Active Relocation Option

The feasibility of establishing an active relocation program as an alternative relocation methodology may be considered by the City of Chino as one of the options available to an applicant/landowner if an active relocation area(s) can be successfully established and approved by CDFG. The Candidate Relocation Areas discussed above and shown on Exhibit 8 would be evaluated for their applicability as an active relocation site. An active relocation will require moving owls beyond their present territory into other areas within the Project Area. There have been successful active relocation programs in California and elsewhere in North America. An active relocation program in British Columbia succeeded in releasing 106 yearling owls between 1992 and 1997. The mean number of fledglings per successful pair was 4:1 (Leupin 2001). Another active relocation effort by P. Delevoryas (1997) in Santa Clara, California, relocated five pairs of burrowing owls during the courtship period; two pair bred, with one pair producing six nestlings.

Locally, P. Bloom, (personal communication 2002) cooperated with Seal Beach Naval Weapons Station (SBNWS) to establish an active relocation program. Approximately 30 owls have been relocated to this facility from project sites in the last 5 years and have resulted in 10 successfully fledged nestlings from captive breeding adults.

The process of actively relocating burrowing owls requires special federal permits as well as approval from CDFG and will be implemented only if determined to be feasible by the City or its designee in consultation with CDFG. If such an area can be established and permitted by the City of Chino for active relocation, it could be available if passive location is unavailable or unsuccessful for mitigating impacts to burrowing owls if they are discovered to be present on a particular project site. Appendix G details the steps that the City and project applicants would have to follow to establish such a site if they chose it as an optional implementation measure.

Contingency Burrowing Owl Relocation Areas

It is possible that the 300 acres that will be obtained by the City for the Conservation Area(s) may not have the necessary characteristics to provide the requisite burrowing owl habitat requirements to accommodate relocated owls, even if it is enhanced to support the burrowing owl. This could very well be the outcome if the City determines that the Conservation Area needs to be located outside of the Project Area (see discussion under "300-Acre Conservation Area").

In order to address this possible contingency, four areas within the Project Area have been preliminarily identified as Candidate Relocation Areas. These areas are discussed below and

graphically depicted in Exhibit 8. A burrowing owl Candidate Relocation Area will be established only if the 300-acre Conservation Area is not situated or does not provide the requisite habitat elements to accommodate relocated burrowing owls. It should be noted that the Candidate Relocation Areas may overlap the area identified as the potential 300-acre Conservation Area. Below is a discussion of these four potential burrowing owl relocation areas.

Drainage Area "B"

A burrowing owl relocation area (Candidate Relocation Area) has been identified between Kimball and Pine Avenues along the unnamed drainage course (shown as Drainage Area B on Exhibit 7). This site is approximately 40 acres in size and will be designed to accommodate the influx of burrowing owls as well as developed as a Natural Treatment System (NTS) (see Mitigation Measure B-3(5) above in Section 4.2). Exhibit 8 shows the potential location of this site. This site is strategically located to accommodate an influx of several burrowing owl pairs as well as to allow for the north-south movement of owls. Besides providing habitat and a movement corridor for burrowing owls, this Candidate Relocation Area also may provide habitat for migratory waterfowl and may provide an opportunity for the movement of large mammals such as coyotes. The Candidate Relocation Area will be enhanced and protected with a permanent conservation easement as funding becomes available.

If it is determined by the City that a contingency Burrowing Owl Relocation Area site is necessary, first priority will be given to establishing it at this location. The reason for giving this site priority over the others discussed below is that its proximity to areas to be converted to urban development is expected to facilitate passive relocation of burrowing owls. If it is determined that it is necessary to establish this site as a Burrowing Owl Relocation Area, grading and construction of the NTS and owl habitat will occur prior to issuance of the 1,800th building permit within the Project Area.

Candidate Relocation Areas Below the 566-foot Elevation

Four other general areas have been identified that could potentially provide land for additional Candidate Relocation Areas, if needed (see Exhibit 8). These sites would only be established as Owl Relocation Areas in the future on an as-needed basis if it is determined that the Drainage Area B site discussed above becomes inadequate to support additional relocated burrowing owls beyond the population that would already occupy this area.

The first area is generally located east of the Chino Airport, including property owned by San Bernardino County as part of the airport facility. It could also include private lands further to the east, as well as land owned by the Southern California Agricultural Land Foundation (SOCALF). The area

consists of pasture, crops and dairies that have the potential to provide suitable burrowing Owl habitat. Depending on the location of a specific relocation area, cooperative agreements with San Bernardino County and/or SOCALF, or permission from private property owners would be needed to establish a relocation area. The potential for conflict with airport safety or the agricultural operations of SOCALF would also need to be addressed to the satisfaction of SOCALF and/or San Bernardino County.

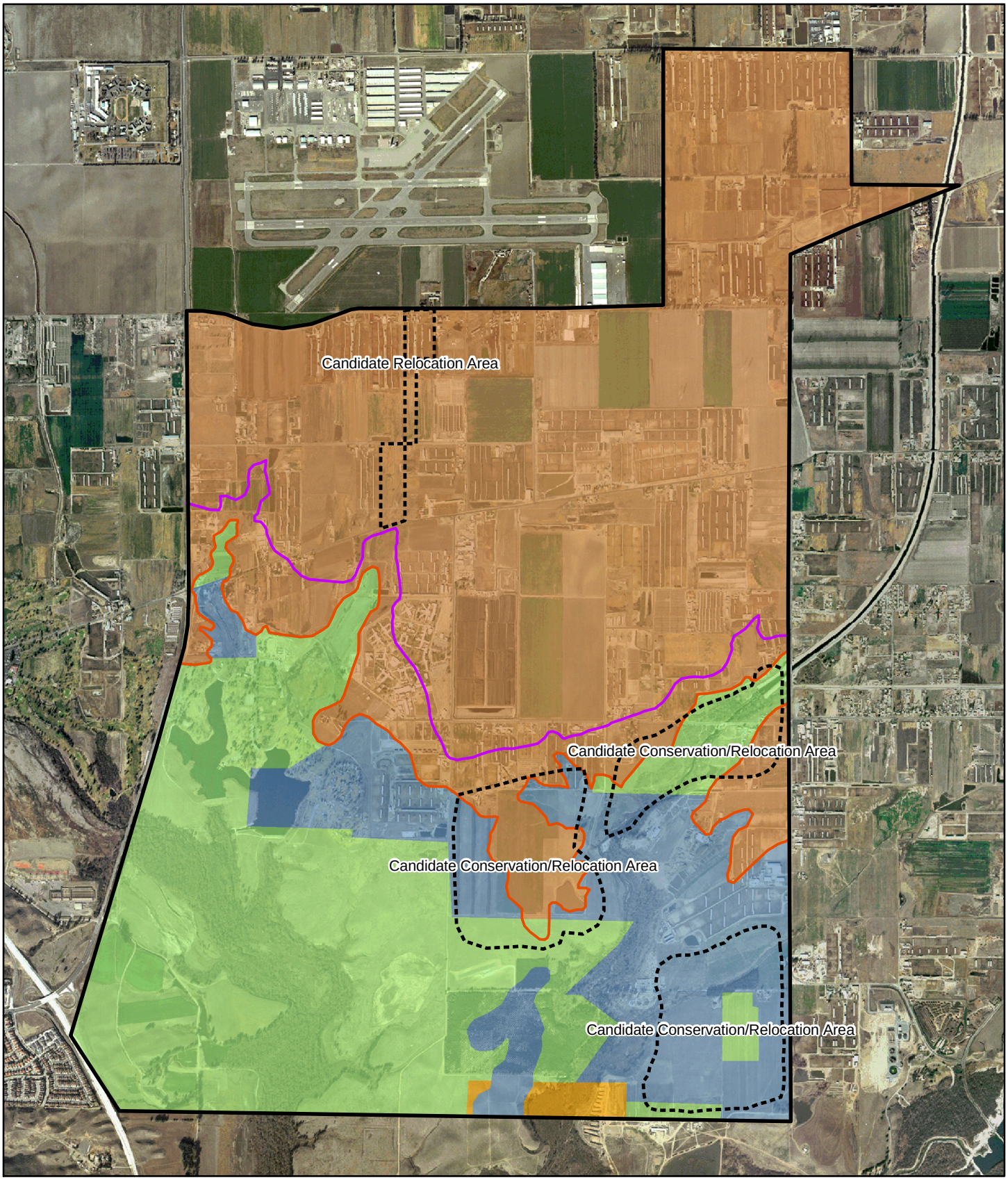
The other three candidate relocation areas are located in the southern part of the Specific Plan, below the 566-foot dam inundation area. One area is centered around the riparian and upland habitats associated with Mill Creek as it transitions into the Project Area along the east boundary. The site provides agricultural lands and natural open space needed to provide suitable burrowing owl habitat. A second area is located within the south central portion of the Project Area (see Exhibit 8). The vegetation is comprised of non-native grassland, and fallow lands agriculture. A third area is located at the southeastern corner of the Project Area below the 566-foot inundation line and is comprised of active agricultural fields.

Exhibit 10 provides information on generalized land ownership patterns within these potential Candidate Relocation Areas. Most land is either in private ownership with no restrictions, private ownership with a flowage easement owned by USACE, or owned in fee by USACE. Most of the land owned by USACE has been leased to San Bernardino County for recreational purposes. Land between the 556-foot inundation line and the 566-foot inundation line is in private ownership but has been identified by the Orange County Flood Control District for acquisition either in fee or through an easement. These lands would all have the potential to be used as Relocation Areas, if needed, provided agreement can be reached with the landowners to allow for such use of their land.

Urban Buffer/Transition Area

The future location of the urban buffer/transition area generally coincides with the linear buffer trail at the southerly edge of the urban development area along the 566-foot line (see Exhibit 4). The buffer will provide for limited access to habitat areas and includes provisions for the logical transition between urban structures/uses and habitat areas.

The key participants in the implementation of the urban buffer/transition area include but are not limited to the City of Chino, private landowners/developers, USACE, Orange County Flood Control District (as acquisition agent for USACE), Chino Institution for Women (State of California), and County of San Bernardino Regional Parks.



Source: City of Chino, MBA

556 Contour Line
566 Contour Line
Candidate Conservation/Relocation Area
Chino Subarea 2 Boundary
Private - No Flowage Easements
Private - with Flowage Easements
Orange County Water District
US Army Corps of Engineers

0 0.25 0.5 1 Miles

NORTH

Michael Brandman Associates

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Exhibit **10**

Generalized Land Ownership Patterns

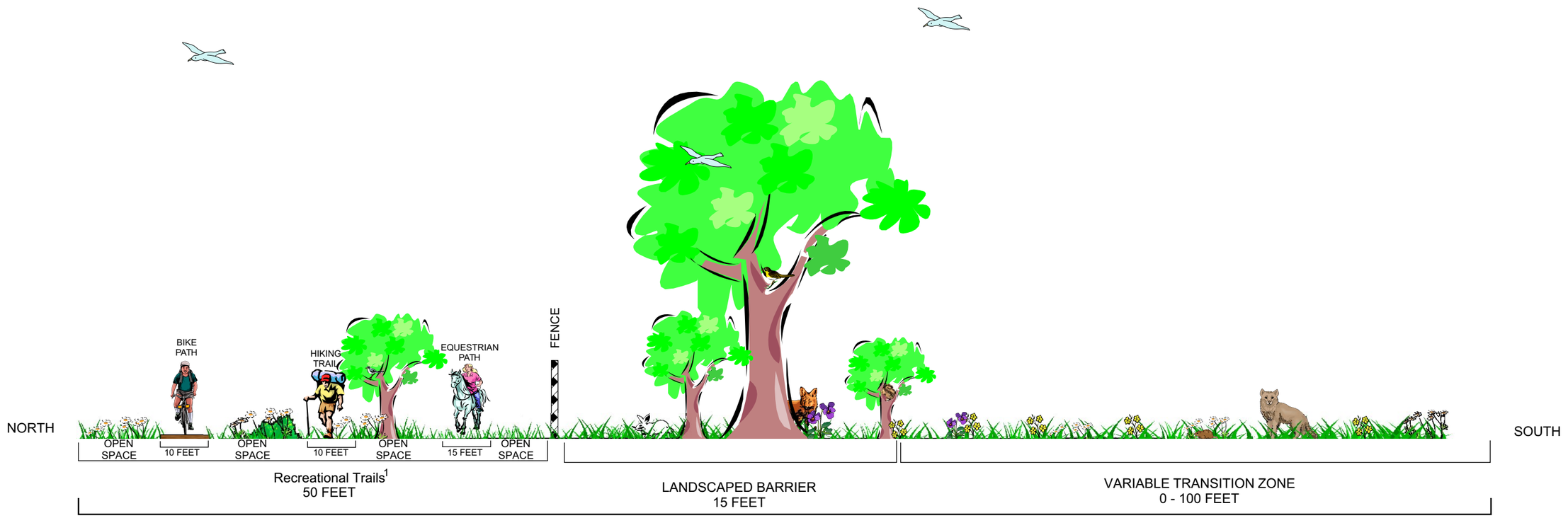
THE PRESERVE SUBAREA 2

Specific features regarding design, conceptual location, buffer width and/or setback requirements, timing and other features of the buffer are described below.

The purpose of establishing an urban buffer/transition area is to accommodate existing agricultural uses and to allow limited recreational and non-impacting uses along its northern half as long as these activities are directed away from wildlife uses south of the buffer. New uses in the northern portion of the buffer could include trails and educational facilities. No trails or active recreational uses, with the exception of limited trail connection to the Coast-to-Crest Trail, would be allowed in the southern portion of the buffer.

It should be noted that the urban buffer/transition area is not a Conservation Area but a transition area between planned urban development generally above the 566-foot inundation line and the open spaces located generally below the line. This urban buffer/transition area will be situated generally on the south side of the 566-foot inundation line. Its location is graphically depicted in Exhibit 8, and a conceptual design is shown in Exhibit 11. The width and design of the buffer will vary depending on the nature of adjoining uses, natural or manmade physical features that provide separation from habitat areas, physical limitations including fencing, and proximity to habitat areas or other sensitive biological resources. However, a typical buffer width ranging from 65 feet to 165 feet is planned with the actual width depending on the sensitivity of adjoining uses. The urban buffer/transition area will be installed concurrent with adjoining development with the precise design determined at the time of the design of individual development projects. The Orange County Flood Control District (OCFCD) is in the process of identifying and acquiring, through purchase in fee or a flowage easement, most of the land between the 556- and 566-foot elevations for flood control purposes and these areas may provide for future opportunities for the location of the urban buffer/transition area. The City of Chino will work with OCFCD regarding the potential future use of these lands for the buffer. Alternatively, land used for the buffer would be dedicated or otherwise reserved for the intended use by adjoining development at the time of the approval of individual developments.

The urban buffer/transition area will cross the Project Area from east to west as shown in Exhibit 8 and will have three distinctive segments: an urban transition edge area, a flood control berm around the California Institute for Women (CIW), and the Edison Corridor. Starting at the eastern boundary just above the point where Cucamonga Creek enters the Project Area, an urban buffer/transition area will proceed westward along the south side of the 566-foot inundation line to the southeast corner of the CIW. This segment of the buffer/transition area will include a recreational trail, a fence, a landscaped barrier, and open space of variable width south of the barrier. A conceptual design for this segment is presented below. A dirt berm will be constructed around CIW, as indicated in Exhibit 8, for flood control purposes. It will control access to areas below the 566-foot inundation line within this



[1]Location may vary depending on final design.

Michael Brandman Associates

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Exhibit **11**

Urban Buffer / Transition Area Conceptual Design

THE PRESERVE • CHINO SUBAREA 2

segment and will not require a fence and landscape barrier. A recreational trail (the same one described for the urban buffer/transition area, above) will be accommodated along its southern edge. The final segment will be coordinated with the existing alignment of the Edison Corridor, where practical, and will run on the south side of Pine Avenue. The design and alignment of this final segment will be coordinated with existing recreational facilities including an equestrian center, the Moreno Ranch, and Prado Lake. These existing recreational facilities already effectively separate and provide open space between the natural habitats below the 566-foot inundation line and the proposed development above the 566-foot line. Any future expansions or changes to these uses will be reviewed for edge affects on adjoining critical biological resources (if any) as part of the land use application review process. Further, the natural drainage features within the open space areas north of Prado Lake are potential jurisdictional Waters of the U.S. and Waters of the State which will provide for additional buffering. They are protected under the Clean Water Act and California Department of Fish and Game Code. Any potential impacts to these resources and open space will require compliance with the RMP and coordination with the City, the Army Corps of engineers and CDFG.

Design Features for the Urban Buffer/Transition Area

The urban buffer/transition area will be designed to limit and direct human access away from the natural open areas below the 566-foot line. The upper portion of the urban buffer/transition area may include maintained trails to be constructed with monies or fees other than the biological mitigation fee described in this document. Recreational use of this trail will be restricted to hiking, horseback riding, and bicycling in designated trails within a typical 50-foot multipurpose trail corridor cross-section, which is included in the width of the urban buffer/transition area. No motorized vehicles will be allowed on the trail except for emergency and maintenance vehicles. The trail will extend from Hellman Avenue to the southeast corner of CIW. Off-trail human intrusion into areas below the urban buffer/transition area will be managed through signage, vegetation/landscape barriers, and fencing (discussed below).

Trail Design

Pathways. Three trails or pathways will be established in the northern half of the urban buffer: a pedestrian trial, an equestrian trail, and a bike trail, as depicted in Exhibit 11. Maximum width of each trail will range between 10 and 15 feet within a typical multipurpose trail corridor cross-section of 50 feet.

Landscaped Barrier. A landscaped barrier along the south side of the trails will be maintained with native trees and shrubs. This barrier will provide a visual as well as a physical separation between

urbanized areas and wildlife habitats. The landscape areas will consist of heavy shrubs or tree row within a 15-foot wide strip. Shrubs will be chosen to provide a physical and visual barrier and to restrict access. The following native plants are recommended for a shrub or tree row to be landscaped through the center of the buffer:

Bushes/Shrubs

- California bush sunflower (*Encelia californica*)
- Brittlebush (*Encelia farinosa*)
- California sagebrush (*Artemesia californica*)
- California croton (*Croton californicus*)
- Fuchsia-flowering gooseberry (*Ribes speciosum*)
- Black sage (*Salvia mellifera*)
- Matilija poppy (*Romneya coulteri*)
- California buckwheat (*Eriogonum fasciculatum*)
- California wild rose (*Rosa californica*)

Trees

- Toyon (*Heteromeles arbutifolia*)
- Mexican Elderberry (*Sambucus mexicana*)
- Lemonade Berry (*Rhus integrifolia*)
- Scrub oak (*Quercus berberidifolia*)
- Coast live oak (*Quercus agrifolia*)
- Western sycamore (*Platanus racemosa*)
- Fremont's cottonwood (*Populus fremontii*)
- Willow (*Salix* sp.)

Herbacious Plants

- Western goldenrod (*Euthamia occidentalis*)
- California everlasting (*Gnamphalium californicum*)
- California popcorn flower (*Plagiobothrys collinus*)
- California poppy (*Escholzia californica*)
- Blue-eyed grass (*Sisyrinchium bellum*)
- Giant wild rye (*Leymus condensatus*)

Fencing. A fence will be erected at the south edge of the pathways to focus casual activities away from the wildlife habitats below the 566-foot line. The fence should be open, such as split rail fence,

through which wild animals may freely move. A limited number of signed openings in the fence will allow controlled access to open spaces below the 566-foot line.

Berming. Along those portions of the urban buffer beginning at the southeast corner of CIW and continuing towards Pine Avenue, as indicated in Exhibit 8, an earthen berm may be an effective option to fencing as a barrier at certain locations and can function to provide both flood protection and wildlife habitat--in particular, locations for artificial burrowing owl nesting sites.

Transition Area. The lower portion of the buffer (south of the landscaped barrier) will be maintained as natural open space to serve as a transition area (unless the buffer is adjacent to an existing active agricultural use, in which case this additional transitional natural open space is unnecessary).

Signage. At least one interpretative sign will be installed every ¼ mile along the length of the buffer trails between Hellman Avenue and CIW.

Specific urban buffer/transition area designs based on the guidelines established in the RMP will be developed and implemented in phase with adjacent development. The City will review development applications to provide for continuity and transition of the buffer design between adjacent properties.

Timing and Phasing of Urban Buffer/Transition Area Implementation

The phasing of the urban buffer/transition area will generally coincide with development of adjacent properties immediately above the 566-foot line. Development of these areas, which are expected in the latter phases of buildout of the Project Area, may be as much as 10 years or more away. During this period it is possible, and perhaps even likely, that existing private agricultural and dairy uses along the planned buffer zone may change or relocate. Implementation of specific segments of the urban buffer/transition area will be designed and constructed in concert with development along this area and will take into consideration the nature of adjacent areas (generally areas to the south of the buffer/transition area) as well as continuity with segments that may have already been constructed.

Surface Waters

Most of the natural drainages above the 566-foot inundation line have been extensively modified by agricultural activities and no longer qualify as Waters of the U.S. or Waters of the State. Many of these existing surface waters are limited to agricultural detention basins, which are contaminated with dairy wastewater. Loss of these surface water features is not considered a significant impact. However, surface waters within the Project Area provide foraging habitat for migratory birds,

waterfowl, and other wildlife species. As part of conducting a general biological survey of a proposed project site, the biologist will assess the surface waters on the project site and determine if it qualifies as jurisdictional (i.e., Waters of the U.S. or Waters of the State). Impacts to surface waters that are determined to be jurisdictional, must be mitigated through compliances with applicable requirements of USACE, Regional Water Quality Control Board, and CDFG for Section 404 Clean Water Act permits and Streambed Alteration Agreements (see Table 4-3, Required Biological Studies Checklist).

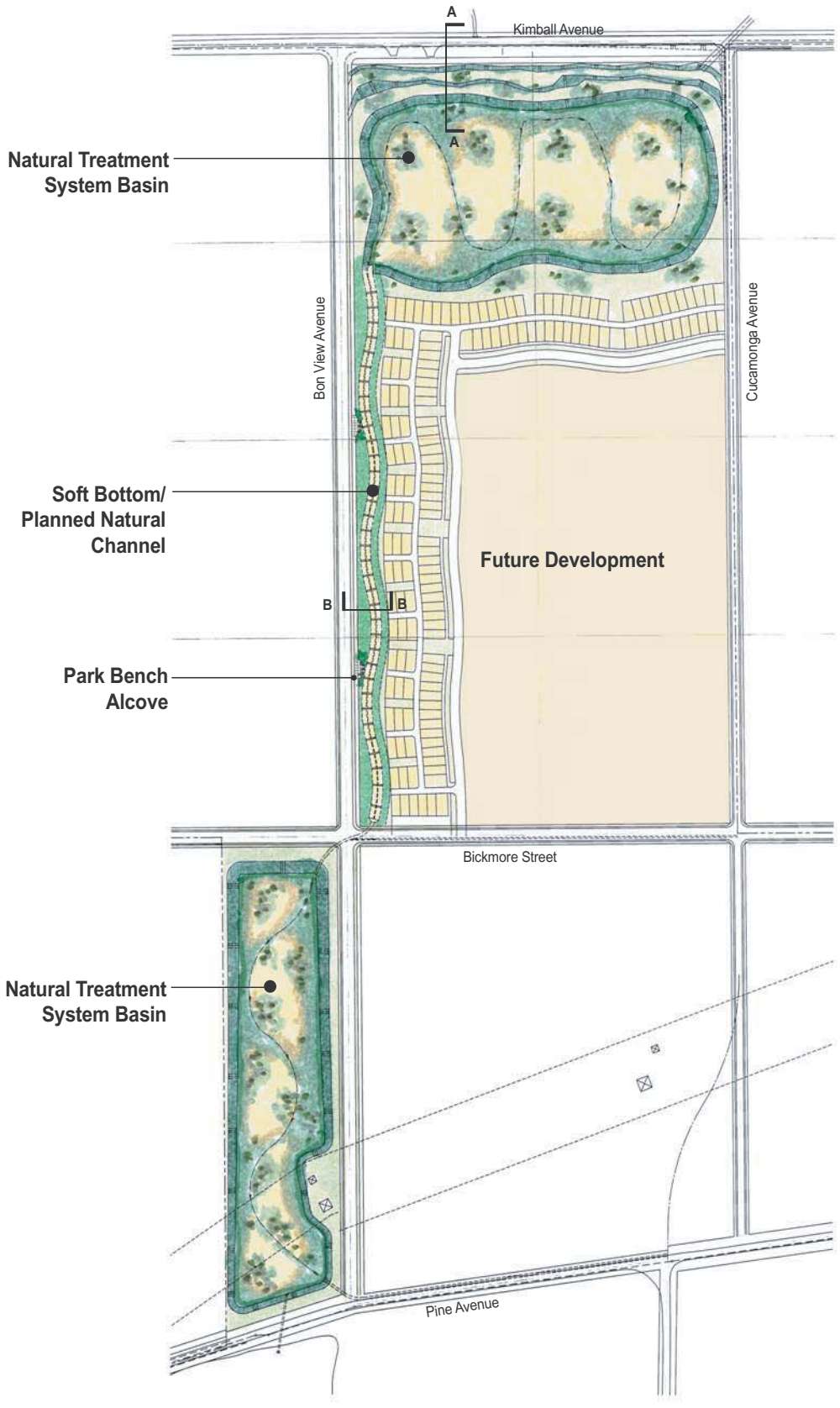
A restoration program will be designed for Drainage Area B (see Exhibit 7) to serve as a naturalized drainage course and enhanced to provide riparian habitat values, including plantings of appropriate native species of plants and trees. It is anticipated that these enhancements will be provided in conjunction with drainage facilities and constructed "Natural Treatment Systems" (NTS) designed to improve water quality. The site may also be designated to function as a burrowing owl Candidate Relocation Area. Exhibit 12 provides an illustrative example of how the drainage area may be designed.

Through these restoration efforts along Drainage B, a minimum of 10 acres of marsh and or riparian habitats shall be constructed in conjunction with drainage facilities and/or NTS for water quality purposes, in order to provide mitigation for loss of the low-quality habitat values of the agricultural detention basins, as well as other surface waters within the Project Area.

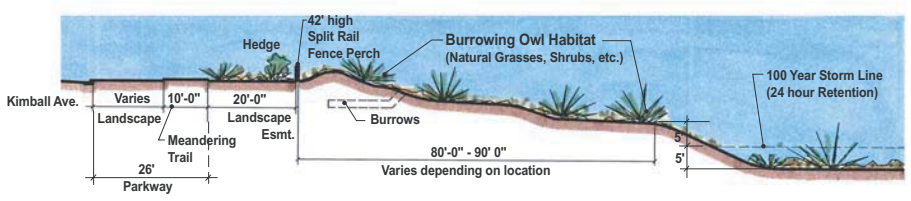
Table 4-7 lists requirements for identifying and mitigating potential impacts to surface waters.

TABLE 4-7
SURFACE WATERS CHECKLIST

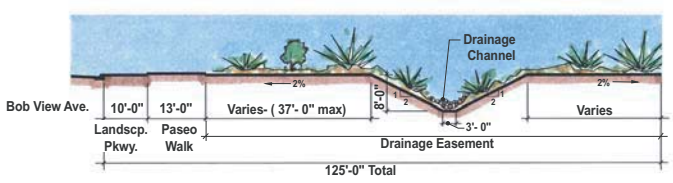
☐	All development applications will include in the general biological survey conducted for a proposed project, a review of surface waters on the project site.
☐	If it is determined that jurisdictional waters (Waters of the U.S. or Waters of the State) may be present, a jurisdictional delineation must be conducted and submitted to the City for review.
☐	If any impacts to jurisdictional waters are identified based on the jurisdictional delineation and proposed project design, the appropriate wetland permits will be acquired including a wetlands permit under Section 404 of the Clean Water Act and a Streambed Alternation Agreement under CDFG code.



PLAN
SCALE : 1"= 200'- 0"



SECTION A
SCALE : 1"= 16'- 0"



SECTION B
SCALE : 1"= 16'- 0"

Burrowing Owl Habitat Concept Plan

Exhibit 12
THE PRESERVE
Chino, California

January 28, 2003

Existing Windrows

Existing windrows that provide viable raptor habitat shall be retained and incorporated into the design of individual development projects where practical. If retention is demonstrated to be impractical to the satisfaction of the City, the developer shall provide for the replacement of the windrow trees in a manner supportive of raptor habitat. The required biological survey conducted as part of the development application should include an inventory of trees if windrows are present. The biological survey report should also include recommendations on the number of trees, tree specifications, and location of replacement areas for windrows that may be lost. The recommendations shall be based on biological values, as determined by a certified arborist in consultation with an ornithologist specializing in raptor biology.

Replacement trees may be located within the 300-acre Conservation Area or other suitable areas located inside or outside of the project site if consistent with the recommendations of the arborist and ornithologist. The recommendations in the biological survey report will be reviewed by the City in consultation with the wildlife agencies to ensure adequate compensation for the loss of a windrow on a project site.

A tree replacement program must include:

- Description of trees slated for removal;
- Specification for replacement trees: tree species, number of trees for each species, and size of replacement tree;
- Location of replacement area;
- Planting requirements;
- Irrigation requirements;
- Post-planting monitoring requirements, including germination/survival rates and expected growth rates for a 5-year period;
- Requirement to conduct a survey for nesting birds, including raptors, if trees will be removed during breeding season (February 1-August 31); and
- Requirement that trees be removed outside the breeding season if birds are determined to be nesting.

Table 4-8 provides a checklist for addressing the possible presence of windrows on a project site.

TABLE 4-8
WINDROW CHECKLIST

☐	All development applications will include, in the general biological survey conducted for a proposed project, a discussion of existing windrows on the project site.
☐	If windrows are present, a tree replacement program for all trees slated for removal for the project site must be submitted to the City for review and approved by a certified arborist in consultation with an ornithologist specializing in raptor biology. The program will include post-planting monitoring requirements, including germination/survival rates and expected growth rates of trees over a 5-year period.
☐	Completion of a nesting bird survey prior to tree removal, if tree will be removed during the breeding season (February 1 through August 31).
☐	Removal of trees outside the nesting season (February 1 through August 31) if birds are determined to be nesting in trees slated for removal.
☐	Submittal to the City of annual reports for a 5-year period documenting germination/survival rates and growth rates for all newly planted trees. Recommended germination/survival rates and growth rates will be approved by the City as part of their review and approval of a tree replacement program for a project.

Williamson Act Lease Cancellation Fees

Under Mitigation Measure AG-1 (see Section 5.2 in the Draft EIR), which addresses mitigation for the loss of prime agricultural land, the City has committed to participate in the Williamson Act Easement Exchange Program (WAEEP) and any plan that may be adopted pursuant to SB 831 for acquisition of agricultural easements or other conservation easements for the purpose of permanent agricultural land preservation. These easements will also provide mitigation for identified impacts on biological resources in that they will preserve areas in agriculture and prevent the future development of recreational or other non-agricultural uses that could be detrimental to biological resources.

Participation in Regional Efforts

There are several surrounding existing wildlife areas and habitat conservation planning initiatives that benefit from the adjacency and openness of the agricultural fields and dairy operations within The Preserve, including the opportunities afforded by raptor foraging habitat and wintering habitat for migratory waterfowl. Nearby wildlife areas or conservation planning initiatives include:

- Chino Hills State Park;
- USACE and OCWD Prado Basin Master Plan;
- City of Ontario's Wildlife Habitat and Waterfowl and Raptor Conservation Area;
- IEUA Chino Creek Habitat Restoration Program;
- Western Riverside County MSHCP;
- Lower Chino Basin Working Group (Santa Ana River Working Group) Resources Management Planning; and
- The Southern California Agricultural Land Foundation.

The RMP recognizes that most sensitive resources below the 566-foot line will be protected through cooperative programs with USACE, OCFCD, OCWD, IEUA, Counties of San Bernardino and Riverside, the City of Corona, and other agencies currently holding entitlement to land use in the Prado Basin. The following measures and programs described below are already in place and may provide opportunities for coordinated conservation planning efforts within Subarea 2. Although participation in these programs is not required to adequately mitigate the impacts of the proposed development within the Project Area, participation may be mutually beneficial to the City and participating agencies in achieving respective mitigation objectives.

U.S. Army Corps of Engineers (USACE). This federal agency owns in fee or through flowage easements 1,384 acres of land below the 556-foot line within the Project Area. However, the presence of a flowage easement does not guarantee protection of sensitive biological resources, because non-habitable structures or activities that are compatible with flood inundation may still result in adverse impacts to wildlife habitat. Most of USACE land within the Prado Basin has been leased to three local agencies (San Bernardino County, Riverside County and the City of Corona) for recreational use. There are other existing land uses (mostly recreational) currently occurring below 556 feet (e.g., Prado Regional Park, the Prado Equestrian Center, and the Prado Recreation, Inc. Dog Training facilities). Acquisition of conservation easements over some of these lands could provide additional protection for sensitive resources.

Orange County Flood Control District (OCFCD). This agency is in the process of identifying lands between the 556- and 566-foot elevations for purchase in fee or through flowage easements. Again, these lands, while tied up for flood control purposes, could be used for recreational pursuit, etc. that could conflict with its conservation value to wildlife. Acquisition of land uses above the flood control easements may be available and could be acquired for a conservation easement.

Orange County Water District (OCWD). The OCWD is an implementing partner and field manager for the USACE *Prado Basin Flood Control Master Plan.* It is also the principal action agency in the implementation and management of the Santa Ana River Watershed Plan (as described above). Cooperative efforts with OCWD will provide the City of Chino excellent opportunities to participate in various conservation programs, including:

- Arundo removal;
- Riparian restoration/enhancement;
- Riverine restoration/enhancement;
- Creation of upland vegetation buffers;
- Created wetlands;

- Endangered species inventories and monitoring;
- Least Bell's vireo recovery;
- Wetlands/riparian inventories/mapping;
- Watershed management; and
- Avifauna inventories and monitoring.

San Bernardino County. San Bernardino County leases land within the Project Area and generally below the 566-foot line from the USACE for recreational programs. Not all their leased lands are being used for recreational purposes. San Bernardino County has identified surplus lands and may be willing to let the City of Chino assume the recreational lease from USACE. The City would then be able to limit uses on the land to protect its habitat value. Expected uses would include passive recreational use such as hiking and equestrian trails.

4.4 PROGRAM MANAGEMENT

It is the intent of the City of Chino to turn over the management of the 300-acre Conservation Area to a conservancy, land trust, or other similar management agency at the earliest opportunity, provided that implementation of mitigation measures in the RMP is assured. In the interim, the City will provide for the management of the Conservation Area. As part of this interim process, the City's Director of Community Development or his designee will serve as the lead for coordinating all conservation efforts related to mitigation measures in the Project Area. If the duties are delegated to a designee, that individual must have experience in the City's planning and entitlement process including CEQA documentation. It will be the Director of Community Development's responsibility to ensure that all aspects of this RMP are met, all necessary permits and/or coordination are accomplished, and any difficulty or deviation from expectation is quickly discovered and resolved. At the City's option, an independent professional biologist or ecologist familiar with the region's natural resources and experienced in conservation management may be retained to assist the Director of Community Development or his designee in overseeing these conservation efforts.

It will be the responsibility of the Director of Community Development or his designee to:

- Make sure that each applicant/landowner conducts the necessary biological surveys and submits technical reports as part of the application process;

- Ensure that land use applications and development proposal comply with the provisions of the RMP;

- Ensure that, if required, wildlife and regulatory permits are in place prior to issuing a grading permit;
- Review and approve onsite monitoring plans for biological resources during grading/development activities, if required;
- Report as soon as possible any unusual or important resources discovery to the appropriate wildlife agencies; and
- Prepare the annual RMP progress report that shall contain the following information:
  - Description of Conservation Area(s) established;
  - Description of all Enhancement/Restoration Efforts initiated;
  - Review of all additional City initiated mitigation measures implemented during the year;
  - Listing and description of all proposed projects including a review of all biological reports submitted as part of the development application;
  - Review of all mitigation fees collected and expenditures made during the year;
  - Discussion of all proposed project specific mitigation measures including State or Federal permits, if any, and programs in place for ensuring implementation;
  - Evaluation of the effectiveness of all implemented mitigation measures in avoiding and/or reducing impacts to sensitive biological resources;
  - Anticipated conservation/mitigation measures to be implemented in the upcoming year; and
  - Suggested changes to monitoring measures, if needed, to track the effectiveness of the mitigation measures.

Reports will be prepared annually by the City until such time that a conservancy assumes management responsibilities for the designated Conservation Areas and programs. Annual reports will be sent to CDFG and other cooperating agencies for review and comment prior to finalizing the subsequent year's program.

Table 4-9 contains a list of milestones to be accomplished as part of implementing this RMP for the Project Area. Each is detailed above in Section 4.3 but summarized below in checklist form for ease of tracking. Compliance with these items should be addressed in the annual progress report.

4.5 MITIGATION FEE

The development of land planned for development will require the payment of a recommended mitigation fee (estimated to be $5,000 per adjusted gross acre) consistent with the requirements of mitigation measure B-3(8) of the EIR. This mitigation fee will be applied to all development projects in the Project Area subject to approval by the City of this mitigation fee in accordance with Government Code Section 66000, et. Seq. Appendix H provides assumptions and the bases for estimated mitigation costs. The fee will be structured to cover the estimated cost of the identified mitigation measures. In lieu of paying the required fee, an applicant/landowner may be able to provide suitable land meeting the mitigation criteria established in Tables 4-4 and 4-5.

TABLE 4-9
BIOLOGICAL RESOURCES MITIGATION MILESTONES

Mitigation Measure	Timing	Responsible Party	Coordinating Agency	Reference RMP
Required Biological Surveys:				
General Survey	Concurrent with submitting Development Application	Applicant/Landowner	City of Chino	Pg. 4-14 – 4-16
Focused Survey(s), if needed:				
Burrowing Owl	Prior to Entitlement	Applicant/Landowner	City of Chino and CDFG	Pg. 4-14 – 4-16
Migratory Birds and Waterfowl	Prior to Entitlement	Applicant/Landowner	City of Chino and USFWS	Pg. 4-14 – 4-16
Least Bell's Vireo	Prior to Entitlement	Applicant/Landowner	City of Chino and USFWS	Pg. 4-14 – 4-16
Southwestern willow flycatcher	Prior to Entitlement	Applicant/Landowner	City of Chino and USFWS	Pg. 4-14 – 4-16
Delhi sands flower-loving fly Habitat Assessment	Prior to Entitlement	Applicant/Landowner	City of Chino and USFWS	Pg. 4-14 – 4-16
Jurisdictional Delineation	Prior to Entitlement	Applicant/Landowner	City of Chino and USACOE	Pg. 4-14 – 4-16
Pre-construction Survey, if needed	Within 30 days Prior to Construction	Applicant/Landowner	City of Chino	Pg. 4-14 – 4-16
Biological Permits, if needed:				
USFWS Endangered Species	Prior to Entitlement	Applicant/Landowner	USFWS	Pg. 4-14 – 4-16
CDFG Endangered Species; 1603 Streambed Alteration Agreement	Prior to Entitlement	Applicant/Landowner	CDFG	Pg. 4-14 – 4-16
USACE 404 Nationwide	Prior to Entitlement	Applicant/Landowner	USACOE	Pg. 4-14 – 4-16
WQCB 401 Water Certification	Prior to Entitlement	Applicant/Landowner	WQCB	Pg. 4-14 – 4-16

TABLE 4-9 (Cont.)
BIOLOGICAL RESOURCES MITIGATION MILESTONES

Mitigation Measure	Timing	Responsible Party	Coordinating Agency	Reference RMP
RMP Programs:				
300-acre Conservation Area	As Funding becomes Available	City of Chino	City of Chino	Pg. 4-16 – 4-19
Enhancement/Restoration	As Funding becomes Available	City of Chino	City of Chino	Pg. 4-19 – 4-20
Burrowing Owl Mitigation – Passive Relocation	Prior to Issuance of Grading Permit	Applicant/Landowner	City of Chino	Pg. 4-21 – 4-27
Burrowing Owl Mitigation – 40-acre Relocation Area	Prior to Issuance of the 1800th Building Permit	Applicant/Landowner	City of Chino	Pg. 4-21 – 4-27
Burrowing Owl Mitigation – Additional Relocation Sites	As needed	Applicant/Landowner	City of Chino	Pg. 4-21 – 4-27
Urban Buffer/Transition Area	Concurrent with Adjacent Development	City of Chino	City of Chino	Pg. 4-26 – 4-32
Surface Water	Prior to Issuance of the 1800th Building Permit	Applicant/Landowner	City of Chino	Pg. 4-32 – 4-34
Windrows	Prior to Issuance of Grading Permit	Applicant/Landowner	City of Chino	Pg. 4-33 – 4-35
Mitigation Fees:				
Establish Fee	Prior to Issuance of First Building Permit	City of Chino	City of Chino	Pg. 4-39 – 4-44
Payment of Fee	With Submittal of Development Application	Applicant/Landowner	City of Chino	Pg. 4-39 – 4-44

Table 4-10 provides a breakdown of the preliminary estimated costs for different components of the mitigation fee. The actual establishment of the fee will be done in accordance with the Mitigation Fee Act and will include the preparation of a Nexus Analysis. Appendix H also provides additional information on the factors and considerations that will ultimately form the bases for the fee when it is adopted. The fee will be adopted prior to the issuance of any grading permits for new development.

TABLE 4-10
ESTIMATED ENVIRONMENTAL MITIGATION FEES

Mitigation Measure(s)	Estimated Costs
Conservation Area(s)	
300-acre Conservation Area[1]	$4,000,000
Enhancement/Restoration	
Create 10-acre Riparian Habitat[2]	750,000
Create 7,200 linear feet of Urban Buffer[3]	500,000
Management of Enhancement/Restoration Efforts (10%)	125,000
Available for Enhancement/Restoration and Potential Land Acquisition[4]	4,600,000
Total Mitigation Costs	**$9,975,000**
Total Cost per Developable Acre[5]	**$4,988**
Rounded Environmental Mitigation Cost per Developable Acre	**$5,000**

Notes:
[1] Cost to obtain Conservation Area land.
[2] Cost to improve 10 acres of riparian habitat.
[3] Costs for split rail fencing and 15-foot wide landscaping along 7,200-linear-foot ± buffer area from Hellman to CIW property. Trail cost is within special amenity development fees.
[4] This amount is an aggregate available for enhancement, restoration if needed on the Conservation Area (300 acres) for improving, enhancing raptor foraging habitat, burrowing owl habitat with artificial burrows, or acquiring additional land.
[5] Based on 2,000 acres of developable land paying fees.

Below is a brief description of the various cost components identified in Table 4-10.

4.5.1 300-acre Conservation Area

Lands for the 300-acre Conservation Area will be obtained through agreements with landowners in the form of an irrevocable license, conservation agreement, right-of-entry, or other legally enforceable instrument with the mitigation fees collected from all development applications. The preliminary estimate provided would apply to either lands onsite within the Project Area or offsite.

4.5.2 Habitat Restoration/Enhancement

This general category includes preliminary estimates of basically all other costs except for those related to obtaining the 300-acre Conservation Area. The first two subcategories shown in Table 4-10 for Enhancement/Restoration include the estimated costs for the creation of 10 acres of marsh and/or riparian habitat and improvements related to the urban buffer/transition area. In addition, a 10 percent management/administrative costs was assumed for these improvements.

The next category ("Available For Enhancement, Restoration and Potential Land Acquisition") is intended to include all the costs associated with the enhancements/restoration that may be needed for the 300 acres that will comprise the Conservation Area. The estimated figure for this cost component ($4.6 million) is on the conservative side in order to ensure that adequate funding is available to implement needed enhancements and/or restoration. As mentioned previously, the actual amount needed for restoration/enhancement efforts for the 300-acre Conservation Area will ultimately depend on the specific characteristics of the site(s) selected. If, after site selection and analysis of needed enhancements/restoration for the 300-acre Conservation Area is completed, it is determined that less than the total $4.6 million will be needed, the excess may be allocated to other items. Such items may include, but are not limited to, other enhancements/restorations or other measures to benefit the burrowing owl; acquisition of land; conservation easements or similar restrictive instruments; and improvement/restoration of riparian areas and similar purposes. Although these excess funds may be used for the purposes listed above, the initial amount of excess funds, up to a total of $1 million, must be dedicated to actions that will benefit the burrowing owl.

In the event that the site selected for the 300-acre Conservation Area is deficient in one or more of the characteristics needed to support the requisite habitat requirements, any excess funds must be dedicated to addressing such deficiency, as needed, before the balance of such excess funds (minus the funds dedicated to addressing the deficiency) can be used for any of the other purposes identified in the preceding paragraph. For example, if the City determines that the site chosen does not have the habitat characteristics needed to support the burrowing owl, the excess funds would need to be dedicated to addressing this deficiency. Once funds have been allocated to address such deficiency and it is estimated that there will still be an excess of funds, the first million dollars of such excess funds (after the deficiency is addressed) will be dedicated, on a priority basis, to purposes beneficial to the burrowing owl.

General Priority For Funding

The list below provides a general ordering of what the priorities will be for utilization of funds as money is collected over time through the mitigation fee. Priority for fee utilization will also be reviewed on an annual basis as part of the RMP progress report (see Section 4.4, Program Management).

1. Obtaining/securing rights to the 300-acre Conservation Area;
2. Establishment of the Drainage Area "B" Burrowing Owl Relocation Site, including needed enhancements/restoration efforts (if needed);
3. Creation of 10-acre marsh/riparian area;
4. Installation of enhancement/restoration improvements for the 300-acre Conservation Area (to the extent needed). Evaluation of the priority for the use of "excess funds" (if any) will be evaluated once the site is selected and enhancement/restoration costs have been identified;
5. Establishment of additional Candidate Relocation Area(s) (if and when they are needed); and
6. Improvements related to the urban buffer/transition area.

Funding for management and administration will be allocated annually on an as-needed basis.

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