

Appendix N

Responses to Comments on the Draft SEIR

Responses to Comments on the Draft SEIR

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by OIAA on the Draft SEIR, as summarized in **Table N-1**.

Comments are organized in a Response to Comments (RTC) matrix, organized with the following information in order of date received:

- Date the Comment was Received
- Name of the Commentor/Agency
- Comment Number (broken into multiple comments per letter)
- Comment Topic
- Comment Text
- OIAA Response

Copies of the comment letters and emails in their entirety are included following Table N-1. Twelve (12) comment letters were received during the Draft SEIR comment period. Five (5) agencies commented on the Draft SEIR (two of the comments were requests for additional information or discussion) and seven (7) members of the public commented on the Draft SEIR (one of the comments was request for additional information). Several of the public commenters included membership to committees or organizations.

The comment letters focus on the following issues:

- Burrowing Owl (6)
- Delhi Sands Flower-Loving Fly (1)
- Noise (1)
- Water Resources (1)
- Requests for additional information (3)

Comments received on the Draft SEIR are listed below:

- A. Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee (4/28/22)
- B. Eric L. Bates (5/1/22)
- C. SCAQMD, Alina Mullins (5/4/22)
- D. U.S. Fish and Wildlife (USFWS), Amanda Swaller (5/23/22)
- E. Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee (6/6/22)
- F. San Bernardino County Department of Public Works, Michael Perry (6/6/22)
- G. Kimberly Dillbeck, Pomona Valley Audubon Burrowing Owl Committee (6/8/22)

- H. Carol Coy (6/8/22)
- I. Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member (6/8/22)
- J. Jeff Strogen (6/9/22)
- K. California Department of Fish and Wildlife (CDFW), Heather Pert, Acting Environmental Program Manager (6/10/22)
- L. U.S. Fish and Wildlife (USFWS), Amanda Swaller, Wildlife Biologist (6/10/22)

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
4/28/22	Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee	A-1	Appendix E, Biological Resources	Record request for Appendix E, Biological Resources for the ONT Rehabilitation of Runway 8R-26L and Associated Improvement Draft Supplement EIR	Appendix E, Biological Resources was available as a PDF on the project website and on CEQAnet the week of 4/25/22.
5/1/22	Eric L. Bates	B-1	Noise Impacts	My concern is over the noise impact due to this project and current noise issues.	As described in <i>Section 4.5.4, Environmental Impacts and Mitigation, Noise, Impacts</i> of the Draft Supplemental Environmental Impact Report (SEIR), the Proposed Project will result in temporary noise impacts (during runway closure periods necessary for construction). The Project will not impact the noise environment at ONT following the construction period.
5/1/22	Eric L. Bates	B-2	Contra Flow Violations	The current Contra Flow is currently being violated as flights are still operating inside the 10pm – 7am window.	<p>As described in <i>Section 2.2.3, Airfield Operations</i> of the Draft SEIR, Contra Flow is a noise abatement procedure that is used at ONT as an operational noise mitigation strategy to minimize noise over residential areas at night. Noise abatement procedures occur daily between 10:00 PM and 7:00 AM, to the extent possible, when weather and wind conditions allow. Under certain circumstances in the interest of safety, airport efficiency, or aircraft operational necessity, pilots and FAA Air Traffic Control may deviate from noise abatement procedures.</p> <p>Under Contra Flow operations at ONT, jet departures take off to the east (from Runways 8L and 8R) and arrivals land to the west (on Runways 26L and 26R). It is important to note that while jet aircraft depart to the east under Contra Flow, propeller aircraft (turboprop and piston aircraft) will primarily depart to the west. It should also be noted and emphasized that FAA has exclusive authority to control the operation of aircraft both in the air and on the airport taxiways and runways. The ONT Rules and Regulations also state that "Contra-flow procedures shall be discontinued when atmospheric conditions (wind and low cloud ceilings), or when aircraft operations and construction activities require." Therefore, aircraft operating over residential areas west of ONT during nighttime hours (10 pm-7 am) are likely to be propeller aircraft or, if jet aircraft, are likely operating because of FAA direction due to wind conditions or operational safety concerns that necessitate deviation from Contra Flow operation.</p>
5/1/22	Eric L. Bates	B-3	Flight Paths	Also there is a high noise variance due to East bound flights taking off to the West and banking South over residential areas. Could there be any consideration of those flights banking North which is a more of a commercial area?	Aircraft flight paths are determined by FAA's flight procedure design, flight origin and destination, and safety concerns. The FAA also provides a noise portal to file complaints through this link: https://noise.faa.gov/noise/pages/noise.html

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5/1/22	Eric L. Bates	B-4	Noise Complaint Platform	Is there a platform for the public to address these issues to a committee?	The public can address noise complaints and issues directly to ONT by visiting the webtrak portal at https://webtrak.emsbk.com/ont4 or calling 909-544-5470, 24 hours a day. The public should provide information relating to the time the aircraft flew over, the direction the aircraft was headed, and, if possible, the type of aircraft and airline (or color scheme).
5/4/22	SCAQMD, Alina Mullins	C-1	AQ/HRA model data request	<p>Please provide an electronic copy of any live modeling and emission calculation files (complete files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including but not limited to, the following:</p> <ul style="list-style-type: none"> • CalEEMod Input Files (.csv files); • Live EMFAC/OFFROAD output files; • Any emission calculation file(s) (live version of excel file(s); no PDF) or emission calculation results from specific programs (e.g. AEDT) used to calculate the Project’s emission sources (i.e. off-road construction equipment and operational emissions from aircraft, GSE, APU, etc.); • AERMOD Input and Output files, including AERMOD View file(s) (.isc) (if applicable); • HARP Input and Output files and/or cancer risk calculation files (live version of excel file(s); no PDF) used to calculate cancer risk, and chronic and acute hazards from the Project (if applicable); 	Electronic files were transmitted to SCAQMD on 5/10/22 and confirmation of receipt was received from SCAQMD.
5/23/22	USFWS, Amanda Swaller	D-1	Dehli sands flower-loving fly (DSFLF)	<p>I'm the US Fish and Wildlife Service lead for the Delhi sands flower-loving fly. A colleague over at CDFW let me know about the ONT Rehabilitation project.</p> <p>I wanted to see if either of you have time for a quick chat concerning the project and impacts to fly. I did a quick review of the project EIR and other documents. It looks like the project is doing a good job considering fly impacts but I just wanted to clarify some of the survey requirements, they differ from typical survey criteria and it would be best to know the project moves too far along the process to avoid delays.</p> <p>I'm available Tuesday-Thursday in the morning this week. That does not work, please offer sometimes in the week of June 6th.</p>	<p>OIAA held a teleconference with Ms. Swaller of the US Fish and Wildlife Service (USFWS) on May 26 and confirmed understanding of the survey protocol needed for the Delhi sands flower-loving fly (DSFLF). Specifically, DSFLF protocol requires two consecutive years of survey, which the OIAA acknowledged as part of the USFWS protocols.</p> <p>Refer to Mitigation Measure BIO-3 in <i>Section 4.2.5, Environmental Impacts and Mitigation Measures, Biological Resources, Mitigation Measures</i> of the Draft Supplemental Environmental Impact Report (SEIR):</p> <p>BIO-3 Delhi Sands Flower-loving Fly: Focused surveys shall be conducted for DSFLF pursuant to current USFWS protocols by a qualified biologist with a DSFLF USFWS recovery permit. If the surveys are negative, no further assessments, focused surveys, or mitigation shall be required construction activities shall be allowed to proceed without any further requirements. If focused surveys are positive, mitigation measures would be required and would be subject to review and approval by USFWS either through Section 7 of the ESA (if there is a federal action) or under Section 10(A)(1)(B) of the ESA (in the absence of a federal action).</p>

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6/6/22	Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee	E-1	Burrowing Owl	<p>For over five years, the Pomona Valley Audubon Society has monitored the burrowing owls in the boot property east of Haven Avenue. During that time, we have seen up to nine active burrows that each year produced an average of about four owlets each. Adult owls have also been seen flying back and forth from the east of Haven area to the west of Haven runway area. We assume that they go there to forage. The runway area provides critical forage for the owls in the area and sustains a larger population with a greater chance of being successful over the long term.</p> <p>Over those five years, we have observed many examples of people's attachment to the OIA owls. Photographers, families, bird lovers, and people just interested in nature and wildlife have become attached to these appealing little owls. They are a valued natural asset that should be protected for us, our children, and generations to come. If unthinking development destroys this population of owls, burrowing owls will be gone from this area forever.</p> <p>The owls and their burrows need strong protection throughout the construction period and in the new runway configuration when the project is completed. Unfortunately, the plan in the Draft Supplemental EIR does not provide adequate protection to the runway owls and does not include sufficient information about the fate of the owls after construction is finished.</p>	<p>This comment provides introductory information, as well as statements by the commentor. The information and comments are acknowledged. No further response to this comment is required under the California Environmental Quality Act (CEQA).</p>
6/6/22	Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee	E-2	Burrowing Owl	<p>There are serious problems with the plan laid out in this document:</p> <p>-No biological survey has been done of the Burrowing Owls during the nesting season. Based on what we have documented east of Haven Avenue, the population of owls could triple or more in the nesting season.</p>	<p>Before the start of any construction activity related to the project, proper biological surveys during the nesting or breeding season for the burrowing owl will be conducted by the OIAA. Refer to Mitigation Measure BIO-1 in <i>Section 4.2.5, Environmental Impacts and Mitigation Measures, Biological Resources, Mitigation Measures</i> of the Draft Supplemental Environmental Impact Report (SEIR).</p> <p>BIO-1 Burrowing Owl: Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys shall be conducted by a qualified biologist during the breeding season, as defined by the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Take avoidance surveys for BUOW shall be conducted within the study area. The take avoidance surveys shall be conducted within 14 days and repeated 24 hours prior to construction activities (i.e., demolition, earthwork, clearing, and grubbing) to determine presence of BUOW. If BUOW is observed during focused surveys and/or take avoidance surveys within any portion of the study area, active burrows shall be avoided by the project in accordance with the California Department of Fish and Game's Staff Report on Burrowing Owl Mitigation from 2012. The CDFW shall be immediately informed of any BUOW observations. A BUOW Protection and Relocation Plan</p>

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					<p>(plan) shall be prepared by a qualified biologist, which must be sent for approval by the CDFW prior to initiating ground disturbance. The plan shall detail avoidance measures that shall be implemented during construction and passive or active relocation methodology. Relocation shall only occur outside of the nesting season (September 1 through January 31).</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 also addresses pre-construction survey requirements.</p>
6/6/22	Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee	E-3	Burrowing Owl	<p>-The plan cites the use of both passive and active translocation methodology. Are the Helix biologists aware that passive relocation (i.e., shutting the owls out of their burrows and collapsing the burrows) will be a death sentence for most of the owls? Burrows are the owls' main protection from predators and they are vulnerable if they lose their burrows. Furthermore, burrowing owls have high site fidelity and will return to nest where they were successful the previous year, but their burrow will be gone.</p>	<p>This comment includes statements and opinions by the commentor.</p> <p>The runway improvements would meet the Project objectives to improve safety on the airfield to meet current Federal Aviation Administration (FAA) standards. Runway 8R-26L requires rehabilitation and reconstruction after 40 plus years of use. According to the Pavement Management Plan for ONT, due to the age and the type of distresses, full reconstruction of the keel section of the Runway, and maintenance and rehabilitation projects repairing the large amount of joint seal damage and spalling of the outboard sections of the Runway are necessary at this time.</p> <p>Further, the burrowing owls, and their predators the red-tail hawks, are living in and around flight paths at ONT and pose a threat to aircraft operations. The ONT Wildlife Hazard Management Plan (WHMP) developed under federal regulations in cooperation with the U.S. Department of Agriculture Wildlife Services (USDA/WS), places emphasis on identification and abatement of wildlife hazards within the airfield environment.</p> <p>Also, the US Fish and Wildlife Permit (USFWS Permit) for ONT allows the trapping and relocation of certain birds at ONT, including the burrowing owl, "to resolve or prevent threats to human safety and/or aircraft safety" at ONT. (See Draft SEIR, Appendix E, Attachment 1.)</p> <p>As discussed in the response to comment E-2 above, project mitigation measure BIO-1 includes the requirement for a burrowing owl Protection and Relocation Plan (plan) to be prepared by a qualified biologist if the owls are encountered in the Project impact area, which plan must be sent for approval by the CDFW prior to initiating ground disturbance. The plan shall detail</p>

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					<p>avoidance measures that shall be implemented during construction and passive or active relocation methodology. Possible relocation of burrowing owls under a CDFW-approved plan is an accepted method of mitigation of potential burrowing owl impacts relating to the project.</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 also addresses potential relocation requirements for the BUOW, which must be approved by the CDFW and which are designed to ensure that potential impacts to the species are reduced to below a level of significance.</p>
6/6/22	Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee	E-4	Burrowing Owl	-Active translocation can be successful under ideal conditions but even then, there is high mortality among the translocated owls. Just as important, it means that the population of airport owls is smaller and less likely to be successful over the long term.	<p>This comment includes statements and opinions by the commentor.</p> <p>See the response to comment E-3 above.</p>
6/6/22	Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee	E-5	Burrowing Owl	-The plan does not state what happens to the actively translocated owls during and after construction. If active translocation is used, where is the relocation site? Will the translocated owls be returned to the runway area after construction is completed? What will determine whether the owls are actively or passively translocated or protected on site during construction?	<p>See the response to comment E-3 above. Under the original and the enhanced Mitigation Measure BIO-1, the CDFW will approve a potential burrowing owl relocation plan. Such plan will include actions, a suitable conservation site, and measures, consistent with the safety considerations of and at ONT and with the CDFW's applicable policies and protocols, designed to enhance the probability of successful relocation of the owls and to ensure that potential impacts to the species are reduced to below a level of significance.</p>
6/6/22	Suzanne Thompson, Pomona Valley Audubon Burrowing Owl Committee	E-6	Burrowing Owl	In summary, the plan for the welfare of the burrowing owls is inadequate and needs major adjustments that address the best interest of the owls. In addition, specific information about these plans needs to be stated in the DSEIR.	<p>This comment includes statements and opinions by the commentor.</p> <p>See the responses to comments E-2, E-3, E-4, and E-5 above regarding the mitigation measures designed to address potential burrowing owl impacts relating to the project and to ensure that potential impacts to the species are reduced to below a level of significance.</p>
6/6/22	San Bernardino County Department of Public Works Michael Perry	F-1	Alteration to Storm Drains	<p>Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120):</p> <p>1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the City of Ontario MPD, dated March 2012. It is to be used as a guideline for drainage in the area and is available through</p>	<p>As described in <i>Section 4.0</i> of the Initial Study, X. Hydrology and Water Quality, page 37 (see <i>Appendix A</i> of the Draft Supplemental Environmental Impact Report (SEIR) for the Initial Study):</p> <p>"the Proposed Project would require removal and installation of storm drain inlets on the airfield. The removal and installation of</p>

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				<p>the City of Ontario. Any revision to the drainage should be reviewed and approved by the City or Jurisdictional Agency. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the SEIR before the document is adopted by the Lead Agency.</p>	<p>storm drain inlets would be performed in such a way that no incidental fall back to the storm drain system would occur.”</p> <p>As described in <i>Section 4.0</i> of the Initial Study, X. Hydrology and Water Quality, page 38: “The proposed improvements would not increase the airfield drainage areas between the runways and taxiways, however these areas would be modified to incorporate existing connector taxiways and construction of the new connector taxiways. The project would result in a net increase of impervious area which would result in an increased stormwater runoff. Stormwater management will necessarily be included for design of the taxiway improvements to control storm flow per FAA AC 150/5320-5D, Airport Drainage Design. State and local storm drainage design criteria will also be incorporated, as applicable.</p> <p>To ensure that the project does not exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff, MMs HYD-1 through MM HYD-6 as shown in item “II” above (see below) shall be implemented along with implementation and adherence to standard city policies and procedures. Such implementation will ensure that drainage impacts will be less than significant.”</p> <p>MMs HYD-1 through MM HYD-6 from Item II, Page 38 of the Initial Study: MM HYD-1 General Stormwater Construction Permit compliance. MM HYD-2 Municipal Storm Drain Permit (MS4) compliance. MM HYD-3 Source control and treatment control BMPs shall be implemented to minimize the potential contaminants that are generated during and after construction. Source control BMPs and Treatment control BMPs will follow the ONT Storm Water Pollution Prevention Plan (SWPPP) and standard construction BMPs. MM HYD-4 A project-specific Construction SWPPP would address construction-related surface water quality impacts and delineate water quality control measures to address those impacts. MM HYD-5 BMPs would include those outlined in FAA AC 150/5371-10, Standards for Specifying Construction of Airports, Item P-156, Temporary Air and Water pollution, Soil Erosion and Siltation Control. MM HYD-6 Employees shall strictly limit their activities, vehicles, equipment, and construction material to the proposed project footprint, staging areas, and designated routes of travel.</p> <p>While discussion of impacts and mitigation measures was included by reference and is contained in an Appendix to the Draft SEIR, the Final SEIR will be updated to better reference this content. The Mitigation Monitoring and Reporting Program (MMRP) for the Final</p>

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					<p>SEIR shall include MMs HYD-1 through HYD-6 identified in <i>Section 4.0</i> of the Initial Study, and all such MMs will be enforced and implemented as conditions of Project approval.</p> <p>OIAA provided an official response to comments to SBCDPW on 6/10/22. The June 2021 Initial Study and associated appendices were included as part of the OIAA's response.</p>
6/6/22	<p>San Bernardino County Department of Public Works Michael Perry</p>	F-2	SBCFCD Facilities (Cucamonga Channels) Impacts	<p>2. The proposed Project area incorporates two San Bernardino County Flood Control District (SBCFCD) facilities and right-of way, Cucamonga Channel, CE (1-301-IF) and West Cucamonga Channel (1-201-IG). Any encroachments including, but not limited to access for grading, fence removal and installation, side drain connections on the District's right-of-way or facilities will require a permit from the SBCFCD prior to start of construction. Also, SBCFCD facilities built by the Army Corps of Engineers (ACOE) will require the SBCFCD to obtain approval (408-Permit) from the ACOE. The necessity for permits, and any impacts associated with them, should be addressed in the SEIR prior to adoption and certification. If you have any questions regarding this process, please contact the FCD Permit Section at (909) 387-1863.</p>	<p>The Cucamonga Creek and West Cucamonga Creek channels will not be encroached, impacted, or altered and a 408 permit will not be required. Cucamonga Creek and West Cucamonga Creek are within covered concrete lined channels beneath the airfield within the project area, and the proposed depth of disturbance for pavement work will not impact the channel, thus there are no proposed alterations to either channel. Further the proposed project will not impair the usefulness of these channels. This is further supported by the jurisdictional delineation letter report provided in <i>Appendix D, Water Resources</i> of the Initial Study (Note: The appendices to the Initial Study were not attached to the PDF as part of <i>Appendix A, Notice of Preparation and Initial Study</i> within the Draft SEIR, however they were accessible online through the CEQAnet portal. The appendices to the Initial Study will be included within the PDF of Appendix A in the Final SEIR.)</p>
6/6/22	<p>San Bernardino County Department of Public Works Michael Perry</p>	F-3	Floodplains	<p>The Project is within Comprehensive Storm Drain Plans (CSDP) No. 1 & No. 2.</p> <p>3. According to the most recent FEMA Flood Insurance Rate Map, Panels 06071C8636J (2/18/2015); 06071C8637J (dated September 2, 2016), the majority of the Project lies within Zone X-shaded (500-yr. floodplain), A, and X-unshaded. Impacts associated with the project's occurrence in the Flood Zones mentioned and mitigation, should be discussed within the SEIR prior to adoption by the Lead Agency.</p>	<p>As described in <i>Section 4.0</i> of the Initial Study, X. Hydrology and Water Quality, page 38 (see <i>Appendix A</i> of the Draft SEIR for the Initial Study), "the project area is not within a flood hazard zone." This is further supported by floodplain maps provided in <i>Appendix D, Water Resources</i> of the Initial Study (Note: The appendices to the Initial Study were not attached to the PDF as part of <i>Appendix A, Notice of Preparation and Initial Study</i> within the Draft SEIR, however they were accessible online through the CEQAnet portal. The appendices to the Initial Study will be included within the PDF of Appendix A in the Final SEIR.)</p>
6/6/22	<p>San Bernardino County Department of Public Works Michael Perry</p>	F-4	SBCFCD Facilities (Cucamonga Channels) Permits	<p>Permits/Operations Support Division (Fong Tse, Chief, 909-387-7995):</p> <p>1. Portions of the Project are adjacent to the San Bernardino County Flood Control District (SBCFCD) right-of-way and facility. Any encroachments on the District's right-of-way or facilities, including but not limited to access, fencing and grading, utility crossings, landscaping, new and/or alteration to drainage connections will require a permit from the SBCFCD prior to start of construction. The necessity for permits, and any impacts associated with them, should be addressed in the SEIR prior to adoption and certification. If you have any questions regarding this process, please contact the FCD Permit Section at (909) 387-1863</p>	<p>No permits will be necessary as the SBCFCD facilities (the Cucamonga Creek and West Cucamonga Creek channels) will not be impacted. Cucamonga Creek and West Cucamonga Creek are within covered concrete lined channels beneath the airfield within the project area, and the proposed depth of disturbance for pavement work will not impact the channel.</p> <p>The project is within Flood Control District Zone 1: https://cms.sbcounty.gov/dpw/FloodControl/DistrictZones.aspx</p> <p>However, the project is not adjacent to ROW or facilities (unless this just refers to being within the Zone in general – but in that</p>

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6/6/22	San Bernardino County Department of Public Works Michael Perry	F-5	Request to be added to circulation	We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.	San Bernardino County Department of Public Works will be included on any future public notices, reviews or hearings related to this project. Email Contact: AJ Gerber, Arnold.Gerber@dpw.sbcounty.gov Mailing Contact: Michael R. Perry Supervising Planner, Environmental Management 825 East Third Street San Bernardino, CA 92415 Contacts for specific comments: Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120) Permits/Operations Support Division (Fong Tse, Chief, 909-387-7995)
6/8/22	Kimberly Dillbeck, Pomona Valley Audubon Burrowing Owl Committee	G-1	Burrowing Owl	I am writing in response to the plan in the draft supplemental EIR regarding the translocation of the burrowing owls in the area. There are problems with this plan and it should be adjusted to provide a better chance for the owls to survive translocation. The problems are as follows: 1) The survey of existing burrowing owls was not conducted during nesting season which is the time that additional owls arrive to the area.	This comment includes statements and opinions by the commentor. Before the start of any construction activity related to the project, proper biological surveys during the nesting or breeding season for the burrowing owl will be conducted by the OIAA. Refer to Mitigation Measure BIO-1 in <i>Section 4.2.5, Environmental Impacts and Mitigation Measures, Biological Resources, Mitigation Measures</i> of the Draft Supplemental Environmental Impact Report (SEIR). BIO-1 Burrowing Owl: Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys shall be conducted by a qualified biologist during the breeding season, as defined by the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Take avoidance surveys for BUOW shall be conducted within the study area. The take avoidance surveys shall be conducted within 14 days and repeated 24 hours prior to construction activities (i.e., demolition, earthwork, clearing, and grubbing) to determine presence of BUOW. If BUOW is observed during focused surveys and/or take avoidance surveys within any portion of the study area, active burrows shall be avoided by the project in accordance with the California Department of Fish and Game's Staff Report on Burrowing Owl Mitigation from 2012. The CDFW shall be immediately informed of any BUOW observations. A BUOW Protection and Relocation Plan

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6/8/22	Kimberly Dillbeck, Pomona Valley Audubon Burrowing Owl Committee	G-2	Burrowing Owl	2) The plan includes the use of passive translocation which is when their burrows are closed up and filled in. The loss of a safe burrow will render them defenseless against predators. Studies have shown that this method causes high mortality among burrowing owls. Active translocation is when the owls are physically moved to a new location. This requires monitoring and managing until the owls habituate to their new location, but it has been shown to increase the likelihood that owls will survive when they lose their nesting sites.	<p>This comment includes statements and opinions by the commentor.</p> <p>The runway improvements would meet the Project objectives to improve safety on the airfield to meet current Federal Aviation Administration (FAA) standards. Runway 8R-26L requires rehabilitation and reconstruction after 40 plus years of use. According to the Pavement Management Plan for ONT, due to the age and the type of distresses, full reconstruction of the keel section of the Runway, and maintenance and rehabilitation projects repairing the large amount of joint seal damage and spalling of the outboard sections of the Runway are necessary at this time.</p> <p>Further, the burrowing owls, and their predators the red-tail hawks, are living in and around flight paths at ONT and pose a threat to aircraft operations. The ONT Wildlife Hazard Management Plan (WHMP) developed under federal regulations in cooperation with the U.S. Department of Agriculture Wildlife Services (USDA/WS), places emphasis on identification and abatement of wildlife hazards within the airfield environment.</p> <p>Also, the US Fish and Wildlife Permit (USFWS Permit) for ONT allows the trapping and relocation of certain birds at ONT, including the burrowing owl, "to resolve or prevent threats to human safety and/or aircraft safety" at ONT. (See Draft SEIR, Appendix E, Attachment 1.)</p> <p>As discussed in the response to comment G-1above, project mitigation measure BIO-1 includes the requirement for a burrowing owl Protection and Relocation Plan (plan) to be prepared by a qualified biologist if the owls are encountered in the Project impact area, which plan must be sent for approval by the CDFW prior to initiating ground disturbance. The plan shall detail</p>

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					<p>avoidance measures that shall be implemented during construction and passive or active relocation methodology. Possible relocation of burrowing owls under a CDFW-approved plan is an accepted method of mitigation of potential burrowing owl impacts relating to the project.</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 also addresses potential relocation requirements for the BUOW under CDFW review and approval, and are intended to ensure that potential impacts to the species are reduced to below a level of significance.</p>
6/8/22	Kimberly Dillbeck, Pomona Valley Audubon Burrowing Owl Committee	G-3	Burrowing Owl	3) The plan is vague and does not address specific information about the translocation plans and the oversight that will be needed to raise the potential that the owls will survive.	<p>This comment includes statements and opinions by the commentor.</p> <p>See the response to comment G-2 above. Under both the original and the enhanced Mitigation Measure BIO-1, the CDFW will approve a potential burrowing owl relocation plan. Such plan will include actions, a suitable conservation site, and measures, consistent with the safety considerations of and at ONT and with the CDFW's applicable policies and protocols, that are designed to enhance the probability of successful relocation of the owls and to ensure that potential impacts to the species are reduced to below a level of significance.</p>
6/8/22	Kimberly Dillbeck, Pomona Valley Audubon Burrowing Owl Committee	G-4	Burrowing Owl	<p>Burrowing Owls have lived in our region for thousands of years. Sadly we have almost decimated the existing population in San Bernardino County through rampant development that has destroyed their habitat. Today there are only a few colonies of burrowing owls in Ontario and in adjacent areas. The existing colonies are dependent on one another to maintain genetic diversity. The loss of the owls on the lands surrounding the airport will impact all of these last surviving owls.</p> <p>I urge that the existing plan be reconsidered and that changes be made to help these owls survive translocation. Passive translocation should be removed from the plan completely. There are successful programs that can serve as models for best practices when translocating burrowing owls. One notable one is the work happening in the San Diego area. San Diego Zoo biologists have implemented a more successful program using active translocation to save the last remaining populations in their area. I urge that the DSEIR should be modified to remove passive translocation as a method that will be employed, and that the process be changed to include the best practices that are currently in use in other areas of</p>	<p>This comment includes statements and opinions by the commentor.</p> <p>See the responses to comments G-1 and G-2 above regarding the mitigation measures under the control and jurisdiction of the CDFW designed to address potential burrowing owl impacts relating to the project, including possible relocation efforts for the owl.</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				our state and country. This plan needs to be specific and thorough and it should make every effort to give these owls a fighting chance.	
6/8/2022 (letter), email received 6/9/22	Carol Coy	H-1	Burrowing Owl	<p>Thank you for mailing me notice of the completion and availability of the referenced Draft Supplemental Environmental Impact Report (DSEIR) as requested in my comment letter on the Notice of Preparation. I am pleased to see recent OIAA environmental documents now recognize that major construction projects and the rehabilitation and realignment of runways and taxiways can have a significant impact on the Burrowing Owl, a California State Species of Special Concern. The Ontario International Airport is an important habitat for this species which is in critical decline in Southern California. I continue to urge careful attention to the onsite conservation and protection of this important species.</p> <p>I appreciate that many of my NOP comments have been addressed in the Biological Resources section of the Draft SEIR. My current review comments and concerns follow and focus on both the Burrowing Owl and other migratory bird and raptor species that may be negatively impacted by the project construction activities.</p> <p>First, as the Burrowing Owl is a California State Species of Special Concern, I believe the California Department of Fish and Wildlife (CDFW) should be added to the list of Reviewing Agencies in the "Notice of Completion and Environmental Document Transmittal" to the State Clearinghouse, page 2 (where the form notes it as "Fish & Game"). This agency has important regulatory responsibilities with respect to the Burrowing Owl and is referenced in the proposed BIO-1 Mitigation Measure. I urge the Airport to work closely with CDFW Burrowing Owl specialists and include them in review of this and all other projects potentially impacting Burrowing Owls.</p>	<p>This comment provides introductory information, as well as statements by the commentor.</p> <p>The CDFW reviewed the DSEIR and provided comments (see Comment Letter K). Responses to CDFW comments are provided below for Comment K-1 through K-3.</p>
6/8/2022 (letter), email received 6/9/22	Carol Coy	H-2	Burrowing Owl	<p>Second, I want to emphasize the importance of the BIO-1 mitigation measure inclusion of the requirement for focused Burrowing Owl surveys during the breeding season prior to commencement of construction activities as I have personally observed significantly increased Burrowing Owl activity during that period on the adjacent airport property over the past six years. Those breeding season observations will give project biologists important information on burrow locations and focus protective actions on areas of highest concern. In my opinion these breeding season and take avoidance surveys are critical elements to minimizing and mitigating impacts to individual owls.</p>	<p>This comment includes statements and opinions by the commentor. The information and comments are acknowledged.</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 addresses pre-construction survey requirements for the BUOW, as did the original MM BIO-1 contained in the Draft SEIR.</p>
6/8/2022 (letter), email	Carol Coy	H-3	Burrowing Owl	<p>Third, I recommend the addition of ongoing periodic observation and documentation of Burrowing Owl activity during construction (by a qualified expert) where additional protective actions may be triggered if needed as owls are encountered. Additionally, if</p>	<p>See CDFW Comment K-2 for the revised and enhanced Mitigation Measure BIO-1, which includes additional observation and documentation of BUOW activity during construction, which enhanced MM BIO-1 will be included in the Final SEIR and the</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
received 6/9/22				construction is occurring during the breeding season and becomes inactive for more than seven days, the same additional surveys as described in BIO-2 should be applied to the Burrowing Owl.	Mitigation Monitoring and Reporting Program (MMRP) for the Final SEIR.
6/8/2022 (letter), email received 6/9/22	Carol Coy	H-4	Burrowing Owl	Fourth, I recommend it be clarified that the Burrowing Owl Protection and Relocation Plan referenced in BIO-1 not only be sent for approval to CDFW but be approved by CDFW prior to initiating ground disturbance. Development of this Plan should not be taken lightly. I strongly oppose the use of "passive relocation" which consists of blocking owls out of their burrows and has been documented to result in high owl mortality. And successful active relocation is complex and requires careful identification and preparation of suitable habitat at the location to receive translocated owls, as well as ongoing monitoring and management. The San Diego Zoo Institute for Conservation Management has been researching this and publishing guidance. Clearly though the focused surveys described in BIO-1, initiating and timing construction outside of breeding season as required by BIO-2, and implementing avoidance measures are the most straightforward means to minimize impacts.	<p>This comment includes statements and opinions by the commentor.</p> <p>Mitigation Measure BIO-1 in <i>Section 4.2.5, Environmental Impacts and Mitigation Measures, Biological Resources, Mitigation Measures</i> of the Draft Supplemental Environmental Impact Report (SEIR) includes: "A BUOW Protection and Relocation Plan (plan) shall be prepared by a qualified biologist, which must be sent for approval by the CDFW prior to initiating ground disturbance."</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 also addresses potential relocation requirements for the BUOW, which must be reviewed and approved by the CDFW, and will be included in the MMRP for the Final SEIR.</p>
6/8/2022 (letter), email received 6/9/22	Carol Coy	H-5	Burrowing Owl	<p>It should be noted that although the Airport applied for and received a US Fish and Wildlife Service Depredation at Airports Permit that allows trapping and relocation of up to five Burrowing Owls, this permit was issued "to resolve or prevent threats to human and/or aircraft safety". Although a copy of the permit was appended to the DSEIR Appendix E Biological Resources, I urge the Airport to take careful note that this permit clearly states that "You may not use this authority for situations in which migratory birds are merely causing a nuisance or nesting in an inconvenient location." Clearly, the permit does not apply to the construction activities described for this project. However, I do want to point out that even this permit requires under section (5)B(2) that there be "a plan and adequate resources for trapping and relocating birds prior to trapping." This is the same type of relocation planning discussed above.</p> <p>The opportunity to minimize and mitigate construction impacts on both Burrowing Owl habitat and burrow disturbance, as well as disruption to the foraging and breeding activities of individual birds, constitutes important steps to good onsite stewardship of this important species.</p>	<p>This comment includes statements and opinions by the commentor.</p> <p>The runway improvements would meet the Project objectives to improve safety on the airfield to meet current Federal Aviation Administration (FAA) standards. Runway 8R-26L requires rehabilitation and reconstruction after 40 plus years of use. According to the Pavement Management Plan for ONT, due to the age and the type of distresses, full reconstruction of the keel section of the Runway, and maintenance and rehabilitation projects repairing the large amount of joint seal damage and spalling of the outboard sections of the Runway are necessary at this time.</p> <p>Further, the burrowing owls, and their predators the red-tail hawks, are living in and near flight paths at ONT and pose a threat to aircraft operations, as well as to human safety. The ONT Wildlife Hazard Management Plan (WHMP) developed under federal regulations in cooperation with the U.S. Department of Agriculture Wildlife Services (USDA/WS), places emphasis on identification and abatement of wildlife hazards within the airfield environment.</p> <p>Also, the US Fish and Wildlife Permit (USFWS Permit) for ONT allows the trapping and relocation of certain birds at ONT, including the burrowing owl, "to resolve or prevent threats to</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
					<p>human safety and/or aircraft safety” at ONT. (See Draft SEIR, Appendix E, Attachment 1.)</p> <p>Both the original and the enhanced Project mitigation measure BIO-1 includes the requirement for a burrowing owl Protection and Relocation Plan (plan) to be prepared by a qualified biologist if the owls are encountered in the Project impact area, which plan must be sent for approval by the CDFW prior to initiating ground disturbance. The plan shall detail avoidance measures that shall be implemented during construction and passive or active relocation methodology. Possible relocation of burrowing owls under a CDFW-approved plan is an accepted method of mitigation of potential burrowing owl impacts relating to the project.</p> <p>See response to comment H-4 above.</p>
6/8/2022 (letter), email received 6/9/22	Carol Coy	H-6	Burrowing Owl	<p>Please keep me on the interest list for any further CEQA-related notices on this project. As a Biologist, I have devoted my thirty-five-year career to environmental quality and resource conservation and have been personally observing and interested in the Airport’s offsite Burrowing Owls the past six years. I continue to encourage OIA to develop a protective onsite management plan for this species as several other airports have already done.</p> <p>Thank you for the opportunity to comment on this Draft SEIR.</p>	<p>This comment includes statements by the commentor. The information and comments are acknowledged. The commentor will be included on any future CEQA-related notices for the project.</p>
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-1	Burrowing Owl	<p>I am writing to comment on the Ontario International Airport Authority’s (OIAA’s) 28 April 2022 Draft Supplemental Environmental Impact Report (DSEIR) for the Ontario International Airport Rehabilitation of Runway 8R-26 Land and Associated Airfield Improvements (Runway Project). I am a recently retired biology professor, with extensive experience in field biology including in surveying and monitoring vegetation and animals. I began studying burrowing owls in 2017; and have worked with the Pomona Valley Audubon Society’s (PVAS’s) burrowing owl monitoring and conservation project for over a year.</p> <p>Burrowing owls (BUOW) are listed as a California Species of Special Concern; and are protected under the U.S. Migratory Bird Species Treaty Act. Their numbers locally are in sharp decline, due largely to loss of habitat by development. Burrowing owls are present in the Runway Project area.¹ In the interest of honoring the public trust to protect our natural world, I recommend the following:</p> <ol style="list-style-type: none"> 1. That the OIAA engage in comprehensive planning to explore the viability of responsible management of burrowing owls and other 	<p>This comment provides introductory information, as well as statements by the commentor. The information and comments are acknowledged.</p> <p>Consistent with obligations under the law, the OIAA or another applicable Lead Agency under CEQA will complete adequate CEQA review for any potential future development projects, including on the “Boot Property.”</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program (MMRP) for the Final SEIR enhanced mitigation measures for the BUOW as identified by the CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 addresses mapping and inventory requirements for the BUOW on Airport property.</p>

¹ HELIX Environmental. April 2022.+*-

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				sensitive species on its properties, both within and beyond the Runway Project area (e.g., the "Boot Property"). ²	
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-2	Burrowing Owl	2. That the OIAA develop a Management Plan, required to provide the scientific, planning, and policy framework to identify and avoid (or meaningfully mitigate for) potential impacts to sensitive species from development.	<p>Before the start of any construction activity related to the project, proper biological surveys during the nesting or breeding season for the burrowing owl will be conducted by the OIAA. Refer to Mitigation Measure BIO-1 in <i>Section 4.2.5, Environmental Impacts and Mitigation Measures, Biological Resources, Mitigation Measures</i> of the Draft Supplemental Environmental Impact Report (SEIR).</p> <p>BIO-1 Burrowing Owl: Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys shall be conducted by a qualified biologist during the breeding season, as defined by the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Take avoidance surveys for BUOW shall be conducted within the study area. The take avoidance surveys shall be conducted within 14 days and repeated 24 hours prior to construction activities (i.e., demolition, earthwork, clearing, and grubbing) to determine presence of BUOW. If BUOW is observed during focused surveys and/or take avoidance surveys within any portion of the study area, active burrows shall be avoided by the project in accordance with the California Department of Fish and Game's Staff Report on Burrowing Owl Mitigation from 2012. The CDFW shall be immediately informed of any BUOW observations. A BUOW Protection and Relocation Plan (plan) shall be prepared by a qualified biologist, which must be sent for approval by the CDFW prior to initiating ground disturbance. The plan shall detail avoidance measures that shall be implemented during construction and passive or active relocation methodology. Relocation shall only occur outside of the nesting season (September 1 through January 31).</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by the CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 addresses mapping and inventory requirements for the BUOW on Airport property.</p>
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl	I-3	Burrowing Owl	3. That the OIAA make specific revisions to the burrowing owl mitigation measures within the DSEIR and Appendix E to maximize their efficacy.	See CDFW Comments K-2 through K-3 for revised Mitigation Measure BIO-1 regarding the BUOW, which measure will be included in the Final SEIR and the Mitigation Monitoring and Reporting Program for the Final SEIR. The enhanced MM BIO-1 for the BUOW, as with the original MM BIO-1 contained in the Draft SEIR, is designed to ensure that potential impacts to the species are reduced to below a level of significance.

² Carstens D. 7 July 2021. Figure 2, page 8 (appendix to this letter)

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
	Conservation Committee Member				
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-4	Burrowing Owl	Several burrowing owls and active burrows are reported in and around the 2019-20 non-breeding survey study area. ³ The Biological Technical Report (Appendix E) ranks the environmental impact of the Runway Project—through direct damage to sensitive species and impairment of wildlife movement—as “less than significant impact with mitigation incorporated.” Indeed, some aspects of the mitigation measures outlined in BIO-1 (Burrowing Owl) and BIO-2 (Nesting Birds) of Section 6.0 of the DSEIR and Appendix E will be helpful to that end. Conducting focused surveys during the breeding season, avoiding work during the breeding season, and conducting take avoidance surveys prior to the work are great tools for gaining awareness of the presence, location, and condition of sensitive species like BUOW; key to avoiding take and other negative impacts.	<p>This comment includes statements and opinions by the commentor.</p> <p>See the responses to comments I-2 and I-3 above. Under Mitigation Measure BIO-1, the CDFW will approve a potential burrowing owl relocation plan. Such plan will include actions, a suitable conservation site, and measures, consistent with the safety considerations of and at ONT and with the CDFW’s applicable policies and protocols, designed to enhance the probability of successful relocation of the owls.</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for nesting birds and the BUOW as identified by the CDFW at Comments K-1 through K-3. The enhanced MMs BIO-1 and BIO-2 address various survey requirements for nesting birds and the BUOW that are designed to ensure that potential impacts to the species are reduced to below a level of significance.</p>
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-5	Burrowing Owl	Beyond those first steps, the mitigation outlined does not mention training by a qualified biologist of all contractors coming onto the site in the recognition and avoidance of harm to sensitive species (per the 2012 CDFG <i>Staff Report on Burrowing Owl Mitigation</i>). Further, with respect to protection, on-site avoidance, passive relocation, and active relocation (translocation), the mitigation measures outlined in BIO-1 and BIO-2 are strikingly general; they are entirely inadequate with respect to relocation. If BUOW are found on-site, the mitigation measures call for a relocation plan detailing “avoidance measures that will be implementing during construction, and passive or active relocation methodology” (the later to use only outside of the nesting season). To yield favorable outcomes for owls (effectively avoiding negative impacts), such plans are complex and require months (or years) of advance planning and preparation; and potentially months of support , and years of monitoring. ⁴ It is not realistic to suppose that a plan can be quickly brought off the boiler plate, approved, and implemented with any outcome other than the continued, rapid decline in BOUW that has occurred thus far. And that outcome is <u>not</u> a “less than significant impact with mitigation incorporated.”	<p>This comment includes statements and opinions by the commentor.</p> <p>See the responses to comments I-2 and I-3 above. Under Mitigation Measure BIO-1, the CDFW will approve a potential burrowing owl relocation plan. Such plan will include actions, a suitable conservation site, and measures, consistent with the safety considerations of and at ONT and with the CDFW’s applicable policies and protocols, designed to enhance the probability of successful relocation of the owls.</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for nesting birds and the BUOW as identified by the CDFW at Comments K-1 through K-3. The enhanced MMs BIO-1 and BIO-2 from the CDFW address various survey and monitoring requirements for nesting birds and the BUOW, including that they be performed by qualified biologists, and for any relocation plans for the BUOW. As with the original MMs BIO-1 and BIO-2, the enhanced mitigation measures are designed to ensure that</p>

³ HELIX Environmental, April 2022.

⁴ Kidd J, undated, pp 8-10

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					potential impacts to the species are reduced to below a level of significance.
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-6	Burrowing Owl	<p>I therefore strongly recommend that specific plans for the protection, on-site avoidance, passive relocation, and translocation be provided and publicly vetted <u>before</u> this project goes forward. I further recommend that relocation plans (both active and passive) be guided by the best available evidence from a rapidly growing field of inquiry into BUOW relocation strategies.⁵ Specific mitigation measures, and the conditions that would trigger them, need to be specified in detail; because the details make the difference between the success and failure of mitigation. For example:</p> <ul style="list-style-type: none"> • It will likely be best to protect the owls in place during the project. Experts agree that conservation of owls in place—especially when supported with comprehensive planning—is dramatically more successful.^{6, 7} <ul style="list-style-type: none"> ○ How will that option be explored in a protection plan? ○ How will owls be protected and monitored on-site? • If not, how will owls be captured and removed? Where will they be relocated? How will they be protected and monitored? Again, these are long and detailed processes if done correctly.⁸ • If owls must be removed, the goal of preserving remaining burrowing owls in place will likely necessitate their return to the site. Is that option being explored? 	<p>This comment includes statements and opinions by the commentor.</p> <p>See response to comment I-5 above.</p> <p>Also, the runway improvements would meet the Project objectives to improve safety on the airfield to meet current Federal Aviation Administration (FAA) standards. Runway 8R-26L requires rehabilitation and reconstruction after 40 plus years of use. According to the Pavement Management Plan for ONT, due to the age and the type of distresses, full reconstruction of the keel section of the Runway, and maintenance and rehabilitation projects repairing the large amount of joint seal damage and spalling of the outboard sections of the Runway are necessary at this time.</p> <p>Further, the burrowing owls, and their predators the red-tail hawks, are living in and near flight paths at ONT and pose a threat to aircraft operations, as well as to human safety. The ONT Wildlife Hazard Management Plan (WHMP) developed under federal regulations in cooperation with the U.S. Department of Agriculture Wildlife Services (USDA/WS), places emphasis on identification and abatement of wildlife hazards within the airfield environment.</p> <p>In addition, the US Fish and Wildlife Permit (USFWS Permit) for ONT allows the trapping and relocation of certain birds at ONT, including the burrowing owl, “to resolve or prevent threats to human safety and/or aircraft safety” at ONT. (See Draft SEIR, Appendix E, Attachment 1.) Conservation of the BUOW in place or in the active Airport environment is not feasible given these safety issues.</p> <p>See CDFW Comment K-1 through K-3 for revised MMs BIO-1 and BIO-2, which will be included in the Final SEIR and the MMRP for the Final SEIR. As with the original MM BIO-1, the enhanced MM BIO-1 addresses the requirements for a possible relocation plan for</p>

⁵ For example, Hennessy et al., 2020 and 2021

⁶ “In summary, burrowing owl populations within southwestern San Bernardino County and southwestern California as a whole are in steep decline and on the verge of extirpation..., because owls are rarely, if ever, preserved on site.” Kidd J., undated.

⁷ The primary desirability of in situ preservation is underscored by Colleen Wisinski, Conservation Program Specialist in Recovery Ecology at the San Diego Zoo Wildlife Alliance and field team leader for their burrowing owl program. In an email communication with PVAS, she stated: “...setting aside the land the owls already occupy is more efficacious (and probably cheaper in the long run)... I point this out only to be clear that using active translocation should be planned in the context of several years of planning, funding, and commitment in order to be successful. The way that mitigation translocations have routinely been carried out was with a much shorter time horizon (e.g., 1 month of monitoring after release—essentially getting the animals out of immediate danger). The value of this approach as a long-term conservation tool is dubious.” Carstens D, 7 July 2021

⁸ Kidd J, undated, pp 8-10

Table N-1: Responses to Comments on the Draft SEIR

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					the BUOW that are designed to reduce any impacts to below a level of significance.
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-7	Burrowing Owl	<p>Assessing which mitigation measures will be effective requires in part that the site be viewed in a larger context: both on the airport property and in the area within reasonable dispersal distance for the owls.⁹ Without this information, it isn't possible to determine the best mitigation strategy for maintaining a healthy owl population on the site and in the region. Indeed, the questions and concerns about adequate, appropriate, and effective mitigation for impacts on burrowing owls and their habitat on the OIAA property beg the larger question about whether OIAA's comprehensive planning processes are current. If, as Doug Carstens suggested in a recent letter to OIAA, there is no Master Plan in place,¹⁰ there is now a terrific opportunity to create the kind of comprehensive planning that could make meaningful on-site conservation of burrowing owls (and possibly other sensitive species) possible. Carstens says it well:</p> <p>Master Plans require review under applicable environmental laws which provides a perfect context for OIA to address the significant biological resources present on its properties, identify potential impacts to them from future development, and devise current, robust, evidence-based strategies (e.g. , prioritization of in situ preservation) to avoid and/or mitigate those impacts.¹¹</p>	<p>See response to comment I-6 above.</p> <p>Further, see CDFW Comment K-3 for revised Mitigation Measure BIO-1 Burrowing Owl language which will be added in the Final SEIR and included in the MMRP. This added mitigation in MM BIO-1 will require OIAA " develop and maintain an interactive mapping and current inventory of burrowing owl occurrences within the active airport and adjacent airport owned parcels, along with an adequate buffer to provide analysis that burrowing owl distribution and cumulative impacts are not significantly impacted by past and present activities."</p> <p>In addition, a "Master Plan" for Ontario International Airport is not required by governing FAA regulations. Potential development at the Airport has been and will be addressed consistent with the requirements of CEQA to ensure that any feasible mitigation measures are implemented to reduce any potential environmental impacts from development projects to below a level of significance, including as to the BUOW.</p>
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-8	Burrowing Owl	<p>The Inland Empire has changed dramatically in the twenty years since 1991, when the last study of the airport and its impacts was made. Burrowing owls, for example, have undergone precipitous decline due to habitat loss during that period.¹² And there is ever-increasing pressure to develop the open spaces owls inhabit. I strongly recommend that the OIAA undertake more thorough planning for BUOW mitigation in step with the development of a Management Plan, the support of which also requires environmental review to identify potential impacts, and plan comprehensively for the avoidance or reduction of impacts of future development.</p>	<p>This comment includes statements and opinions by the commentor.</p> <p>See CDFW Comment K-3 for revised Mitigation Measure BIO-1 Burrowing Owl language which will be added in the Final SEIR and the MMRP for the Final SEIR. This added mitigation in MM BIO-1 will require OIAA " develop and maintain an interactive mapping and current inventory of burrowing owl occurrences within the active airport and adjacent airport owned parcels, along with an adequate buffer to provide analysis that burrowing owl distribution and cumulative impacts are not significantly impacted by past and present activities."</p>

⁹ Rosenberg et al., 2007

¹⁰ "... we are unaware of any final airport Master Plan approved for Ontario International Airport, or necessary approvals by an airport land use commission." Carstens D, 7 July 2021

¹¹ Carstens D, 7 July 2021

¹² Kidd J, undated

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Date	Commentor	Comment No.	Topic	Comment	Response
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-9	Burrowing Owl	Indeed, the need for further analysis of the best science guiding the feasibility of in situ preservation of burrowing owls near airports is evidenced by Kidd’s recommendation in his undated report for the OIAA ¹³ that owls should not be preserved on-site. Two key pillars of Kidd’s rationale are: 1) the low numbers of owls in the area, and the high fragmentation of their habitat; 2) FAA and other regulations contraindicating the preservation of owls near airports. While burrowing owls have suffered steep declines and habitat fragmentation, they are more abundant in the area than Kidd has reported, ¹⁴ and evidently disperse further (between habitat fragments) than he has projected. ¹⁵ Further, Kidd’s assertions about the inadvisability of preserving burrowing owls within 10,000 feet of a runway don’t comport with the maintenance of owl populations at other airports (e.g., Norman Y. Mineta San José International Airport and Lemoore Naval Air Station in California ¹⁶ and Kirtland Air Force Base in New Mexico ¹⁷). It is evidently possible to manage sensitive species while complying with FAA standards and protecting safe air travel. Carstens summarized: “Like other airports, OIA can achieve its safety and air traffic needs while sustaining regionally significant wildlife populations.”	This comment includes statements and opinions by the commentor. The information and comments are acknowledged. No further response to this comment is required under the California Environmental Quality Act (CEQA). See response to comments I-6 above regarding the infeasibility of conserving or preserving the BUOW in place or in the active Airport environment given safety risks to passengers and aircraft operations.
6/8/2022 (letter), email received 6/9/22	Robin Ikeda, Retired Biology Professor, Chaffey College, Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member	I-10	Burrowing Owl	In closing, I recommend that the OIAA engage in comprehensive planning to explore the viability of responsible management of burrowing owls and other sensitive species on its properties both within and beyond the Runway Project area, such as an OIAA Management Plan, and more robust mitigation planning under BIO-1 and BIO-2 of the DSEIR for the Runway Project. These efforts would provide the scientific, planning and policy framework required to identify, avoid, and meaningfully mitigate for potential impacts to sensitive species, including burrowing owls, from development.	This comment includes statements and opinions by the commentor. See responses to comments I-4, I-5, I-6, I-7, I-8, and I-9 above. Further, see CDFW Comment K-3 for revised Mitigation Measure BIO-1 Burrowing Owl language which will be added in the Final SEIR and included in the MMRP. This added mitigation in MM BIO-1 will require OIAA “develop and maintain an interactive mapping and current inventory of burrowing owl occurrences within the active airport and adjacent airport owned parcels, along with an adequate buffer to provide analysis that burrowing owl distribution and cumulative impacts are not significantly impacted by past and present activities.” Also, see CDFW Comments K-1 through K-3 for revised MMs BIO-1 and BIO-2, which will be included in the Final SEIR and the MMRP for the Final SEIR. As with the original MM BIO-1, the enhanced MM BIO-1 addresses the requirements for a possible relocation

¹³ Ibid

¹⁴ The PVAS has been observing owls at several sites not shown on Kidd’s map. I have observed burrowing owls in the 80 acres of undeveloped fields of the Chino campus of Chaffey College (on College Park Ave.) since 2017. I have counted as many as 38 owls in a single visit. Observations from 2017-2019 have been submitted to the CNDDDB.

¹⁵ Rosenberg et al., 2007

¹⁶ Carstens D, 7 July 2021

¹⁷ Lundblad et al, 2021

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
					plan for the BUOW that are designed to reduce any impacts to below a level of significance.
6/8/2022 (letter), email received 6/9/22, Appendix letter 7/7/21	Appendix to Robin Ikeda Comment letter: Douglas Chatten, Chatten-Brown, Carstens & Minter LLP, July 7, 2021 Letter to Mark Thorpe (OIAA CEO)	I-11	Burrowing Owl	On behalf of Pomona Valley Audubon Society, we write to object to further consideration of development, sale, or lease of property by the Ontario International Airport Authority (OIAA or Authority) that might require removal of Burrowing Owls without undertaking adequate compliance with the California Environmental Quality Act (CEQA). CEQA compliance requires the Authority to analyze alternatives to Burrowing Owl removal. The Authority should not encourage businesses to invest in leases and development without developing a framework that allows the owls to continue to nest and thrive on the site. An adequate framework requires the Authority to finally prepare a proper Master Plan for the airport and address issues including biological resource issues as part of that planning process.	This comment does not address the Runway Rehabilitation Proposed Project or the Draft SEIR for that Proposed Project. A "Master Plan" for Ontario International Airport is not required by governing Federal Aviation Administration (FAA) regulations. Potential development at the Airport has been and will be addressed consistent with the requirements of CEQA to ensure that any feasible mitigation measures are implemented to reduce any potential environmental impacts from development projects to below a level of significance, including as to the BUOW.
6/8/2022 (letter), email received 6/9/22, Appendix letter 7/7/21	Appendix to Robin Ikeda Comment letter: Douglas Chatten, Chatten-Brown, Carstens & Minter LLP, July 7, 2021 Letter to Mark Thorpe (OIAA CEO)	I-12	Burrowing Owl	<p>A. The Burrowing Owl is a Protected Species, Which May Not be Removed Without Adequate Environmental Review Under CEQA.</p> <p>Burrowing Owls (<i>Athene cunicularia</i>) are a State Species of Special Concern. The species has undergone substantial decline in the vicinity of the Ontario International Airport (OIA), across southwestern California, and statewide. The species is sufficiently rare, and its range had collapsed to such a degree by 2003, that several local Audubon Society chapters and others petitioned the State of California to list it as an endangered species. In the intervening 18 years since the Fish and Game Commission turned down the petition, the status of Burrowing Owl populations has only worsened, hastened by the rapid loss of habitat development. More protection of Burrowing Owls is warranted, not less.</p> <p>Development of the area of OIA known as the "boot" ("Boot Property") would trigger the preparation of an environmental impact report (EIR) based on CEQA's standard Initial Study screening questions. Specifically, an EIR is required if the Authority can conceivably answer affirmatively:</p> <p>Would the project: a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?¹⁸</p>	This comment includes statements and opinions of the commentor. Further, potential development of the referenced "Boot Property" is not applicable to the Proposed Project involving rehabilitation of an Airport runway and taxiways (on other removed parts of the Airport) that is reviewed under the Draft SEIR. Adequate review and compliance with CEQA will be completed by the City of Ontario as CEQA Lead Agency for any potential development activity on the "Boot Property", which review must be approved by the California Department of Fish and Wildlife (CDFW) relating to the BUOW, prior to any possible future development of that Property.

¹⁸ <https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf>

Table N-1: Responses to Comments on the Draft SEIR

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				<p>As Burrowing Owls are present on the CDFW sensitive species list, loss of the remaining population on the Boot Property would constitute a potentially significant impact under CEQA, triggering the requirement to prepare an EIR.</p> <p>The Burrowing Owl population on the Boot Property is the largest remaining in the region, to the extent that the Authority's own consultants argue that no other population in this portion of San Bernardino County is viable (Kidd Biological, undated).¹⁹ The loss of this population, which would be inevitable if the site is developed, would reduce the range of the species significantly and represent a significant adverse impact under CEQA.</p> <p>The Burrowing Owls at Ontario International Airport (OIA) Biology, Status, Regulatory Setting, and Mitigation Options report (Biological Report) prepared for Helix Environmental by Kidd Biological Inc. falsely states, "With the failed listing attempt. Little to no mitigation is required for destruction/development of occupied habitat." The Biological Report is completely wrong on this point of law.</p> <p>On the contrary, CEQA protects California Species of Special Concern. (<i>Mejia v. City of Los Angeles</i> (2005) 130 Cal.App.4th 322, 337 [requiring preparation of an environmental impact report where substantial evidence existed to support a fair argument that Species of Special Concern would be adversely impacted by a proposed development project.]) As stated by the Court in <i>Mejia</i>, the Department of Fish and Game maintains lists of species of special concern on its website, stating, " 'Species of Special Concern' (SSC) status applies to animals not listed under the federal Endangered Species Act or the California Endangered Species Act, but which nonetheless 1) are declining at a rate that could result in listing, or 2) historically occurred in low numbers and known threats to their persistence currently exist." (http://www.dfg.ca.gov/hcpb/species/ssc/ssc.shtml.) (<i>Mejia, supra</i>, 130 Cal.App.4th 322, 337.) CEQA thus requires that a project that could have significant and adverse impacts to Species of Special Concern avoid or mitigate those impacts.</p> <p>The Boot Property east of the airport is prime Burrowing Owl nesting habitat that supported six active burrows and at least 15 owl fledglings in the 2020 nesting season. Burrowing Owl are disappearing fast from the Ontario area and may be listed as an endangered species in the future.</p>	

¹⁹ The Kidd Biological Report wrongly stated that there were no concentrations of owls nearby. To the contrary, a Pomona Valley Audubon Society project monitors four other Burrowing Owl nesting sites within 5 to 7 miles of the Ontario Airport. Together with the Ontario owls, these five sites are within dispersal range of each other, using the maximum dispersal range of 12.5 miles (for male adults) to 13.8 miles (for female adults) found in the Rosenberg et al. (2007) study. The presence of owl populations within dispersal range of the Airport indicates that there is a source of genetic diversity for the Ontario owls and they, in turn, serve the important role of increasing the viability of the other sites within their range.

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>The Biological Report recognizes that “conserving owls on site (in situ)” is “the most important mitigation option” (Biological Report, p. 6.) However, the report then asserts it is “rarely ever conducted since this is not required by the resource agencies.” (Biological Report, p. 6.) Whether resource agencies require on site preservation or not, impacts and alternatives to burrowing owl removal must be fully analyzed in an environmental impact report. The primary desirability of in situ preservation is underscored by Colleen Wisinski, Conservation Program Specialist in Recovery Ecology at the San Diego Zoo Wildlife Alliance and field team leader for their burrowing owl program. In an email communication with PVAS, she stated:</p> <p>...setting aside the land the owls already occupy is more efficacious (and probably cheaper in the long run). I point this out only to be clear that using active translocation should be planned in the context of several years of planning, funding, and commitment in order to be successful. The way that mitigation translocations have routinely been carried out was with a much shorter time horizon (e.g., 1 month of monitoring after release—essentially getting the animals out of immediate danger). The value of this approach as a long-term conservation tool is dubious....</p> <p>The Biological Report falsely asserts, “The best approach for owl mitigation at and adjacent to OIAA property should involve active relocation.” (Biological Report, p. 10.) Contrary to this statement, the best approach would be in situ preservation. If such in situ preservation is infeasible for identifiable reasons, the Authority must make a finding of overriding considerations pursuant to Public Resources Code section 21081 before it approves any owl relocation or development of owl habitat.</p>	
<p>6/8/2022 (letter), email received 6/9/22, Appendix letter 7/7/21</p>	<p>Appendix to Robin Ikeda Comment letter: Douglas Chatten, Chatten-Brown, Carstens & Minter LLP, July 7, 2021 Letter to Mark Thorpe (OIAA CEO)</p>	<p>I-13</p>	<p>Burrowing Owl</p>	<p>B. The Airport Authority Must Conduct an Initial Study Before It Impermissibly Pre-Commits to Removal of Burrowing Owl, Including Leasing the “Boot Property,” Before Conducting CEQA Review</p> <p>Ontario International Airport (OIA) is preparing to lease the “Boot Property,” located to the east of the runways and bounded by Airport Drive to the north, Jurupa Street to the south, Haven Avenue to the west, and Doubleday Avenue to the east. The Boot Property contains 24 parcels that amount to 240 acres within the boundary of the airport. We understand OIA has secured a real estate agent broker to locate a lessee. In doing so, OIA staff asserted that any future lease would be exempt from environmental review pursuant to CEQA Guidelines Section 15312. However, this exemption applies to <i>sales</i> of surplus properties, while the anticipated action is a <i>lease</i></p>	<p>This comment includes statements and opinions of the commentor.</p> <p>Further, potential development of the referenced “Boot Property” is not applicable to the Proposed Project involving rehabilitation of an Airport runway and taxiways (on other removed parts of the Airport) that is reviewed under the Draft SEIR. Adequate review and compliance with CEQA will be completed by the City of Ontario as CEQA Lead Agency for any potential development activity on the “Boot Property”, which review must be approved by the California Department of Fish and Wildlife (CDFW) relating to the BUOW, prior to any possible future development of that Property.</p>

Table N-1: Responses to Comments on the Draft SEIR

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				<p>and the property is not surplus.²⁰ The exemption is therefore inapplicable. Entering into a lease to develop OIA land is a discretionary action and would therefore be subject to CEQA review because the subsequent development is the inevitable and inseparable outcome of the agreement.</p> <p>A lead agency may not commit to a definite course of action prior to conducting adequate environmental review pursuant to CEQA. CEQA further requires that environmental review occur before momentum becomes unstoppable and alternatives to a project become foreclosed. (<i>Save Tara v. City of West Hollywood</i> (2008) 45 Cal.4th 116.) Approval of the displacement of Burrowing Owls would be improper precommitment to a specific action prior to review or approval of an environmental impact report that analyzes future airport development patterns.</p> <p>Here, OIAA has impermissibly set itself on a path of approving projects that require the removal of the Burrowing Owl. While it does not yet appear that the Authority has actually approved removal of any burrowing owls, the Authority has accepted the Biology Report that improperly incorporates the assumption that removal will be the best option (Biology Report, p. 10) and may be required for subsequent development.</p> <p>Prior to approval of any further steps toward the development of areas occupied by the burrowing owl, the Authority must conduct an initial study to determine the potential impacts that will occur and consult with the California Department of Fish and Wildlife (CDFW) about those impacts before it prepares that study. As stated by the Court of Appeal:</p> <p>Our conclusion that a fair argument can be made that the project may have a significant impact on animal wildlife also compels the conclusion that the city was required to consult with the Department of Fish and Game, a trustee agency (Guidelines, § 15386), before conducting an initial study, and subsequently was required to notify the department of the city's intention to adopt a mitigated negative declaration. (Pub. Resources Code, §21080.3, subd. (a); Guidelines, §§ 15063, subd. (g), 15072, subd. (a); <i>Gentry v. City of Murrieta</i> (1995) 36 Cal.App.4th 1359, 1386–1388, 43 Cal.Rptr.2d 170.)</p> <p>(<i>Mejia v. City of Los Angeles</i> (2005) 130 Cal.App.4th 322, 340.)</p>	

²⁰ Disposal of surplus government property requires compliance with the Surplus Lands Act, which the Authority apparently has not contemplated. The Surplus Land Act includes requirements to first offer surplus land to relevant agencies for various purposes including open space preservation.

Table N-1: Responses to Comments on the Draft SEIR

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6/8/2022 (letter), email received 6/9/22, Appendix letter 7/7/21	Appendix to Robin Ikeda Comment letter: Douglas Chatten, Chatten-Brown, Carstens & Minter LLP, July 7, 2021 Letter to Mark Thorpe (OIAA CEO),	I-14	Burrowing Owl	<p>C. The Authority Must Undertake Proper Airport Planning to Identify and Avoid or Reduce Impacts of Potential Future Development.</p> <p>Although there may have been initial attempts to start airport master planning in 2002 and 2007, we are unaware of any final airport master plan approved for Ontario International Airport, or necessary approvals by an airport land use commission. The Ontario Airport was transferred to local control under the Authority from the City of Los Angeles on November 1, 2016. Neither the Los Angeles World Airports (LAWA) nor the Authority has ever developed a Master Plan for the Ontario International Airport.</p> <p>Proper airport planning requires that the Authority prepare a master plan approved by an airport land use commission or similar body. (Pub. Util. Code, § 21670.1.) We are aware of no such Master Plan nor any such approval by an airport land use commission. A Master Plan must be developed prior to any Authority authorization of development on airport property, and any Master Plan prepared must address biological resource impacts, including foreseeable impacts to Burrowing Owls. Rather than deferring proper analysis of this Species of Special Concern to a future point, we urge you to undertake a thorough analysis of potential impacts to Burrowing Owls immediately.</p> <p>The Authority’s approval of Boot Property sales or leases will be legally vulnerable in the absence of a properly prepared and adopted airport master plan and CEQA compliant environmental review of the potential removal of Burrowing Owl.</p> <p>The Authority’s environmental consultants have advised that it is somehow impermissible for the airport to conserve and manage Burrowing Owls on its property or within 10,000 feet of the runway (Kidd Biological, undated). This histrionic claim is inconsistent with precedent at other airports in California.</p> <p>The Authority should familiarize itself with the Burrowing Owl management program at the Norman Y. Mineta San José International Airport. San José International Airport is much larger with nearly double the number of annual passengers. Since 1997, the San José International Airport has implemented a Burrowing Owl Management Plan, under which 84 acres of the infield of the airport are managed for Burrowing Owls. As stated on the airport’s website:</p> <p>The Burrowing Owl is one of the smallest and unique species of owls, growing to a height of approximately 9 inches, weighing about 4 oz., and living in underground burrows. We have a wildlife management program that actively manages the Western Burrowing Owls within the infield areas to ensure the ongoing</p>	<p>A “Master Plan” for Ontario International Airport is not required by governing FAA regulations. Potential development at the Airport has been and will be addressed consistent with the requirements of CEQA to ensure that any feasible mitigation measures are implemented to reduce any potential environmental impacts from development projects to below a level of significance, including as to the BUOW.</p> <p>Further, potential development of the referenced “Boot Property” is not applicable to the Proposed Project involving rehabilitation of an Airport runway and taxiways (on other removed parts of the Airport) that is reviewed under the Draft SEIR. Adequate review and compliance with CEQA will be completed by the City of Ontario as CEQA Lead Agency for any potential development activity on the “Boot Property”, which review must be approved by the California Department of Fish and Wildlife (CDFW) relating to the BUOW, prior to any possible future development of that Property.</p> <p>Further, the burrowing owls, and their predators the red-tail hawks, are living in and near flight paths at ONT and pose a threat to aircraft operations, as well as to human safety. The ONT Wildlife Hazard Management Plan (WHMP) developed under federal regulations in cooperation with the U.S. Department of Agriculture</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>safety of both the burrowing owls and aviation operations. The owls are banded at a young age, with a specific code that allows biologists to observe owls into adulthood.²¹</p> <p>San José International Airport also constructs artificial burrows for Burrowing Owls, including in areas far closer to the airfield than the Boot Property is to the airfield at OIA. In fact, as approved mitigation for loss of burrows within the airfield, San José International Airport has constructed artificial burrows at a 2:1 ratio within its VOR area, <i>immediately adjacent to the airfield</i> (VHF Omnidirectional Radio; marked with a star on Figure 1). Conservation of Burrowing Owls in this location and these active measures to encourage nesting have been approved by California Department of Fish and Wildlife (2020).</p> <p>In over 20 years of implementation, and nine years at the VOR site, active management of Burrowing Owls adjacent to the San José International Airport airfield has not resulted in the dire consequences from the Federal Aviation Administration (FAA) that OIA’s environmental consults imagine (Kidd Biological Report, undated).</p> <p>Management of rare and endangered species on airport property is simply part of being a responsible public agency. Many airports can and do balance the risks of the presence of sensitive species with FAA regulations ensuring air traffic safety. The San José International Airport management plan for Burrowing Owls is only one example. In the Central Valley, Lemoore Naval Air Station has a Burrowing Owl management plan that includes active management to promote the species adjacent to runways.²² Silicon Valley’s Moffett Field discourages nesting on the airfield itself, but constructs artificial burrows on non-airfield areas at the facility.²³</p> <p>OIA needs a Master Plan that addresses all of its property and plans for future development. Preparation of such a plan is “strongly recommended” by FAA.²⁴ Master Plans require review under applicable environmental laws which provides a perfect context for OIA to address the significant biological resources present on its properties, identify potential impacts to them from future development, and devise current, robust, evidence-based strategies (e.g., prioritization of in situ preservation) to avoid and/or mitigate those impacts. Like other airports, OIA can achieve its safety and air traffic needs while sustaining regionally significant wildlife</p>	<p>Wildlife Services (USDA/WS), places emphasis on identification and abatement of wildlife hazards within the airfield environment.</p> <p>In addition, the US Fish and Wildlife Permit (USFWS Permit) for the Airport (ONT) allows the trapping and relocation of certain birds at ONT, including the burrowing owl, “to resolve or prevent threats to human safety and/or aircraft safety” at ONT. (See Draft SEIR, Appendix E, Attachment 1.) Conservation of the BUOW in place or in the active Airport environment is not feasible given these safety issues.</p>

²¹ <https://www.flysanjose.com/node/501>

²² https://www.birdpop.org/docs/pubs/Rosenberg_and_Gervais_2009_An_Updated_Management_Plan_For_BUOW_Population_Lemoore.pdf

²³ https://www.nasa.gov/sites/default/files/8_exhibit_b_1_2c_.pdf

²⁴ https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_150_5070-6B_with_chg_1&2.pdf

Table N-1: Responses to Comments on the Draft SEIR

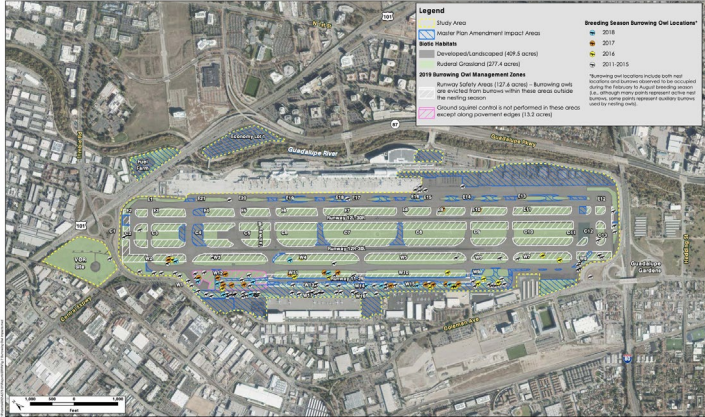
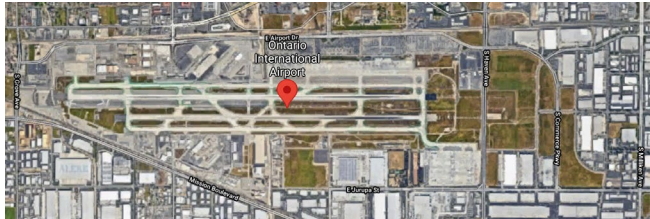
Date	Commentor	Comment No.	Topic	Comment	Response
				<p>populations. At the very least, given that OIA has Burrowing Owls within airfield operations areas that may be impacted by future activities, it would be well advised to maintain the Boot Property as a potential mitigation area to offset airfield-related impacts, following the lead of San José International Airport's use of its VOR area for the same purpose. Such mitigation actions, and management to encourage Burrowing Owls has been a key environmental planning and mitigation element that has allowed San José International Airport's Master Plan iterations to withstand legal challenges.</p>  <p>Figure 1. Norman Y. Mineta San José International Airport, showing location of Burrowing Owls (small circular icons) and area where artificial burrows are constructed (red star).</p>  <p>Figure 2. Ontario International Airport, showing location of Boot Property with population of nesting Burrowing Owls.</p>	
6/8/2022 (letter), email received 6/9/22, Appendix letter 7/7/21	Appendix to Robin Ikeda Comment letter: Douglas Chatten, Chatten-Brown, Carstens & Minter LLP, July 7, 2021 Letter to Mark Thorpe (OIAA CEO),	I-15	Burrowing Owl	<p>Conclusion. We ask that the Authority not issue any approvals for plans, contracts, or leases, or lend any further momentum to developments of Ontario International Airport property without first preparing a proper Airport Master Plan and adequate environmental review to support it. Such a plan should provide for onsite preservation of Burrowing Owl and full mitigation of any impacts to them.</p> <p>Please notify us of any hearings or the issuance of any findings or permits related to this matter. We also ask that you preserve all</p>	<p>See response to Comment I-14 above.</p> <p>Email notification was sent to the following contact upon publication of the DSEIR and NOP on 4/25/22: Douglas Carstens Chatten-Brown, Carstens & Minter LLP 2200 Pacific Coast Highway, Suite 318 Hermosa Beach, CA 90254 dpc@cbcearthlaw.com</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				records and communications related to development of airport property in accordance with the requirements of <i>Golden Door Properties, LLC v. County of San Diego</i> , (2020) 50 Cal.App.5th 467.	
6/9/22	Jeff Strogon	J-1	Burrowing Owl	<p>I am a proponent of saving and protecting the few remaining burrowing owl populations in the Inland Empire. As you are aware, the Ontario International Airport is home to a breeding colony on both airport and airport-owned adjacent properties. Since the owls themselves cannot participate in public comment opportunities, I am advocating on their behalf.</p> <p>I was disappointed to see that the plan in the Draft Supplemental EIR does not provide adequate protection to the runway owls and does not include sufficient information about the fate of the owls after construction is finished.</p> <p>There has not been a formal biological survey during the breeding season to assess the exact location and numbers of individuals present. Based on breeding numbers that the general public can easily assess just east of the runway in the fields along Haven avenue, one would expect similar or greater numbers in the fields where the runway construction is to take place.</p>	<p>The comment includes statements and opinions of the commentor.</p> <p>Before the start of any construction activity related to the project, proper biological surveys during the nesting or breeding season for the burrowing owl will be conducted by the OIAA. Refer to Mitigation Measure BIO-1 in <i>Section 4.2.5, Environmental Impacts and Mitigation Measures, Biological Resources, Mitigation Measures</i> of the Draft Supplemental Environmental Impact Report (SEIR).</p> <p>BIO-1 Burrowing Owl: Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys shall be conducted by a qualified biologist during the breeding season, as defined by the Staff Report on Burrowing Owl Mitigation (CDFG 2012). Take avoidance surveys for BUOW shall be conducted within the study area. The take avoidance surveys shall be conducted within 14 days and repeated 24 hours prior to construction activities (i.e., demolition, earthwork, clearing, and grubbing) to determine presence of BUOW. If BUOW is observed during focused surveys and/or take avoidance surveys within any portion of the study area, active burrows shall be avoided by the project in accordance with the California Department of Fish and Game’s Staff Report on Burrowing Owl Mitigation from 2012. The CDFW shall be immediately informed of any BUOW observations. A BUOW Protection and Relocation Plan (plan) shall be prepared by a qualified biologist, which must be sent for approval by the CDFW prior to initiating ground disturbance. The plan shall detail avoidance measures that shall be implemented during construction and passive or active relocation methodology. Relocation shall only occur outside of the nesting season (September 1 through January 31).</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by CDFW at Comments K-2 and K-3. The enhanced MM BIO-1 also addresses pre-construction survey requirements.</p>
6/9/22	Jeff Strogon	J-2	Burrowing Owl	For the owls that will be impacted by the runway construction, both the active and passive translocation methods that have been proposed have mortal downsides. Shutting out owls from burrows in passive relocation will make them vulnerable to predation and deny them access to burrows they’ve shown fidelity to.	<p>The comment includes statements and opinions of the commentor.</p> <p>Further, OIAA agreed to include in the Mitigation Monitoring and Reporting Program for the Final SEIR enhanced mitigation measures for the BUOW as identified by CDFW at Comments K-2</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>Active translocation poses even a great threat. Owls that are actively translocated require an enormous amount of care prior and at least a year after their release. This research has been recently documented in published peer-reviewed work just this year:</p> <p>Hennessey, S.M., C.L. Wisinski, N.A. Ronan, C.J. Gregory, R.R. Swaisgood, L.A. Nordstrom. 2022. Release strategies and ecological factors influence mitigation translocation outcomes for burrowing owls: a comparative evaluation. Animal Conservation. DOI: https://doi.org/10.1111/acv.12767</p>	<p>and K-3. The enhanced MM BIO-1 addresses requirements for the potential relocation of the BUOW, under any plan that must be approved by CDFW, that are designed to reduce impacts to the species to below a level of significance.</p>
6/9/22	Jeff Strogon	J-3	Burrowing Owl	<p>Additionally, the vague nature of the plan does not state what will happen to owls during and after construction.</p> <p>The current plan for the welfare of the burrowing owls is inadequate and needs major adjustments that address the best interest of the owls. In addition, specific information about these plans needs to be stated in the DSEIR.</p>	<p>This comment includes statements and opinions by the commentor.</p> <p>See the response to comments J-1 and J-2 above. Under the original and the enhanced Mitigation Measure BIO-1, the CDFW will approve a potential burrowing owl relocation plan. Such plan will include actions, a suitable conservation site, and measures, consistent with the safety considerations of and at ONT and with the CDFW's applicable policies and protocols, designed to enhance the probability of successful relocation of the owls, and to reduce impacts to the species to below a level of significance.</p>
6/9/22	Jeff Strogon	J-4	Burrowing Owl	<p>For every written comment you receive about protecting the owls at OIA there are scores more who have not submitted comments publicly but feel similarly. You have a responsibility to be a good steward to the land you occupy. In addition, it is a wonderful public relations opportunity. Regardless, it will be something that the public will be made aware of.</p> <p>Hoping you have the courage to do what is right and just for creatures that can not defend themselves in ways that they will need to based on your current plan.</p>	<p>The information and comments are acknowledged. No further response to this comment is required under the California Environmental Quality Act (CEQA).</p>
6/10/22	California Department of Fish and Wildlife (CDFW), Heather Pert, Acting Environmental Program Manager	K-1	Nesting Birds	<p><u>Nesting Birds</u> According to the DSEIR (Section 4.2.4 Impacts <i>Migratory Species</i>) states:</p> <p><i>"There is potential to support songbird and raptor nests due to the presence of vegetation and trees (emphasize added) in the study area. Project activities could disturb or destroy active migratory bird nests including eggs and young. Except as allowed under the USFWS Permit discussed above, disturbance to or destruction of migratory bird eggs, young, or adults is in violation of the MBTA and is considered a potentially significant impact. The nesting season is generally defined as February 15 through August 31 for songbirds and January 15 to August 31 for raptors."</i></p>	<p>This comment initially identifies discussion of potential environmental impacts contained in the DSEIR, as well as repeats Mitigation Measure BIO-2 contained in the DSEIR. OIAA provided an official response to comments to CDFW on 6/13/22.</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>The following mitigation measure was provided to mitigate significant impacts to nesting birds:</p> <p>Bio-2 Nesting Birds. <i>To the extent possible, construction activities (i.e., earthwork, clearing, and grubbing) will occur outside of the general bird nesting season for migratory birds, which is February 15 through August 31 for songbirds and January 15 to August 31 for raptors. If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory birds and raptors (January 15 and August 31), a qualified biologist will be retained to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and FCG Code. The pre-construction survey will be performed no more than seven days prior to the commencement of construction activities. The results of the pre-construction survey will be documented by the qualified biologist. If construction is inactive for more than seven days during the breeding season, an additional survey will be conducted.</i></p> <p><i>If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities will be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest will occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to avoid indirect impacts to nesting birds.</i></p> <p>Regarding the protection of nesting birds, it is the Project proponent’s responsibility to avoid Take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).</p>	<p>The OIAA acknowledges the California Department of Fish and Wildlife’s (CDFW) statements of the law under the California Fish and Game Code and the Migratory Bird Treaty Act.</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>Further, there is no legally defined bird nesting season, nor are birds that form nests in substrates other than 'vegetation and trees' (e.g., burrows, ground dwelling, electrical towers, buildings, etc.) precluded from protection. While the measure establishes dates when songbirds and raptor generally tend to nest, it is important to remember that the timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). Finally, because the duration of a pair to build a nest and incubate eggs varies considerably, CDFW does not consider seven (7) days between surveying for nesting behavior and/or nests and construction activities as appropriate. To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW recommends that the measure be revised to the following:</p> <p>BIO-2 Nesting Birds (Revised). To the extent possible, construction activities (i.e., earthwork, vegetation clearing, and grubbing) will occur outside of the peak nesting season, or February 15 through August 31 for songbirds and January 15 to August 31 for raptors. During the duration of the Project:</p> <ul style="list-style-type: none"> Nesting bird surveys will be conducted by the qualified biologist no more than three days prior to any Project activities. The survey(s) will occur at the appropriate time of day/night, during appropriate weather conditions. Surveys will encompass all suitable areas, including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration will take into consideration the acreage of the Project impacts; density, and complexity of the habitat; number of survey participants; survey techniques employed; and will be sufficient to ensure the data collected is complete and accurate. Pre-construction surveys will focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (i.e., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the qualified biologist will establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. The qualified biologist will not risk failure of the nest to determine the exact location or status and will make every effort to limit the nest to 	<p>The OIAA acknowledges CDFW's statements on these issues.</p> <p>The OIAA agrees to adopt as a mitigation measure in the Final SEIR and the Mitigation Monitoring and Reporting Program (MMRP) CDFW's refined and revised content and substance for MM BIO-2 regarding nesting birds.</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>potential predation as a result of the survey/monitoring efforts (i.e., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). If a nest is observed, but thought to be inactive, the qualified biologist will monitor the nest for 1 hour (4 hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The qualified biologist will use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.</p> <ul style="list-style-type: none"> • If active nests are located within the Project or buffer, the qualified biologist will immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer will be delineated to ensure that its location is known by all persons working within the vicinity but will not be marked in such a manner that it attracts predators. • Once the buffer is established, the qualified biologist will document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of baseline conditions, the qualified biologist may choose to make adjustments to the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. The qualified biologist will monitor the nest at the onset of Project activities, and at the onset of any changes in Project activities (i.e., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist will adjust the buffer accordingly. • The qualified biologist will be onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. The qualified biologist will document the status of all existing nests, including the stage of reproduction and the expected fledge date. If a nest is suspected to have 	

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>been abandoned or failed, the qualified biologist will monitor the nest for a minimum of 1 hour (4 hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that time, the qualified biologist may approach the nest to assess the status. Permittee, under the direction of the qualified biologist, may also take steps to discourage nesting on the Project site, including moving equipment and materials daily, covering material with tarps or fabric, and securing all open pipes and construction materials. The qualified biologist will ensure that none of the materials used pose an entanglement risk to birds or other species.</p>	
6/10/22	California Department of Fish and Wildlife (CDFW), Heather Pert, Acting Environmental Program Manager	K-2	Burrowing Owl	<p><u>Burrowing Owls</u> The DSEIR (Section 4.2.4 <i>Sensitive Animal Species</i>) references burrowing owl surveys that were conducted during the non-breeding season. In addition, the DSEIR provides the following mitigation measure (Section 4.2.5 <i>Mitigation Measures</i>) to detect burrowing owl presence during breeding season, and prior to construction:</p> <p>BIO-1 Burrowing Owl. <i>Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys will be conducted by a qualified biologist during the breeding season, as defined by the Staff Report on Burrowing owl Mitigation (CDFG 2012). Take avoidance surveys for burrowing owl will be conducted within the study area. The take avoidance surveys will be conducted within 14 days and repeated 24 hours prior to construction activities (i.e., demolition, earthwork, clearing, and grubbing) to determine presence of burrowing owl. If take avoidance surveys are negative and burrowing owl is confirmed absent, then ground-disturbing activities will be allowed to commence, and no further mitigation would be required.</i></p> <p><i>If burrowing owl is observed during focused surveys and/or take avoidance surveys within any portion of the study area, active burrows will be avoided by the project in accordance with the CDFW's Staff Report (CDFG 2012). CDFW will be immediately informed of any burrowing owl observations. A Burrowing Owl Protection and Relocation Plan (plan) will be prepared by a qualified biologist, which must be sent for approval by CDFW prior to initiating ground disturbance. The plan will detail avoidance measures that will be implemented during construction and passive or active relocation methodology. Relocation will only occur outside of the nesting season (September 1 through January 31).</i></p> <p>While CDFW appreciates the inclusion of performing burrowing owl breeding surveys, in southern California, burrowing owls are partial</p>	This comment initially identifies discussion of potential environmental impacts contained in the DSEIR, as well as repeats Mitigation Measure BIO-1 contained in the DSEIR.

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>migrants, with some individuals migrating in winter, while others within the same breeding population remaining relatively sedentary. CDFW considers burrowing owl residency status difficult to ascertain – with the distribution of stopovers and pathways used by migrating birds being poorly understood, as well as disease, predation, drought, high rainfall, or site disturbances possibly precluding the presence of burrowing owls in any given year. Finally, while CDFW agrees with the inclusion of a process to avoid direct take, impacts to habitat should be mitigated by assessing the way the habitat onsite is used, or could be used by owls, and the effects the Project will have on those uses. Since the habitat on the Project site is occupied by burrowing owls (2018-2020), CDFW considers impacts to the habitat to be potentially significant based on location and species status in the area and limited remaining habitat for burrowing owls. OIAA should be aware that for individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The DSEIR should also discuss site-specific and regionally significant and cumulative impacts, as well as address mitigation goals. In particular, the Burrowing Owl 2012 Staff Report recognizes that <i>“in order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. The current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow (Staff Report Appendix A).</i></p> <p>To reduce the impacts to burrowing owls to less than significant, the mitigation measure for burrowing owls should be updated as follows: BIO-1 Burrowing Owl (Revised): Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys, as defined by the Staff Report on Burrowing Owl Mitigation (CDFG 2012) will be conducted by a qualified biologist across all suitable breeding, wintering, and foraging habitat within the project and appropriate buffer. Take avoidance surveys will also be conducted within 14 days and repeated 24 hours prior to construction activities to determine presence of burrowing owl.</p> <p>If a burrowing owl is observed during focused surveys and/or take avoidance surveys, CDFW will be immediately informed of its location and status. The project will avoid all impacts to burrowing owls onsite. If this is not feasible, a</p>	<p>The OIAA acknowledges CDFW’s statements on these issues relating to CEQA Guidelines sections and the CDFW Burrowing Owl 2012 Staff Report.</p> <p>The OIAA agrees to adopt as a mitigation measure in the Final SEIR and the MMRP CDFW’s refined and revised content and substance for MM BIO-1 regarding burrowing owls.</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>Burrowing Owl Protection Plan (plan) will be prepared by a qualified biologist, which must be approved by CDFW prior to initiating the project. The plan will include conserving all nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are maintained and/or replaced. Further coordination with CDFW will occur to mitigate for the loss of habitat through the acquisition, conservation, and management of in-kind habitat. Lands conserved will include 1) sufficiently large acreage with fossorial mammals present; 2) permanent protection through a conservation easement for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use; 3) development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls; and 4) funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment (CDFW, 2012).</p>	
6/10/22	California Department of Fish and Wildlife (CDFW), Heather Pert, Acting Environmental Program Manager	K-3	Burrowing Owl – Cumulative Impacts	<p>Finally, the DSEIR (5.0 Cumulative Impacts; 5.3 Offsite Project Summary) determined that “The majority of the off-airport projects identified by the City are categorically exempt from CEQA, approved as part of a mitigated negative declaration (MND), or approved under an Addendum to the 2010 Ontario Plan EIR or the Meredith International Centre Specific Plan Amendment (SPA) EIR (2020). Projects eligible for categorical exemptions are generally considered not to have potential impacts on the environment; an MND is a negative declaration (ND) that incorporates revisions (mitigation measures) in the proposed project that will avoid or mitigate impacts to a point where no significant impacts on the environment would occur.”</p> <p>As a result, cumulative impacts for the Project were “less than significant impact with mitigation incorporated to sensitive animal species and migratory species. Development projects on- and off-airport property involving ground-disturbing activities to sensitive habitat and species would not occur within the project study area, and thus when combined with the Proposed Project, cumulative impacts would remain less than significant impact with mitigation incorporated. OIAA would continue to implement its active and aggressive wildlife management program, and the applicable mitigation measures specified in Section 4.2.5 would be implemented as part of the Proposed Project to minimize or avoid impacts to biological resources.” (DSEIR Section 5.4.2 Biological Resources).</p>	<p>This portion of the comment identifies discussion of potential environmental impacts contained in the DSEIR.</p> <p>This portion of the comment identifies discussion of potential environmental impacts contained in the DSEIR.</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
				<p>Under Section 15355 of the CEQA Guidelines, cumulative effect(s) refers to “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts”. Physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited.</p> <p>The OIAA must determine whether the cumulative impact is significant, as well as whether an individual effect is “cumulatively considerable.” This means “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (Guidelines Section 15064(h)(1)). CDFW does not concur that OIAA has adequately evaluated the cumulative impact of past and continual projects to conclude that Project Impacts <i>remain less than significant impact with mitigation incorporated to burrowing owl</i>.</p> <p>This is particularly true when past and continual impacts are not adequately mitigated for. Therefore, CDFW recommends the follow measure be added:</p> <p>BIO-2 Burrowing Owl (Added): OIAA will develop and maintain an interactive mapping and current inventory of burrowing owl occurrences within the active airport and adjacent airport owned parcels, along with an adequate buffer to provide analysis that burrowing owl distribution and cumulative impacts are not significantly impacted by past and present activities. Further, OIAA shall ensure adequate land is available and conserved before owls are relocated, and provide compensation for loss of all aspects of habitat types used (e.g., foraging, wintering, migratory stopovers, and breeding).</p>	<p>The OIAA acknowledges CDFW’s statements on these issues relating to the CEQA Guidelines section.</p> <p>The OIAA acknowledges CDFW’s statements on these issues relating to the CEQA Guidelines section 15064. The OIAA reiterates the determination in DSEIR Section 5.4.2 (Biological Resources) regarding a less than significant cumulative impact to the burrowing owl. Past, current and probable future development projects within the cumulative impact study area for the Project are or will be required to comply with CDFW rules, protocols and guidelines designed to preserve burrowing owls or to adequately mitigate impacts to the owls. Accordingly, no incremental adverse cumulative effects to burrowing owls will occur with mitigation incorporated, including the added portion of MM BIO-1 addressed below.</p> <p>Notwithstanding, the OIAA agrees to adopt as a mitigation measure in the Final SEIR and MMRP CDFW’s added portion for MM BIO-1 regarding burrowing owls.</p>
6/10/22	U.S. Fish and Wildlife (USFWS), Amanda Swaller, Wildlife Biologist	L-1	Delhi sands flower-loving fly (DSF)	<p>Areas that are determined to be suitable DSF habitat should be surveyed to determine presence or absence of the species, before the area is disturbed. Surveys should be done in accordance with Service protocols and guidelines and only those with current permits to perform surveys. Please note that a complete survey for DSF consist of two consecutive flight season surveys (July 1st-September 20th). Survey results are valid till the begin of the next flight season. If the habitat is not removed before then an additional year of surveys is necessary to determine presence/absence for the next integral between flight seasons.</p>	<p>The OIAA acknowledges the US Fish and Wildlife Service’s (USFWS) statements on these issues relating to the survey protocols and guidelines for the delhi sand flower loving fly (DSFLF). The requirements stated in this comment will be implemented regarding focused surveys for the DSFLF.</p> <p>As stated in MM BIO-3 in the Helix Environmental Biological Technical Report (April 2022), “Focused surveys shall be conducted for DSFLF pursuant to current USFWS protocols by a qualified biologist with a DSFLF USFWS recovery permit.” (DSEIR Appendix E (Biological), Attachment 2, p. 17, section 6.0.)</p> <p>OIAA provided an official response to comments to USFWS on 6/13/22.</p>

Table N-1: Responses to Comments on the Draft SEIR

Date	Commentor	Comment No.	Topic	Comment	Response
6/10/22	U.S. Fish and Wildlife (USFWS), Amanda Swaller, Wildlife Biologist	L-2	California gnatcatcher	I'm aware through CDFW that the project anticipates impacts to the coast California gnatcatcher. The Service will also need to be involved in discusses involving impacts to the species. I would recommend having joint meetings or similar information sharing with the Service and CDFW on this topic, so that the state and federal process can happen concurrently.	<p>The Project will not impact the coast California gnatcatcher or its related supporting habitat. The Project area is within the developed and active runway and taxiway areas of the Airport. (DSEIR Appendix E (Biological), Attachment 2 (Helix Environmental Planning Biological Technical Report, April 2022), Figures 2- 4.)</p> <p>The Helix Environmental Planning Biological Technical Report (April 2022) explained that a Helix Biologist and Regulatory Specialist conducted a general biological survey of the project study area, which mapped and classified vegetation communities consistent with applicable standards. (DSEIR Appendix E (Biological), Attachment 2, pp. 2-3, section 2.3.1.) No California coastal sage vegetation communities were identified in or near the Project area. (See DSEIR Appendix E (Biological), Attachment 2, Appendix A.)</p> <p>Also, as noted in the Helix Report, no USFWS listed threatened or endangered species, including the coast California gnatcatcher were identified in the Project study area. "Sensitive wildlife species are those listed or candidate-listed as federally threatened or endangered by USFWS; and/or state listed or candidate-listed as threatened or endangered or considered Species of Special Concern (SSC) by CDFW. The study area is located outside of any USFWS-designated critical habitat. The critical habitat closest to the study area is for coastal California gnatcatcher (Polioptila californica californica) and occurs over five miles to the southeast of the study area." (DSEIR Appendix E (Biological), Attachment 2, p. 6, section 3.5.2.) Further, the coast California gnatcatcher was identified in the Helix Report to "have no potential to occur on the study area due to lack of suitable habitat." (DSEIR Appendix E (Biological), Attachment 2, p. 7, section 3.5.2, and Appendix B to the Helix Report)</p>

From: [Jamerson, Dylan](#)
To: [Walker, Nicole](#)
Cc: [Herez, Jacqueline](#)
Subject: 22-PR0109 Public Records Request
Date: Thursday, April 28, 2022 4:01:37 PM
Attachments: [image001.png](#)
[image003.jpg](#)

Hi Nicole,

Please see the public records request below received today. Any responsive documents are due to me no later than the end of the day on Wednesday, May 4, 2022. Please let me know if you have any questions or if this request should be directed to another department.

Due 5/9/2022	Suzanne Thompson	sthompson@pomona.edu	22-PR0109 Appendix E, Biological Resources for the ONT Rehabilitation of Runway 8R-26L and Associated Improvement Draft Supplement EIR
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A-1

Thank you,

Dylan Jamerson
Document Management Specialist
Ontario International Airport Authority
O: 909.544.5203
djamerson@flyontario.com | [@flyONT](#)

From: [Eric Bates](#)
To: [Walker, Nicole](#)
Subject: RE: SEIR Comments
Date: Sunday, May 1, 2022 12:57:03 PM

B-1 [My concern is over the noise impact due to this project and current noise issues. The current Contra
Flow is currently being violated as flights are still operating inside the 10pm – 7am window. Also
there is a high noise variance due to East bound flights taking off to the West and banking South
over residential areas. Could there be any consideration of those flights banking North which is a
more of a commercial area? Is there a platform for the public to address these issues to a
committee? B-2 B-3 B-4

Thank you and appreciate your reponse!

Eric L. Bates

From: Eric Bates
Sent: Sunday, May 1, 2022 8:44 AM
To: 'nwalker@flyontario.com' <nwalker@flyontario.com>
Subject: SEIR Comments

Not understanding why when you down load the QR, it is in Spanish? Is there not an English
version? B-5

Thank you!

Eric L. Bates

From: [Alina Mullins](#)
To: [Walker, Nicole](#)
Cc: [Lijin Sun](#); [Dung Nguyen](#)
Subject: Tech Data Request: Rehabilitation of Runway 8R-26L and Associated Airfield Improvements Project
Date: Wednesday, May 4, 2022 1:07:07 PM

Dear Ms. Walker,

South Coast AQMD staff received the Draft Supplemental Environmental Impact Report (Draft SEIR) for the Proposed Rehabilitation of Runway 8R-26L and Associated Airfield Improvements Project ([South Coast AQMD Control Number: SBC220426-01](#)). Staff is currently in the process of reviewing the Draft SEIR. The public commenting period is from 4/25/2022– 6/9/2022.

Upon review of the files provided as part of the public review period, I was able to access the Draft SEIR and Appendix D – Air Quality GHG on Airport’s website.

Please provide an electronic copy of any live modeling and emission calculation files (complete files, not summaries) that were used to quantify the air quality impacts from construction and/or operation of the Proposed Project as applicable, including but not limited to, the following:

- CalEEMod Input Files (.csv files);
- Live EMFAC/OFFROAD output files;
- Any emission calculation file(s) (live version of excel file(s); no PDF) or emission calculation results from specific programs (e.g. AEDT) used to calculate the Project’s emission sources (i.e. off-road construction equipment and operational emissions from aircraft, GSE, APU, etc.);
- AERMOD Input and Output files, including AERMOD View file(s) (.isc) (if applicable);
- HARP Input and Output files and/or cancer risk calculation files (live version of excel file(s); no PDF) used to calculate cancer risk, and chronic and acute hazards from the Project (if applicable);
- Any other files related to post-processing done outside of AERMOD to calculate pollutant-specific concentrations (if applicable).

C-1

You may send the above-mentioned files via a Dropbox link in which they may be accessed and downloaded by South Coast AQMD staff **by 05/11/22**. Without all files and supporting documentation, South Coast AQMD staff will be unable to complete a review of the air quality analyses in a timely manner. Any delays in providing all supporting documentation will require additional time for review beyond the end of the comment period.

If you have any questions regarding this request, please contact me.

Alina Mullins
Air Quality Specialist, CEQA IGR
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
21865 Copley Drive, Diamond Bar, CA 91765
P. (909) 396-2402

E. amullins@aqmd.gov

**Please note that South Coast AQMD is closed on Mondays. Additionally, in response to COVID-19, our building is currently closed to the public and I am working remotely. I will be responding to emails and voice messages during my scheduled work hours, Tuesday through Friday 7:00 am to 5:30 pm.*

Alina Mullins

Air Quality Specialist, CEQA IGR
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From: [Swaller, Amanda R](#)
To: cpinegar@hntb.com; [Walker, Nicole](#)
Subject: Ontario International Airport (ONT) Rehabilitation of Runway 8R-26L and Associated Improvement
Date: Monday, May 23, 2022 1:47:12 PM

Hello Ms. Walker and Ms. Pinegar,

I'm the US Fish and Wildlife Service lead for the Delhi sands flower-loving fly. A colleague over at CDFW let me know about the ONT Rehabilitation project.

I wanted to see if either of you have time for a quick chat concerning the the project and impacts to fly. I did a quick review of the project EIR and other documents. It looks like the project is doing a good job considering fly impacts but I just wanted to clarify some of the survey requirements, they differ from typical survey criteria and it would be best to know the project moves too far along the process to avoid delays.

I'm available Tuesday-Thursday in the morning this week. That does not work, please offer sometimes in the week of June 6th.

[Welcoming Work Place: We All Belong Here,](#)

Amanda Swaller (she/her) ([why is this important](#))

Wildlife Biologist

U.S. Fish and Wildlife Service

Palm Springs Fish & Wildlife Office

777 East Tahquitz Canyon Way Suite 208

Palm Springs, CA 92262

760/322/2070 *404 *email is best at this time

442-303-7913 cell

We are on Indigenous land. Indigenous people were the original stewards of the land. I live and work in current Imperial, Riverside, and San Bernardino counties: the traditional homelands for the Ajachemem/Juaneno, Cahuilla (Agua Caliente Band Of Cahuilla Indians, Augustine Band Of Cahuilla Indians, Cabazon Band of Mission Indians, Cahuilla Band of Mission Indians of the Cahuilla Reservation, Morongo Band of Mission Indians, Ramona Band of Cahuilla, Santa Rosa Band of Cahuilla Indians, and Torres-Martinez Desert Cahuilla Indians), Halchidhoma, Kamia, Kawaiisu, Luiseño/Payoomkawichum (Pechanga Band of Luiseño Mission Indians and Soboba Band of Luiseño Indians), Mohave (Colorado River Indian Tribes and Fort Mojave Indian Tribe), Quechan (Fort Yuma Quechan Indian Tribe), Serrano (San Manuel Band of Mission Indians), Southern Paiute/Chemehuevi (Chemehuevi Indian Tribe, Colorado River Indian Tribes, Lone Pine Paiute Shoshone Reservation, and Twenty-Nine Palms Band of Mission Indians), and Tongva/Gabrilino Tribes. And the current home of Kitanemuk/Tejon Indian Tribe and Timbisha/Panamint Shoshone (Timbisha Shoshone Tribe).

From: Romich, Kimberly@Wildlife <Kimberly.Romich@wildlife.ca.gov>

Sent: Monday, May 23, 2022 12:16 PM

To: Swaller, Amanda R <amanda_swaller@fws.gov>

Subject: [EXTERNAL] Ontario Airport Runway CEQA Delhi sand flower loving fly

D-1

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hey Amanda,

I was not sure if you are aware of the runway rehabilitation at the OIAA. I am providing our comments regarding burrowing owls, but it looks like there may be some potential Delhi sand flower loving fly issues. The link for the CEQA document is below:

SCH Number

2021060531

Lead Agency

Ontario International Airport Authority (OIAA)

Lead Agency Type

Local

Document Title

Ontario International Airport (ONT) Rehabilitation of Runway 8R-26L and Associated Improvements
Draft Supplemental EIR

Document Type

SIR - Supplemental EIR

Comment Period Ends

6/13/2022

<https://ceqanet.opr.ca.gov/2021060531/2>

Let me know if you have any questions or concerns. Take care.

Kim Romich

Senior Environmental Scientist (Specialist)

Department of Fish and Wildlife

Habitat Conservation - Region 6

3602 Inland Empire Blvd Suite C-220

Ontario, CA 91764

(760) 937-1380

June 6, 2022

Nicole Walker, Environmental Planning Manager

Dear Ms. Walker,

For over five years, the Pomona Valley Audubon Society has monitored the burrowing owls in the boot property east of Haven Avenue. During that time, we have seen up to nine active burrows that each year produced an average of about four owlets each. Adult owls have also been seen flying back and forth from the east of Haven area to the west of Haven runway area. We assume that they go there to forage. The runway area provides critical forage for the owls in the area and sustains a larger population with a greater chance of being successful over the long term.

Over those five years, we have observed many examples of people's attachment to the OIA owls. Photographers, families, bird lovers, and people just interested in nature and wildlife have become attached to these appealing little owls. They are a valued natural asset that should be protected for us, our children, and generations to come. If unthinking development destroys this population of owls, burrowing owls will be gone from this area forever.

E-1

The owls and their burrows need strong protection throughout the construction period and in the new runway configuration when the project is completed. Unfortunately, the plan in the Draft Supplemental EIR does not provide adequate protection to the runway owls and does not include sufficient information about the fate of the owls after construction is finished.

There are serious problems with the plan laid out in this document:

-No biological survey has been done of the Burrowing Owls during the nesting season. Based on what we have documented east of Haven Avenue, the population of owls could triple or more in the nesting season.

E-2

-The plan cites the use of both passive and active translocation methodology. Are the Helix biologists aware that passive relocation (i.e., shutting the owls out of their burrows and collapsing the burrows) will be a death sentence for most of the owls? Burrows are the owls' main protection from predators and they are vulnerable if they lose their burrows. Furthermore, burrowing owls have high site

E-3

fidelity and will return to nest where they were successful the previous year, but their burrow will be gone.

E-3
(cont.)

-Active translocation can be successful under ideal conditions but even then, there is high mortality among the translocated owls. Just as important, it means that the population of airport owls is smaller and less likely to be successful over the long term.

E-4

-The plan does not state what happens to the actively translocated owls during and after construction. If active translocation is used, where is the relocation site? Will the translocated owls be returned to the runway area after construction is completed? What will determine whether the owls are actively or passively translocated or protected on site during construction?

E-5

In summary, the plan for the welfare of the burrowing owls is inadequate and needs major adjustments that address the best interest of the owls. In addition, specific information about these plans needs to be stated in the DSEIR.

E-6

Sincerely,

Suzanne Thompson
Chair, Pomona Valley Audubon Burrowing Owl Committee
sthompson@pomona.edu



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

Brendon Biggs, M.S., P.E.

Director
Noel Castillo, P.E.
Assistant Director

Trevor Leja
Assistant Director

June 6, 2022

Transmitted Via Email

File: 10(ENV)-4.01

Nicole Walker,
OIAA Administrative Offices
1923 East Avion Street
Ontario, CA 91761

RE: : Draft SEIR Runway Rehabilitation Comments

Dear Ms. Walker:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on April 28, 2022**, and pursuant to our review, we have the following comments:

Flood Control Planning & Water Resources Division (Michael Fam, Chief, 909-387-8120):

1. We are aware there may be storm drains in and around the site that may be affected by the proposed Project. When planning for or altering existing or future storm drains, be advised that the Project is subject to the City of Ontario MPD, dated March 2012. It is to be used as a guideline for drainage in the area and is available through the City of Ontario. Any revision to the drainage should be reviewed and approved by the City or Jurisdictional Agency. Should construction of new, or alterations to existing storm drains be necessary as part of the Proposed Project, their impacts and any required mitigation should be discussed within the SEIR before the document is adopted by the Lead Agency. F-1
2. The proposed Project area incorporates two San Bernardino County Flood Control District (SBCFCD) facilities and right-of way, Cucamonga Channel, CE (1-301-IF) and West Cucamonga Channel (1-201-IG). Any encroachments including, but not limited to access for grading, fence removal and installation, side drain connections on the District's right-of-way or facilities will require a permit from the SBCFCD prior to start of construction. Also, SBCFCD facilities built by the Army Corps of Engineers (ACOE) will require the SBCFCD to obtain approval (408-Permit) from the ACOE. The necessity for permits, and any impacts associated with them, should be addressed in the SEIR prior to adoption and certification. If you have any questions regarding this process, please contact the FCD Permit Section at (909) 387-1863. F-2

BOARD OF SUPERVISORS

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The Project is within Comprehensive Storm Drain Plans (CSDP) No. 1 & No. 2.

3. According to the most recent FEMA Flood Insurance Rate Map, Panels 06071C8636J (2/18/2015); 06071C8637J (dated September 2, 2016), the majority of the Project lies within Zone X-shaded (500-yr. floodplain), A, and X-unshaded. Impacts associated with the project's occurrence in the Flood Zones mentioned and mitigation, should be discussed within the SEIR prior to adoption by the Lead Agency.

F-3

Permits/Operations Support Division (Fong Tse, Chief, 909-387-7995):

1. Portions of the Project are adjacent to the San Bernardino County Flood Control District (SBCFCD) right-of-way and facility. Any encroachments on the District's right-of-way or facilities, including but not limited to access, fencing and grading, utility crossings, landscaping, new and/or alteration to drainage connections will require a permit from the SBCFCD prior to start of construction. The necessity for permits, and any impacts associated with them, should be addressed in the SEIR prior to adoption and certification. If you have any questions regarding this process, please contact the FCD Permit Section at (909) 387-1863

F-4

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

F-5

Sincerely,

Michael Perry

Michael R. Perry
Supervising Planner
Environmental Management

June 8, 2022

Nicole Walker, Environmental Planning Manager

Re: Draft SEIR Runway Rehabilitation Comments

Dear Ms. Walker,

I am writing in response to the plan in the draft supplemental EIR regarding the translocation of the burrowing owls in the area. There are problems with this plan and it should be adjusted to provide a better chance for the owls to survive translocation. The problems are as follows:

1) The survey of existing burrowing owls was not conducted during nesting season which is the time that additional owls arrive to the area.

2) The plan includes the use of passive translocation which is when their burrows are closed up and filled in. The loss of a safe burrow will render them defenseless against predators. Studies have shown that this method causes high mortality among burrowing owls. Active translocation is when the owls are physically moved to a new location. This requires monitoring and managing until the owls habituate to their new location, but it has been shown to increase the likelihood that owls will survive when they lose their nesting sites.

3) The plan is vague and does not address specific information about the translocation plans and the oversight that will be needed to raise the potential that the owls will survive.

Burrowing Owls have lived in our region for thousands of years. Sadly we have almost decimated the existing population in San Bernardino County through rampant development that has destroyed their habitat. Today there are only a few colonies of burrowing owls in Ontario and in adjacent areas. The existing colonies are dependent on one another to maintain genetic diversity. The loss of the owls on the lands surrounding the airport will impact all of these last surviving owls.

I urge that the existing plan be reconsidered and that changes be made to help these owls survive translocation. Passive translocation should be removed from the plan completely. There are successful programs that can serve as models for best practices when translocating burrowing owls. One notable one is the work happening in the San Diego area. San Diego Zoo biologists have implemented a more successful program using active translocation to save the last remaining populations in their area. I urge that the DSEIR should be modified to remove passive translocation as a method that will be employed, and that the process be changed to include the best practices that are currently in use in other areas of our state and country. This plan needs to be specific and thorough and it should make every effort to give these owls a fighting chance.

Best Wishes,

Kimberly Dillbeck

Concerned citizen and member of the Pomona Valley Audubon Society Burrowing Owl Committee

G-1

G-2

G-3

G-4

Carol A. Coy
P.O. Box 672
Walnut, CA 91788-0672
carolcoy.egret@gmail.com

June 8, 2022

Nicole Walker
OIAA Administrative Offices
1923 East Avion Street
Ontario, CA 91761

By Email to: nwalker@flyontario.com

Subject: Draft SEIR Runway Rehabilitation Comments
Rehabilitation of Runway 8R-26L and Associated Airfield Improvements
Ontario International Airport

Dear Ms. Walker:

Thank you for mailing me notice of the completion and availability of the referenced Draft Supplemental Environmental Impact Report (DSEIR) as requested in my comment letter on the Notice of Preparation. I am pleased to see recent OIAA environmental documents now recognize that major construction projects and the rehabilitation and realignment of runways and taxiways can have a significant impact on the Burrowing Owl, a California State Species of Special Concern. The Ontario International Airport is an important habitat for this species which is in critical decline in Southern California. I continue to urge careful attention to the onsite conservation and protection of this important species.

I appreciate that many of my NOP comments have been addressed in the Biological Resources section of the Draft SEIR. My current review comments and concerns follow and focus on both the Burrowing Owl and other migratory bird and raptor species that may be negatively impacted by the project construction activities.

First, as the Burrowing Owl is a California State Species of Special Concern, I believe the California Department of Fish and Wildlife (CDFW) should be added to the list of Reviewing Agencies in the "Notice of Completion and Environmental Document Transmittal" to the State Clearinghouse, page 2 (where the form notes it as "Fish & Game"). This agency has important regulatory responsibilities with respect to the Burrowing Owl and is referenced in the proposed BIO-1 Mitigation Measure. I urge the Airport to work closely with CDFW Burrowing Owl specialists and include them in review of this and all other projects potentially impacting Burrowing Owls.

Second, I want to emphasize the importance of the BIO-1 mitigation measure inclusion of the requirement for focused Burrowing Owl surveys during the breeding season prior to commencement of construction activities as I have personally observed significantly increased Burrowing Owl activity during that period on the adjacent airport property over the past six years. Those breeding season observations will give project biologists important information on burrow locations and focus protective actions on areas of highest concern. In my opinion these breeding season and take avoidance surveys are critical elements to minimizing and mitigating impacts to individual owls.

Third, I recommend the addition of ongoing periodic observation and documentation of Burrowing Owl activity during construction (by a qualified expert) where additional protective actions may be triggered if needed as owls are encountered. Additionally, if construction is occurring during the breeding season and becomes inactive for more than seven days, the same additional surveys as described in BIO-2 should be applied to the Burrowing Owl.

H-1

H-2

H-3

Fourth, I recommend it be clarified that the Burrowing Owl Protection and Relocation Plan referenced in BIO-1 not only be sent for approval to CDFW but be approved by CDFW prior to initiating ground disturbance. Development of this Plan should not be taken lightly. I strongly oppose the use of “passive relocation” which consists of blocking owls out of their burrows and has been documented to result in high owl mortality. And successful active relocation is complex and requires careful identification and preparation of suitable habitat at the location to receive translocated owls, as well as ongoing monitoring and management. The San Diego Zoo Institute for Conservation Management has been researching this and publishing guidance. Clearly though the focused surveys described in BIO-1, initiating and timing construction outside of breeding season as required by BIO-2, and implementing avoidance measures are the most straightforward means to minimize impacts.

H-4

It should be noted that although the Airport applied for and received a US Fish and Wildlife Service Depredation at Airports Permit that allows trapping and relocation of up to five Burrowing Owls, this permit was issued “to resolve or prevent threats to human and/or aircraft safety”. Although a copy of the permit was appended to the DSEIR Appendix E Biological Resources, I urge the Airport to take careful note that this permit clearly states that “**You may not use this authority for situations in which migratory birds are merely causing a nuisance or nesting in an inconvenient location.**” Clearly, the permit does not apply to the construction activities described for this project. However, I do want to point out that even this permit requires under section (5)B(2) that there be “a plan and adequate resources for trapping and relocating birds prior to trapping.” This is the same type of relocation planning discussed above.

H-5

The opportunity to minimize and mitigate construction impacts on both Burrowing Owl habitat and burrow disturbance, as well as disruption to the foraging and breeding activities of individual birds, constitutes important steps to good onsite stewardship of this important species.

Please keep me on the interest list for any further CEQA-related notices on this project. As a Biologist, I have devoted my thirty-five-year career to environmental quality and resource conservation and have been personally observing and interested in the Airport’s offsite Burrowing Owls the past six years. I continue to encourage OIA to develop a protective onsite management plan for this species as several other airports have already done.

H-6

Thank you for the opportunity to comment on this Draft SEIR.

Sincerely,

Carol Coy

cc: California Department of Fish and Wildlife

ROBIN IKEDA

625 East I Street, Ontario, CA 91764 | (909) 773-2541 | robin.ikeda@gmail.com

8 June 2022

Nicole Walker
Environmental Planning Manager
Ontario International Airport Authority
1923 East Avion Street
Ontario, CA 91761

Re: Comment on DSEIR for the Ontario International Airport Rehabilitation of Runway 8R-26 Land and Associated Airfield Improvements (Runway Project, State Clearinghouse No. 2021060531'

Dear Nicole Walker:

I am writing to comment on the Ontario International Airport Authority's (OIAA's) 28 April 2022 Draft Supplemental Environmental Impact Report (DSEIR) for the Ontario International Airport Rehabilitation of Runway 8R-26 Land and Associated Airfield Improvements (Runway Project). I am a recently retired biology professor, with extensive experience in field biology including in surveying and monitoring vegetation and animals. I began studying burrowing owls in 2017; and have worked with the Pomona Valley Audubon Society's (PVAS's) burrowing owl monitoring and conservation project for over a year.

Burrowing owls (BUOW) are listed as a California Species of Special Concern; and are protected under the U.S. Migratory Bird Species Treaty Act. Their numbers locally are in sharp decline, due largely to loss of habitat by development. Burrowing owls are present in the Runway Project area.¹ In the interest of honoring the public trust to protect our natural world, I recommend the following:

1. That the OIAA engage in comprehensive planning to explore the viability of responsible management of burrowing owls and other sensitive species on its properties, both within and beyond the Runway Project area (e.g., the "Boot Property").²
2. That the OIAA develop a Management Plan, required to provide the scientific, planning, and policy framework to identify and avoid (or meaningfully mitigate for) potential impacts to sensitive species from development.

¹ HELIX Environmental. April 2022.

² Carstens D. 7 July 2021. Figure 2, page 8 (appendix to this letter)

3. That the OIAA make specific revisions to the burrowing owl mitigation measures within the DSEIR and Appendix E to maximize their efficacy.

I-3

Several burrowing owls and active burrows are reported in and around the 2019-20 non-breeding survey study area.³ The Biological Technical Report (Appendix E) ranks the environmental impact of the Runway Project—through direct damage to sensitive species and impairment of wildlife movement—as “less than significant impact with mitigation incorporated.” Indeed, some aspects of the mitigation measures outlined in BIO-1 (Burrowing Owl) and BIO-2 (Nesting Birds) of Section 6.0 of the DSEIR and Appendix E will be helpful to that end. Conducting focused surveys during the breeding season, avoiding work during the breeding season, and conducting take avoidance surveys prior to the work are great tools for gaining awareness of the presence, location, and condition of sensitive species like BUOW; key to avoiding take and other negative impacts.

I-4

Beyond those first steps, the mitigation outlined does not mention training by a qualified biologist of all contractors coming onto the site in the recognition and avoidance of harm to sensitive species (per the 2012 CDFG *Staff Report on Burrowing Owl Mitigation*). Further, with respect to protection, on-site avoidance, passive relocation, and active relocation (translocation), the mitigation measures outlined in BIO-1 and BIO-2 are strikingly general; they are entirely inadequate with respect to relocation. If BUOW are found on-site, the mitigation measures call for a relocation plan detailing “avoidance measures that will be implementing during construction, and passive or active relocation methodology” (the later to use only outside of the nesting season). To yield favorable outcomes for owls (effectively avoiding negative impacts), such plans are complex and require months (or years) of advance planning and preparation; and potentially months of support, and years of monitoring.⁴ It is not realistic to suppose that a plan can be quickly brought off the boiler plate, approved, and implemented with any outcome other than the continued, rapid decline in BOUW that has occurred thus far. And that outcome is not a “less than significant impact with mitigation incorporated.”

I-5

I therefor strongly recommend that specific plans for the protection, on-site avoidance, passive relocation, and translocation be provided and publicly vetted before this project goes forward. I further recommend that relocation plans (both active and passive) be guided by the best available evidence from a rapidly growing field of inquiry into BUOW relocation strategies.⁵ Specific mitigation measures, and the conditions that would trigger them, need to be specified in detail; because the details make the difference between the success and failure of mitigation. For example:

I-6

³ HELIX Environmental, April 2022.

⁴ Kidd J, undated, pp 8-10

⁵ For example, Hennessy et al., 2020 and 2021

- It will likely be best to protect the owls in place during the project. Experts agree that conservation of owls in place—especially when supported with comprehensive planning—is dramatically more successful.^{6,7}
 - How will that option be explored in a protection plan?
 - How will owls be protected and monitored on-site?
- If not, how will owls be captured and removed? Where will they be relocated? How will they be protected and monitored? Again, these are long and detailed processes if done correctly.⁸
- If owls must be removed, the goal of preserving remaining burrowing owls in place will likely necessitate their return to the site. Is that option being explored?

I-6
(cont.)

Assessing which mitigation measures will be effective requires in part that the site be viewed in a larger context: both on the airport property and in the area within reasonable dispersal distance for the owls.⁹ Without this information, it isn't possible to determine the best mitigation strategy for maintaining a healthy owl population on the site and in the region. Indeed, the questions and concerns about adequate, appropriate, and effective mitigation for impacts on burrowing owls and their habitat on the OIAA property beg the larger question about whether OIAA's comprehensive planning processes are current. If, as Doug Carstens suggested in a recent letter to OIAA, there is no Master Plan in place,¹⁰ there is now a terrific opportunity to create the kind of comprehensive planning that could make meaningful on-site conservation of burrowing owls (and possibly other sensitive species) possible. Carstens says it well:

I-7

Master Plans require review under applicable environmental laws which provides a perfect context for OIA to address the significant biological resources present on its properties, identify potential impacts to them from future development, and devise current, robust, evidence-based strategies (e.g., prioritization of in situ preservation) to avoid and/or mitigate those impacts.¹¹

The Inland Empire has changed dramatically in the twenty years since 1991, when the last study of the airport and its impacts was made. Burrowing owls, for example,

I-8

⁶ "In summary, burrowing owl populations within southwestern San Bernardino County and southwestern California as a whole are in steep decline and on the verge of extirpation..., because owls are rarely, if ever, preserved on site." Kidd J., undated.

⁷ "The primary desirability of in situ preservation is underscored by Colleen Wisinski, Conservation Program Specialist in Recovery Ecology at the San Diego Zoo Wildlife Alliance and field team leader for their burrowing owl program. In an email communication with PVAS, she stated:

"...setting aside the land the owls already occupy is more efficacious (and probably cheaper in the long run)... I point this out only to be clear that using active translocation should be planned in the context of several years of planning, funding, and commitment in order to be successful. The way that mitigation translocations have routinely been carried out was with a much shorter time horizon (e.g., 1 month of monitoring after release—essentially getting the animals out of immediate danger). The value of this approach as a long-term conservation tool is dubious. "

Carstens D, 7 July 2021

⁸ Kidd J, undated, pp 8-10

⁹ Rosenberg et al., 2007

¹⁰ "... we are unaware of any final airport Master Plan approved for Ontario International Airport, or necessary approvals by an airport land use commission." Carstens D, 7 July 2021

¹¹ Carstens D, 7 July 2021

have undergone precipitous decline due to habitat loss during that period.¹² And there is ever-increasing pressure to develop the open spaces owls inhabit. I strongly recommend that the OIAA undertake more thorough planning for BUOW mitigation in step with the development of a Management Plan, the support of which also requires environmental review to identify potential impacts, and plan comprehensively for the avoidance or reduction of impacts of future development.

I-8
(cont.)

Indeed, the need for further analysis of the best science guiding the feasibility of in situ preservation of burrowing owls near airports is evidenced by Kidd's recommendation in his undated report for the OIAA¹³ that owls should not be preserved on-site. Two key pillars of Kidd's rationale are: 1) the low numbers of owls in the area, and the high fragmentation of their habitat; 2) FAA and other regulations contraindicating the preservation of owls near airports. While burrowing owls have suffered steep declines and habitat fragmentation, they are more abundant in the area than Kidd has reported,¹⁴ and evidently disperse further (between habitat fragments) than he has projected.¹⁵ Further, Kidd's assertions about the inadvisability of preserving burrowing owls within 10,000 feet of a runway don't comport with the maintenance of owl populations at other airports (e.g., Norman Y. Mineta San José International Airport and Lemoore Naval Air Station in California¹⁶ and Kirtland Air Force Base in New Mexico¹⁷). It is evidently possible to manage sensitive species while complying with FAA standards and protecting safe air travel. Carstens summarized: "Like other airports, OIA can achieve its safety and air traffic needs while sustaining regionally significant wildlife populations."

I-9

In closing, I recommend that the OIAA engage in comprehensive planning to explore the viability of responsible management of burrowing owls and other sensitive species on its properties both within and beyond the Runway Project area, such as an OIAA Management Plan, and more robust mitigation planning under BIO-1 and BIO-2 of the DSEIR for the Runway Project. These efforts would provide the scientific, planning and policy framework required to identify, avoid, and meaningfully mitigate for potential impacts to sensitive species, including burrowing owls, from development.

I-10

Sincerely,



Robin Ikeda

Retired Biology Professor, Chaffey College

Pomona Valley Audubon Society Burrowing Owl Conservation Committee Member

¹² Kidd J, undated

¹³ Ibid

¹⁴ The PVAS has been observing owls at several sites not shown on Kidd's map. I have observed burrowing owls in the 80 acres of undeveloped fields of the Chino campus of Chaffey College (on College Park Ave.) since 2017. I have counted as many as 38 owls in a single visit. Observations from 2017-2019 have been submitted to the CNDDDB.

¹⁵ Rosenberg et al., 2007

¹⁶ Carstens D, 7 July 2021

¹⁷ Lundblad et al, 2021

DOCUMENTS CITED

Carstens D. 7 July 2021. Letter to Mr. Mark Thorpe: Objection to Pursuit of Development Requiring Removal of Burrowing Owls. Chatten-Brown, Carstens & Minter LLP

CDFG. 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Wildlife

HELIX Environmental. April 2022. Biological Report, Appendix E, ONT Rehabilitation of Runway 8R-26L and Associated Improvements Draft Supplemental EIR. OIAA. The report includes the 2019-20 non-breeding surveys by Cooley and Singleton found in Appendix C of the 2021 NOP.

Hennessy SM, Wisinski C, Ronan N, Gregory C, Swaisgood RR, Nordstrom LA. Assessing California's Relocation Guidelines for Burrowing Owls Impacted by Renewable Energy Development. California Energy Commission; 2020.

Hennessy SM, Wisinski CL, Ronan NA, Gregory CJ, Swaisgood RR, Nordstrom LA. Release strategies and ecological factors influence mitigation translocation outcomes for burrowing owls: a comparative evaluation. *Animal Conservation*. 2021 Dec. doi:10.1111/acv.12767

Kidd J. undated. The Burrowing Owls at Ontario International Airport (OIA) Biology, Status, Regulatory Setting, and Mitigation Options report (Biological Report). Helix Environmental Inc. [in Appendix C of OIAA, 2021 Initial Study]

Lundblad CG, Conway CJ, Cruz-McDonnell K, Doublet D, Desmond MJ, Navis CJ, Ongman K. Long-Term Population Fluctuations of a Burrowing Owl Population on Kirtland Air Force Base, New Mexico, USA. *Journal of Raptor Research*. 2021 Jun;55(2):241-54.

Rosenberg DK, LA Trulio, D Catlin, D Chromczack, JA Gervais, N Ronan, KA Haley. 2007. The ecology of the Burrowing Owl in California. Unpubl. report to Bureau of Land Management.

APPENDIX

Carstens D. 7 July 2021. Letter to Mr. Mark Thorpe: Objection to Pursuit of Development Requiring Removal of Burrowing Owls. Chatten-Brown, Carstens & Minter LLP



Chatten-Brown, Carstens & Minter LLP

Hermosa Beach Office
Phone: (310) 798-2400

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Email Address:
dpc@cbcearthlaw.com
Direct Dial:
310-798-2400 Ext. 1

July 7, 2021

Mr. Mark Thorpe,
CEO, Ontario International Airport Authority
1923 East Avion Street
Ontario, CA 91761

Re: Objection to Pursuit of Development Requiring Removal of Burrowing Owls

Dear Mr. Thorpe,

On behalf of Pomona Valley Audubon Society, we write to object to further consideration of development, sale, or lease of property by the Ontario International Airport Authority (OIAA or Authority) that might require removal of Burrowing Owls without undertaking adequate compliance with the California Environmental Quality Act (CEQA). CEQA compliance requires the Authority to analyze alternatives to Burrowing Owl removal. The Authority should not encourage businesses to invest in leases and development without developing a framework that allows the owls to continue to nest and thrive on the site. An adequate framework requires the Authority to finally prepare a proper Master Plan for the airport and address issues including biological resource issues as part of that planning process.

I-11

A. The Burrowing Owl is a Protected Species, Which May Not be Removed Without Adequate Environmental Review Under CEQA.

Burrowing Owls (*Athene cunicularia*) are a State Species of Special Concern. The species has undergone substantial decline in the vicinity of the Ontario International Airport (OIA), across southwestern California, and statewide. The species is sufficiently rare, and its range had collapsed to such a degree by 2003, that several local Audubon Society chapters and others petitioned the State of California to list it as an endangered species. In the intervening 18 years since the Fish and Game Commission turned down the petition, the status of Burrowing Owl populations has only worsened, hastened by the rapid loss of habitat development. More protection of Burrowing Owls is warranted, not less.

I-12

Development of the area of OIA known as the “boot” (“Boot Property”) would trigger the preparation of an environmental impact report (EIR) based on CEQA’s standard Initial Study screening questions. Specifically, an EIR is required if the Authority can conceivably answer affirmatively:

Would the project: a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?¹

As Burrowing Owls are present on the CDFW sensitive species list, loss of the remaining population on the Boot Property would constitute a potentially significant impact under CEQA, triggering the requirement to prepare an EIR.

The Burrowing Owl population on the Boot Property is the largest remaining in the region, to the extent that the Authority’s own consultants argue that no other population in this portion of San Bernardino County is viable (Kidd Biological, undated).² The loss of this population, which would be inevitable if the site is developed, would reduce the range of the species significantly and represent a significant adverse impact under CEQA.

The Burrowing Owls at Ontario International Airport (OIA) Biology, Status, Regulatory Setting, and Mitigation Options report (Biological Report) prepared for Helix Environmental by Kidd Biological Inc. falsely states, “With the failed listing attempt.... Little to no mitigation is required for destruction/development of occupied habitat.” The Biological Report is completely wrong on this point of law.

¹ <https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/ab52/final-approved-appendix-G.pdf>

² The Kidd Biological Report wrongly stated that there were no concentrations of owls nearby. To the contrary, a Pomona Valley Audubon Society project monitors four other Burrowing Owl nesting sites within 5 to 7 miles of the Ontario Airport. Together with the Ontario owls, these five sites are within dispersal range of each other, using the maximum dispersal range of 12.5 miles (for male adults) to 13.8 miles (for female adults) found in the Rosenberg et al. (2007) study. The presence of owl populations within dispersal range of the Airport indicates that there is a source of genetic diversity for the Ontario owls and they, in turn, serve the important role of increasing the viability of the other sites within their range.

On the contrary, CEQA protects California Species of Special Concern. (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 337 [requiring preparation of an environmental impact report where substantial evidence existed to support a fair argument that Species of Special Concern would be adversely impacted by a proposed development project.]) As stated by the Court in *Mejia*, the Department of Fish and Game maintains lists of species of special concern on its website, stating, “ ‘Species of Special Concern’ (SSC) status applies to animals not listed under the federal Endangered Species Act or the California Endangered Species Act, but which nonetheless 1) are declining at a rate that could result in listing, or 2) historically occurred in low numbers and known threats to their persistence currently exist.” (<<http://www.dfg.ca.gov/hcpb/species/ssc/ssc.shtml>>.) (*Mejia, supra*, 130 Cal.App.4th 322, 337.) CEQA thus requires that a project that could have significant and adverse impacts to Species of Special Concern avoid or mitigate those impacts.

The Boot Property east of the airport is prime Burrowing Owl nesting habitat that supported six active burrows and at least 15 owl fledglings in the 2020 nesting season. Burrowing Owl are disappearing fast from the Ontario area and may be listed as an endangered species in the future.

The Biological Report recognizes that “conserving owls on site (in situ)” is “the most important mitigation option” (Biological Report, p. 6.) However, the report then asserts it is “rarely ever conducted since this is not required by the resource agencies.” (Biological Report, p. 6.) Whether resource agencies require on site preservation or not, impacts and alternatives to burrowing owl removal must be fully analyzed in an environmental impact report. The primary desirability of in situ preservation is underscored by Colleen Wisinski, Conservation Program Specialist in Recovery Ecology at the San Diego Zoo Wildlife Alliance and field team leader for their burrowing owl program. In an email communication with PVAS, she stated:

...setting aside the land the owls already occupy is more efficacious (and probably cheaper in the long run)...I point this out only to be clear that using active translocation should be planned in the context of several years of planning, funding, and commitment in order to be successful. The way that mitigation translocations have routinely been carried out was with a much shorter time horizon (e.g., 1 month of monitoring after release—essentially getting the animals out of immediate danger). The value of this approach as a long-term conservation tool is dubious....

The Biological Report falsely asserts, “The best approach for owl mitigation at and adjacent to OIAA property should involve active relocation.” (Biological Report, p. 10.) Contrary to this statement, the best approach would be in situ preservation. If such in situ preservation is infeasible for identifiable reasons, the Authority must make a finding of

overriding considerations pursuant to Public Resources Code section 21081 before it approves any owl relocation or development of owl habitat.

I-12
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B. The Airport Authority Must Conduct an Initial Study Before It Impermissibly Pre-Commits to Removal of Burrowing Owl, Including Leasing the “Boot Property,” Before Conducting CEQA Review

Ontario International Airport (OIA) is preparing to lease the “Boot Property,” located to the east of the runways and bounded by Airport Drive to the north, Jurupa Street to the south, Haven Avenue to the west, and Doubleday Avenue to the east. The Boot Property contains 24 parcels that amount to 240 acres within the boundary of the airport. We understand OIA has secured a real estate agent broker to locate a lessee. In doing so, OIA staff asserted that any future lease would be exempt from environmental review pursuant to CEQA Guidelines Section 15312. However, this exemption applies to *sales* of surplus properties, while the anticipated action is a *lease* and the property is not surplus³. The exemption is therefore inapplicable. Entering into a lease to develop OIA land is a discretionary action and would therefore be subject to CEQA review because the subsequent development is the inevitable and inseparable outcome of the agreement.

I-13

A lead agency may not commit to a definite course of action prior to conducting adequate environmental review pursuant to CEQA. CEQA further requires that environmental review occur before momentum becomes unstoppable and alternatives to a project become foreclosed. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.) Approval of the displacement of Burrowing Owls would be improper precommitment to a specific action prior to review or approval of an environmental impact report that analyzes future airport development patterns.

Here, OIAA has impermissibly set itself on a path of approving projects that require the removal of the Burrowing Owl. While it does not yet appear that the Authority has actually approved removal of any burrowing owls, the Authority has accepted the Biology Report that improperly incorporates the assumption that removal will be the best option (Biology Report, p. 10) and may be required for subsequent development.

Prior to approval of any further steps toward the development of areas occupied by the burrowing owl, the Authority must conduct an initial study to determine the potential impacts that will occur and consult with the California Department of Fish and Wildlife

³ Disposal of surplus government property requires compliance with the Surplus Lands Act, which the Authority apparently has not contemplated. The Surplus Land Act includes requirements to first offer surplus land to relevant agencies for various purposes including open space preservation.

(CDFW) about those impacts before it prepares that study. As stated by the Court of Appeal:

Our conclusion that a fair argument can be made that the project may have a significant impact on animal wildlife also compels the conclusion that the city was required to consult with the Department of Fish and Game, a trustee agency (Guidelines, § 15386), before conducting an initial study, and subsequently was required to notify the department of the city's intention to adopt a mitigated negative declaration. (Pub. Resources Code, § 21080.3, subd. (a); Guidelines, §§ 15063, subd. (g), 15072, subd. (a); *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1386–1388, 43 Cal.Rptr.2d 170.)

(*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 340.)

C. The Authority Must Undertake Proper Airport Planning to Identify and Avoid or Reduce Impacts of Potential Future Development.

Although there may have been initial attempts to start airport master planning in 2002 and 2007, we are unaware of any final airport master plan approved for Ontario International Airport, or necessary approvals by an airport land use commission. The Ontario Airport was transferred to local control under the Authority from the City of Los Angeles on November 1, 2016. Neither the Los Angeles World Airports (LAWA) nor the Authority has ever developed a Master Plan for the Ontario International Airport.

Proper airport planning requires that the Authority prepare a master plan approved by an airport land use commission or similar body. (Pub. Util. Code, § 21670.1.) We are aware of no such Master Plan nor any such approval by an airport land use commission. A Master Plan must be developed prior to any Authority authorization of development on airport property, and any Master Plan prepared must address biological resource impacts, including foreseeable impacts to Burrowing Owls. Rather than deferring proper analysis of this Species of Special Concern to a future point, we urge you to undertake a thorough analysis of potential impacts to Burrowing Owls immediately.

The Authority's approval of Boot Property sales or leases will be legally vulnerable in the absence of a properly prepared and adopted airport master plan and CEQA-compliant environmental review of the potential removal of Burrowing Owl.

The Authority's environmental consultants have advised that it is somehow impermissible for the airport to conserve and manage Burrowing Owls on its property or within 10,000 feet of the runway (Kidd Biological, undated). This histrionic claim is inconsistent with precedent at other airports in California.

I-13
(cont.)

I-14

The Authority should familiarize itself with the Burrowing Owl management program at the Norman Y. Mineta San José International Airport. San José International Airport is much larger with nearly double the number of annual passengers. Since 1997, the San José International Airport has implemented a Burrowing Owl Management Plan, under which 84 acres of the infield of the airport are managed for Burrowing Owls. As stated on the airport's website:

The Burrowing Owl is one of the smallest and unique species of owls, growing to a height of approximately 9 inches, weighing about 4 oz., and living in underground burrows. We have a wildlife management program that actively manages the Western Burrowing Owls within the infield areas to ensure the ongoing safety of both the burrowing owls and aviation operations. The owls are banded at a young age, with a specific code that allows biologists to observe owls into adulthood.⁴

San José International Airport also constructs artificial burrows for Burrowing Owls, including in areas far closer to the airfield than the Boot Property is to the airfield at OIA. In fact, as approved mitigation for loss of burrows within the airfield, San José International Airport has constructed artificial burrows at a 2:1 ratio within its VOR area, *immediately adjacent to the airfield* (VHF Omnidirectional Radio; marked with a star on Figure 1). Conservation of Burrowing Owls in this location and these active measures to encourage nesting have been approved by California Department of Fish and Wildlife (2020).

In over 20 years of implementation, and nine years at the VOR site, active management of Burrowing Owls adjacent to the San José International Airport airfield has not resulted in the dire consequences from the Federal Aviation Administration (FAA) that OIA's environmental consults imagine (Kidd Biological Report, undated).

Management of rare and endangered species on airport property is simply part of being a responsible public agency. Many airports can and do balance the risks of the presence of sensitive species with FAA regulations ensuring air traffic safety. The San José International Airport management plan for Burrowing Owls is only one example. In the Central Valley, Lemoore Naval Air Station has a Burrowing Owl management plan that includes active management to promote the species adjacent to runways.⁵ Silicon

⁴ <https://www.flysanjose.com/node/501>

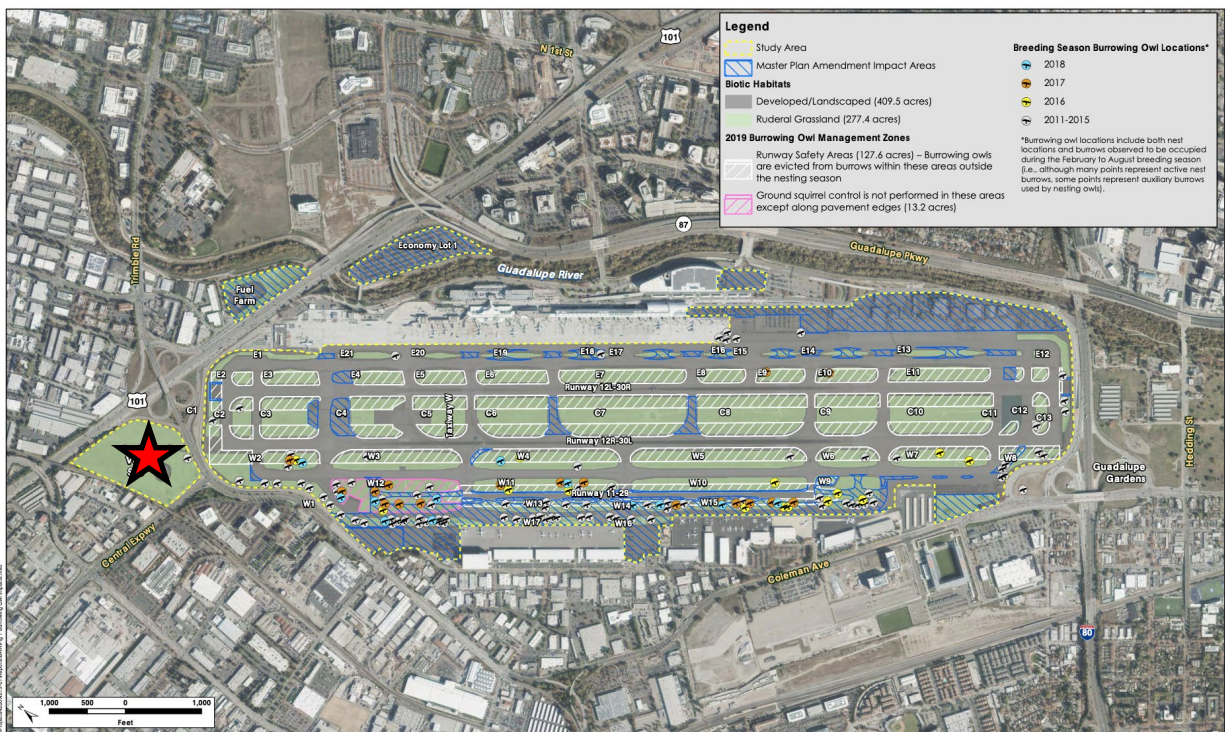
⁵

https://www.birdpop.org/docs/pubs/Rosenberg_and_Gervais_2009_An_Updated_Management_Plan_For_BUOW_Population_Lemoore.pdf

Valley’s Moffett Field discourages nesting on the airfield itself, but constructs artificial burrows on non-airfield areas at the facility.⁶

OIA needs a Master Plan that addresses all of its property and plans for future development. Preparation of such a plan is “strongly recommended” by FAA.⁷ Master Plans require review under applicable environmental laws which provides a perfect context for OIA to address the significant biological resources present on its properties, identify potential impacts to them from future development, and devise current, robust, evidence-based strategies (e.g., prioritization of in situ preservation) to avoid and/or mitigate those impacts. Like other airports, OIA can achieve its safety and air traffic needs while sustaining regionally significant wildlife populations. At the very least, given that OIA has Burrowing Owls within airfield operations areas that may be impacted by future activities, it would be well advised to maintain the Boot Property as a potential mitigation area to offset airfield-related impacts, following the lead of San José International Airport’s use of its VOR area for the same purpose. Such mitigation actions, and management to encourage Burrowing Owls has been a key environmental planning and mitigation element that has allowed San José International Airport’s Master Plan iterations to withstand legal challenges.

I-14
(cont.)



⁶ https://www.nasa.gov/sites/default/files/8_exhibit_b_1_2c_.pdf

⁷ https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_150_5070-6B_with_chg_1&2.pdf

Figure 1. Norman Y. Mineta San José International Airport, showing location of Burrowing Owls (small circular icons) and area where artificial burrows are constructed (red star).

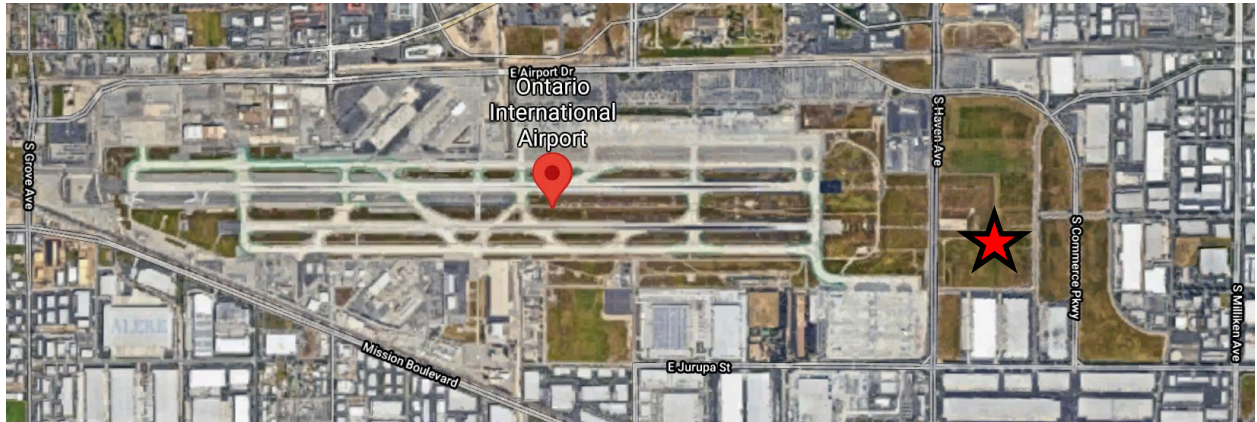


Figure 2. Ontario International Airport, showing location of Boot Property with population of nesting Burrowing Owls.

Conclusion.

We ask that the Authority not issue any approvals for plans, contracts, or leases, or lend any further momentum to developments of Ontario International Airport property without first preparing a proper Airport Master Plan and adequate environmental review to support it. Such a plan should provide for onsite preservation of Burrowing Owl and full mitigation of any impacts to them.

Please notify us of any hearings or the issuance of any findings or permits related to this matter. We also ask that you preserve all records and communications related to development of airport property in accordance with the requirements of *Golden Door Properties, LLC v. County of San Diego*, (2020) 50 Cal.App.5th 467.

Sincerely,

A handwritten signature in blue ink that reads "Douglas P. Carstens".

Douglas Carstens

I-14
(cont.)

I-15

From: [Jeff Strogon](#)
To: [Walker, Nicole](#)
Subject: Re: Draft SEIR Runway Rehabilitation Comments
Date: Thursday, June 9, 2022 2:14:21 PM

June 9, 2022

Nicole Walker, Environmental Planning Manager

Dear Ms. Walker,

I am a proponent of saving and protecting the few remaining burrowing owl populations in the Inland Empire. As you are aware, the Ontario International Airport is home to a breeding colony on both airport and airport-owned adjacent properties. Since the owls themselves cannot participate in public comment opportunities, I am advocating on their behalf.

I was disappointed to see that the plan in the Draft Supplemental EIR does not provide adequate protection to the runway owls and does not include sufficient information about the fate of the owls after construction is finished.

There has not been a formal biological survey during the breeding season to assess the exact location and numbers of individuals present. Based on breeding numbers that the general public can easily assess just east of the runway in the fields along Haven avenue, one would expect similar or greater numbers in the fields where the runway construction is to take place.

For the owls that will be impacted by the runway construction, both the active and passive translocation methods that have been proposed have mortal downsides. Shutting out owls from burrows in passive relocation will make them vulnerable to predation and deny them access to burrows they've shown fidelity to.

Active translocation poses even a great threat. Owls that are actively translocated require an enormous amount of care prior and at least a year after their release. This research has been recently documented in published peer-reviewed work just this year:

Hennessy, S.M., C.L. Wisinski, N.A. Ronan, C.J. Gregory, R.R. Swaisgood, L.A. Nordstrom. 2022. Release strategies and ecological factors influence mitigation translocation outcomes for burrowing owls: a comparative evaluation. *Animal Conservation*. DOI: <https://doi.org/10.1111/acv.12767>

Additionally, the vague nature of the plan does not state what will happen to owls during and after construction.

The current plan for the welfare of the burrowing owls is inadequate and needs major adjustments that address the best interest of the owls. In addition, specific information about these plans needs to be stated in the DSEIR.

For every written comment you receive about protecting the owls at OIA there are scores more who have not submitted comments publicly but feel similarly. You have a responsibility to be a good steward to the land you occupy. In addition, it is a wonderful public relations opportunity. Regardless, it will be something that the public will be made aware of.

Hoping you have the courage to do what is right and just for creatures that can not defend themselves in ways that they will need to based on your current plan.

Sincerely,

Jeff Strogon

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J-2

J-3

J-4

dywjks@verizon.net



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 10, 2022
Sent via email

Ms. Nicole Walker
OIAA Administrative Offices
1923 East Avion Street
Ontario, CA 91761
nwalker@flyontario.com

Subject: Draft Supplemental Environmental Impact Report for the Ontario International Airport Rehabilitation of Runway 8R-26L and Associated Improvements - SCH 2021060531

Dear Ms. Walker:

The California Department of Fish and Wildlife (CDFW) received the Draft Supplemental Environmental Impact Report (DSEIR) from the Ontario International Airport Authority (OIAA) for the Ontario International Airport Rehabilitation of Runway 8R-26L and Associated Improvements Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

PROJECT DESCRIPTION SUMMARY

The proposed Project focuses on the rehabilitation and reconstruction of Runway 8R-26L, taxiway connector improvements and other associated airfield improvements, the relocation of objects located within the Runway Safety Area and Runway Object Free Area, and relocation of the south electrical vault. The runway program would be constructed over a three-year period in 2023, 2024 and 2025 due to FAA AIP funding availability.

The Project resides on 1,741 acres in San Bernardino County and is generally bounded by the Southern Pacific Railroad on the north, and Mission Boulevard and Union Pacific Railroad to the south. South Grove Avenue borders the airfield to the west and South Haven Avenue to the east, with the airport property being bounded to the west by South Cucamonga Avenue and to the east by South Commerce Parkway and Doubleday Avenue.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist OIAA in adequately identifying and/or mitigating the Project's significant, or potentially significant, impacts on state special-status fish and wildlife (biological) resources.

Nesting Birds

According to the DSEIR (Section 4.2.4 Impacts *Migratory Species*) states:

*“There is potential to support songbird and raptor nests due to the presence of **vegetation and trees (emphasize added)** in the study area. Project activities could disturb or destroy active migratory bird nests including eggs and young. Except as allowed under the USFWS Permit discussed above, disturbance to or destruction of migratory bird eggs, young, or adults is in violation of the MBTA and is considered a potentially significant impact. The nesting season is generally defined as February 15 through August 31 for songbirds and January 15 to August 31 for raptors.”*

The following mitigation measure was provided to mitigate significant impacts to nesting birds:

Bio-2 Nesting Birds. *To the extent possible, construction activities (i.e., earthwork, clearing, and grubbing) will occur outside of the general bird nesting season for migratory birds, which is February 15 through August 31 for songbirds and January 15 to August 31 for raptors. If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory birds and raptors (January 15 and August 31), a qualified biologist will be retained to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA*

and FCG Code. The pre-construction survey will be performed no more than seven days prior to the commencement of construction activities. The results of the pre-construction survey will be documented by the qualified biologist. If construction is inactive for more than seven days during the breeding season, an additional survey will be conducted.

If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities will be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest will occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to avoid indirect impacts to nesting birds.

Regarding the protection of nesting birds, it is the Project proponent's responsibility to avoid Take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of **any** bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy **the nest or eggs** of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

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(cont.)

Further, there is no legally defined bird nesting season, nor are birds that form nests in substrates other than 'vegetation and trees' (e.g., burrows, ground dwelling, electrical towers, buildings, etc.) precluded from protection. While the measure establishes dates when songbirds and raptor generally tend to nest, it is important to remember that the timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). Finally, because the duration of a pair to build a nest and incubate eggs varies considerably, CDFW does not consider seven (7) days between surveying for nesting behavior and/or nests and construction activities as appropriate. To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW recommends that the measure be revised to the following:

BIO-2 Nesting Birds (Revised). To the extent possible, construction activities (i.e., earthwork, vegetation clearing, and grubbing) will occur outside of the peak nesting season, or February 15 through August 31 for songbirds and January 15 to August 31 for raptors. During the duration of the Project:

- **Nesting bird surveys will be conducted by the qualified biologist no more than three days prior to any Project activities. The survey(s) will occur at**

the appropriate time of day/night, during appropriate weather conditions. Surveys will encompass all suitable areas, including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration will take into consideration the acreage of the Project impacts; density, and complexity of the habitat; number of survey participants; survey techniques employed; and will be sufficient to ensure the data collected is complete and accurate. Pre-construction surveys will focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (i.e., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the qualified biologist will establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. The qualified biologist will not risk failure of the nest to determine the exact location or status and will make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (i.e., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). If a nest is observed, but thought to be inactive, the qualified biologist will monitor the nest for 1 hour (4 hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The qualified biologist will use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.

- If active nests are located within the Project or buffer, the qualified biologist will immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer will be delineated to ensure that its location is known by all persons working within the vicinity but will not be marked in such a manner that it attracts predators.
- Once the buffer is established, the qualified biologist will document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of baseline conditions, the qualified biologist may choose to make adjustments to the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. The qualified biologist will monitor the nest at the onset of Project activities, and at the onset of any changes in Project activities (i.e., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist

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determines that Project activities may be causing an adverse reaction, the qualified biologist will adjust the buffer accordingly.

- **The qualified biologist will be onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. The qualified biologist will document the status of all existing nests, including the stage of reproduction and the expected fledge date. If a nest is suspected to have been abandoned or failed, the qualified biologist will monitor the nest for a minimum of 1 hour (4 hours for raptors), uninterrupted, during favorable field conditions. If no activity is observed during that time, the qualified biologist may approach the nest to assess the status. Permittee, under the direction of the qualified biologist, may also take steps to discourage nesting on the Project site, including moving equipment and materials daily, covering material with tarps or fabric, and securing all open pipes and construction materials. The qualified biologist will ensure that none of the materials used pose an entanglement risk to birds or other species.**

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Burrowing Owls

The DSEIR (Section 4.2.4 *Sensitive Animal Species*) references burrowing owl surveys that were conducted during the non-breeding season. In addition, the DSEIR provides the following mitigation measure (Section 4.2.5 *Mitigation Measures*) to detect burrowing owl presence during breeding season, and prior to construction:

BIO-1 Burrowing Owl. *Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys will be conducted by a qualified biologist during the breeding season, as defined by the Staff Report on Burrowing owl Mitigation (CDFG 2012). Take avoidance surveys for burrowing owl will be conducted within the study area. The take avoidance surveys will be conducted within 14 days and repeated 24 hours prior to construction activities (i.e., demolition, earthwork, clearing, and grubbing) to determine presence of burrowing owl. If take avoidance surveys are negative and burrowing owl is confirmed absent, then ground-disturbing activities will be allowed to commence, and no further mitigation would be required.*

K-2

If burrowing owl is observed during focused surveys and/or take avoidance surveys within any portion of the study area, active burrows will be avoided by the project in accordance with the CDFW's Staff Report (CDFG 2012). CDFW will be immediately informed of any burrowing owl observations. A Burrowing Owl Protection and Relocation Plan (plan) will be prepared by a qualified biologist, which must be sent for approval by CDFW prior to initiating ground disturbance. The plan will detail avoidance measures that will be implemented during construction and passive or active relocation methodology. Relocation will only occur outside of the nesting season (September 1 through January 31).

While CDFW appreciates the inclusion of performing burrowing owl breeding surveys, in southern California, burrowing owls are partial migrants, with some individuals migrating in winter, while others within the same breeding population remaining relatively sedentary. CDFW considers burrowing owl residency status difficult to ascertain – with the distribution of stopovers and pathways used by migrating birds being poorly understood, as well as disease, predation, drought, high rainfall, or site disturbances possibly precluding the presence of burrowing owls in any given year. Finally, while CDFW agrees with the inclusion of a process to avoid direct take, impacts to habitat should be mitigated by assessing the way the habitat onsite is used, or could be used by owls, and the effects the Project will have on those uses. Since the habitat on the Project site is occupied by burrowing owls (2018-2020), CDFW considers impacts to the habitat to be potentially significant based on location and species status in the area and limited remaining habitat for burrowing owls. OIAA should be aware that for individual projects, mitigation must be roughly proportional to the level of impacts, including cumulative impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The DSEIR should also discuss site-specific and regionally significant and cumulative impacts, as well as address mitigation goals. In particular, the Burrowing Owl 2012 Staff Report recognizes that *“in order for mitigation measures to be effective, they must be specific, enforceable, and feasible actions that will improve environmental conditions. The current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal, presence of burrows, burrow surrogates, presence of fossorial mammal dens, well drained soils, and abundant and available prey within close proximity to the burrow* (Staff Report Appendix A).

To reduce the impacts to burrowing owls to less than significant, the mitigation measure for burrowing owls should be updated as follows:

BIO-1 Burrowing Owl (Revised): Prior to commencement of construction activities (i.e., demolition, earthwork, clearing, and grubbing), focused surveys, as defined by the Staff Report on Burrowing Owl Mitigation (CDFG 2012) will be conducted by a qualified biologist across all suitable breeding, wintering, and foraging habitat within the project and appropriate buffer. Take avoidance surveys will also be conducted within 14 days and repeated 24 hours prior to construction activities to determine presence of burrowing owl.

If a burrowing owl is observed during focused surveys and/or take avoidance surveys, CDFW will be immediately informed of its location and status. The project will avoid all impacts to burrowing owls onsite. If this is not feasible, a Burrowing Owl Protection Plan (plan) will be prepared by a qualified biologist, which must be approved by CDFW prior to initiating the project. The plan will include conserving all nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are maintained and/or replaced. Further coordination with CDFW will occur to mitigate for the loss of habitat through the acquisition,

K-2
(cont.)

conservation, and management of in-kind habitat. Lands conserved will include 1) sufficiently large acreage with fossorial mammals present; 2) permanent protection through a conservation easement for the purpose of conserving burrowing owl habitat and prohibiting activities incompatible with burrowing owl use; 3) development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls; and 4) funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment (CDFW, 2012).

K-2
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Finally, the DSEIR (5.0 Cumulative Impacts; 5.3 *Offsite Project Summary*) determined that “*The majority of the off-airport projects identified by the City are categorically exempt from CEQA, approved as part of a mitigated negative declaration (MND), or approved under an Addendum to the 2010 Ontario Plan EIR or the Meredith International Centre Specific Plan Amendment (SPA) EIR (2020). Projects eligible for categorical exemptions are generally considered not to have potential impacts on the environment; an MND is a negative declaration (ND) that incorporates revisions (mitigation measures) in the proposed project that will avoid or mitigate impacts to a point where no significant impacts on the environment would occur.*”

As a result, cumulative impacts for the Project were “*less than significant impact with mitigation incorporated to sensitive animal species and migratory species. Development projects on- and off-airport property involving ground-disturbing activities to sensitive habitat and species would not occur within the project study area, and thus when combined with the Proposed Project, cumulative impacts would remain less than significant impact with mitigation incorporated. OIAA would continue to implement its active and aggressive wildlife management program, and the applicable mitigation measures specified in Section 4.2.5 would be implemented as part of the Proposed Project to minimize or avoid impacts to biological resources.*” (DSEIR Section 5.4.2 *Biological Resources*) .

K-3

Under Section 15355 of the CEQA Guidelines, cumulative effect(s) refers to “*two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts*”. Physical changes caused by a project can contribute **incrementally** to cumulative effects that are significant, even if individual changes resulting from a project are limited.

The OIAA must determine whether the cumulative impact is significant, as well as whether an individual effect is “cumulatively considerable.” This means “the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects” (Guidelines Section 15064(h)(1)). CDFW does not concur that OIAA has adequately evaluated the cumulative impact of past and continual projects to conclude that Project Impacts *remain less than significant impact with mitigation incorporated to burrowing owl.*

Nicole Walker, Environmental Manager
Ontario International Airport Authority
June 10, 2022
Page 8 of 8

This is particularly true when past and continual impacts are not adequately mitigated for. Therefore, CDFW recommends the follow measure be added:

BIO-2 Burrowing Owl (Added): OIAA will develop and maintain an interactive mapping and current inventory of burrowing owl occurrences within the active airport and adjacent airport owned parcels, along with an adequate buffer to provide analysis that burrowing owl distribution and cumulative impacts are not significantly impacted by past and present activities. Further, OIAA shall ensure adequate land is available and conserved **before** owls are relocated, and provide compensation for loss of all aspects of habitat types used (e.g., foraging, wintering, migratory stopovers, and breeding).

K-3
(cont.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DSEIR for the Ontario International Airport Rehabilitation of Runway 8R-26L and Associated Improvements (SCH No. 2021060531) and recommends that the OIAA address the CDFW's comments prior to certification. If you will have any questions pertaining to the comments provided in this letter, please contact Kim Romich, Senior Environmental Scientist, at Kimberly.Romich@wildlife.ca.gov.

Sincerely,

DocuSigned by:

DF423498814B441...

Heather Pert
Acting Environmental Program Manager

Ec: Kim Freeburn, Senior Environmental Scientist, Supervisor
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From: Swaller, Amanda R <amanda_swaller@fws.gov>
Sent: Friday, June 10, 2022 7:39:52 PM
To: Caroline Pinegar <cpinegar@hntb.com>
Cc: Walker, Nicole <nwalker@flyontario.com>
Subject: Re: Ontario International Airport (ONT) Rehabilitation of Runway 8R-26L and Associated Improvement

Hello,

For the brevity and to make everyone's workload a little easier, I think an informal email of the Service comments is more appropriate in this case. Considering, there was a bit of a misunderstanding with the due date.

Most of the comments I would make about the project we discussion during our virtual meeting on May 26, so I'll just recap those for the record.

The Service would recommend areas that were determined to be delhi soils in past surveys be assessed for suitability for the Delhi sands flower-loving fly (DSF), prior to ground disturbance. The habitat assessment should be performed by a biologist with DSF experience. A biologist with a 10(A)(1)(a) permit to preform DSF surveys would be considered to have this experience.

Areas that are determined to be suitable DSF habitat should be surveyed to determine presence or absence of the species, before the area is disturbed. Surveys should be done in accordance with [Service protocols and guidelines](#) and only those with current permits to preform surveys. Please note that a complete survey for DSF consist of two consecutive flight season surveys (July 1st-September 20th). Survey results are valid till the begin of the next flight season. If the habitat is not removed before then an additional year of surveys is necessary to determine presence/absence for the next integral between flight seasons.

I'm aware through CDFW that the project anticipates impacts to the coast California gnatcatcher. The Service will also need to be involved in discusses involving impacts to the species. I would recommend having joint meetings or similar information sharing with the Service and CDFW on this topic, so that the state and federal process can happen concurrently.

Thank you for the opportunity to comment. Please let me know if you would prefer a more formal response.

[Welcoming Work Place: We All Belong Here](#),

Amanda Swaller (she/her) ([why is this important](#))
Wildlife Biologist
U.S. Fish and Wildlife Service
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760/322/2070 *404 *email is best at this time
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L-1

L-2

We are on Indigenous land. Indigenous people were the original stewards of the land. I live and work in current Imperial, Riverside, and San Bernardino counties: the traditional homelands for the Ajachemem/Juaneno, Cahuilla (Agua Caliente Band Of Cahuilla Indians, Augustine Band Of Cahuilla Indians, Cabazon Band of Mission Indians, Cahuilla Band of Mission Indians of the Cahuilla Reservation, Morongo Band of Mission Indians, Ramona Band of Cahuilla, Santa Rosa Band of Cahuilla Indians, and Torres-Martinez Desert Cahuilla Indians), Halchidhoma, Kamia, Kawaiisu, Luiseño/Payoomkawichum (Pechanga Band of Luiseño Mission Indians and Soboba Band of Luiseño Indians), Mohave (Colorado River Indian Tribes and Fort Mojave Indian Tribe), Quechan (Fort Yuma Quechan Indian Tribe), Serrano (San Manuel Band of Mission Indians), Southern Paiute/Chemehuevi (Chemehuevi Indian Tribe, Colorado River Indian Tribes, Lone Pine Paiute Shoshone Reservation, and Twenty-Nine Palms Band of Mission Indians), and Tongva/Gabrilino Tribes. And the current home of Kitanemuk/Tejon Indian Tribe and Timbisha/Panamint Shoshone (Timbisha Shoshone Tribe).