial fans and drainages, it has long since been removed by development and agricultural production. Coastal California gnatcatcher is not expected to be present within the Ontario planning area due to lack of suitable habitat.

Southwestern Pond Turtle

Southwestern pond turtle (*Emys [Clemmys] marmorata pallida*) is a California species of special concern. The turtle is an aquatic animal that moves to upland areas for egg-laying. It winters in underground burrows in upland habitats. In the warmer months it will bask on rocks and logs near slow-moving streams. Its habitat includes permanent or intermittent streams, small ponds, small lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock ponds, and sewage treatment lagoons. Pools are the preferred habitat in streams, with abundant logs, rocks, submerged vegetation, mud, undercut banks, and ledges as necessary habitat components for cover, basking, and nesting sites. Currently, it ranges south of San Francisco Bay to northern Baja California, Mexico, and integrates with northwestern pond turtle (*[Clemmys] marmorata marmorata*) over a large area in central California. Previous sightings of southwestern

³ Plants without woody stems, other than grasses and sedges.



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pond turtle were noted in a drainage in the Chino Airport area, immediately outside of the southwestern corner of the City. However, the species was not observed in 2004 surveys of the airport site. There is limited suitable habitat for southwestern pond turtle in Ontario.

Wildlife Movement Corridors

Wildlife corridors link areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. Corridors are links between different populations of a species and mitigate the effects of habitat fragmentation by 1) allowing animals to move between remaining habitats (which allows replenishment of depleted populations and promotes genetic diversity); 2) providing escape routes from fire, predators, and human disturbances that put populations or local species at risk; and 3) serving as travel routes for individuals moving within their home ranges for food, water, mates, and shelter. Wildlife movement activities usually fall into one of three movement categories: dispersal, seasonal migration, or movements related to home range activities. Large open spaces will generally support a diverse wildlife community engaging in all types of movement. Wildlife movement may range from nonmigratory movement of amphibians, reptiles, and some birds on a local level to the many-square-mile home ranges of large mammals moving at a regional level.

Ontario is almost completely developed with urban and agricultural uses. There are no large open spaces with native habitat in the City. Available open space consists of agricultural fields, parks and golf courses, and scattered vacant lots. Further, the City is generally surrounded by highly developed areas. The north-south watercourses that flow through the City provide open water areas used by resident and migratory birds. These drainages can also be wildlife corridors, but because they are concrete channels, they provide limited habitat cover and do not directly link natural open spaces within and in the immediate vicinity of the City. In the region, Cucamonga and Deer Creeks flow from the San Gabriel Mountains to the Prado Dam Flood Control Basin, which contains over 2,100 acres of riparian habitat upstream of the dam. These creeks are concrete-lined channels where they travel through Ontario. Regional movement of larger mammal species with expansive home ranges, such as mountain lion (*Felis concolor*) or mule deer (*Odocoileus hemionus*) is not likely to occur in the channels. Insects, amphibians, reptiles, small and medium-sized mammals—including urban-adapted species such as raccoon, Virginia opossum, striped skunk, and coyote—and bird species are likely to use the channels as local wildlife movement corridors within the City. In addition to flood control channels, there are two SCE utility corridors in the City, both of which generally extend northeast-to-southwest in the eastern part of the City, and are shown on Figure 5.4-2. These corridors are likely also used for local movement by insects, reptiles, and small and medium-sized mammals.

Jurisdictional Waters and Wetlands

The USACE and CDFG have jurisdiction over streams, watercourses, and wetlands. Wetlands that fall under USACE jurisdiction must exhibit specific characteristics related to hydrology, soils, and hydrophytic plants, which are plants that grow in soils that are permanently or periodically saturated. In the absence of wetlands, USACE jurisdiction in nontidal waters such as rivers, lakes, and intermittent streams extends to the ordinary high-water mark.⁴ Pursuant to Sections 1600–1603 of the California Fish and Game Code, CDFG regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. There are differences between USACE and CDFG jurisdictions. The CDFG uses less defined and more ecologically based criteria in their jurisdiction determinations. For a watercourse to be considered under CDFG jurisdiction, it must have a terminus, banks, and channel through which water can flow, at least periodically, and needs to exhibit evidence of an ordinary high water mark. CDFG jurisdiction may only exhibit one of the three USACE indicators. Generally, CDFG jurisdiction may extend to the wider limit of riparian vegetation associated with the watercourse, encompassing the entire limits of USACE jurisdiction.

The major watercourses that traverse the City potentially fall under USACE or CDFG jurisdiction. West Cucamonga Channel and Cucamonga, Deer, Day, and Etiwanda Creeks enter the City from the north and flow generally to the south. Cucamonga Creek and its tributary, the Lower Deer Creek Channel, once supported riparian vegetation; however, all drainages that traverse the City of Ontario, (except for an approximately 1,000-foot section of the Etiwanda Creek Channel between I-10 and 4th Street) have been channelized throughout the City. In these channels there may be areas where sediment has accumulated and riparian vegetation has developed. These channels also discharge to numerous detention basins throughout the City. Riparian vegetation may also be present in the detention basins, particularly where flowing or standing water persists. These riparian resources, including any wetlands that may occur along drainages, potentially fall under the jurisdiction of the USACE and CDFG.



Other open water bodies include dairy manure water retention basins, irrigation ponds, livestock watering, and man-made lakes. In addition, fields under cultivation or left fallow accumulate surface waters in ponds or ditches. These waters would likely be considered isolated wetlands and would not fall under USACE jurisdiction after the 2001 Solid Waste Agency of Northern Cook County decision, which limited the scope of the USACE CWA Section 404-permitting as applied to isolated waters of the United States (those that are not adjacent to or connected to a navigable water body, such as a river, lake, or ocean).⁵ However, CDFG may still take jurisdiction over these surface waters.

5.4.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- B-1 Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- B-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

⁴ Indicated by the presence of an incised streambed with defined bank shelving.

⁵ *Solid Waste Agency of Northern Cook County vs. US Army Corps of Engineers* (531 US 159, 2001).

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- B-3 Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- B-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- B-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- B-6 Conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5.4.3 Environmental Impacts

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

IMPACT 5.4-1: DEVELOPMENT IN ACCORDANCE WITH THE PROPOSED POLICY PLAN LAND USE DESIGNATIONS COULD RESULT IN THE LOSS OF SENSITIVE SPECIES. [THRESHOLD B-1]

Impact Analysis: Implementation of the proposed Ontario Plan would not directly result in removal of vegetation or wildlife in the City because the General Plan does not confer entitlements for development. However, development in accordance with the proposed Ontario Plan could result in habitat modification and removal. Such development could also result in the introduction of nonnative species of weeds, insects, and domestic animals that could adversely impact sensitive species. Development projects considered for approval under the proposed Ontario Plan would be required to undergo independent CEQA review. Such projects would be required to comply with the federal and California endangered species acts.

The following sensitive species have been observed in the City of Ontario, and suitable habitat for each of these species is present in the City: great egret (*Ardea alba*), great blue heron (*Ardea Herodias*), snowy egret (*Egretta thula*), sharp-shinned hawk (*Accipiter striatus*), tricolored blackbird (*Agelaius tricolor*), double-crested cormorant (*Phalacrocorax auritus*), Cooper's hawk (*Accipiter cooperi*), burrowing owl, Loggerhead shrike (*Lanius ludovicianus*), and long-billed curlew (*Numenius americanus*). Several additional species have been observed for which there is suitable foraging habitat in the City, but there is limited or no suitable nesting habitat: ferruginous hawk, mountain plover (*Charadrius montanus*), northern harrier (*Circus cyaneus*), white-tailed kite (*Elanus leucurus*), merlin (*Falco columbarius*), prairie falcon (*Falco mexicanus*), Peregrine falcon, and white-faced ibis. Several sensitive bat species are considered to have possible roosting opportunities in the City, and are listed above in Table 5.4-2.

No sensitive plant species have been observed in the City of Ontario, and the only such species that are considered to be potentially present in the City have a low potential to occur due to lack of suitable habitat. Therefore, implementation of the proposed Policy Plan would not have substantial adverse impacts on sensitive plant species.

Nearly the entire City of Ontario is developed with urban and agricultural uses, and there is very little native habitat remaining. There were approximately 2,762.5 acres, or 8.6 percent of the City's land area, of vacant land as of April 2006. Vacant land in the City has little habitat value, however, because much of it is barren ground and does not support vegetation, and because many areas of vacant land are small, surrounded by

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developed urban uses, and isolated from other vacant land. Most potential biological resources in the City are in the NMC area, as the balance of the City is almost entirely built out. Development in accordance with The Ontario Plan could result in habitat modification and removal. Such development could also result in the introduction of nonnative species of weeds, insects, and domestic animals that could adversely impact sensitive species. Such projects would be required to comply with the federal and California endangered species acts.

Some of the parts of the NMC area that were previously used as dairies have undergone surveys for DSFLF, and the USFWS has determined that the likelihood of occupancy by DSFLF in these areas is low enough that further surveys would not be required; however, project applicants would need to consult with the USFWS on a case-by-case basis to determine survey requirements (Porter 2008).

Projects within critical habitat for the San Bernardino kangaroo rat would be required to conduct focused surveys and consult with the USFWS regarding mitigation measures to minimize adverse impacts to the species.

Parts of the closed Milliken Waste Disposal Site in the OMC, which are Areas of Interest under the Greater Prado Basin Habitat Conservation Plan, are considered suitable for preservation or enhancement as burrowing owl habitat. In addition, three nesting pairs of burrowing owls recently occupied land adjacent to the Disposal Site (Riverside Land Conservancy 2008).

The Settlement Agreement agreed to by all parties to a lawsuit filed against the City by the Endangered Habitats League, Inc., and the Sierra Club challenging the City's CEQA compliance and approval of the SOI General Plan Amendment set forth the following revised mitigation measures for potential impacts in the NMC to the burrowing owl, the DSFLF, raptor foraging and wildlife habitat, loss of open space, actual and potential habitat and agricultural land, and sensitive (listed and nonlisted) species. The terms of the settlement agreement were discussed previously in Section 5.4-1, *Environmental Setting, City of Ontario Sphere of Influence General Plan Amendment, Final EIR, and Settlement Agreement*.

Per the conditions of the Settlement Agreement, the WRCA is no longer proposed. Currently the City's main emphasis is to pursue off-site mitigation lands for habitat restoration in the El Prado Basin, as outlined in the settlement agreement. The acquisition of land in the El Prado Basin Area will be conducted by a land conservancy with participation by the CDFG. The City is currently in the process of selecting a Land Conservancy to oversee the acquisition, management, and operation of approximately 305 acres of off-site mitigation lands in and around the El Prado Basin. Funding for these off-site mitigation lands will be provided through the NMC habitat mitigation fees and managed by the Riverside Land Conservancy.

The City's effort to acquire and manage mitigation lands pursuant to the Settlement Agreement is now known as the Greater Prado Basin Habitat Conservation Program. A number of Interest Areas, that is, prospective mitigation lands, have been identified. Most of the Interest Areas are in the Prado Basin south of Ontario; however, a closed landfill site, a detention basin, and portions of two utility corridors in Ontario, all of which are in the OMC, are included as Interest Areas (Riverside Land Conservancy 2008).

It is the policy of the City to comply with state and federal regulations regarding protected species (ER5-5). Policy ER5-1 of the Environmental Resources Element of The Ontario Plan is, "*Habitat Conservation Areas: We support the protection of biological resources through the establishment, restoration, and conservation of high quality habitat areas.*" Policy ER5-1 would promote efforts such as off-site habitat acquisition and restoration in the Prado Basin, as well as efforts to minimize impacts to the DSFLF Ontario Recovery Unit and critical habitat for the San Bernardino Kangaroo Rat.



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For projects considered for approval under The Ontario Plan, those projects that underwent independent CEQA review would be required to determine whether there is potential habitat on-site for sensitive species. If potential habitat were found on-site, focused surveys for those sensitive species potentially present would be required. If sensitive species were found, the project proponent would be required to consult with the CDFG regarding impacts to sensitive species and ensuing mitigation. Mitigation for impacts to sensitive species is often in the form of acquisition or restoration of habitat, on-site or off-site, at a ratio to the area of impacted land that would be determined by the CDFG or USFWS. For projects proposed by federal agencies, or projects that would involve federal permits or funding, and that are sited within critical habitat for a listed species, the project proponent would be required under the FESA to consult with the USFWS regarding impacts and mitigation respecting listed species. Projects in the NMC would pay a Mitigation Fee that would be used by the Greater Prado Basin Habitat Conservation Program to acquire, restore, enhance, maintain, or manage mitigation lands.

After compliance with requirements of the California and federal endangered species acts, including requirements of the USFWS regarding critical habitat, as well as mitigation fees that will be paid by projects in the NMC, and acquisition and management of habitat using those fees, implementation of the proposed Ontario Plan would not have substantial adverse impacts on sensitive animal species.

IMPACT 5.4-2: THE PROPOSED POLICY PLAN WOULD NOT HAVE SUBSTANTIAL ADVERSE IMPACTS TO SURFACE WATER AREAS, OR TO RIPARIAN OR AQUATIC VEGETATION IN SURFACE WATER AREAS OR FLOOD CONTROL CHANNELS. DETENTION BASINS WOULD BE DESIGNATED OPEN SPACE – NON-RECREATION AND OPEN SPACE – PARKLAND. [THRESHOLD B-2]

Impact Analysis: Surface water areas are assumed to contain sensitive natural communities if they support plants such as mulefat and willow, which also occur in sensitive communities listed in the CNDDDB as occurring in the region. Surface water areas in the City include detention basins and other man-made lakes such as those in golf courses; as well as dairy manure water retention basins, irrigation ponds, and livestock-watering ponds, associated with agricultural uses in the NMC area.

Detention basins in the City would be designated Open Space – Non-Recreation by the Policy Plan, with the exception of some of the basins in Cucamonga-Guasti Regional Park, which would be designated Open Space – Parkland. The basins would not be developed with other land uses.

Implementation of The Ontario Plan would not result in direct vegetation removal in surface water areas in the City; however, projects approved pursuant to the General Plan could indirectly result in such removal. Projects that would result in impacts to surface water areas determined to be jurisdictional to the state would require CDFG approval pursuant to Fish and Game Code Section 1600 et. seq., in the form of Streambed Alteration Agreements. Such impacts would require mitigation, also subject to CDFG approval.

Per the conditions of the Settlement Agreement, the WRCA is no longer proposed. Currently the City's main emphasis is to pursue off-site mitigation lands for habitat restoration in the El Prado Basin, as outlined in the settlement agreement. Furthermore, Policy ER5-1 would support avoidance of adverse impacts to protected wetlands, waters of the United States and waters of the state.

As stated previously, individual projects undergoing environmental review under CEQA would be required to determine whether there is potential habitat onsite for sensitive species. If sensitive species were found onsite, the project proponent would be required to consult with the CDFG regarding impacts to sensitive species and ensuing mitigation. Projects in the NMC would pay a Mitigation Fee that would be used by the Greater Prado Basin Habitat Conservation Program to acquire, restore, enhance, maintain, or manage

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mitigation lands. In conclusion, projects affecting riparian habitat in the City would be required through the existing permitting process to mitigate potential impacts to riparian areas. Consequently, impacts would be less than significant.

IMPACT 5.4-3: THE PROPOSED POLICY PLAN WOULD NOT HAVE SUBSTANTIAL ADVERSE IMPACTS TO JURISDICTIONAL WATERS. FLOOD CONTROL CHANNELS AND DETENTION BASINS WOULD BE DESIGNATED OPEN SPACE – NON-RECREATION OR OPEN SPACE – PARKLAND. [THRESHOLD B-3]

Impact Analysis: The Cucamonga Creek and Deer Creek Channels, as well as portions of the Lower Deer Creek, Day Creek, Etiwanda Creek, and West Cucamonga Creek Channels, are owned and maintained by the County of San Bernardino (Worthington 2009) and are therefore not subject to land use controls by the City of Ontario and would not be affected by the Ontario Plan. Remaining segments of the Lower Deer Creek, Day Creek, Etiwanda Creek, and West Cucamonga Creek Channels in the City, that are owned by the City of Ontario, would be designated Open Space – Non-Recreation by The Ontario Plan, and would not be developed with other land uses. The Cucamonga, Ely, Wineville, and Chris detention basins are also owned and maintained by the County of San Bernardino (Worthington 2009), and thus would not be affected by the Ontario Plan.

The NMC contains dairy manure water retention basins, irrigation ponds, livestock watering, and man-made lakes. In addition, fields under cultivation or left fallow accumulate surface waters in ponds or ditches. The CDFG may have jurisdiction over these water bodies, but they are not expected to come under USACE jurisdiction. Implementation of the proposed Policy Plan would not result in direct impacts to waters of the state because The Ontario Plan does not grant specific entitlements for development. Projects resulting in impacts to waters of the state would be subject to approval by the CDFG through Streambed Alteration Agreements and would require mitigation as determined by the CDFG for any consequent impacts.

As stated previously, individual projects undergoing environmental review under CEQA would be required to determine whether there is potential habitat onsite for sensitive species. If sensitive species were found, the project proponent would be required to consult with the CDFG regarding impacts to sensitive species and ensuing mitigation. Projects in the NMC would pay a Mitigation Fee that would be used by the Greater Prado Basin Habitat Conservation Program to acquire, restore, enhance, maintain, or manage mitigation lands.

The EIR for the SOI General Plan Amendment concluded that impacts to waterfowl habitat would be significant before mitigation measures were implemented. Impacts were determined to be less than significant after implementation of Mitigation Measures BR-1 and BR-2 summarized above under Impact 5.4-2. Per the conditions of the Settlement Agreement, the WRCA is no longer proposed. Currently the City's main emphasis is to pursue off-site mitigation lands for habitat restoration in the El Prado Basin, as outlined in the settlement agreement.

The Greater Prado Basin Habitat Conservation Plan includes a number of areas of water or wetlands as prospective mitigation lands, including areas in the Prado Basin and along the Santa Ana River, all of which are south of Ontario, plus a detention basin in Ontario. In conclusion, because projects that have the potential to result in impacts to waters of the state would be subject to approval by CDFG; USACE; require a Section 404 permit under the CWA or consultation with EPA for a Section 7 take permit, as applicable; and mitigation would be required in accordance with the applicable permits, impacts to jurisdictional waters in the City would be less than significant.



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IMPACT 5.4-4: NO REGIONAL WILDLIFE MOVEMENT CORRIDORS HAVE BEEN IDENTIFIED IN THE CITY; THEREFORE, THE PROJECT WOULD NOT RESULT IN SUBSTANTIAL ADVERSE EFFECTS TO WILDLIFE MOVEMENT. [THRESHOLD B-4]

Impact Analysis: No regional wildlife movement corridors have been identified in the City, and most of the City is ill-suited for the purposes of wildlife movement. The flood control channels and the SCE corridors could serve as local corridors for movement within the City and between the San Gabriel Mountains to the north and the Prado Basin to the south. The segments of flood control channels in the City would be designated Open Space – Non-Recreation under the Policy Plan, and would not be developed with other land uses. The SCE Corridors would also be designated Open Space – Non-Recreation. Therefore, implementation of the proposed Policy Plan is not anticipated to substantially impair the use of flood control channels or SCE Corridors in the City as wildlife movement corridors.

There are trees and shrubs scattered throughout the City that may be used for nesting or roosting by migrating birds. The Ontario Plan would not grant specific entitlements for development; therefore, implementation of The Ontario Plan would not directly impact vegetation that could be used by migrating birds. Such projects would be required to comply with the federal MBTA. Therefore, The Ontario Plan is not anticipated to have substantial adverse impacts to migratory birds. Furthermore, Policy ER5-1 would encourage efforts to conserve flood control channels and transmission line corridors as wildlife movement corridors. Consequently, impacts would be less than significant.

IMPACT 5.4-5: THE ONTARIO PLAN WOULD NOT CONFLICT WITH THE REQUIREMENTS OF THE DELHI SANDS FLOWER-LOVING FLY ONTARIO RECOVERY UNIT OR CRITICAL HABITAT FOR THE SAN BERNARDINO KANGAROO RAT. [THRESHOLDS B-5 AND B-6]

Impact Analysis:

Delhi Sands Flower-Loving Fly

The Ontario Recovery Unit for the DSFLF includes 21.7 square miles of the City of Ontario, mostly in the eastern and southwestern portions of the City, including portions of the NMC. Projects proposed within the Ontario Recovery Unit would be required to have focused surveys for DSFLF conducted on the project sites and consult with the USFWS regarding mitigation of impacts on any DSFLF found, pursuant to Section 7 of the FESA. In some of the parts of the NMC that were previously used as dairies, the USFWS has concluded from the findings of previous focused surveys that DSFLF is very unlikely to occur; and therefore no focused surveys for DSFLF areas are required in these areas (Porter 2008). Projects proposed pursuant to The Ontario Plan would need to ascertain requirements for focused surveys for DSFLF from the USFWS on a case-by-case basis.

There is one Habitat Conservation Plan in the City: a 19-acre area near the intersection of Greystone Drive and the eastern City boundary established to protect the DSFLF. The HCP area would be designated Industrial in the proposed Ontario Plan. Any development project proposed for development within this HCP pursuant to the proposed Ontario Plan would be required to consult with the USFWS regarding project impacts on DSFLF and mitigation of any such impacts. Therefore, the proposed Ontario Plan would comply with this HCP.

San Bernardino Kangaroo Rat

Approximately 145 acres in the northeastern corner of the City is in the very southern portion of Critical Habitat Unit 4 for San Bernardino kangaroo rat (SBKR); this area is associated with Etiwanda Creek and the Etiwanda Conservation Basin. The SBKR critical habitat in the City is designated Industrial in the existing General Plan and would be designated Industrial by The Ontario Plan. Any development project within SBKR critical habitat that was proposed by a federal agency or involved federal funding or a federal permit would be required under FESA Section 7 to consult with USFWS as to what impacts the project may have on SKBR, and mitigation of any such impacts. USFWS often requires focused surveys on project sites within critical habitat, even those not involving federal agencies, funding, or permits, as part of assessing impacts and formulating mitigation. The Ontario Plan would not grant specific entitlements for development, and would not conflict with FESA requirements and USFWS regulations regarding critical habitat. Furthermore, Policy ER5-1 of the Ontario Plan would support efforts to conserve high-quality habitat for the DSFLF and the SKBR.

As stated previously, individual projects undergoing environmental review under CEQA would be required to determine whether there is potential habitat onsite for sensitive species. If sensitive species were found onsite, the project proponent would be required to consult with the CDFG regarding impacts to sensitive species and ensuing mitigation. Projects in the NMC would pay a Mitigation Fee that would be used by the Greater Prado Basin Habitat Conservation Program to acquire, restore, enhance, maintain, or manage mitigation lands.

5.4.4 Relevant Policy Plan Policies and Programs

Environmental Resources Element

Biological, Agricultural, and Mineral Resources

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

ER5-5 Entitlement and Permitting Process. We comply with state and federal regulations regarding protected species. (The term "protected species" is used here to encompass any plant or animal that is legally protected because it is endangered, threatened to become endangered, or one of special concern. Legal protection may be at the federal, state, or local level.)

5.4.5 Existing Regulations and Standard Conditions

Future development projects considered for approval pursuant to the proposed Ontario Plan would be required to comply with the following laws and regulations:

State and Federal Regulations

- Federal Endangered Species Act, including requirements pertaining to critical habitat for San Bernardino kangaroo rat and Delhi Sands flower-loving fly.
- Migratory Bird Treaty Act: prohibits many kinds of harm to or interference with migratory birds.
- Clean Water Act, Sections 401, 402, and 404: regulates discharges to waters of the United States; requires Water Quality Certifications in some cases.
- California Endangered Species Act
- California Fish and Game Code Sections 1600 et. seq.: requires Streambed Alteration Agreements for proposed alterations of streambeds, rivers, and lakes.



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5.4.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.4-1, 5.4-2, 5.4-3, 5.4-4, and 5.4-5.

5.4.7 Mitigation Measures

No mitigation is required.

5.4.8 Level of Significance After Mitigation

No significant impacts have been identified.