for the Lower Chino Basin/Prado area. If there are proposed uses, activities, or improvements that could affect USACE or federal land, the USACE may require compliance with provisions of the National Environmental Policy Act (NEPA). Compliance with land use designations, the DIO, as well as other applicable cooperative management plans, will ensure that future land uses within the area are carefully managed to avoid or minimize risks to sensitive biological resources.

Review of Land Use Applications Within Open Space Land Use Designation

Table 4-2 provides a checklist for City use in reviewing land use and permit applications within designated open space areas of the Specific Plan for conformance with provisions of the RMP.

TABLE 4-2
ZONING AND LAND USE REGULATIONS CHECKLIST

☐	Verify location of proposed use, improvement or activity within Specific Plan designated Open Space.
☐	Confirm proposed use as allowable open space use under Specific Plan and Section 20.11.030 of the Zoning Ordinance (see Appendix E).
☐	Verify jurisdictional authority of other public agencies, if any (i.e., USACE, San Bernardino County, etc.).
☐	Confirm compliance with Biological Study submittal requirements (EIR Mitigation Measure B-2 and RMP Table 4-3 Checklist).
☐	Identify location and proximity of proposed Open Space use, improvement or activity with respect to identified sensitive habitat areas. Sensitive habitat areas include, but may not be limited to the following: – High Sensitivity Areas identified in Program EIR Exhibit 5.4-2; – Least bell's vireo (LBV) Critical Habitat (below elevation of 543 feet); – Habitat of other federal- or State-listed Endangered and Threatened Species; – Riparian Woodland; – Conservation Areas(s) designated in the RMP; and – Burrowing owl relocation areas established pursuant to the RMP. Proposed improvements or the location of any land uses proposed to be changed from their current use shall be designed to avoid and/or minimize impacts to these areas.
☐	Verify location of proposed use with respect to Specific Plan Dam Inundation Overlay (DIO) and notify U.S. Army Corps of Engineers if included within DIO.
☐	Review proposed use, improvement or activity for compliance with applicable requirements of USACE, RWQCB and CDFG for Section 404 Clean Water Act permits and streambed alteration agreements.
☐	Review location of proposed use with respect to current ownership map and assessor's parcel information for OS designated areas below the 566-foot line; identify any additional agency and landowner notification requirements.
☐	Review proposed use, improvement or activity for conformance with other RMP checklist requirements and criteria.
☐	Review proposed use, improvement or activity status with respect to CEQA compliance; complete Environmental Checklist as necessary, and identify additional documentation requirements, if any.
☐	Evaluate need for special design requirements and/or setbacks for Open Space uses, improvements or activities proposed in proximity to identified sensitive habitat areas (e.g., within 100 feet).
☐	Prepare and adopt CEQA findings, as necessary.
☐	Process required City approvals and issue permit(s).

4.3.2 Mitigation Measure B-2. Required Biological Surveys

Further guidance in the implementation of RDEIR Mitigation Measure B-2 is provided as follows.

As part of submitting to the City a development application or a land use application that would result in a substantial change to the existing land use, an applicant/landowner shall conduct and submit a biological survey of the project site that briefly characterizes the habitat types and identifies the existence or the potential to occur of sensitive species (identified in Tables 3-3 and 3-4 as endangered or threatened). A biological survey and documenting report must provide the following information and analysis:

1. Conduct a biological survey of each proposed project site to characterize the habitat(s) present and the potential for the site to support sensitive plant and wildlife species.

2. If sensitive species have the potential to occur, rate the potential as low, moderate, or high. Provide scientific justification for this determination.

3. If the potential for occurrence is moderate or high (e.g., the required habitat elements for this species are present and/or there has been a sighting of this species in the vicinity of the project site), conduct focused surveys within suitable habitat to determine the presence or absence of the species on the project site. Focused surveys, if required, will follow established protocols by either USFWS or CDFG, when available.

4. Any focused surveys deemed necessary must be conducted by a USFWS and/or CDFG permitted biologist qualified to perform the needed survey(s). The City of Chino, or its consultant, will review and approve the personnel and methodology for any such proposed surveys.

5. If a sensitive species is found to occur on a proposed project site, or occupies habitat that may be impacted directly or indirectly by the proposed project, this must be called to the City's immediate attention and documented in the biological survey report for the project.

6. Mitigation measures to offset any potential impact to sensitive species and habitats must comply with the RMP and shall be included in the biological survey report. A take permit under either Section 7 or 10 of the Federal Endangered Species Act will be obtained prior to issuance of a grading permit, if a federally endangered or threatened species will be adversely impacted by a project. If the species is State Endangered or Threatened only, a consultation with CDFG will be required to determine ways to offset impacts to the species.

7. A wetlands permit under Section 404 of the Clean Water Act and a Streambed Alteration Agreement under CDFG code, if required, must also be obtained prior to issuance of a grading permit for any activity in a jurisdictional wetland.

8. All lands set aside for conservation and/or other mitigation measures in compliance with the RMP must be clearly documented in the final biological survey report.

9. Implementation of the mitigation measures set forth in B-3 to B-10 on a project-wide (Project Area) basis provide mitigation to offset project-wide impacts to species that are not listed as threatened or endangered by the USFWS or CDFG. Survey information identifying existence of any sensitive species shall be furnished to USFWS or CDFG for research collection. Additional mitigation may be required for any species which is defined as "endangered," "rare," or "threatened" in Section 15380 of the California Code of Regulations, depending on the adverse biological impacts to such species found as the result of subsequent, project-level, site-specific surveys and CEQA analysis.

Table 4-3 provides a checklist of these requirements for conducting biological studies as part of the development of the project application process.

TABLE 4-3
REQUIRED BIOLOGICAL SURVEYS CHECKLIST

☐	Conduct a biological survey of the project site and document habitat present, including surface waters and windrows.
☐	Determine potential for sensitive species to occur, including but not limited to: – Least Bell's vireo; – Southwestern willow flycatcher; – Yellow-billed cuckoo; and – Burrowing owls, raptors, and migratory birds and waterfowl.
☐	Determine potential for impacts to Waters of the U.S. or Waters of the State.
☐	Subcontract with a USFWS and/or CDFG permitted biologist qualified to perform any needed survey(s), if required.
☐	Conduct needed focused surveys during the following timeframes: Least Bell's vireo — April 10 – July 31 Southwestern willow flycatcher — May 5 – July 10 Yellow-billed cuckoo — May 5 – July 10 Burrowing owl — December 1 – January 31 or April 15 – July 15 Raptors — February 1 – August 31 Migratory birds and waterfowl — February 1 – August 31
☐	Conduct Jurisdictional Delineation on all potential Waters of the U.S. or Waters of the State, if needed.
☐	Determine if impacts to non-jurisdictional surface water and/or windrows on a project site require mitigation.
☐	Review potential impacts and recommended mitigation against conservation measures initiated in compliance with the RMP.
☐	Evaluate need for additional mitigation measures beyond those already initiated under the RMP.
☐	Prepare and submit technical reports for all biological surveys to the City as part of the application review process.

TABLE 4-3 (Cont.)
REQUIRED BIOLOGICAL SURVEYS CHECKLIST

☐	Acquire any needed take permits under the Federal Endangered Species Act and the California Endangered Species Act.
☐	If Waters of the U.S. are present, coordinate with USACE regarding need for Nationwide Permit.
☐	If Waters of the State are present, obtain a Streambed Alteration Agreement from CDFG.
☐	Prepare and adopt CEQA findings, as necessary.
☐	Process required City approvals and issue permit(s).

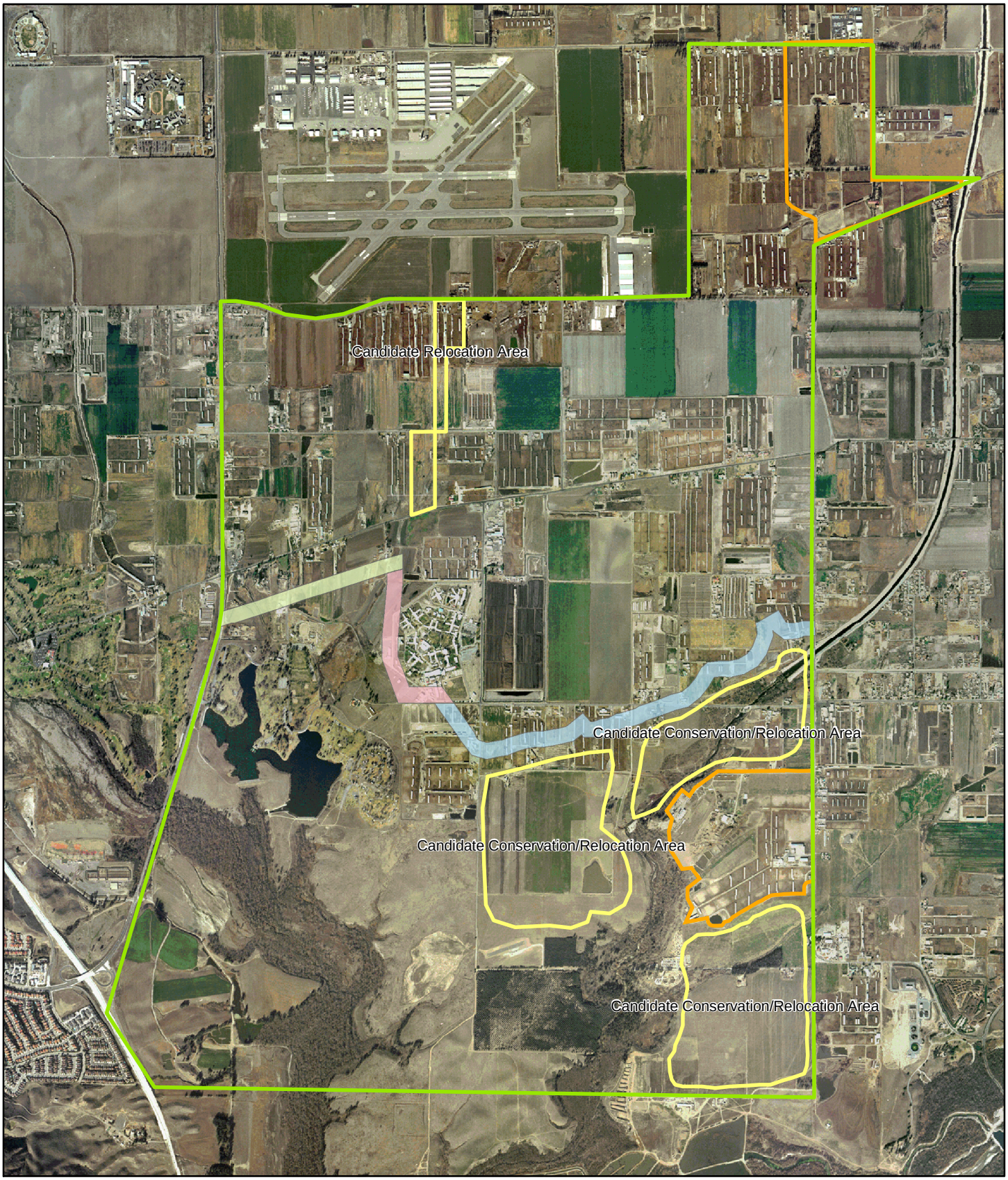
4.3.3 Mitigation Measure B-3. Resource Management Plan

Mitigation Measure B-3 (Resource Management Plan) called for the development of this RMP and specified several programs or mitigation measures be developed in order to address the following issues and to formalize the City's balanced approach to land use and resource management within The Preserve: 1) a 300-acre Conservation Area, onsite or offsite; 2) burrowing owls; 3) an urban buffer/transition area; 4) surface water and riparian habitat; 5) existing windrows; 6) agricultural easements; 7) a mitigation fee program; 8) participation in regional conservation efforts; and 9) program management. Additional implementation guidance is provided for each of these components below.

300-acre Conservation Area

Provisions will be made for the creation, enhancement, expansion and perpetuation of high-quality wildlife habitat in a 300-acre Conservation Area to be located within the Prado Basin with preference to a location generally below the 566-foot inundation line and within the boundaries of the Project Area. Exhibit 8 shows the general locations within the Project Area that have the greatest potential of being suitable for the Conservation Area. The 300-acre site will be selected according to the following criteria and obtained by the City of Chino through an agreement with the landowners in the form of a deed, an irrevocable license conservation easement right-of-entry, or other legally enforceable instrument. The purpose of the selected site will be to provide foraging and nesting habitat for raptor and migratory bird and waterfowl species that are consistent with the biological resource mitigation measures of the EIR. Candidate sites will be evaluated against the following criteria:

- Large, contiguous parcels of land;
- Preference given to location within the Project Area below the 566-foot dam inundation line. Alternatively, the Conservation Area could be established offsite within the Prado Basin if acquisition and control of the onsite Conservation Area cannot be secured in a timely, cost-effective manner as determined by the City;



Source: City of Chino, MBA

Exhibit **8**

Candidate Conservation Areas

Buffer/Transition Area
Flood Control Berm
Edison Corridor
Candidate Conservation and Relocation Area
Agricultural Zoned Area
Subarea 2 Boundary

0 1,250 2,500 5,000 Feet

NORTH

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THE PRESERVE SUBAREA 2

- Willingness of landowners to allow their land to be used for conservation purposes;
- Agricultural land or natural open space with short, native or non-native grassland;
- Sites supporting natural habitats utilized by foraging raptors and/or migratory waterfowl such as riparian woodlands and oak woodlands;
- Extent of enhancements/restoration efforts needed to improve existing habitat values;
- Proximity to wildlife corridors; and
- Connectivity to regional open space.

The City shall complete a feasibility analysis of potential Conservation Areas identified in Exhibit 8, or, if these areas are determined to be infeasible or unavailable, a Conservation Area(s) offsite outside of the boundaries of the Project Area but within the Prado Basin, within 12 months of certification of the EIR. The feasibility study shall include costs and a timetable for securing Conservation Area(s). Offsite alternatives will be considered if the City finds potential onsite mitigation areas to be infeasible or if a proposed offsite alternative is available and is found to be environmentally superior based upon the above selection criteria.

A biologist experienced in conservation ecology will conduct a general biological survey of any site proposed by the City to determine the suitability of the site to serve as a Conservation Area. Based on the survey and criteria evaluation, the biologist will prepare a report documenting the site's suitability, specific recommended enhancement and restoration measures, other conservation activities needed for implementation consistent with the RMP and the EIR, and estimated costs associated with such measures or activities. The City will review this report and, if they concur with the assessment of the site and its suitability to serve as a Conservation Area, adopt a program for formally acquiring, enhancing, restoring, and managing the site. The City may involve federal, state, private land use, and/or conservation agencies in this program.

If the City selects a Conservation Area (onsite or offsite), and such area does not have all the requisite habitat characteristics necessary to mitigate impacts consistent with Mitigation Measures B-3(1) and B-3(2), other actions to address such impacts shall be implemented. Such actions may include the identification of other areas for specific mitigation including the enhancement/restoration of such areas. For example, if the selected Conservation Area(s) is located outside of the Project Area and is not viable to support burrowing owls including their relocation into such area, actions to ensure that the impacts to the burrowing owl are adequately addressed will also need to be implemented.

The City may ultimately transfer ownership and/or management responsibility for the property to a conservancy, land trust, or appropriate land management agency. Such an entity must have expertise in

the management of land and biological resources. Until the transfer of ownership or management responsibility occurs, the responsibility for management of the Conservation Area will remain with the City. Table 4-4 provides a checklist for needed items to identify and establish the Conservation Area.

TABLE 4-4
CONSERVATION AREA CHECKLIST

☐	Identify large, contiguous parcels of land within the Prado Basin meeting one or more of the following criteria: – Agricultural land or natural open space with short, native, or non-native grassland; – Site supporting native habitats such as riparian woodlands and oak woodlands; – Proximity to wildlife corridors; – Connectivity to regional open space; – Availability of the land for conservation purposes; and – Preference to feasible onsite areas within the 566-foot flood inundation area.
☐	Retain a biologist experienced with conservation ecology to conduct a general biological inventory of potential sites with emphasis on assessing the suitability to serve as a conservation site for foraging and nesting raptors and migratory bird and waterfowl species and to support regional wildlife movement.
☐	The biologist will prepare a technical report documenting his findings, evaluation, and recommendations on whether a property could serve as a Conservation Area based on the above criteria.
☐	Submit the biological report to the City of Chino for review and concurrence.
☐	Once an appropriate site is identified, the City will retain a conservation biologist to prepare implementing procedures specific to that site. Procedures will address all issues needed to ensure the site is permanently conserved and provides all necessary elements for supporting foraging or nesting raptors, migratory birds and waterfowl, and/or regional wildlife movement. Issues to be addressed should include: – Site description, such as location, physical features, and biological habitats; – Species presence; – Potential for site to support foraging or nesting raptor species, migratory birds, and/or regional wildlife movement; – Establish a biological monitoring program to document wildlife use of the site; and – Reporting requirements.
☐	Work with an existing agency or conservancy to establish a management program for the long-term management and maintenance of the Conservation Area.

Enhancement/Restoration

Once a Conservation Area(s) has been selected, provisions will be made for Enhancement/Restoration deemed necessary, based on the biologist's report and recommendations described in the preceding section. Given the extent of disturbance of the existing wildlife habitats throughout the Project Area, some level of Enhancement/Restoration is expected. However, the level of Enhancement/Restoration will vary depending on the characteristics of the selected site. A well-chosen site may not require much in the way of enhancements, although a high-quality site may not be able to meet all the required characteristics. If it is determined that little or no funding is needed for a particular site in the way of enhancements/restoration, funds apportioned for such purpose (see Section 4.5) may be used

for other enhancements/restoration activities within the Project Area that will be of benefit to biological resources within the Project Area.

A biologist/restoration specialist experienced in Enhancement/Restoration of riparian and upland habitats shall inspect a candidate site and prepare recommendations for habitat restoration and enhancement, if required, to correct identified habitat deficiencies. These recommendations shall consider and include, as needed:

- A weed removal program and replanting of native vegetation to create high-quality raptor foraging, burrowing owl nesting and foraging, and migrating bird and waterfowl habitats;
- Installation and maintenance of artificial burrowing owl nesting sites, if appropriate, to mitigate for the loss of burrowing owl habitat. Nesting sites will be located and designed to facilitate use by burrowing owls; and
- Planting stands of trees within the proposed Conservation Areas, if needed, to mitigate for the loss of raptor nesting/foraging habitat.

Table 4-5 provides a checklist for steps that should be implemented in order to establish what Enhancement/Restoration efforts may be needed.

TABLE 4-5
ENHANCEMENT/RESTORATION CHECKLIST

☐	Once a conservation site has been identified, the City will retain a biologist/restoration specialist to inspect the site and prepare Enhancement/Restoration recommendations specific to that site. Recommendations will address all improvements needed to a candidate site to ensure the site provides good quality habitat for both short-term and long-term occupation by burrowing owls, raptors, migratory birds, and other wildlife species as appropriate. Issues to be considered include: – A weed removal program and replanting of native vegetation to create high-quality raptor foraging, burrowing owl nesting and foraging, and migrating bird habitats; – Installation and maintenance of twenty (20) artificial burrowing owl nesting sites, if appropriate, to mitigate for the loss of burrowing owl habitat. Nesting sites will be located and designed to facilitate use by burrowing owls; and – Planting stands of trees within the proposed Conservation Areas to mitigate for the loss of raptor nesting/foraging habitat.
☐	Contract with a restoration, landscaping, or planting services company to implement needed Enhancement/Restoration efforts.
☐	The biologist/restoration specialist will monitor the installation of improvements for compliance with the Implementation Plan.
☐	Prepare an annual report for the first 5 years to document the successful implementation of the Enhancement/Restoration efforts.

Burrowing Owls

Although significantly degraded, agricultural lands within the City of Chino, including the Project Area, provide nesting and foraging habitat for the burrowing owl. If burrowing owls are discovered on a property proposed for development during the course of conducting a biological survey (see Section 4.3.2, Required Biological Surveys), the applicant/landowner shall follow the September 25, 1995 CDFG Staff Report on Burrowing Owl Mitigation (Appendix F) as supplemented by this RMP. If avoidance is feasible areas occupied by burrowing owls should not be disturbed within approximately 160 feet outside the breeding season (September 1 through January 31) and 250 feet during breeding season (February 1 through August 31). If avoidance is not feasible, provisions will be made to passively relocate the owls from the project site in accordance with the 1995 CDFG Staff Report. It should be noted that site conditions are expected to vary and that mitigation measures will need to be adapted to fit specific circumstances. While the primary focus will be on passive relocation, as required by CDFG, other optional approaches to mitigation may be considered if it can be demonstrated that they will benefit the burrowing owl.

As indicated, passive relocation as opposed to avoidance will be the preferred and probably the most practical mitigation measure since most of the land above the 566-foot inundation line is planned for development and avoidance is not expected to be possible. Relocated owls are intended to be accommodated within the 300-acre Conservation Area. Priority will be given to establishing an onsite Conservation Area that provides nesting and foraging habitat for burrowing owls, as well as foraging habitat for raptors, migratory birds, and waterfowl.

Table 4-6 provides a checklist for determining if burrowing owl mitigation measures are needed for a project site and presents a range of options for satisfying needed mitigation requirements.

TABLE 4-6
BURROWING OWL MITIGATION CHECKLIST

☐	A general biological and any required focus surveys for each development application shall determine if burrowing owls are nesting on the development site (see Section 4.3.2, Required Biological Surveys).
☐	If surveys confirm that the site is occupied by burrowing owls, mitigation measures to minimize impacts to burrowing owls, their burrows, and foraging habitat should be incorporated into subsequent, project-level CEQA documents as enforceable conditions. Projects and situations vary and mitigation measures should be adapted to fit specific circumstances.
☐	For sites occupied by burrowing owl, a report for the development project should be prepared for the City of Chino. The report should include the following information: – Date and time of visit(s) including name of the qualified biologist conducting surveys, weather and visibility conditions, and survey methodology; – Description of the site including location, size, topography, vegetation communities, and animals observed during visit(s); – Maps and photographs of the site; – Results of focused surveys for burrowing owls, including a map showing the location of all burrow(s) (natural or artificial) and owl(s), as well as the numbers at each burrow, if present, and tracks, feathers, pellets, or other items (e.g., prey remains, animal scat); – Behavior of owls during the surveys; and – Any historical information (Natural Diversity Database, Department region files/Breeding Bird Survey data, American Birds records, Audubon Society, local bird club, other biologists, etc.) regarding the presence of burrowing owls on the site.
☐	If avoidance is feasible[(1)], then no disturbance should occur within 50 meters (approximately 160 feet) of occupied burrows during the nonbreeding season of September 1 through January 31 or within 75 meters (approximately 250 feet) during the breeding season of February 1 through August 31.
☐	If avoidance is not feasible, passive relocation shall be employed; owls should be excluded from burrows in the immediate impact zone and within a 50-meter (approximately 160-foot) buffer zone by installing one-way doors in burrow entrances. One-way doors (e.g., modified dryer vents) should be left in place 48 hours to ensure owls have left the burrow before excavation. Two natural or artificial burrows should be provided in the Conservation Area or within a City-approved Candidate Relocation Area for each occupied burrow that will be rendered biologically unsuitable by a given development project. The affected portion of the project site should be *monitored daily for one week* to confirm owl use of burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.
☐	Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
☐	Pre-construction surveys of suitable habitat at the project site(s) and buffer zone(s) should be conducted within the 30 days prior to construction to ensure no additional burrowing owls have established territories since the initial surveys. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction survey, the site should be resurveyed.
☐	When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 within the Conservation Area or a Candidate Relocation Area. One example of an artificial burrow design is provided in Exhibit 9.
Note:	[(1)] For the purposes of this Section "feasible" refers to location of nests in open space or other areas not proposed for development or other invasive use.

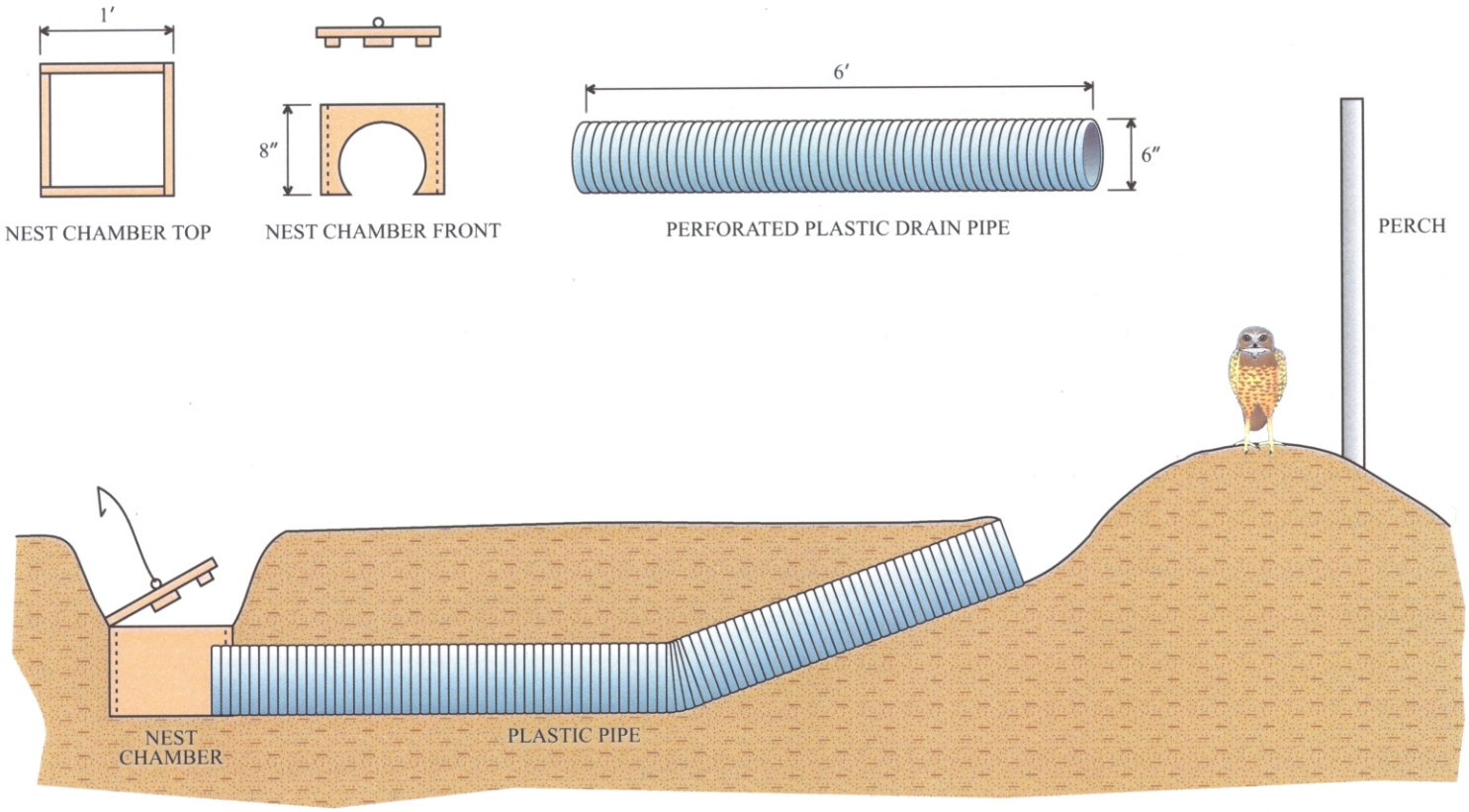

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Exhibit **9**

Artificial Nest Design for Burrowing Owls

THE PRESERVE • CHINO SUBAREA 2