

DRAFT

ENVIRONMENTAL ASSESSMENT

Proposed Easement Exchange Associated
with the Rancho Miramonte Residential
and Commercial Development Project
City of Chino, San Bernardino County,
California



LEAD AGENCY:

U.S. Army Corps of Engineers

915 Wilshire Boulevard, Suite 930

Los Angeles, California 90017

November 2020

This document has been setup for double-sided printing in order to conserve natural resources.

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1.0 INTRODUCTION

1.1 Background

This Environmental Assessment (EA) describes the affected resources and evaluates the potential environmental consequences (whether beneficial effects or adverse impacts) to those associated with a proposal by TH Miramonte Investors, LLC (Project Proponent) to modify an existing flowage easement within the Prado Dam Flood Control Basin (Proposed Action) to facilitate the development of the Rancho Miramonte Residential and Commercial Development Project (Locally Approved Project). This EA will be used to inform decision makers and the public about the environmental effects of the request.

The United States Army Corps of Engineers, Los Angeles District (Corps) has prepared this EA in accordance with the requirements of the National Environmental Policy Act (NEPA) 42 United States Code (USC) 4321, *et seq.*, Council on Environmental Quality (CEQ) regulations at 40 Code of Federal Regulations (CFR) parts 1500-1508¹, Corps' regulations at 33 CFR Part 230, and Corps guidance in Engineer Regulation (ER) 200-2-2, *Procedures for Implementing NEPA*, and other environmental laws. This EA has been prepared by VCS Environmental on behalf of the Corps and has been independently reviewed by Corps staff. The scope of the document, methods of analysis, and conclusions represent the independent judgment of the Corps. Staff members from the Corps and others who helped prepare this EA are identified in Chapter 11, *List of Preparers and Reviewers*.

Project Proponent owns approximately 272.89 acres of real property in the city of Chino, San Bernardino County, California (Rancho Miramonte Property). The United States possesses flowage easement rights on 139.7 acres of the Rancho Miramonte Property granted as a result of a condemnation Final Order, recorded on May 18, 1945, Southern District of California, Central Division, Case No. 1051-C Civil, Book 1783, Page 84. (Existing Flowage Easement). The Existing Flowage Easement was granted for the purpose of successfully operating and maintaining the Prado Dam Flood Control Basin² and for controlling storm water runoff. The Existing Flowage Easement consists of flowage rights, the right to prohibit human habitation, and permanent easement vested in the United States to flood and inundate the property whenever the control of storm water runoff in the Prado Dam Flood Control Basin requires such flooding and inundation. The limits of the Existing Flowage Easement on the Rancho Miramonte Property coincides with the 556-foot elevation³ line above mean sea level (amsl), which was projected to be the elevation to which water levels would rise behind the Prado Dam, as it was originally constructed and designed, during a severe flood event. Development of the Locally Approved Project would encroach into 30.23 acres of the Existing Flowage Easement. Without modification of the Existing Flowage Easement, the Locally Approved Project cannot be implemented.

As part of the Prado Dam Separable Element of the Santa Ana River Mainstem Project, the Corps and the Orange County Flood Control District (OCFCD), as the non-Federal sponsor, are raising the height of the Prado Dam and spillway to increase its flood risk management capabilities and to increase the storage capacity of the reservoir behind the Prado Dam. Following the completion of the spillway raise, water

¹ The new NEPA regulations issued by CEQ apply to NEPA processes begun after 14 Sep 2020, but federal agencies have discretion to apply the new NEPA regulations to on-going NEPA processes or proceed to apply the prior CEQ regulations. The NEPA process in this instance started before 14 Sep 2020, and the Corps has decided to proceed to apply the prior CEQ regulations.

² The Prado Dam Flood Control Basin was constructed pursuant to the Flood Control Act of June 22, 1936 (Public Law [PL] 74-738), as amended. Dam construction was completed in May 1941. The Dam's primary purpose is flood risk management for the Santa Ana River watershed. The Dam is also operated for water conservation.

³ All other references in this EA to "elevation" are based on the National Geodetic Vertical Datum of 1929 (NGVD29).

stored behind the Prado Dam may reach an elevation of 566 feet amsl during an approximately 190-year event. Areas on the Rancho Miramonte Property that lie below 566 feet amsl would be subject to potential inundation due to the project operations. As part of its obligations as non-Federal sponsor for the Prado Dam Separable Element, OCFCD must provide all lands, easements, and rights of way necessary for project construction, operation and maintenance, including lands below 566 feet amsl.

The Project Proponent proposes the Existing Flowage Easement boundaries on the Rancho Miramonte Property be modified to create a flatter, contiguous total area allowing for the desired Locally Approved Project planned for the property (Easement Exchange). In connection with the Easement Exchange, (1) the Corps and the Project Proponent would execute an easement exchange agreement that subtracts approximately 30.23 acres from the Existing Flowage Easement and adds approximately 4.91 acres of previously unencumbered land on the Rancho Miramonte Property. With the proposed modification, the overall flowage easement area on the Rancho Miramonte Property would be 114.38 acres (new flowage easement area), and (2) the Project Proponent would fill areas that would not be subject to flowage easement to be above 566 feet amsl, grade other areas to increase storage capacity, and accommodate and provide not less than 6,190,000 cubic yards (3,836.8 ac-ft.) of water storage volume capacity in the new flowage easement area below 566 feet amsl.

1.2 Scope and Content of the EA

The following resources are evaluated in this EA include:

1. Air Quality
2. Greenhouse Gases
3. Geology and Soils
4. Hazards and Hazardous Materials
5. Noise
6. Transportation and Traffic
7. Hydrology and Water Quality
8. Biological Resources
9. Cultural Resources
10. Aesthetics
11. Environmental Justice
12. Land Uses and Planning
13. Public Services and Utilities
14. Recreation

These issues are discussed and analyzed in Chapter 4.0, *Affected Environment and Environmental Consequences*.

1.2.1 NEPA Scope of Analysis

As part of the NEPA process, the Corps is responsible for establishing the NEPA scope of analysis pursuant to 33 CFR Part 230. The Corps' NEPA scope of analysis encompasses the entire Rancho Miramonte Property.

1.2.2 Agency and Public Input

This document is available for public review and comment for a period of thirty (30) days, beginning December 1, 2020 through December 31, 2020. Comments should be mailed to:

U.S. Army Corps of Engineers
Los Angeles District, Planning Division (PDR-N)
Attn: Megan Wong
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017

and via electronic submission to: Megan.T.Wong@usace.army.mil

If you have questions or would like additional information, please contact Megan Wong, Environmental Coordinator, Ecosystem Planning Section at (213) 448-4517.

1.3 Purpose and Need

In accordance with CEQ regulations, the Purpose and Need section “shall briefly specify the underlying purpose and need to which the agency is responding in proposing alternatives including the proposed action” (40 CFR 1502.13).

The Purpose and Need of the Proposed Action is as follows:

- **Purpose:** To modify the flowage easement on the Rancho Miramonte Property.
- **Need:** Without the modification of the flowage easement, the Locally Approved Project evaluated in the City of Chino 2009 Final Environmental Impact Report (EIR) and the 2016 Addendum (Addendum) for the Edgewater Communities Project (Rancho Miramonte Project) cannot be implemented. Without the modification of the lands below 566 feet amsl, those lands would remain within the take line for the project.

1.4 Incorporation by Reference

This EA incorporates by reference the Final EIR Edgewater Communities, 2008 (SCH 2006121093) and Final Addendum to EIR Edgewater Communities, Rancho Miramonte Project, 2016 (SCH 2006121093) and supporting technical studies. Below is a listing of the technical studies from the Final EIR and Addendum that are incorporated by reference in the EA. The EIR and Addendum and the supporting technical studies are available for review at the city of Chino located at 13220 Central Avenue, Chino, California 91710 or on the City’s website – cityofchino.org.

- Air Quality Analysis. Prepared by Michael Brandman Associates - March 6, 2008.
- Biological Technical Report. Prepared by Glenn Lukos Associates - September 2007.
- Jurisdictional Delineation. Prepared by Glenn Lukos Associates - July 2007.
- Phase I Cultural Survey Report. Prepared by Michael Brandman Associates - August 1, 2007.
- Phase II Cultural Resources Testing and Evaluation. Prepared by MBA - October 30, 2007.
- Phase 2 Geotechnical Investigation. Prepared by GMU Geotechnical, Inc. - March 16, 2007.
- Phase I Environmental Site Assessment Prepared by Laguna Geosciences Inc. - February 24, 2004.
- Phase I Environmental Site Assessment and Phase II Soil Investigation Prepared by URS Corporation - April 17, 2006.

- Environmental FirstSearch Report Prepared by FirstSearch Technology Corporation - October 28, 2008.
- Preliminary Water Quality Management Plan Prepared by Huitt-Zollars, Inc. - January 2008.
- Noise Modeling, Prepared by Michael Brandman Associates – 2007.
- Traffic Impact Analysis (Revised). Prepared by Urban Crossroads - November 16, 2007.
- Water Supply Assessment. Prepared by Dudek - October 26, 2007.
- Water System Master Plan Update. Prepared by Montgomery Watson Harza (MWH) - October 2007.
- Sewer Master Plan Update Report. Prepared by Bureau Veritas - Final Report November 2007.
- Storm Drain Master Plan Update Report. Prepared by Bureau Veritas - Draft Final Report November 2007.
- Rancho Miramonte Riparian Habitat Restoration Project Biological Assessment. Prepared by Environmental Science Associates (ESA) - June, 2018.

PREVIOUS BIOLOGICAL RESOURCE STUDIES

Field studies were conducted in previous years for the entire Rancho Miramonte Property, including the riparian areas along Mill Creek. Surveys were conducted by Glenn Lukos Associates (GLA) between 2005 and 2007 and included (1) general reconnaissance surveys and vegetation mapping; (2) general floristic surveys; (3) general wildlife surveys; (4) habitat assessments for special-status plants; and (5) habitat assessment and focused surveys for special-status animals. In 2017/2018, an updated jurisdictional delineation was conducted by GLA for the entire Rancho Miramonte Property and an updated existing conditions survey and habitat suitability assessment survey was conducted by Environmental Science Associates (ESA). A summary of surveys, dates, and staff is provided in [Table 1-1, *Summary of Biological Surveys Relevant to the Proposed Action*](#). This EA incorporates by reference the Biological Assessment prepared by ESA for the Rancho Miramonte Riparian Habitat Restoration Project, dated June 2018.

**Table 1-1
Summary of Biological Surveys Relevant to the Proposed Action**

Survey Date	Survey Type	Surveying Biologist (10(a)(1)(A) permit)
4/12/2005	General Biological Survey, LBVI Survey, Habitat Assessment for Western Burrowing Owl	J. Ahrens, D. Klepeis (GLA)
4/22/05	General Biological Survey, LBVI Survey	D. Klepeis, T. Bomkamp (GLA)
5/2/2005	General Biological Survey & Least Bell's Vireo Survey	D. Klepeis, J. Ahrens (GLA)
5/13/2005	General Biological Survey, LBVI Survey, Habitat Assessment for Western Burrowing Owl	E. Bomkamp, D. Klepeis (GLA)
5/23/2005	LBVI Survey & Burrowing Owl Survey	D. Klepeis (GLA)
5/31/2005	Southwestern Willow Flycatcher Survey	R. Hamilton (GLA)
6/6/2005	Burrowing Owl Survey	D. Klepeis (GLA)
6/14/2005	Southwestern Willow Flycatcher Survey	R. Hamilton (TE-799557) (GLA)
6/14/2005	Burrowing Owl Survey	J. Ahrens, D. Klepeis (GLA)
6/15/2005	LBVI Survey	E. Bomkamp, D. Klepeis (GLA)
7/2/2005	Southwestern Willow Flycatcher Survey	R. Hamilton (TE-799557) (GLA)
7/3/2005	LBVI Survey Burrowing Owl Survey	D. Klepeis, E. Bomkamp (GLA)
7/8/2005	Southwestern Willow Flycatcher Survey	R. Hamilton (TE-799557) (GLA)
7/17/2005	Southwestern Willow Flycatcher Survey	R. Hamilton (TE-799557) (GLA)
7/13/2005	LBVI Survey, Vegetation Mapping	D. Klepeis, P. McIntyre (GLA)
10/20/2005	Vegetation Mapping	D. Klepeis, E. Bomkamp (GLA)
1/17/2006	Jurisdictional Delineation	D. Klepeis, E. Bomkamp (GLA)
1/25/07	Winter Raptor and Burrowing Owl Survey	J. Ahrens (GLA)
1/29/07	Winter Raptor and Burrowing Owl Survey	J. Ahrens, T. Bomkamp (GLA)
2/2/07	Winter Raptor and Burrowing Owl Survey	J. Ahrens (GLA)
2/24/07	Winter Raptor and Burrowing Owl Survey	J. Ahrens (GLA)
3/14/07	Winter Raptor and Burrowing Owl Survey	J. Ahrens (GLA)
3/24/07	Jurisdictional Delineation/Burrowing Owl Survey	T. Bomkamp (GLA)
3/30/07	Winter Raptor and Burrowing Owl Survey	J. Ahrens (GLA)
4/14/07	Burrowing Owl Survey	T. Bomkamp (GLA)
10/19/17	Jurisdictional Delineation	GLA
2/7/18	Jurisdictional Delineation	GLA
2/16/18	Spring Burrowing Owl Survey (1 st of 4)	T. Molioo, K. Fairchild (ESA)
3/21/18	Existing Conditions and Habitat Suitability Assessment	J. Stout (ESA)
4/17/18	Spring Burrowing Owl Survey	K. Fairchild (ESA)
4/17/18	LBVI Survey (1 st of 8)	K. Fairchild (ESA)
4/27/18	LBVI Survey (2 nd of 8)	K. Fairchild (ESA)
5/09/18	LBVI Survey (3 rd of 8)	K. Fairchild (ESA)
5/15/18	Spring Burrowing Owl Survey	K. Fairchild (ESA)
5/21/18	LBVI Survey (4 th of 8)/SWFL (1 st of 5)	K. Fairchild (ESA)
6/02/18	LBVI Survey (5 th of 8)/SWFL (2 nd of 5)	K. Fairchild (ESA)
6/12/18	LBVI Survey (6 th of 8)/SWFL (3 rd of 5)	K. Fairchild (ESA)
6/29/18	LBVI Survey (7 th of 8)/SWFL (4 th of 5) (Planned)	K. Fairchild (ESA)

2.0 PROJECT AREA

The project area consists of the approximately 272.89 Rancho Miramonte Property; 38.4367 acres of which are situated within the current Prado Dam Flood Control Basin. The Prado Dam Flood Control Basin is located approximately 60 miles east of Los Angeles, California, in Riverside and San Bernardino Counties; refer to [Figure 2-1, Regional Location Map](#). The project area is within the city of Chino, San Bernardino County, on the Corona North quadrangle. Regional access to the project area is provided from State Route (SR)-71. Local access is provided from Euclid Avenue, Pine Avenue, Chino-Corona Road and Cucamonga Avenue. The project area encompasses the areas where the Locally Approved Project and Easement Exchange would occur.

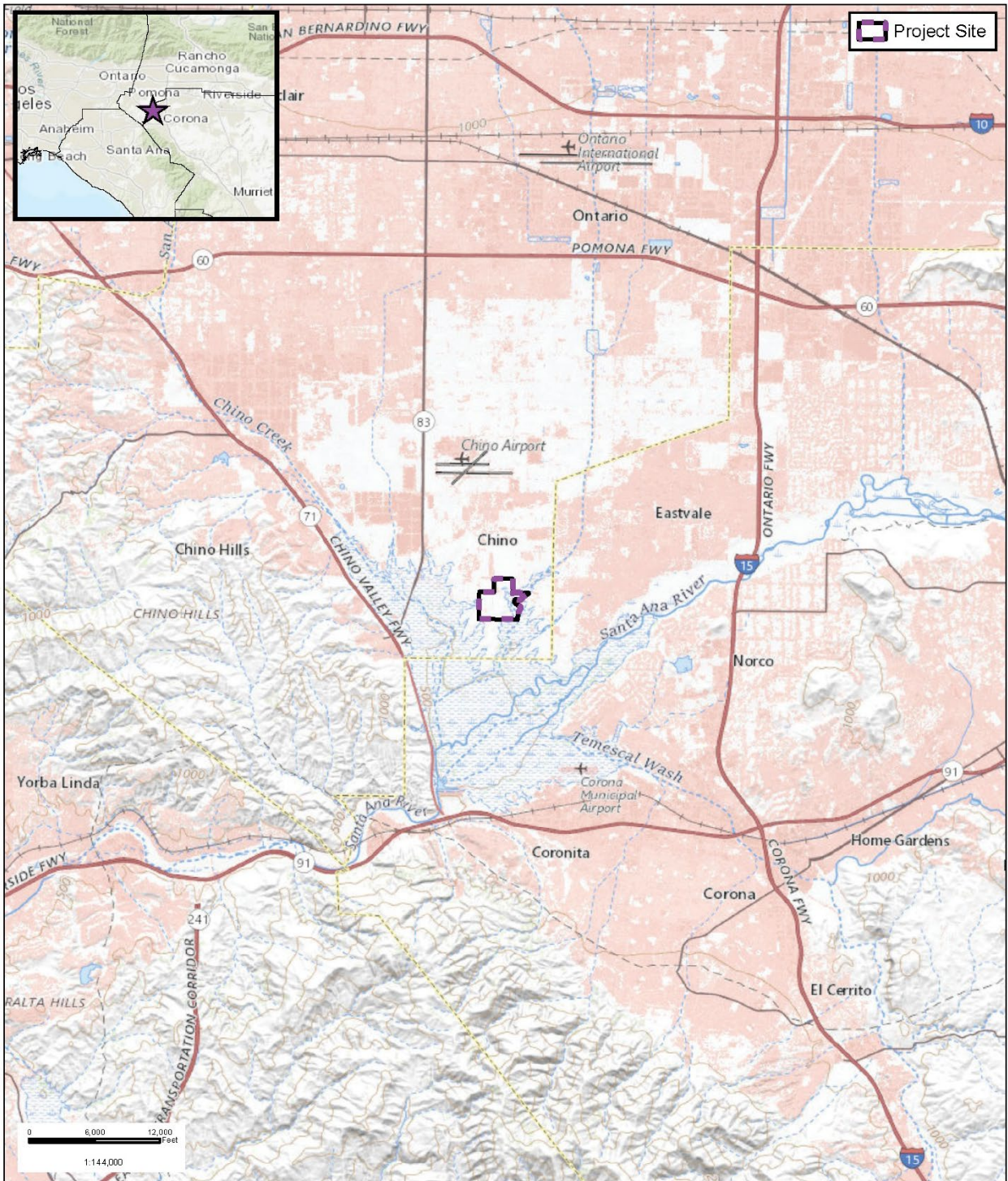
EASEMENT EXCHANGE AREA

As shown in [Figure 2-2, Existing Flowage Easement at Elevation 556 Feet](#), the Existing Flowage Easement encompasses 139.4277 acres of the project area, and extends over the western and eastern portions of the Rancho Miramonte Property. The central portion of the Rancho Miramonte Property is mostly above elevation 556 feet and is outside of the Existing Flowage Easement area.

LOCALLY APPROVED PROJECT

The project area was formerly used for dairy farms and has been used for other related agricultural activities. The project area is on a peninsula formed by the 566-foot Prado Dam inundation elevation contour and is surrounded on three sides by open space. The northern portion of the project area was formerly a dairy operation. Located on the project area are residential buildings, barns, and associated structures. Multiple small waste-discharge ponds in the southwestern portion of the dairy area collect and handle the wastewater associated with dairy operations.

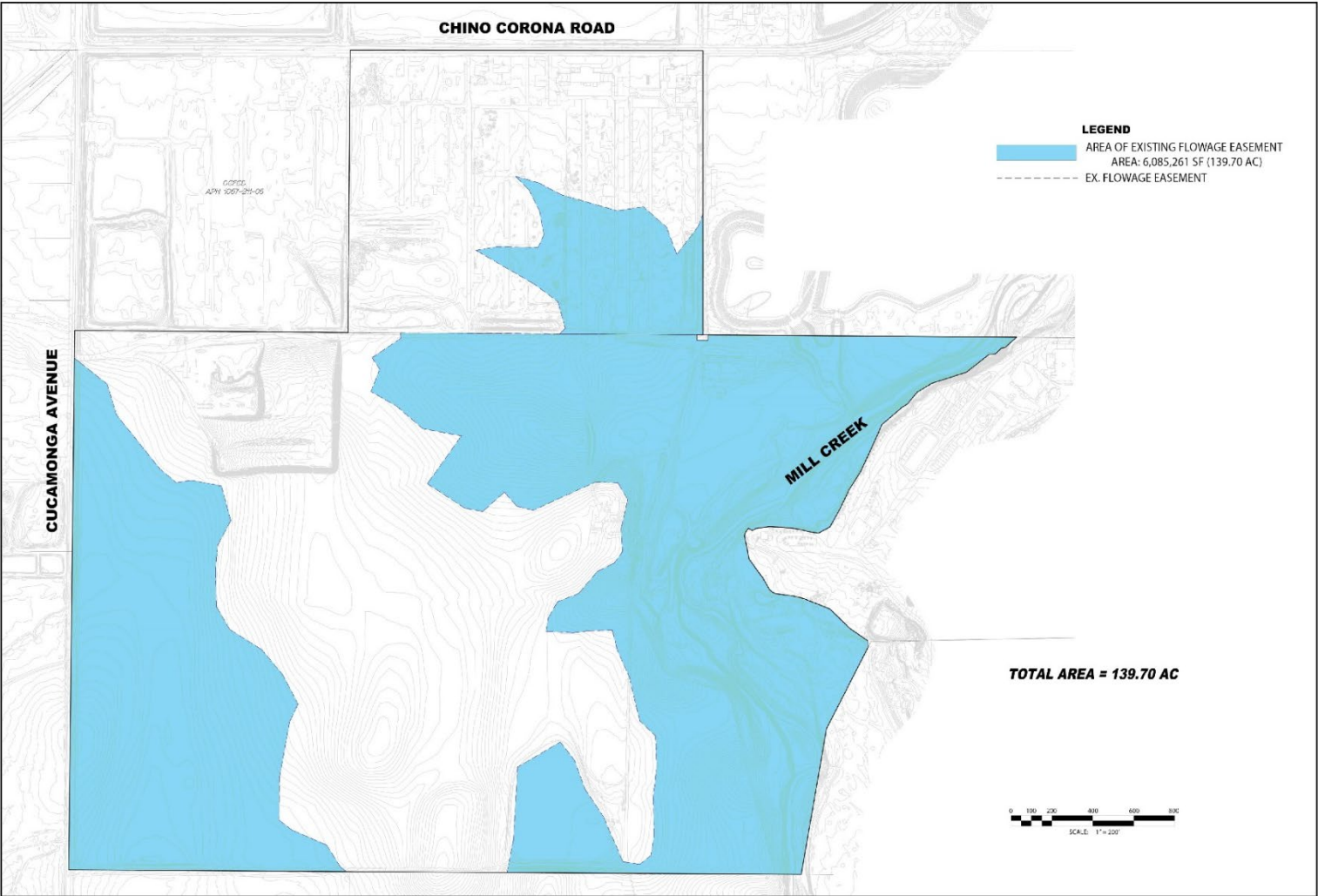
An element of the Locally Approved Project is the Rancho Miramonte Riparian Habitat Restoration Project (RHRP or Restoration Project). The RHRP is situated on the east side of the project area; refer to [Figure 2-3, Project Area Map](#). The riparian habitat is located along Mill Creek approximately four miles upstream from Prado Dam. Directly northeast of the area associated with the RHRP is the Mill Creek Wetlands project (Service 2012a, Service 2012b). Approximately 4 acres of the western portion of RHRP area, shown on [Figure 3-4, Rancho Miramonte Easement](#), is compensatory mitigation for impacts associated with the City of Ontario's development of a regional water treatment facility, commonly known as the Cucamonga Creek Watershed Regional Water Quality Project, pursuant to a permit issued by the Corps pursuant to Section 404 of the Clean Water Act (file no. 2011-00244) and the California Department of Fish and Wildlife's (CDFW) streambed alteration agreement Notification Number 1600-2012-0036-R6; this 4 acres is subject to a conservation easement recorded January 4, 2013. To the west lies the remainder of the project area, and Prado Regional Park. To the east is a landscaping business, and to the south lies agricultural land, a small regional airport, and the Prado Flood Control Basin. The eastern side of the project area along Mill Creek contains riparian woodland vegetation the west side contains disturbed agricultural and ruderal vegetation. The segment of Mill Creek that crosses the property next to the proposed riparian habitat restoration site already supports a broad strip of riparian woodland and scrub vegetation known to be occupied by the least Bell's vireo (*Vireo bellii pusillus*), a migratory songbird, listed by both State and federal wildlife agencies as Endangered.



Source: ESRI; February 2020.

Regional Location Map

Figure 2-1



Source: Hunsaker & Associates; March 16, 2020.



Existing Flowage Easement at Elevation 556 Feet

Figure 2-2



Source: ESRI; February 2020.



Project Area Map

Figure 2-3

3.0 ALTERNATIVES

This section describes the alternatives considered that would meet the purpose and need of the Proposed Action. NEPA requires that Federal agencies consider a reasonable range of alternatives that may meet this need.

3.1 No Action Alternative

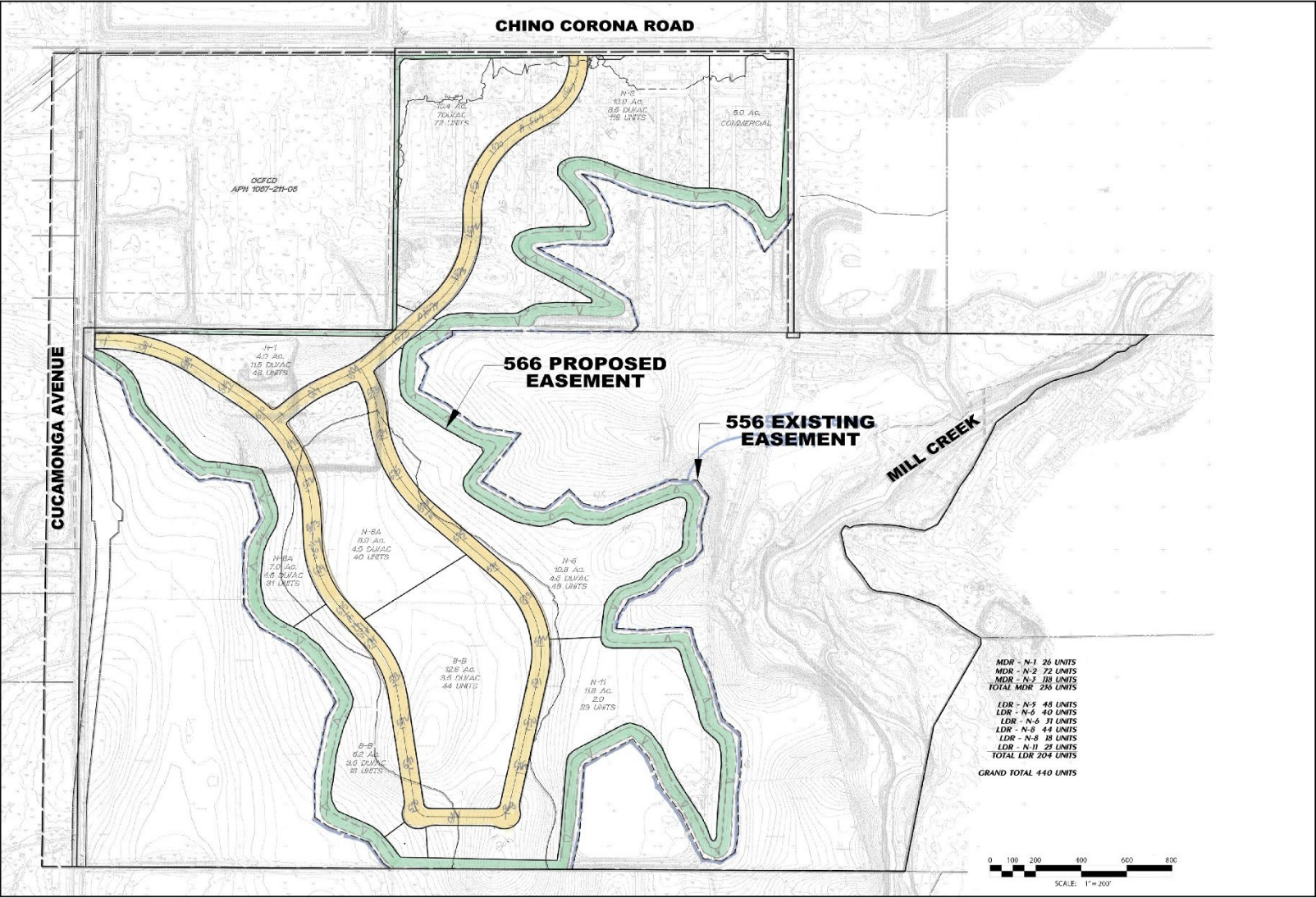
Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities within the Existing Flowage Easement area would occur. However, as part of its obligations as non-Federal sponsor for the Prado Dam Separable Element, OCFCD must provide all lands, easements, and rights of way necessary for project construction, operation and maintenance, including lands below 566 feet amsl. This alternative would preclude the Locally Approved Project from being built with the number of housing units, housing product types and with the residential community and neighborhoods spatial configuration approved by the city of Chino. Under the No Action Alternative, future development of the Rancho Miramonte Property would only be able to occur under a substantially reconfigured and reduced development footprint and with a notably smaller number of homes as shown in [Figure 3-1, *Reduced Development Area Alternative*](#), as summarized below:

- Reduction of available developable land area from 272.89 gross acres to +/-132 gross acres.
- Approximately 27.7 acres would be allocated to slope condition in order to transition from the 566-foot elevation to the 556-foot elevation.
- Reduction of potential home sites from 823 units to +/-440 units.
- Reduction in the population from 2,971 to 1,588, based on the 3.61 person per household ratio described in the EIR Addendum.
- Retention of the five-acre commercial area in the same location as the Locally Approved Project.

The No Action Alternative would require modification to the backbone roadway layout and would eliminate many of the cul-de-sac and small neighborhood layouts due to the reduction in developable land area and the required spatial reconfigurations of most neighborhoods to inefficient configurations (for residential and community development) because of the existing boundaries of the Existing Flowage Easement and the backbone loop roadway system taking up more of the available land area.

The No Action Alternative could include park development; however, they would need to be located at the periphery of the site, within the irregularly shaped remnant development area parcels, rather than centrally located within the proposed community.

Under the No Action Alternative, the RHRP would not occur. Grading would not be performed in the vicinity of Mill Creek on the Rancho Miramonte Property, and the habitat restoration, preservation and long-term management and conservation commitments established by permitting for the RHRP would not be required. Also, conservation commitments to set aside habitat acreage for special status species established in the EIR for the development project would likely be reduced because a reduced scale development would involve reduced impacts. Therefore, habitat restoration, enhancement, long-term management, and monitoring for any conservation areas that might be associated with the scaled-down development scenario would likewise be substantially reduced or eliminated as compared with the Locally Approved Project.



Source: Hunsaker & Associates; July 26, 2019.



Reduced Development Area Alternative

Figure 3-1

Under the No Action Alternative, the developer would not include a trail system around the edge of the proposed community due to the need to use this space for backyards and slopes. Instead, connectivity would be provided within the street section of the backbone roadway layout.

The No Action Alternative would require the import of 450,000 CY of dirt in order to grade the site for sewer, water, storm drain and developable building pads.

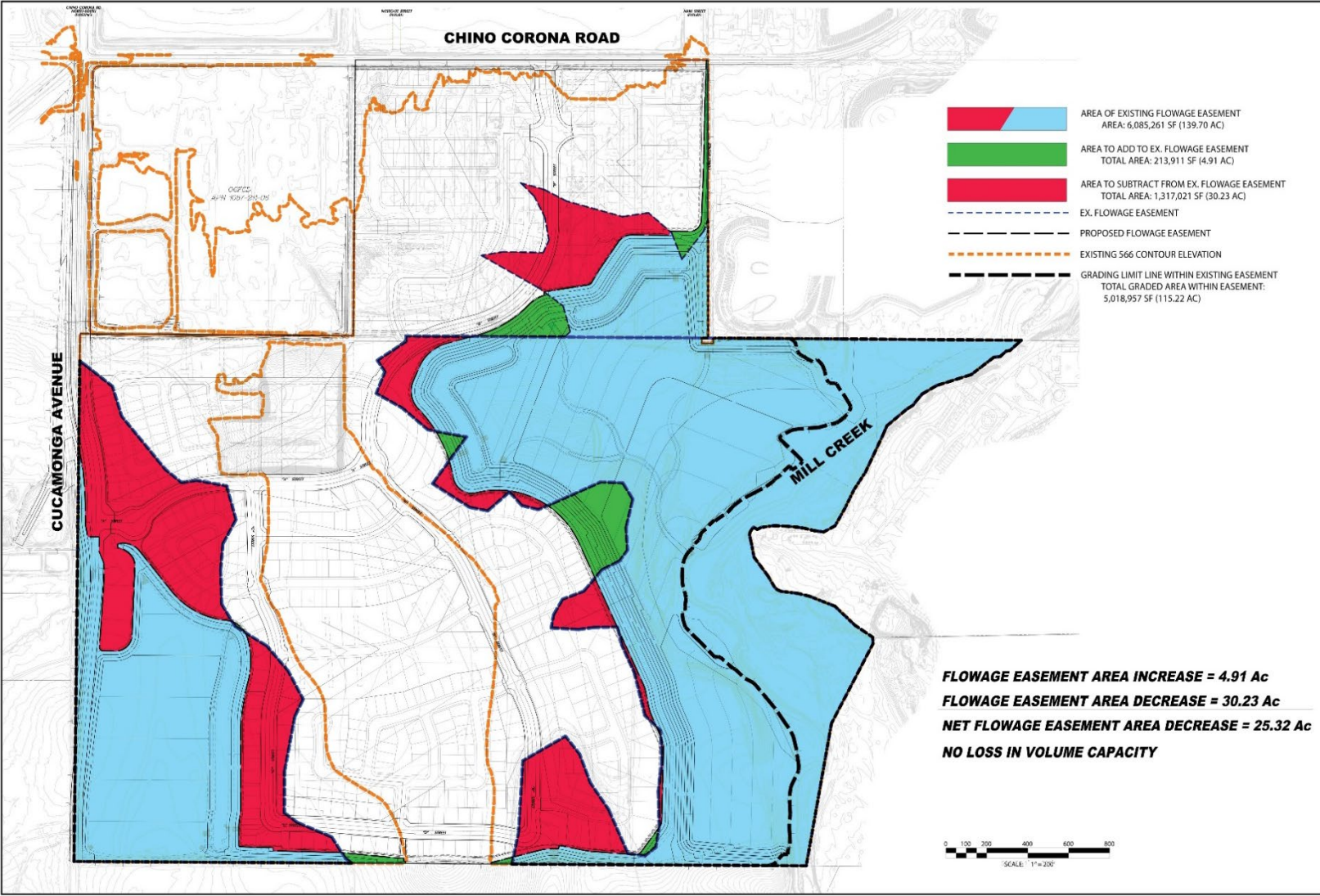
The No Action Alternative would require an amendment to the approved Specific Plan.

3.2 Proposed Action/Preferred Alternative

EASEMENT EXCHANGE

The Existing Flowage Easement within the project area is shown in Figure 2-2, *Existing Flowage Easement at Elevation 556 Feet*. Under the Proposed Action, the Existing Flowage Easement would be modified as shown in Figure 3-2, *Proposed Flowage Easement Change in Area*. A total of 30.23 acres of Existing Flowage Easement area would be subtracted, and 4.91 acres of new flowage easement area would be added. With the proposed modification, the new flowage easement area on the project site would be 114.38 acres. To create expanded areas to implement the RHRP and to maintain flood control capacity, all 114.38 acres of the new flowage easement area would be excavated to an adequate depth to compensate for the overall reduction in the flowage easement area. As shown in Figure 3-2, approximately 4,245,426 cubic yards of material would be excavated from the new flowage easement area (areas shown in blue and green on Figure 3-2) using heavy equipment (excavators, bulldozers, dump trucks, skip loaders, work trucks and water trucks) to implement the RHRP and maintain flood control capacity. A total of 700,000 cubic yards of excavated materials would be used as fill material in the 30.23 acres proposed to be subtracted from the Existing Flowage Easement (areas shown in red) to maintain flood control capacity. The remaining amount of fill material would be used to raise the flood elevations of the 102.98 acres-housing development project site to above elevation 566 feet (area in white in Figure 3-2). Grading and filling areas are shown in Figure 4-3, *Limits of Disturbance*. There would be no offsite importing or exporting of materials associated with the Easement Exchange. All grading activities would be balanced onsite.

The proposed grading and fill activities would require the mobilization and demobilization of construction to and from the project area. The proposed haul route to the site would include SR-71 to Euclid Avenue to Pine Street to Chino Corona Road and/or Cucamonga Avenue. The project site would be directly accessed from Chino Corona Road or Cucamonga Avenue. Where needed, construction traffic management controls, such as flagmen, would be implemented to avoid conflicts with vehicle traffic and pedestrians within the project area.



Source: Hunsaker & Associates; June 30, 2020.



Proposed Flowage Easement Change in Area

Figure 3-2

Construction equipment would be required to operate with Tier 3 engines or above to minimize air quality emissions.

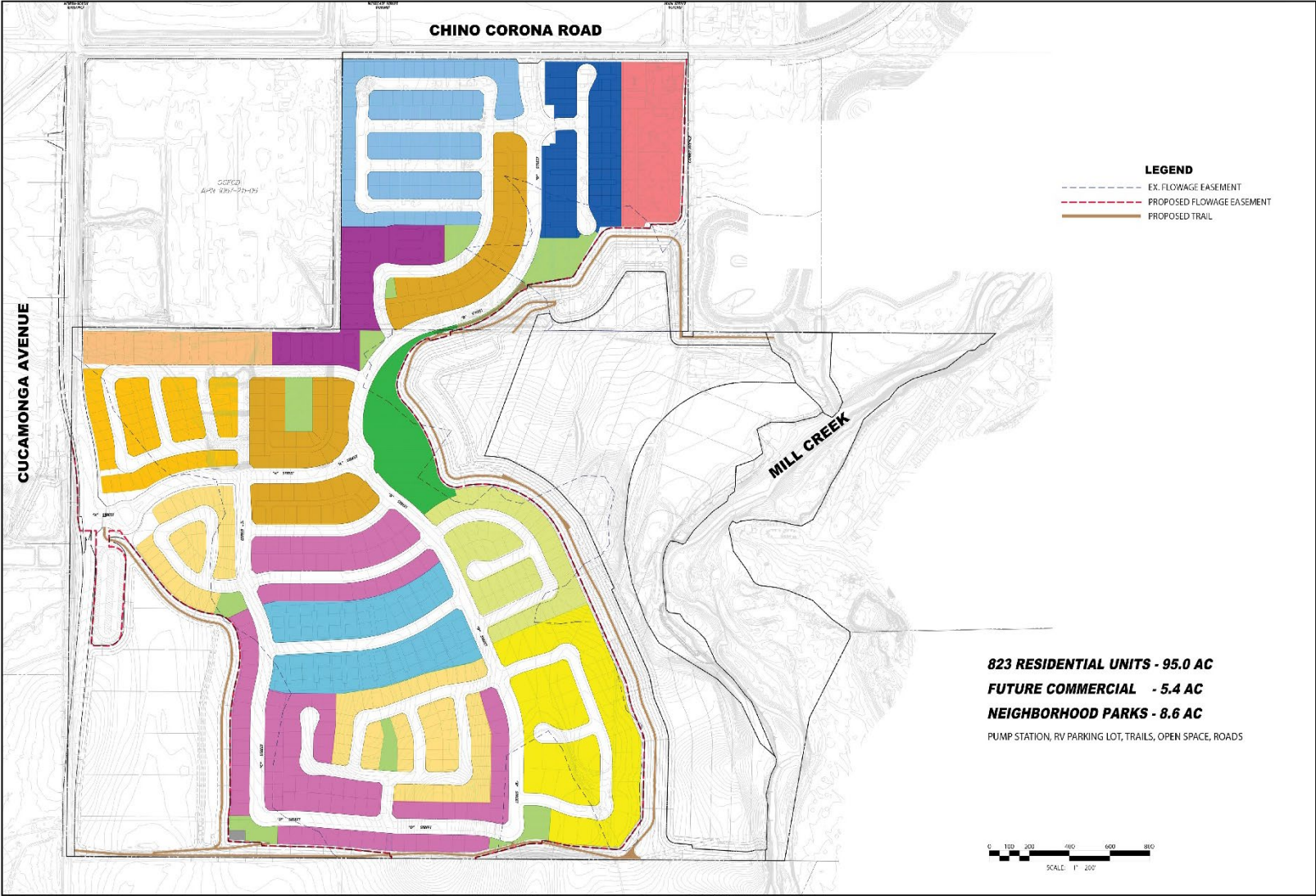
The excavation and grading activities associated with the proposed Easement Exchange would occur as part of the grading activities for the Locally Approved Project and would occur within an eight-month timeframe. Construction activity would occur between the hours from 8:00 AM to 7:00 PM on weekdays and Saturdays. Construction equipment staging would be in the northwest corner of the project area, above the 566-foot elevation. The staging area would serve as a material lay down area, temporary storage of construction equipment, and could potentially serve as a refueling area for construction equipment. To minimize adverse water quality effects, as part of the Locally Approved Project a Storm Water Pollution Prevention Plan would be implemented to control surface water runoff during construction. Additionally, a Water Quality Management Plan would be prepared and implemented to capture and treat long term surface water generated from the Locally Approved Project.

LOCALLY APPROVED PROJECT

Implementation of the proposed Easement Exchange would enable the Locally Approved Project to be developed consistent with all of its existing local government approvals, including approved spatial configuration, number of residential units, community amenities and City benefits. The project area is within The Preserve Specific Plan, which covers approximately 5,435 acres in the southeastern part of the city of Chino. The Specific Plan and Final EIR for The Preserve was approved and certified by the city of Chino on March 25, 2003 (SCH No. 2000121036). Because the site is mostly within the Prado Dam inundation area, The Preserve designated the site for Open Space-Recreational (OS-R), Open Space-Water (OS-W), Agricultural/Open Space-Natural (AG/OS-N) and Open Space-Natural (OS-N) land uses. In 2008, the project area portion of the Specific Plan was amended. The amended Specific Plan proposed to move the 566-foot contour line, which corresponds with the inundation area, to make the northern and central portions of the project area safe for urban land uses. The Specific Plan Amendment proposed the development of 1,074 residential units on approximately 142 acres and approximately 130 acres of open spaces. An EIR for the Locally Approved Project was prepared in 2008 and certified on May 5, 2009, by the city of Chino (SCH No. 2006121093). In 2016, because of changes in housing markets, the Specific Plan was amended again to support a retirement-age population. The land uses proposed in the amended Specific Plan reflect a different housing composition, slightly different recreational land uses, and less nonresidential (commercial and institutional) uses, which currently reflect the Locally Approved Project. An Addendum to the 2008 EIR was prepared to evaluate the changes to the Specific Plan. The Addendum incorporates mitigation measures from the 2008 EIR into the Locally Approved Project.

As shown in Figure 3-3, Site Plan with Grading, the Locally Approved Project consists of the following:

- Approximately 158.5 acres of development consisting of residential, commercial, and neighborhood parks.
- Approximately 823 housing units ranging from single-family residential to multi-family for-sale residential.
- Approximately 8.6 acres for parks and recreation, including community gardens, picnic and seating areas, and 6.79 miles of multi-purpose trails for hiking, equestrian, and biking.

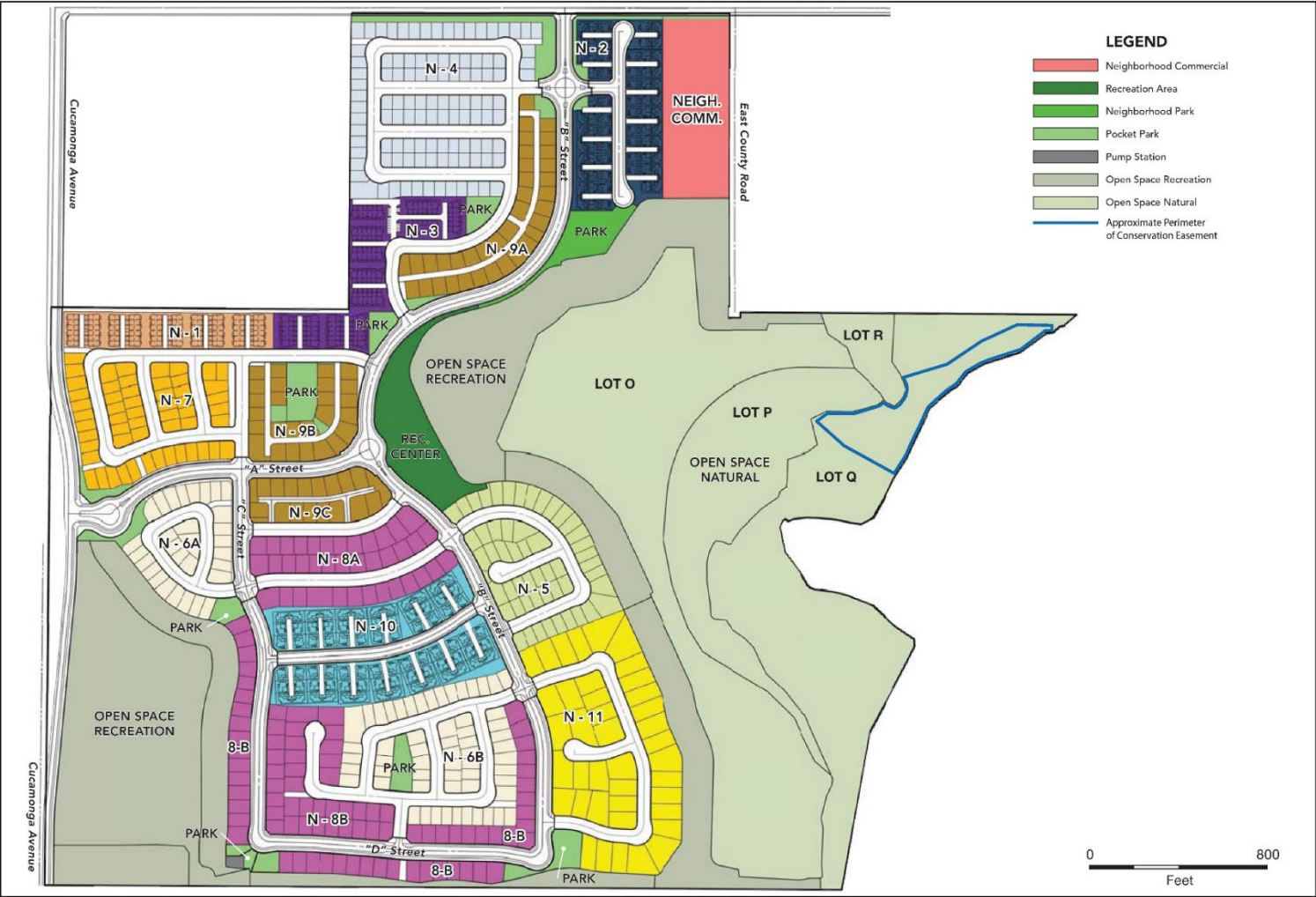


Source: Hunsaker & Associates; March 16, 2020.



Site Plan with Grading
Figure 3-3

- As shown in Figure 3-4, *Rancho Miramonte Easement*, the RHRP would permanently preserve 12.2 acres in Lot “P”, thus adding to the 52.9 acres being preserved within Lots “O” and “Q” which envelope Lot “P” on both sides, and the 1.9 acres preserved in Lot “R” at the north end of Lot “P”, which contains the Cucamonga Creek outlet and adjacent habitat. These lots together comprise 67 acres of conserved natural areas on the 273-acre Rancho Miramonte Property. Approximately four acres of Lot Q is compensatory mitigation for impacts associated with the City of Ontario’s development of a regional water treatment facility, commonly known as the Cucamonga Creek Watershed Regional Water Quality Project, pursuant to a permit issued by the Corps pursuant to Section 404 of the Clean Water Act (file no. 2011-00244) and CDFW’s streambed alteration agreement Notification Number 1600-2012-0036-R6; these four acres are subject to a conservation easement recorded on January 4, 2013.
- The habitat restoration and preservation areas would be maintained long-term by the homeowner’s association (HOA) and, in some cases, maintained as well by a conservation entity such as Inland Empire Resource Conservation District (IERCD).
- Flood control storage capacity would be expanded to cover up to elevation 566 feet within the Rancho Miramonte Property whereas material excavated from a portion of the new flowage easement area would be used as fill within the residential development portion of the Locally Approved Project.



Source: Hunsaker & Associates and VCS Environmental; November 9, 2020.



Rancho Miramonte Easement
 Figure 3-4

The RHRP would extend grading activities close to the western edge of Mill Creek, which flows from north to south across the east side of the Rancho Miramonte Property. The expanded areas of grading would temporarily impact approximately 2.32 acres of riparian habitat (including up to 0.31 acre of “waters of the US” under Corps jurisdiction) along the edge of Mill Creek, and in the outlet from Cucamonga Creek where it flows across the Rancho Miramonte Property before joining Mill Creek. The grading would also provide additional space to create riparian habitat due to lowered elevation closer to ground water. Excavation of soil material to create and restore riparian habitat would be retained onsite by placing it within the proposed residential development footprint.

To avoid effects to least Bell’s vireo (LBV), southwestern willow flycatcher (SWFL), and their designated critical habitats during implementation of the RHRP, the Project Proponent would implement the following conservation measures:

- CM-1 Construction activity within 500 feet of riparian habitat will be restricted during the LBV nesting season (March 15th through August 31st).
- a. If construction activity is required within 500 feet of riparian habitat during the LBV nesting season, a temporary barrier for the purpose of visual obstruction and noise attenuation shall be installed between the construction area and the outer extent of riparian habitat prior to March 15th. This barrier shall consist of certified weed-free straw bales stacked at least four to six feet high (depending onsite topography, or equivalent, with breaks every 100 meters to allow wildlife passage).
 - b. During actives within 500 feet of LBV suitable habitat, a qualified biologist, with LBV experience, must be onsite to monitor nesting activity by LBV or other avian species and determine whether particular activities could be disturbing or disrupting nesting behavior. The monitor will have the authority to halt construction if LBV nesting behavior is disrupted.
- CM-2 Removal of vegetation or other potential nesting bird habitat shall be conducted outside of the avian nesting season (March 15th, through August 31st).
- a. If removal of vegetation occurs during the avian nesting season, a preconstruction nesting bird survey shall be conducted no more than three days prior to this activity.
 - b. If birds are found to be nesting within or near the impact area, a 500-foot buffer where no activities will occur will be established by a qualified biologist. This biologist would also determine if the nest is not currently active or when the nest is no longer active, at which time activities can resume.
- CM-3 Project implementation will restore 30 acres of grassland habitat for the benefit of burrowing owls in Lot O, which will also buffer human activity (i.e., lighting, noise, and presence) for the conserved lots.
- CM-4 Vegetation within the restoration areas will not exceed 20 percent non-native or exotic species.
- CM-5 The Project Proponent will provide permanent conservation and long-term management for 31.09 acres of riparian land specifically for the support of LBV nesting habitat.
- a. The Project Proponent will develop and execute conservation easements over lots P (12.19 acres) and Q (18.9 acres). Drafts will be submitted to the Service for approval

within six months of issuance of this consultation and the Corps permit and prior to ground disturbance.

- b. The Project Proponent will conduct a Property Analysis Record (or comparable analysis) to determine the initial deposit required to establish a long-term management fund such as a non-wasting endowment. The funding mechanism will fund support for long-term management, periodic monitoring, and protection of conservation lands specifically supporting nesting habitat for LBV in lots P and Q. The applicant will submit the cost estimation results to Service for review within six months of the issuance of this consultation and the Corps permit and prior to ground disturbance.
- c. Proof of transferred funds shall be furnished within one calendar year from written acceptance of the endowment estimate from the Service and prior to ground disturbance.

Mitigation Measures Adopted in the EIR and Addendum for the Locally Approved Project

Mitigation measures from the EIR and Addendum which govern the Locally Approved Project are set forth below. The terms “applicant” and “developer” should be understood to refer to the Project Proponent, unless the context requires otherwise. The term “project” should be understood to mean the “Locally Approved Project with all these measures incorporated into the project,” unless the context requires that it include the Proposed Action in order to make the measure effective.

AGRICULTURE

AG-1 Agricultural Land Preservation. The applicant shall mitigate the loss of 170.4 acres of agricultural lands, on a one-to-one basis, by selecting one or more of the items described below. The applicant shall submit written verification of the applicant’s compliance with this mitigation measure to the Director of Community Development’s satisfaction at the time of recordation of final tract maps and parcel maps for urban development or support facilities as contemplated in the proposed Project. Compliance with this condition may be phased as the Project is developed. The amount of agricultural land to be mitigated shall be equal to the amount of land being developed as each phase is developed.

- a) Funding and/or purchase of agricultural conservation easements. Such easements shall be accepted or purchased and monitored and enforced by a land trust or another appropriate entity. Funds may be used for easement purchases, ongoing monitoring and enforcement, transaction costs, and reasonable administrative costs; or
- b) Contribution of agricultural land or equivalent funding to an organization that provides for the preservation of farmland in California. Funds may be used for purchases, ongoing monitoring and enforcement, transaction costs, and reasonable administrative costs; or
- c) Purchase of credits. Purchase of credits from an established agricultural farmland mitigation bank approved by an applicable governmental authority.

During the life of the Project, if the City of Chino or other responsible agency adopts an agricultural land mitigation program that provides equal or more effective mitigation than the measures listed above, the applicant may choose to participate in that alternate program to mitigate loss of agricultural land impacts. Prior to

participation in the alternate program, the applicant shall obtain written approval from the City of Chino agreeing to the participation, and the applicant shall submit written verification of compliance with the alternate program at the same time.

Agricultural land used for mitigation shall be of at least equal agricultural classification as the land being converted or be capable of being developed as such. Alternately stated, mitigation land shall be classified or developed as Prime Farmland, Unique Farmland, etc. (as established by the California Department of Conservation in the Farmland Mapping and Monitoring Program), the mitigation acreage being at least equivalent in classification to the converted land, or being capable of producing the same or equivalent crops as the land being converted.

Completion of the selected mitigation measure, or with the Director of Community Development's approval, a combination of the selected mitigation measures, can be on qualifying agricultural land within the Chino area, or outside the area with written evidence presented by a qualified professional that the same or equivalent crops can be produced on the mitigation land.

AIR QUALITY

AQ-1 Prior to construction of the project, the Project Proponent shall provide a Fugitive Dust Control Plan that would describe the application of standard best management practices (BMPs) to control dust during grading and construction. The plan shall be consistent with the South Coast Air Quality Management District (SCAQMD) requirements. The Fugitive Dust Control Plan shall be submitted to the City of Chino and SCAQMD prior to the start of grading or construction. BMPs to be included in the Plan shall include the following:

- Application of water on disturbed soils a minimum of two times per day;
- Covering haul vehicles;
- Replanting disturbed areas as soon as practical;
- Restricting vehicle speeds on unpaved roads to 15 miles per hour;
- Installing wheel washers where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip;
- Sweeping offsite streets if silt is carried over to adjacent public thoroughfares;
- Suspend grading operations when instantaneous wind gust speeds exceed 25 miles per hour;
- Ensure that all trucks hauling dirt, sand, soil, or other loose materials are covered or maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114;
- Cessation of grading operations during first and second stage smog alerts; and
- Other measures, as deemed appropriate to the site, to control fugitive dust.

AQ-2 During project construction, construction equipment shall be properly maintained at an offsite location; maintenance shall include proper tuning and timing of engines. Equipment

maintenance records and equipment design specification data sheets shall be kept onsite during construction.

- AQ-3 During project construction, the developer shall require all contractors to turn off all construction equipment when not in use.
- AQ-4 Prior to project construction, the project proponent shall provide a traffic control plan that would describe in detail safe detours around the project construction site and provide temporary traffic control during demolition debris transport and other construction related truck hauling activities.
- AQ-5 During mass grading activities, off-road construction vehicles shall: 1) be Tier II equipment; 2) be Tier III equipment; 3) utilize lean NOx catalysts; and/or 4) utilize oxidized-diesel catalysts.
- AQ-6 During project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators.
- AQ-7 During project construction, asphalt paving shall not take place on the same day as other activities involving off-road construction equipment.
- AQ-8 Installation of open-hearth wood-burning fireplaces shall be prohibited. Natural gas-burning fireplaces shall be installed where builders are including fireplaces for their projects.

GREENHOUSE GASES

- CC-1 To increase energy efficiency, the project shall implement the following measures.
- a) Consistent with the California Climate Action Team strategies for reducing greenhouse gas emissions to 1990 levels by 2020 (Green Buildings Initiative), all buildings/units are required to be designed to meet 2013 Title 24 requirements.
 - b) Consistent with the California Air Resources Board, AB 32 Early Action Measures: all buildings within the project shall use cool paints; the project shall incorporate cool pavements in the driveway areas; and the project shall incorporate a minimum of two shade trees on the south and west sides of each of the low-density residential units.
 - c) Consistent with the California Climate Action Team strategies for reducing greenhouse gas emissions to 1990 levels by 2020 (California Solar Initiative), the project developer shall offer photovoltaic cells (solar panels) to the single-family residential units. The project shall install solar panels to generate a minimum of 500,000 kilowatt-hours per year collectively from the solar panels located on the roofs of the structures within the project.
 - d) Consistent with the California Climate Action Team strategies for reducing greenhouse gas emissions to 1990 levels by 2020 (Appliance Energy Efficiency Standards in Place and in Progress), the project shall incorporate energy efficient appliances (i.e., dishwashers, washer, dryer, refrigerator, stoves, etc.) where they are provided by the developer. The project shall also incorporate energy efficient exterior lighting and compact fluorescent lights in residential units.

- CC-2 Consistent with the California Climate Action Team strategies for reducing greenhouse gas emissions to 1990 levels by 2020 (Zero Waste – High Recycling and Achieve 50 percent Statewide Recycling Goal), the project shall do the following:
- a) Prior to issuance of a grading permit, the applicant shall prepare a Waste Management Plan for review and approval by the Community Development Department with the goal of reducing waste during construction by 50 percent.
 - b) As possible, the soil removed from the project during demolition shall be used in the re-grading of the project site and/or for landscape purposes to avoid placement in a landfill.
 - c) Recycling shall be mandated at the multi-family housing residential areas.
 - d) Appropriate collection and storage space for recycling shall be allocated at the multi-family housing areas.
- CC-3 Consistent with the California Climate Action Team strategies for reducing greenhouse gas emissions to 1990 levels by 2020 (Water Use Efficiency), a comprehensive water conservation strategy shall be prepared and submitted for review and approval by the Community Development Department prior to the issuance of grading permits. The strategy shall include the specific items that follow, plus other innovative measures that are appropriate for the location.
- a) Tankless water heaters shall be installed in all of the residential units.
 - b) The landscaping in the open space areas shall use drought-resistant plants.
 - c) The residential areas shall have a limit on the amount of turf (grass) of a maximum of 25 percent of the total yard.
 - d) Water efficient design shall be used for buildings.
 - e) Homeowner’s Association(s) shall be audited for their water use to promote efficient water use.
- CC-4 To reduce vehicle miles traveled and emissions associated with trucks and vehicles, the following measures shall be implemented:
- a) Onsite bicycle storage parking shall be provided where designated by the City of Chino Community Development Department in areas that are nonresidential land uses.
 - b) The applicant shall pay its fair share contribution in traffic impact fees and coordinate with the City regarding intersections within the project vicinity, such that traffic passes more efficiently through congested areas. If signals are installed as part of the project, Light Emitting Diode traffic lights shall be installed.
 - c) Landscape equipment used to maintain the public areas in the development shall be electric. This measure would be applicable to the Homeowner’s Association.
 - d) Information regarding public transit shall be displayed at the church and school.
- CC-5 The project shall either plant 500 canopy-type trees onsite or contribute to an organization that plants trees sufficient funds to plant a minimum of 500 trees in California. Information regarding the area that the trees are to be planted, the organization (if applicable), and the

date the trees will be planted shall be provided to the City prior to complete buildout of the project.

HAZARDS AND HAZARDOUS MATERIALS

HAZ-1 Prior to demolition of any onsite structures and prior to issuance of grading permits, the applicant shall submit a site Remediation Program to the Building Division and Public Works Department for review and approval to address the existing hazardous materials identified in Section 4.7 of the Draft EIR. This Remediation Program shall:

- Incorporate the recommendations of the URS and Laguna Geosciences Phase I Environmental Site Assessments, and the URS Phase II Soil Investigation for testing and remediation not yet satisfied;
- Incorporate a plan for State-regulated abandonment of water wells onsite;
- Require the evaluation of onsite structures for the presence of asbestos and lead-based paint, and the removal of such materials according to the applicable regulations and guidelines established by the South Coast AQMD, Department of Toxic Substances Control, and the U.S. Environmental Protection Agency; and
- Specify further soil testing once mass grading has occurred to determine if any soils contain elevated levels of nitrates/nitrites and incorporate remediation measures to address elevated levels of nitrates/nitrites if discovered.

NOISE

N-1 At the time the grading permit application is submitted, the project applicant shall submit a construction noise mitigation plan to the City of Chino for review and approval. The plan shall depict the location of construction equipment and describe how noise would be mitigated through methods such as, but not limited to, locating stationary noise-generating equipment (such as pumps and generators) as far as possible from nearby noise-sensitive receptors. Where practicable, noise-generating equipment will be shielded from nearby noise-sensitive receptors by noise-attenuating buffers such as structures or haul trucks/trailers. Onsite noise sources such as heavy equipment located less than 200 feet from noise-sensitive receptors will be equipped with noise-reducing engine housings. Portable acoustic barriers able to attenuate at least six dB will be placed around noise-generating equipment located within 200 feet of both existing residences and occupied residences of completed project phases. Water tanks and equipment storage, staging, and warm-up areas shall be located as far from noise-sensitive receptors as possible. All noise attenuation measures identified in the plan shall be incorporated into the project.

N-2 Construction activities shall adhere to the following noise requirements:

- All construction equipment shall utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- Hours of construction shall comply with those established in Section 15.44.030 of the Chino Municipal Code. Those hours are weekdays and Saturdays from 8:00 AM through 7:00 PM. Construction is prohibited on Sundays and Federal holidays.

TRANSPORTATION/TRAFFIC

T-1 The project applicant shall either construct certain improvements or pay a fair share mitigation fee for improvements, to be determined by the City of Chino or as directed by the City Engineer, at the following intersections to mitigate impacts for the 2019 Interim Year condition.

City of Chino

SR-71 Freeway Northbound Ramps (NS) at:

5. Pine Avenue (EW)

El Prado Road (NS) at:

7. Pine Avenue (EW)

Euclid Avenue (SR-83) (NS) at:

11. Edison Avenue (EW)
12. Eucalyptus Avenue (EW)
13. Merrill Avenue (EW)
14. Kimball Avenue (EW)
15. Bickmore Avenue (EW)
16. Pine Avenue (EW)

Euclid Avenue (SR-83)/Butterfield Ranch Road (NS) at:

18. SR-71 Freeway Southbound Off-Ramp/Shady View Drive (EW)

Mill Creek Road (NS) at:

20. Kimball Avenue (EW)

Chino Corona Road/Mill Creek Road (NS) at:

22. Pine Avenue (EW)

Cucamonga Avenue (NS) at:

23. Chino Corona Road (EW)
52. Project Site Access Road (EW) [Future Intersection]

Main Street (NS) at:

29. Pine Avenue (EW) [Future intersection]

Main Street/North East Project Site Access Roadway (NS) at:

30. Chino Corona Road (EW) [Future intersection]

Counties of San Bernardino/Riverside

Hellman Avenue (NS) at:

33. Kimball Avenue/Limonite Avenue (EW) [Future Intersection]
34. Pine Avenue/Schleisman Road (EW)
35. Chino Corona Road/Chandler Street (EW)

County of Riverside

Archibald Street (NS) at:

37. Schleisman Road (EW)
39. River Road (EW)

Harrison Avenue (NS) at:

44. Schleisman Road (EW)

Sumner Avenue (NS) at:

45. Schleisman Road (EW)

Cleveland Avenue (NS) at:

46. Schleisman Road (EW)

T-2 The project applicant shall adhere to the following provisions regarding project circulation and landscape improvements:

- Landscape plans shall incorporate the line of sight at project access points to ensure that fences, signs, trees, shrubs, etc., do not block the line of sight.
- Internal traffic signing/stripping shall be implemented in conjunction with detailed construction plans for the project.
- Stop sign control for the project site access driveways shall be provided.
- The project internal spine road shall be constructed to Specific Plan/collector roadway standards.
- Cucamonga Avenue shall be constructed from project entry to Chino Corona Road to match the planned street section north of Chino Corona Road, which is a Local Collector (two lanes) with Paseo (83-foot right-of-way).
- Chino Corona Road adjacent to the site shall be constructed at its half section width as a local collector (66-foot right-of-way) in conjunction with project development.

T-3 The project applicant shall pay fair share fees, to be established by the City of Chino or as directed by the City Engineer, for improvements to the Post-2030 circulation network to accommodate project traffic.

BIOLOGICAL RESOURCES

- BR-1 In conjunction with the 30 acres of restored grassland habitat (4-9) and prior to the passive relocation of any burrowing owl (BUOW) within the project footprint, a conservation easement shall be established and deeded to an agency that provides land stewardship for the 22.9 acres that are to be avoided within Mill Creek to ensure this area is preserved in perpetuity for least Bell's vireo (LBV) and other riparian species.
- BR-2 Construction activity within 500 feet of riparian habitat should not occur during the LBV nesting season, from March 15th through August 31st. If construction activity is required within 500 feet of riparian habitat within Mill Creek, during the nesting season, an experienced LBV biologist would be required to determine if any avian nests exist. If LBV nests are located, no construction activity shall be permitted that would subject the nest to noise higher than 60 dBA during the nesting season. The LBV biologist would act as the construction monitor and will be onsite during construction activity to monitor for any LBV within the vicinity of the site or nesting activity by any avian species. If no LBV or nesting activity occurs, then construction can continue.
- BR-3 The Modified Project shall avoid the use of invasive and non-native plant species identified by the California Invasive Plant Council. The final landscape plans will be reviewed and verified by the City of Chino to ensure that invasive species will not be used. Maintenance of the landscape areas will include the removal of invasive plants that may establish through natural dispersal mechanisms.
- BR-4 A Pest/Turf Management Plan for common areas within the project shall be prepared by the applicant for review and approval by the City as part of required landscape plans to ensure that fertilizers and pesticides do not enter habitat areas.
- BR-5 No outdoor lighting within suitable LBV habitat shall be permitted. In addition, adjacent night lighting shall be reduced to the greatest extent practicable and designed with hoods or shields that reduce the amount of light spilling into the habitat.

- BR-6 No recreational sport fields or structures shall be permitted within 250 feet of riparian habitat suitable to LBV. A plan for use of the Open Space-Recreation designated areas on the project site shall be prepared demonstrating to the City that intrusive noise, lighting, and motion into the occupied LBV habitat shall not occur. Intrusion into the Mill Creek habitat area by people and/or pets shall not be permitted. Signs shall be posted around the perimeter of the Mill Creek habitat area that people and their pets are not permitted entry.
- BR-7 All trails will be posted with signs that dogs must remain leashed.
- BR-8 Project residents having pet cats shall be encouraged through distribution of an informational flyer to have them remain indoors.
- BR-9 In order to avoid temporal loss of BUOW habitat, another conservation easement (including, but not limited to deed restriction, declaration of restrictive covenants, or easement) shall be established for the 30 acres of restored native grassland habitat and deeded to either the Homeowners Association or an agency that provides land stewardship to ensure preservation in perpetuity. This should be done prior to the passive relocation of any BUOW within the project footprint, and in conjunction with the conservation easement for the 22.9 acres of riparian habitat area along Mill Creek to be preserved (4-1).
- BR-10 The applicant shall provide to the City for review and approval as part of required landscape plans a planting plan to establish and manage appropriate vegetation for the three detention basins and perimeter slopes, prepared by a qualified raptor and/or restoration biologist.
- BR-11 To avoid direct harm to BUOWs, burrows occupied by BUOWs must be avoided by 75 meters during the nesting season (February to August) and by 50 meters outside of the nesting season (September to January). Occupied burrows should not be disturbed during the nesting season unless a qualified biologist approved by the CDFW verifies through noninvasive 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.
- BR-12 If BUOWs must be moved away from the disturbance area, passive relocation techniques will be used. At least one or more weeks will be necessary to accomplish this to allow the BUOWs to acclimate to alternate burrows. Once all burrows on the project site are confirmed to be absent of BUOWs, they will be systematically collapsed. New burrows shall be created (by installing artificial burrows at a ratio of 2:1 for every occupied burrow removed) on the grassland restoration area and the detention basins so that the BUOWs have alternate burrows to relocate. Where feasible, these burrows shall be built at least two weeks prior to the passive relocation effort. Prior to the passive relocation of the BUOW on the project site, all BUOWs to be relocated shall be banded. Follow-up surveys to determine the fate of the passively relocated BUOWs shall be required to determine the success of the program.
- BR-13 A 30-day preconstruction survey for BUOW must be conducted so that all occupied burrows can be mapped, and a strategy developed so that harm to BUOWs resulting from project construction is avoided.
- BR-14 Prior to the passive relocation of any BUOWs within the project footprint, a BUOW relocation and habitat management plan that incorporates the above mitigation measures shall be submitted and approved by the CDFW and the City of Chino.

- BR-15 To compensate for the loss of suitable nesting habitat for loggerhead shrike, open space areas associated with the project site shall be enhanced with native shrubs suitable as nest sites. This could include the planting of shrubby species such as Mexican elderberry.
- BR-16 Removal of vegetation or other potential nesting bird habitat shall be conducted outside of the avian nesting season (February through August). If removal of vegetation occurs during the avian nesting season, a preconstruction nesting bird survey shall be conducted no more than 7 days prior to this activity. If birds are found to be nesting within or near the impact area, a buffer where no construction activities would occur would need to be established by a qualified biologist. This biologist would also determine if the nest is not currently active or when the nest is no longer active, at which time construction could resume.
- BR-17 Prior to the issuance of any grading permits, the project applicant shall be required to pay impact fees for the perpetual management and maintenance of all biological resources protected by conservation easements to the City's satisfaction. These resources include, but are not limited to, the 22.9 acres that are to be avoided within Mill Creek, as described in Edgewater Mitigation Measure BR-1, and the restored native grassland habitat, as described in Edgewater Mitigation Measure BR-9. A conservancy selected by the City or a qualified biological services firm shall, in collaboration with the City, determine the amount of these fees. The biological resources in these areas shall be managed in perpetuity.

CULTURAL RESOURCES

- CR-1 A City-approved project archaeologist with background in the historic resources of the City of Chino shall create a mitigation monitoring plan to direct archaeological monitoring prior to earthmoving in the project area, as directed in CR-2. A pre-grade meeting to review the details of that plan must occur between the monitoring archaeologist(s) and the grading contractor before grading begins. The plan must discuss contingency plans associated with Native American tribal representation if any prehistoric artifacts are found during earthmoving. These artifacts may potentially be considered sacred items by one or more Native American tribes. The mitigation monitoring plan must contain a description of how and where artifacts will be curated if found during monitoring.
- CR-2 Once a depth below the modern ground surface of three feet is reached, full-time monitoring shall be required during all construction-related earthmoving. The project archaeologist may, at his or her discretion, terminate monitoring if and only if no buried cultural resources have been detected after 50 percent of the qualifying ground has been graded. If buried cultural resources are detected during monitoring, monitoring must continue until 100 percent of virgin earth within the project area has been disturbed and inspected by the monitor(s).
- CR-3 Should previously unidentified cultural resource sites, prehistoric or historic cultural resources be encountered during monitoring, they should be Phase II tested and evaluated for significance following CEQA Guidelines prior to allowing a continuance of grading in the area.
- CR-4 The locations of seven historic pending sites (P871-8H, P871-9H, P871-10H, P871-11H, P871-12H, P871-16H, and P871-22H) shall be carefully monitored during grading of the Project area. Should subsurface manifestations of these sites be uncovered during grading, their qualities shall be documented by the monitoring archaeologist for inclusion in the monitoring report.

- CR-5 If geotechnical investigations must take place within 250 feet of any known cultural resource site in the project area, the geotechnical investigation must be monitored by a qualified archaeologist.
- CR-6 Construction-related earthmoving must be monitored by one (1) qualified Native American monitor. The monitor must belong to the Tribe or be a known descendant of the Gabrielino Band of Mission Indians
- CR-7 Prior to any clearing and grubbing and/or earthmoving activities on the project area, a qualified project paleontologist retained by the Project Proponent and approved by the City shall review the approved development and construction plans. The project paleontologist shall participate in a pre-construction project meeting with the development Staff to ensure an understanding of the environmental commitments required during construction.
- CR-8 Once a depth of five feet is reached during grading or trenching, paleontological monitoring of any earthmoving will be conducted by a qualified monitor, under direct guidance of a project paleontologist. Earthmoving in areas of the project site where previously undisturbed sediments will be buried but not otherwise disturbed will not be monitored. Non-virgin soils need not be monitored.
- CR-9 If fossil remains are found, the project paleontologist shall develop a storage agreement with a museum repository acceptable within the City or County to allow for the permanent storage and maintenance of any fossil remains recovered in the project area as a result of the mitigation program, and for the archiving of associated specimen data and corresponding geologic and geographic site data. Any recovered fossil remains will be prepared to the point of identification and identified to the lowest taxonomic level possible by knowledgeable paleontologists. The remains then will be curated (assigned and labeled with museum repository fossil specimen numbers and corresponding fossil site numbers, as appropriate, placed in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued. Associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate museum repository catalogs and computerized databases) at the museum repository by a laboratory technician. The remains then will be accessioned into the museum repository fossil collection, where they will be permanently stored and maintained. The associated specimen and site data will be made available for future project by qualified investigators.
- CR-10 A final report of findings shall be prepared by the project paleontologist for submission to the City, and the museum repository following accessioning of the specimens into the museum repository fossil collection. The report will describe project site geology/stratigraphy, summarize field and laboratory methods used, include a faunal list and an inventory of curated/catalogued fossil specimens, evaluate the scientific importance of the specimens, and discuss the relationship of any newly recorded fossil site within the project site to relevant fossil sites previously recorded from other areas.

UTILITIES AND SERVICE SYSTEMS

- USS-1 Construction contractors utilized for construction of project infrastructure for the utility systems (potable water, recycled water, sanitary sewer and/or storm drain) shall be required to follow BMPs to limit short-term construction-related impacts.

- USS-2 Sewer systems below the 566-foot elevation contour shall be designed as sealed systems to mitigate the potential high inflow and infiltration into the sewer system. All manhole covers and clean-out covers with elevations lower than 566-foot elevation contour shall have bolted covers with pressure plated assemblies. All sewer structures including wet wells, junction structures, flow splitters, and manholes that extend below the 566-foot elevation contour shall be plastic lined and include water-stops at all construction and expansion joints.
- USS-3 Design, construction, and timing of wastewater facilities shall conform to the hydraulic criteria presented in the 2015 Sewer Master Plan (RBM, September 2015). Design, construction, and timing of storm drain facilities shall conform to the hydraulic criteria presented in the Storm Drain Master Plan Update Report, Subarea 2 (Bureau Veritas North America, Inc., December 2007).
- USS-4 The applicant/developer and the City of Chino shall work to include sustainable systems for use of water and energy with the project design.

4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

4.1 Air Quality

This section describes the existing air quality setting and potential air quality effects associated with the alternatives.

4.1.1 Existing Conditions

The project site is located within the South Coast Air Basin (SCAB), which comprises the urbanized areas of Los Angeles, Riverside, San Bernardino, and Orange counties (an area of approximately 6,000 square miles), and the adjacent offshore waters.

National Ambient Air Quality Standards. The Clean Air Act identified and established the National Ambient Air Quality Standards (NAAQS) for a number of criteria pollutants in order to protect the public health and welfare. **Primary standards** provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly. **Secondary standards** provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. The United States Environmental Protection Agency (EPA) has set NAAQS for six principal pollutants, which are called criteria pollutants. The criteria pollutants include ozone (O₃), carbon monoxide (CO), suspended particulate matter (PM), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), and lead (Pb). PM emissions are regulated in two size classes: Particulates up to 10 microns in diameter (PM₁₀) and particulates up to 2.5 microns in diameter (PM_{2.5}).

A region is given the status of "attainment" or "unclassified" if the NAAQS have not been exceeded. A status of "nonattainment" for particular criteria pollutants is assigned if the NAAQS have been exceeded. Once designated as nonattainment, attainment status may be achieved after three years of data showing non-exceedance of the standard. When an area is reclassified from nonattainment to attainment, it is designated as a "maintenance area," indicating the requirement to establish and enforce a plan to maintain attainment of the standard. The NAAQS relevant to the project area are provided in [Table 4.1-1, NAAQS](#).

**Table 4.1-1
NAAQS**

Pollutant	Primary/ Secondary	Averaging Time	Level	Form
Carbon Monoxide (CO)	primary	8 hours	9 ppm	Not to be exceeded more than once per year
		1 hour	35 ppm	

Pollutant		Primary/ Secondary	Averaging Time	Level	Form
Lead (Pb)		primary and secondary	Rolling 3 month average	0.15 µg/m ³ ⁽¹⁾	Not to be exceeded
Nitrogen Dioxide (NO ₂)		primary	1 hour	100 ppb	98th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		primary and secondary	1 year	53 ppb ⁽²⁾	Annual Mean
Ozone (O ₃)		primary and secondary	8 hours	0.070 ppm ⁽³⁾	Annual fourth-highest daily maximum 8-hour concentration, averaged over 3 years
Particle Pollution (PM)	PM _{2.5}	primary	1 year	12.0 µg/m ³	annual mean, averaged over 3 years
		secondary	1 year	15.0 µg/m ³	annual mean, averaged over 3 years
		primary and secondary	24 hours	35 µg/m ³	98th percentile, averaged over 3 years
	PM ₁₀	primary and secondary	24 hours	150 µg/m ³	Not to be exceeded more than once per year on average over 3 years
Sulfur Dioxide (SO ₂)		primary	1 hour	75 ppb ⁽⁴⁾	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
		secondary	3 hours	0.5 ppm	Not to be exceeded more than once per year

(1) In areas designated nonattainment for the Pb standards prior to the promulgation of the current (2008) standards, and for which implementation plans to attain or maintain the current (2008) standards have not been submitted and approved, the previous standards (1.5 µg/m³ as a calendar quarter average) also remain in effect.

(2) The level of the annual NO₂ standard is 0.053 ppm. It is shown here in terms of ppb for the purposes of clearer comparison to the 1-hour standard level.

(3) Final rule signed October 1, 2015, and effective December 28, 2015. The previous (2008) O₃ standards additionally remain in effect in some areas. Revocation of the previous (2008) O₃ standards and transitioning to the current (2015) standards will be addressed in the implementation rule for the current standards.

(4) The previous SO₂ standards (0.14 ppm 24-hour and 0.03 ppm annual) will additionally remain in effect in certain areas: (1) any area for which it is not yet 1 year since the effective date of designation under the current (2010) standards, and (2) any area for which an implementation plan providing for attainment of the current (2010) standard has not been submitted and approved and which is designated nonattainment under the previous SO₂ standards or is not meeting the requirements of a SIP call under the previous SO₂ standards (40 CFR 50.4(3)). A SIP call is an EPA action requiring a state to resubmit all or part of its State Implementation Plan to demonstrate attainment of the required NAAQS.

General Conformity Rule. Section 176(c) of the federal Clean Air Act states that a federal agency cannot issue a permit for, or support an activity within, a nonattainment or maintenance area unless the agency determines it will conform to the most recent U.S. Environmental Protection Agency-approved State Implementation Plan. Thus, a federal action must not:

- Cause or contribute to any new violation of a NAAQS.
- Increase the frequency or severity of any existing violation.
- Delay the timely attainment of any standard, interim emission reduction, or other milestone.

A conformity determination is required for each criteria pollutant or precursor where the total of direct and indirect emissions of the criteria pollutant or precursor in a nonattainment or maintenance area caused by the federal action would equal or exceed the General Conformity applicability rates specified in 40 C.F.R. section 93.153.

Table 4.1-2, *South Coast Air Basin Attainment Status and Applicability Rates*, summarizes the federal attainment status of the criteria pollutants in the San Bernardino County portion of the SCAB that are in non-attainment or maintenance based on the NAAQS and the general conformity applicability rate.

**Table 4.1-2
South Coast Air Basin Attainment Status and Applicability Rates**

Pollutant	Attainment Status	Applicability Rate (tons/year)
O ₃ (VOC or NO _x precursors)	Extreme Nonattainment	10
PM _{2.5}	Serious Nonattainment	70
PM ₁₀	Maintenance - serious	100
NO ₂	Maintenance	100
Source: USEPA Green Book and 40 CFR 93.153.		

4.1.2 Significance Criteria

AQ-1: Exceeds General Conformity Rule Applicability Rates

4.1.3 Environmental Consequences

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement area. There would be no operation of construction equipment within this area and no associated construction emissions that would affect air quality within this portion of the Rancho Miramonte Property. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed.

Proposed Action

DIRECT EFFECTS (CONSTRUCTION EMISSIONS)

Excavation and Filling Earthwork Activities

The excavation and filling earthwork activities associated with the proposed Easement Exchange would involve the operation of heavy construction equipment that would produce fuel combustion exhaust emissions. Construction emissions modeling for the earthwork activities for the Easement Exchange was assumed to begin in mid-2021 and extend over an 8-month period into early 2022. As shown in [Table 4.1-6, *Construction Emissions*](#), emissions associated with the grading and filling activities associated with the Easement Exchange would be below General Conformity Applicability Rates and would be less than significant.

INDIRECT EFFECTS (CONSTRUCTION)

Riparian Habitat Restoration Project

Construction of the Locally Approved Project would require implementation of the RHRP. Construction would require 2.48 acres of grading activities. Such construction activities would require the use of off-road construction that would produce fuel combustion exhaust emissions. The earthwork activities for the Restoration Project would occur concurrently with the earthwork activity for the residential and commercial development portion of the Locally Approved Project. As shown in [Table 4.1-3, *Construction Emissions*](#), emissions associated with the grading activities for the Restoration Project would be below General Conformity Applicability Rates and would be less than significant.

**Table 4.1-3
Construction Emissions**

Emission Source	VOC	NO _x	NO ₂	PM ₁₀	PM _{2.5}
2021	0.3	6.8	6.8	0.78	0.43
2022	0.2	4.3	4.3	0.5	0.28
Riparian Habitat Restoration Project Construction Emissions, tons/year					
2021	0.12	2.3	2.3	0.4	0.2
Net Total					
2021	0.42	9.1	7.5	1.18	0.63
2022	0.2	4.3	3.6	0.5	0.28

Emission Source	VOC	NO _x	NO ₂	PM ₁₀	PM _{2.5}
GC Applicability Rates	10	10	100	100	70
Exceed GC Applicability Rates?	No	No	No	No	No
Note: Assumes 117 days of grading in 2021 and 75 days of grading in 2022. Source: Birdseye Planning Group, Rancho Miramonte Development Air Emissions Memorandum, July 16, 2020.					

INDIRECT EFFECTS (OPERATION)

Operational emissions associated with the Locally Approved Project include emissions associated with automobiles, domestic appliances (i.e., natural gas for stoves, heating, water heaters), and energy use (i.e., power plant emission for production of electricity). The proposed federal action is limited to the Easement Exchange and the Corps does not have sufficient control and responsibility over consumer choices and life style. Thus, operational emissions from the Locally Approved Project are not considered to be indirect effects of the action and are therefore not evaluated as part of the General conformity applicability analysis. The estimates of operational emissions are included in Table 4.1-4 for the purpose of disclosure under NEPA without expressing a judgment as to their significance.

Table 4.1-4

Locally Approved Project – Operational Emissions

Operational Emissions	Estimated Operational Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Proposed Project						
Area	33.0	0.7	67.9	0.01	0.3	0.3
Energy	0.68	5.8	2.5	0.03	0.4	0.4
Mobile	15.6	89.4	158.9	0.6	51.0	13.9
Maximum lbs/day	49.3	96.1	229.3	0.7	51.8	14.7
Source: Birdseye Planning Group, Rancho Miramonte Development Air Emissions Memorandum, July 16, 2020.						

4.2 Greenhouse Gases

This section describes the existing greenhouse gas setting and potential effects associated with the alternatives.

4.2.1 Existing Conditions

Gases that absorb and re-emit infrared radiation in the atmosphere are called greenhouse gases (GHGs). GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

Construction Emissions

The earthwork activities associated with the Easement Exchange, and construction of the Locally Approved Project or the smaller residential project with commercial area would generate temporary GHG emissions primarily associated with the operation of construction equipment and truck trips. Site preparation and grading typically generate the greatest emission quantities because the use of heavy equipment is greatest during this phase of construction. Emissions associated with the construction period were estimated based on the projected maximum amount of equipment that would be used onsite at one time. Construction-related emissions were amortized over a 30-year period to calculate annual emissions.

Operational Emissions

Emissions associated with area sources (i.e., consumer products, landscape maintenance, and architectural coating) were calculated in CalEEMod based on standard emission rates from CARB, USEPA, and district supplied emission factor values (CalEEMod User Guide, 2016). Emissions from waste generation were also calculated in CalEEMod and are based on the IPCC's methods for quantifying GHG emissions from solid waste using the degradable organic content of waste (CalEEMod User Guide, 2016). Waste disposal rates by land use and overall composition of municipal solid waste in California was primarily based on data provided by the California Department of Resources Recycling and Recovery (CalRecycle).

Emissions from water and wastewater usage calculated in CalEEMod were based on the default electricity intensity from the CEC's 2006 Refining Estimates of Water-Related Energy Use in California using the average values for Northern and Southern California. Emissions from mobile sources were quantified based on trip generation estimates included in CalEEMod version 2016.3.2 for residential and commercial projects. Operational emissions were calculated only for the Locally Approved Project and the smaller residential project with commercial area alternative. It was assumed for modeling purposes, that no vehicle trips would be associated with the parks or restoration areas. These parks were assumed to be used by residents of the proposed development and the restoration areas are not intended for use by the public.

4.2.2 Significance Criteria

GHG emissions are not currently subject to Federal standards. Thus, no thresholds of significance are established for greenhouse gases under NEPA. Rather, in compliance with the NEPA implementing regulations, the anticipated estimates of greenhouse gas emissions are included herein for the purpose of disclosure under NEPA without expressing a judgment as to their significance.

4.2.3 Environmental Consequences

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement area. There would be no operation of construction equipment in that area and no associated greenhouse gas emissions that would affect air quality from that area of the Rancho Miramonte Property. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The operation and construction activities for the smaller residential project with a commercial use area would generate greenhouse gas emissions.

**Table 4.2-1
Combined Annual Greenhouse Gas Emissions –
Smaller Residential Project with a Commercial Use Area**

Emission Source	Annual Emissions (CO ₂ E)
Construction	49 metric tons*
Energy	1,238 metric tons
Solid Waste	33 metric tons
Water	203 metric tons
Mobile	4,938 metric tons (includes 209 MT NO _x)
Total	6,461 metric tons
Note: *Amortized over 30 years.	

Operation of the smaller residential project with a commercial use area would generate approximately 6,461 MT of CO₂e emissions annually. This total represents less than 0.001 percent of California’s total 2015 emissions of 440.4 million metric tons. The majority (76%) of the project’s GHG emissions are associated with motor vehicular travel.

Proposed Action

DIRECT EFFECTS

The earthwork activities associated with the Proposed Action (Easement Exchange) would generate temporary GHG emissions primarily associated with the operation of construction equipment and truck trips. The earthwork activities are assumed to occur over an eight-month period beginning in mid-2021 and concluding in early 2022. Based on CalEEMod results, the earthwork activities would generate an estimated 1,181 metric tons of carbon dioxide equivalent (CO₂E). Amortized over a 30-year period, the earthwork activities would generate 39 metric tons of CO₂E per year.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. Table 4.2-2, Combined Annual Greenhouse Gas Emissions – Locally Approved Project, combines the construction, operational, and mobile GHG emissions associated with the Locally Approved Project.

**Table 4.2-2
Combined Annual Greenhouse Gas Emissions –
Locally Approved Project**

Emission Source	Annual Emissions (CO ₂ E)
Construction	132 metric tons*
Energy	3,606 metric tons
Solid Waste	117 metric tons
Water	565 metric tons
Mobile	10,734 metric tons (includes 463 MT NO _x)
Total	15,154 metric tons
Note: *Amortized over 30 years.	

Operation of the Locally Approved Project would generate approximately 15,154 MT of CO₂e emissions annually. This total represents less than 0.001% of California's total 2015 emissions of 440.4 million metric tons. The majority (71%) of the project's GHG emissions are associated with motor vehicular travel.

4.3 Geology and Soils

This section describes the existing geology and soils setting and potential geologic and soils effects associated with the alternatives.

4.3.1 Existing Conditions

The topography of the project area is variable, ranging from essentially flat in the northern portion, to gently rolling hills in the southern portion. The southern portion consists of a small north-south-trending ridge bounded by small and/or rounded hills and gently graded low areas. Slopes become steeper along the eastern boundary near Mill Creek. Elevation within the project area ranges from 508 to 579 feet amsl.

GEOLOGICAL AND SOIL CHARACTERISTICS

Soils

The ground surface of the project area is generally disturbed from historical agricultural use. The surface soils of the area generally consist of undocumented artificial fill and alluvial fan deposits underlain by older alluvial deposits. Artificial fills are also present on the site, mostly on the northern portion of the site. Most of these fills are less than two feet thick but can be up to 11 feet in some places.

Quaternary older alluvial fan deposits were encountered at either the surface or underlying the artificial fill across the site. Where observed, the older alluvial deposits consisted of varicolored silts and sands with some clays and gravels. These deposits are generally porous at shallow depths, medium dense to dense, with moderately to well-developed soil structure. The organic content of the older alluvium ranges from 1.0 to 6.1 percent. Native soil on the southern portion of the site consists of dark brown, organic rich mixtures of clays, silts, and sands. Quaternary alluvial deposits on the eastern portion of the site, adjacent to Mill Creek, generally consist of mixtures of light brown to brown silts and sands with some clays likely derived from sediment deposited by Mill Creek.

Bedrock

The project area is in the eastern portion of the Peninsular Ranges geomorphic province on a thick accumulation of alluvial fan deposits. The Peninsular Ranges province is predominantly characterized by igneous basement rock overlain by sedimentary and volcanic deposits.

Faults and Groundshaking

The project area is not located in a designated Alquist-Priolo Earthquake Fault Zone, but it is close to several surface faults in the region. The nearest of these faults is the Chino-Central Avenue Fault, which extends northwest to southeast approximately 1.8 miles northwest of the project area. The project area is in Seismic Zone 4. There are 31 faults within a radius of 80 kilometers of the project area.

Groundwater

The project area is located within the Chino Basin, on the northern limit of the Prado Dam Flood Control Basin. This basin flows into the Santa Ana River, east-west from the San Jacinto Mountains to the Pacific

Ocean and consists of several stacked aquifers. The shallowest groundwater elevations occur along the southern boundary of the site and the eastern boundary, along Mill Creek. The surface of groundwater slopes upward toward the northern portion of the site.

Regulatory Framework

Section 402 of the Clean Water Act established the National Pollution Discharge Elimination System (NPDES) to control water pollution by regulating point sources that discharge pollutants into Waters of the United States. In the State of California, the EPA has authorized the State Water Resources Control Board (SWRCB) to be the permitting authority to implement the NPDES program. The SWRCB issues two baseline general permits, one for industrial discharges and one for construction activities (General Construction Permit). Additionally, the NPDES Program includes the long-term regulation of storm water discharges from medium and large cities through the MS4 Permit Program.

Storm water discharges from construction sites with a disturbed area of one or more acres are required to either obtain individual NPDES permits for storm water discharges or be covered by a General Construction Permit. Coverage under the General Construction Permit requires filing a Notice of Intent with the SWRCB and preparation of Storm Water Pollution Prevention Plan (SWPPP). Each applicant under the Construction General Permit must ensure that a SWPPP would be prepared prior to grading and implemented during construction. The primary objective of the SWPPP is to identify, construct, implement, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site during construction. BMPs include programs, technologies, processes, practices, and devices that control, prevent, remove, or reduce pollution.

4.3.2 Significance Criteria

- GEO-1: Expose people or structures to significant adverse effects involving ground rupture, strong seismic shaking, liquefaction, or unstable geologic conditions.
- GEO-2: Substantially increases wind or water erosion of soils or loss of topsoil, either onsite or offsite.

4.3.3 Environmental Consequences

- GEO-1: **Expose people or structures to significant adverse effects involving ground rupture, strong seismic shaking, liquefaction, or unstable geologic conditions.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no construction of habitable structures that could be subject to seismic risks and geologic constraints. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, that that could be considered an indirect effect of the Proposed Action, there would be fewer amounts of habitable structures that could be subject to seismic shaking impacts. The smaller development project would be required to comply with the California Building Code to minimize seismic shaking impacts. Compliance with the California Building Code would minimize potential seismic effects to less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

There are no active Fault Zones extending through the project area. Therefore, there would be low probability for ground rupture impacts. No direct ground rupture effects would occur.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The project area is located within the vicinity of several active faults and could be indirectly affected by seismic shaking impacts and liquefaction impacts if an earthquake occurs in the regional area. Potential seismic, soil or geological impacts associated with the Locally Approved Project have been analyzed in the EIR and Addendum. As identified in the EIR and Addendum, the Locally Approved Project would be required to comply with seismic safety standards of the California Building Code to minimize seismic shaking impacts. With compliance with the California Building Code, potential indirect seismic effects associated with approval of the Proposed Action would be less than significant.

GEO-2: **Substantially increases wind or water erosion of soils or loss of topsoil, either onsite or offsite.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no uncovering soils that could potentially cause adverse erosion effects. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, that would indirectly be enabled by the Proposed Action, a reduced amount of grading would occur and there would be less potential for erosion effects. The smaller development project would disturb more than one acre and would be required to obtain a General Construction Permit from the SWRCB and prepare and implement a SWPPP. With implementation of the SWPPP, potential erosion effects would be mitigated to less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

Implementation of the Proposed Action would require earthwork activities that would uncover soils and disturb more than one acre. The grading activities associated with the Easement Exchange would occur as part of the earthwork activities for the Locally Approved Project. As part of the Locally Approved Project, the Project Proponent is required to obtain a General Construction Permit from the SWRCB and prepare and implement a SWPPP. With implementation of the SWPPP, potential erosion effects would be mitigated to less than significant.

Mitigation Measure GEO-1

Prior to construction, the Contractor shall prepare a SWPPP to address potential erosion impacts from construction equipment, construction crews, and construction practices.

- The SWPPP shall include BMPs to prevent accidental spills.

- The SWPPP shall contain a visual monitoring program and a water quality-monitoring program for non-visible pollutants to determine construction site BMP effectiveness.
- The SWPPP will include a provision for adaptive measures to be taken in the event of excess contamination.

The Project Proponent shall implement the SWPPP during construction.

INDIRECT EFFECTS

The Proposed Action would indirectly enable the Locally Approved Project to be developed by the Project Proponent. The earthwork and construction activities for the Locally Approved Project would involve the use of heavy construction equipment which indirectly could track sediment and transport it to offsite locations. Storm water could also carry loosened sediment beyond the project limits. The Locally Approved Project would disturb more than one acre, requiring the Project Proponent to obtain a General Construction Permit from the SWRCB and prepare and implement a SWPPP. With implementation of Mitigation Measure GEO-1, potential erosion effects would be mitigated to less than significant.

4.4 Hazards and Hazardous Materials

This section describes the existing hazards and hazardous material setting and potential effects associated with the alternatives. The analysis is based on a Phase I Environmental Site Assessment (GSI Environmental 2017) and a Phase II Environmental Site Assessment (ENGEO 2018) prepared for the Locally Approved Project.

4.4.1 Existing Conditions

ONSITE LAND USES

The project area is surrounded primarily by currently active and former dairy farms, agricultural operations, commercial, industrial property and residential property developments. Further surrounding land uses include additional dairy and agricultural farms, an open-space preserve, the California Institution for Women, residential, commercial, and industrial developments. The project area contains three residences and one dairy farm building. The southern portion of the project site consists primarily of agricultural land with a barn, a storage facility, and a residential structure with a small pond. There is also a large pond on the southern end of this area (GSI Environmental 2017; ENGEO 2018).

SITE OBSERVATIONS

Hazardous substances and wastes were observed or reported on the combined properties in the following locations at the time of site reconnaissance (GSI Environmental 2017; ENGEO 2018):

- **Hazardous Substances and Storage Tanks.** One above ground storage tank (AST) for diesel fuel exists, but it was relatively new and did not leak. A carboy, approximately 10 percent full of diesel exhaust fluid, was located next to where the former diesel AST was once located. There are no underground storage tanks (USTs).
- **Wells.** Five groundwater production wells are located throughout the project area. The Chino Basin Watermaster reported that three of the wells are listed as active and two wells are listed as inactive.

- **Drains, Sumps, and Clarifiers.** Drains were observed that were utilized to move water from the northern portion of the property to the southern agricultural fields. No sumps or clarifiers were observed.
- **Drums.** Several 55-gallon drums were identified but were either empty or labeled as fruit concentrate to be mixed with feed for animals.
- **Hazardous Substance Containers.** Light auto maintenance conducted at the project area and any hydraulic fluids were used in small containers of five gallons or less.
- **Polychlorinated Biphenyls (PCBs).** Based on the age of the existing buildings, it is possible that polychlorinated biphenyls (PCBs) were used at the project area, including in electrical transformers. GSI did not identify any reports on testing for PCBs and transformers had been updated at the project area.
- **Pits, Ponds or Lagoons and Wastewater.** Wastewater has historically been collected from sources on and off the project area through pipelines and stored in ponds. Waste streams related to the past dairy industry include animal waste, cleaning solvents, petroleum hydrocarbons, and pesticides. Running east-west along the southern part of the storage area and past cow grazing area is a man-made gulley that was utilized to collect dairy waste. It is currently dry. No storm water improvements were observed on the project area. The majority of the storm water would infiltrate through unpaved soil or ponds.
- **Solid Waste, Construction Debris, Trash Mounds.** The area located south of the past milking barn has been utilized by the former residents as a small scrap yard, where old (empty) tanks, old trucks, and various farm equipment has been stored and sold for scrap.
- **Septic Systems.** Septic systems are present onsite associated with each of the residential properties and the former dairy barn.

2019 HAZARDOUS MATERIALS DATABASE SEARCH

To assess the potential for contamination in soil and groundwater within the project area currently, an environmental database review was conducted to identify environmental cases⁴, permitted hazardous materials uses⁵, and spill sites⁶. California Government Code Section 65962.5 requires State and local agencies to compile and update, at least annually, lists of hazardous waste sites and facilities. A review of the Department of Toxic Substances Control's (DTSC) Hazardous Waste and Substances List – Site Cleanup (Cortese List) indicates that identified hazardous material sites are not located within the Action area (DTSC 2019a). While Government Code Section 65962.5 makes reference to a "list", this information is currently available from the following online data resources (California Environmental Protection Agency [CalEPA] 2018):

- State Water Resources Control Board (SWRCB) GeoTracker database, and
- DTSC EnviroStor database.

⁴ Environmental cases are those sites that are suspected of releasing hazardous substances or have had cause for hazardous substances investigations and are identified on regulatory agency lists.

⁵ Permitted hazardous materials uses are facilities that use hazardous materials or handle hazardous wastes that operate under appropriate permits and comply with current hazardous materials and hazardous waste regulations.

⁶ Spill sites are locations where a spill has been reported to the State or federal regulatory agencies. Such spills do not always involve a release of hazardous materials.

A database search of hazardous materials sites using the online DTSC EnviroStor and SWRCB GeoTracker databases identified no open hazardous materials sites (DTSC 2019b; SWRCB 2019).

4.4.2 Significance Criteria

HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

4.4.3 Environmental Consequences

HAZ-1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would no construction equipment operating that would involve the handling and storing of hazardous materials, such as fuel, oils or solvents that could inadvertently be released into the environment causing a hazard to the public. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, that would indirectly be enabled by the Proposed Action, there would less construction activity and as a result, a reduced amount of hazardous materials would be handled and would therefore reduce the potential for hazardous materials to be inadvertently released into the environment. Like the Locally Approved Project, the smaller development project would be expected to be required to implement Mitigation Measure HAZ-1, which would require that the Project Proponent prior to demolitions of onsite structures and issuance of grading permits, submit a site Remediation Program to the City Building Division and Public Works Department for review and approval. Potential indirect effects associated with handling, storage and transporting of hazardous materials, would be mitigated to less than significant. Compared to the Proposed Action the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The project area was historically used for agricultural purposes and likely involved the use of pesticides. The earthwork activities associated with the Easement Exchange could encounter hazardous substances. Additionally, there are older structures on the site that could contain asbestos containing building materials and lead paint which could inadvertently be released into the environment. Because the earthwork activities associated with the Proposed Action would occur as part of the overall grading activities for the Locally Approved Project, implementation of Mitigation Measure HAZ-1 requires that prior to demolitions of onsite structures and issuance of grading permits, the applicant would submit a Site Remediation Program to the City Building Division and Public Works Department for review and approval. Earthwork activities associated with the Easement Exchange would require the operation of heavy equipment in the Prado Dam Flood Control Basin. The operation of the heavy equipment would involve the handling of incidental amounts of hazardous substances such as fuels and oil, which could potentially be inadvertently released into the environment. Implementation of Mitigation Measure HAZ-

2 would minimize the inadvertent release of hazardous substances. Therefore, the potential direct effects of hazardous materials, soils and groundwater would be mitigated to less than significant levels.

Mitigation Measure HAZ-2

The Project Proponent shall demonstrate compliance with all applicable federal, state and local laws and regulations governing the handling, transport, treatment, generation, and storage of hazardous materials.

INDIRECT EFFECTS

The Proposed Action would indirectly enable the Locally Approved Project to be developed. Because of past and present agricultural practices and that existing structures on the site could contain asbestos containing building materials, there would be the potential that hazardous materials could be encountered during construction. Implementation of Mitigation Measure HAZ-1 as part of the Locally Approved Project requires that prior to demolitions of onsite structures and issuance of grading permits, the applicant would submit a Site Remediation Program to the City Building Division and Public Works Department for review and approval. Additionally, the Locally Approved Project would require the operation of heavy equipment in the Prado Dam Flood Control Basin. The operation of the heavy equipment would involve the handling of incidental amounts of hazardous substances such as fuels and oil, which could potentially be inadvertently released into the environment. Implementation of Mitigation Measure HAZ-2 would minimize the inadvertent release of hazardous substances. With implementation of Mitigation Measure HAZ-2, potential indirect effects associated with the handling, storage and transporting of hazardous substances, would be mitigated to less than significant.

4.5 Noise

This section describes the existing noise setting and potential noise effects associated with the alternatives.

4.5.1 Existing Conditions

The primary sources of noise in the vicinity of the project area are vehicular traffic (along Chino Corona Road and Cucamonga Avenue, bounding the property on the north and west). The existing noise levels at the intersection of Cucamonga Avenue and Chino Corona Road is approximately 52 dBA. Other sources of noise include agricultural and bird activity at the surrounding dairies, recreational activity at various other nearby facilities, aircraft activity at the Chino Airport, and agricultural activity at the fertilizer plant. The Chino Airport is located approximately 1.5 miles north of the project area. The project area is located outside the 65 dBA noise contour, which extends only as far south as Kimball Avenue. The distance from the northern edge of the project area to the 65 dBA contour is approximately 1.5 miles. The closest sensitive receptor would be residences located approximately 0.75 miles (3,960 feet) to the northeast.

The City's Municipal Code for sensitive land uses establishes a maximum noise level of 55 dB between 7:00 AM and 10:00 PM and a 50 dB maximum noise level from 10:00 PM to 7:00 AM. Additionally, the Municipal Code exempts construction activity from noise standards, provided that they are conducted between 8:00 AM and 7:00 PM Monday through Saturday, and provided the construction noise does not endanger the public health, welfare, and safety.

4.5.2 Significance Criteria

- N-1: Expose person(s) to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- N-2: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- N-3: Generate excessive groundborne vibration or groundborne noise levels.

4.5.3 Environmental Consequences

- N-1: **Expose person(s) to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no operation of construction equipment and no associated noise emissions. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, that would indirectly be enabled by the Proposed Action, the smaller development project would involve reduced amounts of construction activity and construction-related noise. Additionally, with fewer residents there would be less traffic noise. Like the Locally Approved Project, the smaller project would be expected to be required to implement mitigation measures similar to Mitigation Measures N-1 and N-2 to mitigate potential noise to less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The grading and filling activities associated with proposed Easement Exchange would involve the operation of heavy construction equipment. The noisiest piece of construction equipment would be the bulldozer, which has an estimated noise level of 85 dB at 50 feet. The closest receptor is approximately 3,960 feet from the project area. At this distance, the noise from the construction activity would be below 49 dB and below the City Standard of 55 dB. Additionally, under the Municipal Code, construction activity within 500 feet of existing residences is exempt from the Noise Ordinance if the construction activity occurs between the hours from 8:00 AM to 7:00 PM on weekdays and Saturdays. The Proposed Action construction activities would occur within those time periods. Potential noise effects would be less than significant.

The Proposed Action would occur in connection with earthwork activities required for the Locally Approved Project, which includes Mitigation Measure N-1 requiring preparation of a construction noise mitigation plan that would describe how noise would be mitigated, including but, not limited to requiring all construction equipment to utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer and the placement of portable acoustical barriers. Additionally, as part of the Locally Approved Project, Mitigation Measure N-2 limits the construction activities for the project to 8:00 AM to 7:00 PM on weekdays and Saturdays, during the hours of the day when construction activities would be exempt. With implementation of Mitigation

Measure N-1 and N-2 as part of the Locally Approved Project, the Proposed Action would not expose persons to noise levels in excess of local standards and potential direct effects would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The Locally Approved Project would generate construction related and operational noise impacts. The construction noise levels would not exceed the City Standards and would occur during the hours of the day when construction noise would be exempt from the Municipal Code Noise Standards. To minimize construction noise impacts, the Locally Approved Project includes Mitigation Measures N-1 and N-2 as described above. With the implementation of Mitigation Measures N-1 and N-2 as part of the Locally Approved Project, potential indirect noise effects associated with approval of the Proposed Action would be less than significant.

N-2: **Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no operation of construction equipment and no associated noise emissions. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The smaller development project would involve a reduced amount of construction activity and construction-related noise compared to the Locally Approved Project. There would be less construction activity and associated construction noise impacts. The previously approved EIR and Addendum identify measures to minimize noise effects. The construction activities for the smaller project would be required to implement mitigation measures similar to Mitigation Measures N-1 and N-2 which would reduce construction noise impacts to less than significant. Compared to the Proposed Action the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The earthwork activities associated with the proposed Easement Exchange would involve the operation of heavy construction equipment, which would result in the temporary increase in existing ambient noise levels. The noise levels would not exceed the City of Chino noise standards and would occur during the hours of the day when construction noise would be exempt from noise standard restrictions. The operation of heavy construction equipment would occur as part of the overall earthwork for the Locally Approved Project, and so the noise restrictions on the grading for that project would apply to the Proposed Action as well. Temporary noise impacts would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. The Locally Approved Project would generate temporary construction noise impacts from the operation of heavy construction equipment, delivery of materials and the mobilization and demobilization of construction equipment. The noise level would not exceed the City of Chino noise standards and would occur during the hours of the day when construction noise would be exempt. Temporary noise impacts would be less than significant. To ensure the project would comply with City noise standards, the

previously approved EIR and Addendum requires Mitigation Measures N-1 and N-2 be implemented. Therefore, impacts would be less than significant.

N-3: **Generate excessive groundborne vibration or groundborne noise levels.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no operation of heavy construction equipment and no associated vibration effects. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, that would indirectly be enabled by the Proposed Action, there would be less construction activity and associated construction vibration effects. The construction activities would be expected to be required to implement Mitigation Measures N-1 and N-2 which would reduce construction vibration effects to less than significant. Compared to the Locally Approved Project, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

Earthwork grading and filling activities associated with the proposed Easement Exchange could have the potential to generate low levels of groundborne vibration impacts from the operation of heavy construction equipment. Construction activities for the Proposed Action would not involve pile driving or blasting which would increase the potential for adverse vibration effects. Groundborne vibrations propagate through the ground and rapidly diminish in intensity with increasing distance from the source. The nearest offsite receptors to the project area are single-family residences located approximately 0.75 miles to the northeast. The low levels of offsite groundborne vibration from the operation of construction equipment would not be discernable. Potential direct vibration effects would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. The Locally Approved Project would generate indirect vibration impacts from truck hauling trips, delivery of materials and the mobilization and demobilization of construction equipment. The previous approved EIR and Addendum identify measures to minimize potential offsite vibration effects. As part of the Locally Approved Project, the construction activities would be required to implement Mitigation Measures N-1 and N-2 which would reduce construction vibration impacts. Therefore, impacts would be less than significant.

4.6 Transportation/Traffic

This section describes the existing transportation and traffic setting and potential effects associated with the alternatives.

4.6.1 Existing Conditions

PROJECT AREA ROADWAY SYSTEM

Regional access to the project area is provided by State Route 60 (SR-60), SR-71, SR-83 (Euclid Avenue), SR-91, and I-15. Local access to the project area is provided from Euclid Avenue, Pine Avenue and Chino

Corona Road, which becomes Cucamonga Avenue. Both Chino Corona Road and Cucamonga Avenue are single-lane roads without curbs and sidewalks. The intersection of Chino Corona Road and Cucamonga Avenue is stop-sign controlled. Unimproved dirt roads adjacent to the project area include West County Road and East County Road. These unimproved roads would be used to access the project area. There are no existing transit facilities within the project area.

4.6.2 Significance Criteria

- T-1: Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking account of all modes of transportation including mass transit, and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrians and bicycle paths and mass transit.
- T-2: Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

4.6.3 Environmental Consequences

- T-1: **Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking account of all modes of transportation including mass transit, and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrians and bicycle paths and mass transit.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no conflicts with project circulation plans or transportation and pedestrian programs. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which would indirectly be enabled by the Proposed Action, there would be less vehicle traffic trips generated. The previously approved EIR and Addendum identify measures to reduce traffic effects. The smaller project would be expected to be required to implement Mitigation Measures T-1, T-2, and T-3 (or similar measures appropriate to the reduced scale of the smaller residential development), which would reduce traffic impacts to less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The proposed Easement Exchange and associated grading activities would not involve any traffic-generating operational effects. No adverse traffic impacts would occur.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. Construction traffic generated from the Locally Approved Project and

operational traffic from the Locally Approved Project could indirectly cause traffic congestion beyond the project area circulation system. Additionally, the Locally Approved Project would indirectly generate short-term construction-related traffic that would generally consist only of construction worker commute trips and incidental equipment transport. Mitigation Measures T-1 through T-3 would be implemented to reduce potential traffic effects associated with the Locally Approved Project to a less than significant level.

T-2: **Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no activities that would substantially increase traffic hazards. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which would indirectly be enabled by the Proposed Action, there would be no differences regarding the design of the circulation system external to the project area. Like the Locally Approved Project, the circulation system for the smaller project would be designed in accordance with the city of Chino roadway standards which would avoid potential roadway and traffic-related hazards. The project would likely be required to implement Mitigation Measure T-2, which specifies that the line of sight at project access points shall be incorporated into landscape plans to ensure that fences, signs, trees, shrubs, etc., do not block the line of sight. With implementation of Mitigation Measure T-2, potential traffic hazards would be mitigated to less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

There are no planned roads associated with the proposed Easement Exchange and associated grading activities.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. The project circulation system would be designed in accordance with the city of Chino roadway standards which would avoid potential roadway and traffic-related hazards and would be required to implement Mitigation Measure T-2, which specifies that the line of sight at project access points shall be incorporated into project landscape plans to ensure that fences, signs, trees, shrubs, etc., do not block the line of sight. No project design features would result in traffic hazards. With implementation of Mitigation Measure T-2, the Locally Approved Project would not increase hazards due to a transportation design feature, nor would the Proposed Action introduce incompatible uses in the project site vicinity and potential traffic hazards would be less than significant.

4.7 Hydrology and Water Quality

This section describes the existing hydrology and water quality setting and potential effects of the associated alternatives.

4.7.1 Existing Conditions

SURFACE RUNOFF AND DRAINAGE

The project area is in the Chino Basin, and runoff from the site drains to the Santa Ana River Watershed (SAR), which is approximately 2,650 square miles. Mill Creek and Chino Creek are two principal tributaries to the Santa Ana River (SAR). Sheet flows during major storm events are ultimately conveyed to the SAR at Prado Dam Flood Control Basin via either Mill Creek or Chino Creek. The project area is part of an 8.8-square-mile project area in the city of Chino's Storm Drain Master Plan Update Report, Subarea 2. When the dairy use was in operation, stormwater on the site was managed using man-made wastewater treatment ponds located on the project area. As shown in [Figure 4-1](#), two wastewater ponds are on the north side of the property, two are located on the south side, and one open water pond is adjacent to west of Mill Creek. The site generally slopes from north to south.

WATER QUALITY

Historically, wastewater and stormwater runoff were collected from the onsite dairy that ceased operations prior to 2018 and also from four local or adjacent dairies. As a result, water quality onsite has declined due to the use of fertilizers, pesticides, and animal waste on the project area and adjacent dairies. Total dissolved solids (TDS) levels and nitrates are especially high.

GROUNDWATER

The depth to the groundwater on the project area ranges from approximately six to 40 feet below ground surface (bgs). There are four wells on the site used for irrigation/production purposes. As with surface water, groundwater quality has declined due to the agricultural activities on the site and in surrounding areas.

FLOODING

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM, Map No. 06071C9335F), identifies most of the project area as Zone D. Zone D is defined as a region of undetermined risk, an area with possible but undetermined flood hazards, and an area for which no flood hazard analysis has been conducted. The FIRM indicates that the 100-year flood prone areas occur in the vicinity of Mill Creek. A portion of the property is subject to flowage easement for the existing Prado project. Completion of the Locally Approved Project would increase flood storage capacity as part of the Corps' flood risk management activities.

REGULATORY FRAMEWORK

Section 402 of the Clean Water Act established the NPDES to control water pollution by regulating point sources that discharge pollutants into waters of the United States. In the State of California, the EPA has authorized the SWRCB to be the permitting authority to implement the NPDES program. The SWRCB issues two baseline general permits, one for industrial discharges and one for construction activities (General Construction Permit). Additionally, the NPDES Program includes the long-term regulation of storm water discharges from medium and large cities through the MS4 Permit Program.

Short-Term Storm Water Management

Storm water discharges from construction sites with a disturbed area of one or more acres are required to either obtain individual NPDES permits for storm water discharges or be covered by a General

Construction Permit. Coverage under the General Construction Permit requires filing a Notice of Intent with the SWRCB and preparation of SWPPP. Each applicant under the Construction General Permit must ensure that a SWPPP would be prepared prior to grading and implemented during construction. The primary objective of the SWPPP is to identify, construct, implement, and maintain BMPs to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site during construction. BMPs include programs, technologies, processes, practices, and devices that control, prevent, remove, or reduce pollution.

Long-Term Storm Water Management

The Proposed Action would be implemented in the city of Chino. The city of Chino is a co-permit to the County of San Bernardino NPDES MS4 Storm Water Permit and would be responsible for the implementation of the permit requirements. Under the NPDES MS4 Storm Water Permit, construction projects are defined as Priority Projects or Non-Priority Projects based on the type of project and/or level of development intensity.

PRIORITY PROJECTS

Projects that are determined to be a Priority Project are required to prepare a Priority Project Water Quality Management Plan (WQMP). The Priority Project WQMP is required to demonstrate that a project would be able to infiltrate, harvest, evapo-transpire or otherwise treat runoff generated from an 85th percentile storm over a 24-hour period. The Model WQMP requires that Low Impact Development (LID) site design principles be incorporated into the project to reduce and retain runoff to the maximum extent practicable. Such LID site design principles include, but are not limited to, minimizing impervious areas, and designing impervious areas to drain to pervious areas.

NON-PRIORITY PROJECTS

Certain projects that do not meet the Priority Project criteria are considered Non-Priority Projects and require preparation of Non-Priority Project Plans (NPP). The Non-Priority Project Plan requires documentation of the selection of site design features, source control and any other BMPs included in a project.

4.7.2 Significance Criteria

- HWQ-1: Violate Regional Water Quality Control Board Water Quality standards, or otherwise degrade water quality.
- HWQ-2: Substantially depletes groundwater supplies or interferes with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.
- HWQ-3: Substantially alters the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or offsite.
- HWQ-4: Substantially alters the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increases the rate or amount of surface runoff in a manner which would result in flooding on or offsite.

- HWQ-5: Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- HWQ-6: Place structures within a 100-year floodplain which would impede or redirect flood flows or would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as result of the failure of a levee or dam.

4.7.4 Alternatives Analysis

- HWQ-1: **Violate Regional Water Quality Control Board Water Quality standards or otherwise degrade water quality.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no uncovering soils that could facilitate erosion, no increases in impervious surfaces that increase rates of surface water runoff and no construction equipment would be operation that would have the potential to inadvertently release hazardous substances into local drainage systems. There would be no potential violations to Regional Water Quality Control Board Water Quality Standards. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which would indirectly be enabled by the Proposed Action, the smaller project would involve less grading activities and would create less amounts of impervious surfaces which would decrease the potential for generating degraded short-term construction surface water runoff and long-term operational surface water runoff. Like the Locally Approved Project, the earthwork activities would disturb an area greater than an acre and would be required to obtain a Construction General Permit under the NPDES permit program of the Federal Section 402 of Clean Water Act, which would involve the preparation of SWPPP. Additionally, in accordance with the county of San Bernardino MS4 Permit requirements, the project would have to implement a WQMP that would retain and treat surface water runoff generated from the site. With implementation of the SWPPP (Mitigation Measure GEO-1) and WQMP (Mitigation Measure WQ-1 below) the project construction activities would not violate Regional Water Quality Control Board water quality standards and potential impacts would be mitigated to less than significant. Compared to the Proposed Action, the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The proposed Easement Exchange and associated grading activities would include earthwork activities such as grading and filling, which would involve the disturbance and exposure of surface soils. As such, exposed soils could increase erosion and sedimentation in surface runoff during storm events. In addition, earthwork activities would involve use of chemicals and solvents such as fuel and lubricating grease for motorized heavy equipment, which could accidentally spill and subsequently impact the quality of stormwater. Because the earthwork activities for the Proposed Action would occur concurrently with the grading for the Locally Approved Project and would disturb an area greater than an acre, the Proposed Action would be required to obtain a Construction General Permit and prepare and implement a SWPPP.

With implementation of the SWPPP pursuant to Mitigation Measure GEO-1, potential water quality effects would be mitigated to less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. The Locally Approved Project would involve grading activities that would uncover soils and increase the potential for erosion impacts. Additionally, the Locally Approved Project would introduce additional amounts of impervious surfaces into the project area, which would increase existing rates of storm water runoff generated from the site. Because the earthwork activities would disturb an area greater than an acre, the Locally Approved Project would need to obtain a Construction General Permit under the NPDES permit program of the federal Section 402 of Clean Water Act, which would involve the preparation of a SWPPP, which would contain BMP's to minimize erosion impacts. Examples of erosion control BMPs are installing a silt fence; creating a sediment/desilting basin; installing sediment traps; installing check dams; using fiber rolls; creating gravel bag berms; street sweeping and vacuuming; creating a sandbag barrier; creating a straw bale barrier; and storm drain inlet protection. BMPs would also include practices for proper handling of chemicals such as avoidance of fueling at the construction site and overtopping during fueling, and installation of containment pans. Additionally, in accordance with the county of San Bernardino MS4 Permit requirements, the Project Proponent would have to implement a WQMP that would retain and treat surface water runoff generated from the project area. With implementation of the SWPPP (Mitigation Measure GEO-1) and WQMP (Mitigation Measure WQ-1), the project construction activities would not violate Regional Water Quality Control Board water quality standards and potential impacts would be mitigated to less than significant.

Mitigation Measure WQ-1

Prior to construction, the Project Proponent shall prepare a WQMP to address retention and treatment of surface water runoff generated from the project area. The Project Proponent shall implement the WQMP during construction.

HWQ-2: **Substantially depletes groundwater supplies or interferes with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no effect to underground water supplies. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Like the Locally Approved Project, which indirectly would be enabled by the Proposed Action, the smaller project would not have any activities that would extract or inject into the local groundwater basin. There would be no effects to underground water supplies. Compared to the Propose Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The earthwork activities associated with the proposed Easement Exchange would not interfere with or impede groundwater recharge. As a result, the Proposed Action would not substantially decrease

groundwater supplies or interfere with recharge in a way that would impede sustainable groundwater management of the basin. Therefore, impacts would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. There are no activities associated with the Locally Approved Project that would result in depletion of groundwater supplies or interfere with groundwater recharge. Potential indirect effects on groundwater supplies associated with the Locally Approved Project would be less than significant.

HWQ-3: **Substantially alters the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or offsite.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no changes to existing drainage patterns that could potentially increase erosion or siltation effects. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, there would be a reduced amount of earthwork activities and lower potential for erosion and siltation effects. Like the Locally Approved Project, which indirectly would be enabled by the Proposed Action, the smaller project would disturb more than one acre and would be required under Section 402 of the Clean Water Act to obtain a General Construction Permit and prepare and implement a SWPPP. With implementation of the SWPPP per Mitigation Measure GEO-1, potential erosion and siltation effects would be mitigated to less than significant. Compared to the Proposed Action, the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The proposed Easement Exchange and associated earthwork activities would occur as part of the overall earthwork activities for the Locally Approved Project. Earth-moving activities associated with the Easement Exchange would slightly alter the topography of the project area to increase flood storage capacity within the new flowage easement area. Because the earth-moving activities associated with the Proposed Action would occur as part of the overall earthwork activities for the Locally Approved Project and would disturb more than one acre, the Project Proponent would be required to obtain a General Construction Permit and prepare a SWPPP. With implementation of the SWPPP (Mitigation Measure GEO-1), potential erosion and siltation impacts would be mitigated to less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. The project would involve earthwork activities to construct building pads and onsite roadways, which would alter existing onsite drainage patterns and would uncover soils that would increase the potential for erosion and siltation impacts. Because the project would disturb more than one acre, it would be required under Section 402 of the Clean Water Act to obtain a General Construction Permit and prepare and implement a SWPPP. With implementation of the SWPPP (Mitigation Measure GEO-1), potential erosion and siltation impacts would be mitigated to less than significant.

HWQ-4: **Substantially alters the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increases the rate or amount of surface runoff in a manner which would result in flooding on or offsite.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no construction of additional impervious surfaces on the project area that would increase existing rates of runoff to potentially cause flooding. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, there would be reduced amounts of impervious surfaces constructed and less amounts of surface water runoff. Like the Locally Approved Project, the smaller project would be required to comply with the county of San Bernardino MS4 Permit requirements and implement a WQMP to retain and treat the additional surface water runoff generated from the project, which would mitigate the potential for flooding to less than significant. Compared to the Proposed Action the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The Proposed Action would involve excavation activities to increase flood control capacity within the project area and would not alter existing drainage patterns or increase amounts of impervious surfaces that would generate surface water runoff that would cause onsite or offsite flooding. Therefore, the Proposed Action would not contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems offsite and potential direct effects would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. The Locally Approved Project would increase the amounts of impervious surfaces on the project site and would increase the existing rate of surface water runoff. In accordance with the county of San Bernardino MS4 Permit requirements, the project would be required to implement a WQMP to retain and treat surface water runoff. With the implementation of WQMP (Mitigation Measure WQ-1), the additional surface water runoff generated from the project would reduce the potential for flooding and potential effects would be mitigated to less than significant.

HWQ-5: **Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be construction activities and no construction of additional impervious surfaces that increase existing rates of runoff would have the potential to exceed the capacity of existing or planned drainage systems. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. Compared to the Locally Approved Project, which indirectly would be enabled by

the Proposed Action, there would be reduced amounts of impervious surfaces constructed and less amounts of surface water runoff that could potentially contain pollutants. The smaller project would be expected to be designed to the city of Chino standards to ensure adequate drainage facilities are available. Like the Locally Approved Project, the smaller project would also be expected to be required to prepare and implement a WQMP that would retain and treat long-term surface water generated from the project. With implementation of the WQMP (Mitigation Measure WQ-1), potential impacts associated with increases in surface water runoff that would exceed the capacity of drainage systems or provide additional sources of polluted runoff would be mitigated to less than significant. Compared to the Proposed Action the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The grading activities associated with the proposed Easement Exchange would not introduce additional impervious surfaces in the project area that would have the potential to exceed existing or planned drainage systems or generate degraded surface water runoff. Therefore, no adverse drainage effects would occur. Therefore, impacts would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The Locally Approved Project would introduce additional impervious surfaces in the project site which would increase the existing rate of surface water runoff and could potentially contribute an additional source of pollution. In accordance with the county of San Bernardino MS4 Permit requirements, the Project Proponent would be required to prepare a WQMP (Mitigation Measure WQ-1), which would contain measures to retain and treat surface water runoff generated from the site. The WQMP would include provisions for site design BMPs, source control BMPs, and structural treatment control BMPs in order to minimize pollutants of concern in storm water discharges from the project site. Additionally, as part of the Locally Approved Project, Project Proponent would implement Mitigation Measure USS-3, which requires the project to design, construct storm drain facilities to conform to the hydraulic criteria presented in the City's Storm Drain Master Plan. With implementation of a WQMP (Mitigation Measures WQ-1) and Mitigation Measure USS-4 long-term operation surface water runoff impacts that could exceed the capacity of existing or planned capacity of storm drainage facilities would be mitigated to less than significant.

HWQ-6: **Place structures within a 100-year floodplain which would impede or redirect flood flows or would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as result of the failure of a levee or dam.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no structures constructed that would impede or redirect flood flows. No adverse flood impacts would occur. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. Compared to the Locally Approved Project, there would be fewer developed areas that could potentially be subject to flood hazards. The smaller project would be expected to be required to comply with local buildings codes and would have to be designed to avoid exposing people or structures to a significant risk of loss, injury, or death involving flooding. All proposed residences

would be located outside the 100-year floodplain. Compliance with Building Code flood requirements (Mitigation Measure WQ-2) would mitigate potential flood hazards to less than significant. Compared to the Proposed Action, the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The earthwork activities associated with the Easement Exchange would not include construction of any structures such that it would impede or redirect flood flows. Potential direct effects would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. Most of the project area is in Flood Zone D. Zone D is defined as a region of undetermined risk, an area with possible but undetermined flood hazards and an area for which no flood hazard analysis has been conducted. In accordance with the city of Chino's Building Code requirements, the project would have to be designed to avoid exposing people or structures to a significant risk of loss, injury, or death involving flooding. All proposed residences would be located outside the 100-year floodplain. Compliance with Building Code Flood requirements (Mitigation Measures WQ-2) would mitigate potential flood hazards to less than significant.

Mitigation Measure WQ-2

The Project Proponent shall comply with the latest revised U. S. Army Corps of Engineers National Flood Proofing Regulations, EP 1165-2-314, dated 31 March 1992. The regulations identifies the minimum flood plain management requirements of the National Flood Insurance Program (NFIP) in relation to flood proofing regulations, particularly with respect to NFIP policy on residential flood proofing and wet flood proofing. This publication supersedes the original 1972 document.

4.8 Biological Resources

This section describes the existing biological resources setting and potential effects associated with the alternatives.

4.8.1 Existing Conditions

BACKGROUND

The EIR and Addendum provide information regarding the biological resources on the project area. More recently, in 2018, several biological studies have been conducted that supplement and update the information presented in the previous CEQA documents. These studies include updated vegetation mapping in 2018, a focused survey for burrowing owl (*Athene cunicularia*) in the spring of 2018; protocol surveys for LBV and for SWFL, as well as a jurisdictional delineation that was completed in March 2018 by GLA. These studies were completed partly to inform preparation of a BA for use in the informal consultation between the Corps and USFWS for the RHRP. The Corps sent a request letter to USFWS to initiate informal consultation under section 7 of the Endangered Species Act (ESA) on September 6, 2018. The USFWS responded with a concurrence letter on July 23, 2019 that with implementation of the specific conservation measures, the RHRP and associated grading "is not likely to adversely affect LBV or SWFL or their designated critical habitats." That plan focused on the grading and restoration activities that would

fill or displace a small area of jurisdictional waters subject to Corps' permit authority, but also considered whether related activities in or near suitable habitat may affect listed species outside the jurisdictional area of interest to the Corps. The studies originally completed for the EIR and Addendum, as updated and supplemented by more recent surveys and studies compiled for the BA for the RHRP, also inform the analysis of environmental effects associated with the Proposed Action since earthmoving activities associated with the Proposed Action are similar to those associated with the Locally Approved Project and RHRP.

PROJECT SITE CONDITIONS

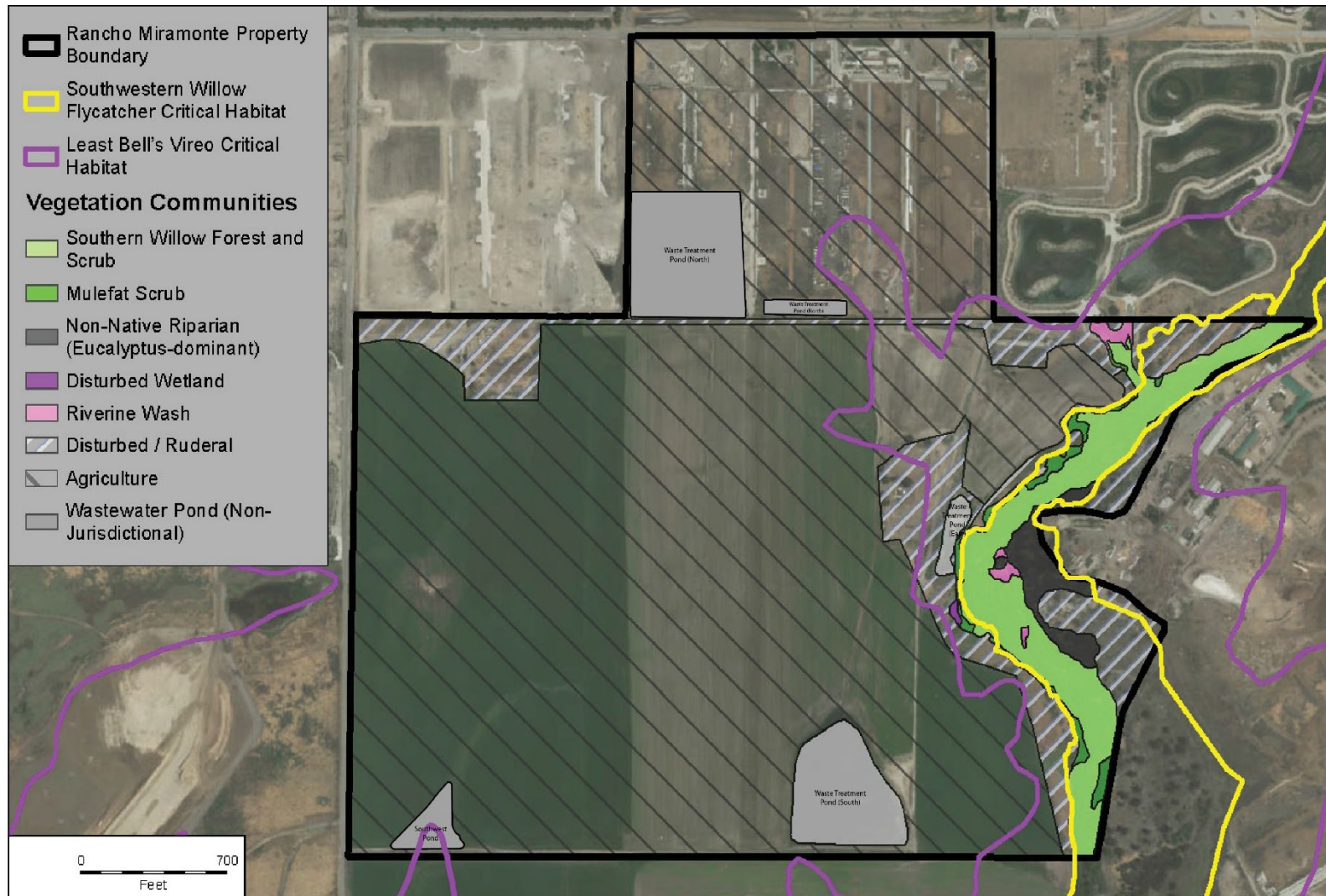
The project area has been used for both dairy farming and agriculture and still contains several small structures, an unoccupied residence, and dirt access roads. The dairy operation was terminated a few years ago, but the majority of the site, south of the former dairy works and west of Mill Creek, has been recently cultivated with alfalfa in 2017 and corn in 2018. Wastewater and wash water from local dairy operations was historically received and stored in several shallow ponds on the project area and used for irrigating the agricultural fields. One wastewater pond, located next to Mill Creek, is no longer used and has dried out. The larger wastewater pond in the south end of the property still receives water from local dairy farming and continues to be used for crop irrigation. A stockpile of imported fill material has been recently established near the northwest corner of the property, which could potentially be used as fill material for the Locally Approved Project.

VEGETATION COMMUNITIES

The vegetation and habitat types within the project area are described below. The characterization of vegetation and habitats on the property are based on direct observations and updated mapping and wildlife surveys performed in 2018. Vegetation communities and other habitat types mapped in the project area are depicted on [Figure 4-1, *Vegetation Communities and Other Land Cover with Critical Habitat Areas*](#).

The project area contains a mix of disturbed and natural plant communities, including:

- Disturbed/Developed (26.4 acres)
- Agriculture (220.3 acres)
- Non-Native Riparian (4.0 acres)
- Southern Willow Forest and Willow Scrub (13.3 acres)
- Mulefat Scrub (1.8 acres)
- Disturbed Wetland (0.1 acre)
- Riverine Wash (0.7 acre)
- Wastewater Pond (6.25 acres)



Source: ESA; February 2020.



Vegetation Communities and Other Land Cover with Critical Habitat Areas

Figure 4-1

Disturbed/Developed

Disturbed/developed areas include dirt roads, barren areas, residential structures and areas that exhibits substantial historic disturbance. Some of these areas are mostly devoid of vegetation, except for locally dense patches of non-native vegetation and/or ornamental trees and shrubs. Other areas exhibit predominantly ruderal (weedy) vegetation which has taken over after significant disturbance. Ruderal vegetation consists mostly of non-native species such as black mustard (*Brassica nigra*), horseweed (*Conyza canadensis*), jimson weed (*Datura wrightii*), willow smartweed (*Polygonum lapathifolium*), Russian thistle (*Salsola tragus*), lamb's quarters (*Chenopodium album*), sunflower (*Helianthus annuus*), bull thistle (*Cirsium vulgare*), and five-hook bassia (*Bassia hyssopifolia*).

Agriculture

Agriculture consists of planted and disced fields and former dairy yards. The agricultural fields are either planted with crops or highly disturbed after cutting, disking or tilling. The cultivated area either contains crops (e.g., alfalfa, corn) or ruderal (weedy) vegetation if the fields are left fallow. Species that occur within fallow areas and within the vacant former dairy yards are mostly non-native and include bull thistle, castor bean (*Ricinus communis*), ripgut brome (*Bromus diandrus*), horehound (*Marrubium vulgare*), fennel (*Foeniculum vulgare*), jimson weed, spiny cocklebur (*Xanthium spinosum*), sunflower, hare barley (*Hordeum leporinum*) and Bermuda grass (*Cynodon dactylon*). The native alkaline-tolerant forb, alkali heliotrope (*Heliotropium curassavicum*), is also found occasionally within fallow areas onsite.

Non-Native Riparian

Non-native riparian occurs along the outer portions of the riparian corridor and adjacent or occasionally beneath the southern willow forest and willow scrub canopy along Mill Creek. On the project site, these areas consist of stands of eucalyptus trees, invasive and exotic perennial pepperweed (*Lepidium latifolium*), mixed poison hemlock (*Conium maculatum*), and is sometimes intermixed with native species such as willows (*Salix* spp.) and mulefat (*Baccharis salicifolia*).

Southern Willow Forest

Willow forest associated with Mill Creek occurs on the eastern edge of the project area. This association is dominated by mature black willow and arroyo willow (*Salix lasiolepis*) with an understory of mulefat, sweet clover (*Melilotus alba*) and horseweed. Other trees found within willow forest include California black walnut (*Juglans californica*) and cottonwood. Additional understory species include tree tobacco (*Nicotiana glauca*), giant reed (*Arundo donax*), sunflower, sandbur (*Ambrosia acanthicarpa*), and willow smartweed.

Southern Willow Scrub

Willow scrub associated with Mill Creek occurs on the eastern edge of the project area. Dominant vegetation includes small individuals of willow (black and arroyo) and mulefat. Understory species include dwarf nettle (*Urtica urens*), willow smartweed, giant reed, sandbur, and sunflower. Small patches of cattail (*Typha domingensis*) are found adjacent to Mill Creek within the willow scrub.

Mulefat Scrub

Mulefat scrub associated with Mill Creek occurs in strips and patches, typically at the outer edge of the riparian habitat and mainly along the west side of the Creek. Dominant vegetation is primarily mulefat,

often in relatively dense monotypic stands. Understory species occasionally present may include dwarf nettle, willow smartweed, and sunflower.

Disturbed Wetland

A small patch of disturbed wetland occurs in a small backwater connected to the main trunk channel of Mill Creek. This low-lying area formerly provided an overflow connection to the pond situated to the north. It was predominantly barren at the time of mapping but contained some ruderal vegetation such as cocklebur (*Xanthium strumarium*), poison hemlock, sunflower, and other common weedy herbs sparsely distributed.

Riverine Wash

Riverine wash associated with Mill Creek is located on the eastern edge of the project site. This area is mostly open with a sandy/cobbly substrate interspersed with small patches of mulefat and arroyo willow. Other less dominant species within the riverine wash area include willow smartweed, sunflower, five-hook bassia, sand bur, horseweed, and tree tobacco.

Wastewater Pond

As shown on Figure 4-1, five wastewater treatment ponds are located on the property, two on the north side and three wastewater treatment ponds on the south side. The wastewater treatment pond located immediately west of Mill Creek presently contains open water. The margins of this pond area are highly disturbed and generally dominated by non-native plant species. The pond and associated mudflats provide foraging opportunities for some migratory and resident waterfowl, shorebirds, egrets, herons, and swallows.

Freshwater/Mill Creek

Mill Creek provides freshwater habitat on the project area. Freshwater habitat is comprised of year-round bodies of fresh water in the form of lakes, streams, ponds or rivers. This includes those portions of water bodies that are usually covered by water and contain less than 10 percent vegetative cover. Freshwater is not mapped as that layer generally occurs beneath the Southern Willow Forest canopy.

Jurisdictional Areas (Waters/Wetlands)

A section of Mill Creek lies within the eastern boundary of the project area. Mill Creek is a perennial creek supplied by natural, urban and agricultural runoff. Waters under the jurisdiction of both the Corps and California Department of Fish and Wildlife (CDFW) occur along Mill Creek. The Mill Creek channel has a substrate of cobbles and silt, and large areas of riparian vegetation and wetlands. The banks are steep, and the creek is incised to roughly five to ten feet below the upland portion of the subject property.

Corps jurisdiction under section 404 of the Clean Water Act on the project area amounts to approximately 13.81 acres, including 13.53 acres of wetlands and 0.28 acres of non-wetland waters, including 3,061 linear feet of streambed.

SPECIAL STATUS SPECIES

Based on the known and expected distribution of federally-listed species or candidates for listing in the vicinity of the project area, including a review of the USFWS Information for Planning and Consulting (IPaC) Resource List, the following species and designated critical habitats were considered regarding their

potential to occur within the project area and vicinity based on known distribution, habitat requirements and preferences:

- San Diego ambrosia (*Ambrosia pumila*) – FE
- Santa Ana River woolly star (*Eriastrum densifolium* ssp. *sanctorum*) – FE
- Thread-leaved brodiaea (*Brodiaea filifolia*) – FT
- Delhi sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) – FE
- Santa Ana sucker (*Catostomus santaanae*) – FT
- Coastal California gnatcatcher (*Polioptila californica californica*) – FT⁷
- Least Bell's vireo (LBV) (*Vireo bellii pusillus*) and critical habitat (Figure 4-2, *Least Bell's Vireo (LBV) and Willow Flycatcher (WIFL) Observed Locations - 2018*) – FE
- Southwestern willow flycatcher (SWFL) (*Empidonax traillii extimus*) and critical habitat – FE
- Stephens' kangaroo rat (*Dipodomys stephensi*) – FE

Determinations regarding the potential occurrence of these species are presented in Table 4.8-1, *Federally Listed and Candidate Species Reviewed for Potential to Occur within the Project Area*.

Listed Species Potentially Present

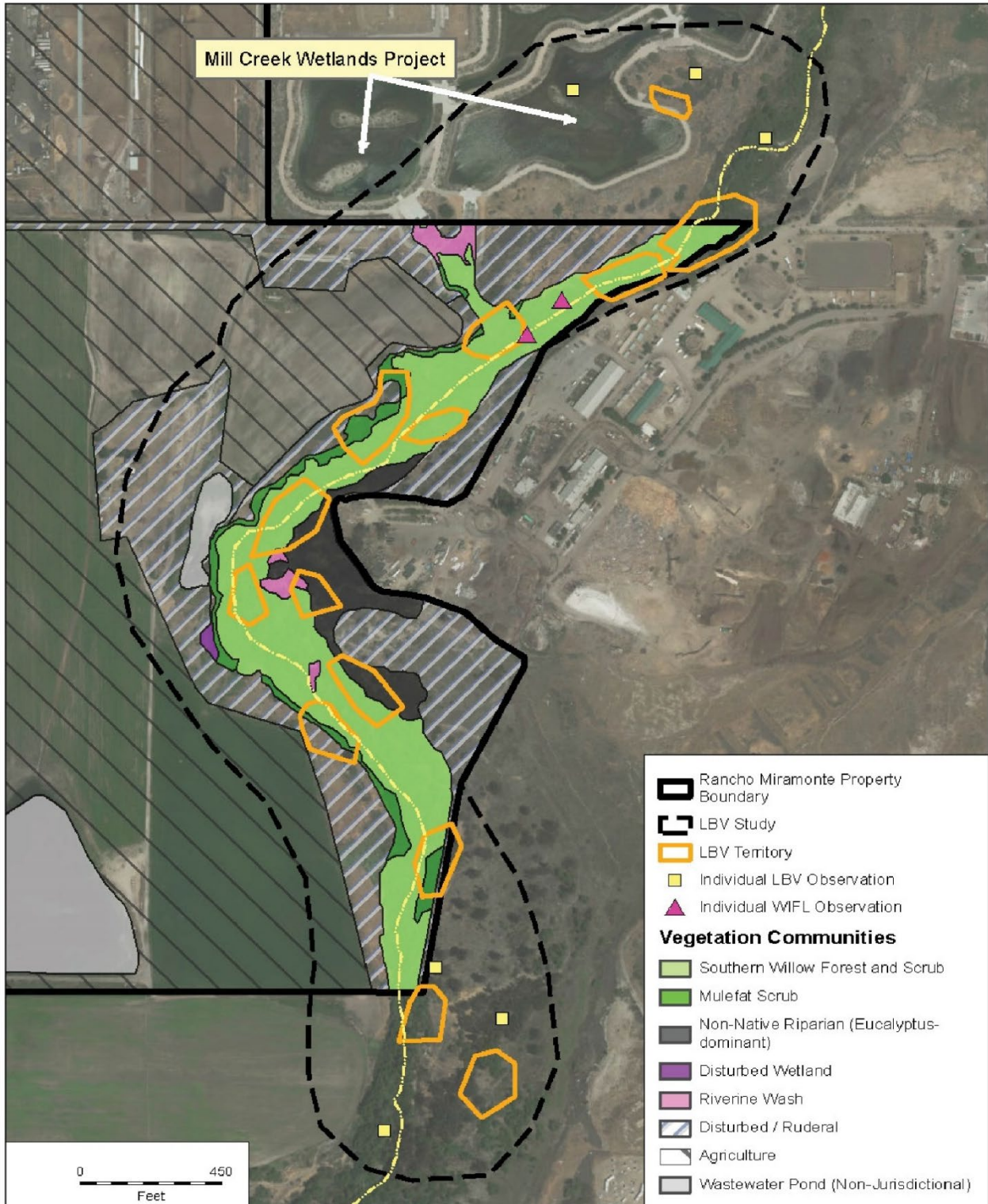
LEAST BELL'S VIREO

As noted in Table 4.8-1, the LBV, a Federally-endangered and migratory bird species, typically occupies the riparian habitat along the subject reach of Mill Creek on the project area during the spring and summer. Most recently, during protocol surveys conducted between April 17 and July 12, 2018, a total of 11 LBV territories were identified within the segment of Mill Creek on the Rancho Miramonte Property. Three more territories, one to the north and two to the south of the property boundary were also identified offsite in the survey buffer, along with six separate individual detections also outside the property. Figure 4-2 provides the location of the territories and individual detections during the survey effort in 2018. The 2018 survey report and BA for the RHRP, incorporated herein by reference, provides more detailed information regarding this species status and distribution in the area and the 2018 survey results.

SOUTHWESTERN WILLOW FLYCATCHER

Unlike the LBV, SWFL, a federally Endangered subspecies of willow flycatcher, is known to occur in very limited numbers in the Prado Dam Flood Control Basin area and has not been observed in the subject reach of Mill Creek. Focused surveys were performed between May 21 and July 12, 2018, through all portions of the survey area containing potentially suitable breeding habitat, along with adjacent habitat potentially used for foraging. Two willow flycatchers were detected on just one survey (May 21) as indicated on Figure 4-2. These birds are considered to have been northbound migrant willow flycatchers because they were detected prior to June 20 and were not detected during subsequent surveys. Subspecies was not determined for these individuals. The 2018 survey report and BA for the RHRP, incorporated herein by reference, provides more detailed information regarding this species status and distribution in the area and the 2018 survey results.

⁷ FT = federal threatened species; FE = federal endangered species



Least Bell's Vireo (LBV) and Willow Flycatcher (WIFL) Observed Locations - 2018

Figure 4-2

**Table 4.8-1
Federally Listed and Candidate Species Reviewed for Potential to Occur within the Project Area**

Common Name (Scientific Name)	Federal Status	Habitat Preference/Requirements	Status Within Action Area
Plants			
San Diego ambrosia (<i>Ambrosia pumila</i>)	Endangered	Chaparral, coastal scrub, valley and foothill grassland. Sandy loam or clay soil; sometimes alkaline. In valleys, persists where disturbance has been superficial. Sometimes on margins or near vernal pools. 3-580 m.	Not expected to occur due to extensive historical disturbance and lack of suitable habitat on the project area and absence of records along Mill Creek.
Thread-leaved brodiaea (<i>Brodiaea filifolia</i>)	Threatened	Chaparral (openings), cismontane woodland, coastal scrub, playas, valley and foothill grassland, vernal pools. Usually associated with annual grassland and vernal pools; often surrounded by shrubland habitats. Occurs in openings on clay soils. 15-1030 m.	Not expected to occur due to extensive historical disturbance of the project area, lack of optimal habitat, and absence of records in the vicinity of the project area.
Santa Ana River woolly star (<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i>)	Endangered	Coastal scrub and chaparral in sandy soils on river floodplains or terraced fluvial deposits. 180-700 m.	Not expected to occur due to extensive historical disturbance of the project site with agricultural uses, lack of suitable habitat, and absence of records along Mill Creek or areas upstream of the project area.
Invertebrates			
Delhi sands flower-loving fly (<i>Rhaphiomidas terminatus abdominalis</i>)	Endangered	Found only in areas of the Delhi Sands formation in southwestern San Bernardino and northwestern Riverside counties. Requires fine, sandy soils, often with wholly or partly consolidated dunes and sparse vegetation.	No Potential. The project area lies within the Ontario Recovery Unit for this species but there is no potentially suitable habitat, particularly the requisite Delhi Sands, on the project area.
Fish			
Santa Ana sucker (<i>Catostomus santaanae</i>)	Threatened	Habitat generalists, but prefer sand-rubble-boulder bottoms, cool, clear water, and algae.	Not expected to occur. Mill Creek is not known to support this species; however, the creek is a source of sediment for the occupied portion of the Santa Ana River that provides spawning and feeding substrates for the sucker. The project area contains no designated critical habitat for this species.
Birds			
Least Bell's vireo (<i>Vireo bellii pusillus</i>)	Endangered	Riparian forest, woodland, and scrub habitat in the vicinity of water or in dry river bottoms; below 2000 ft.	Present within or adjacent to the project area. Critical habitat also present within the project area.

Common Name (Scientific Name)	Federal Status	Habitat Preference/Requirements	Status Within Action Area
Coastal California gnatcatcher (<i>Poliophtila californica californica</i>)	Threatened	Obligate, permanent resident of coastal sage scrub below 2500 ft in Southern California.	Not expected to occur due to lack of suitable coastal sage scrub habitat within or adjacent to the project area.
Southwestern willow flycatcher (<i>Empidonax traillii extimus</i>)	Endangered	Riparian woodlands in Southern California.	Historical occurrence in the vicinity of the project area in Prado Basin. Designated critical habitat also present within the project area.
Mammals			
Stephens' kangaroo rat (<i>Dipodomys stephensi</i>)	Endangered	Primarily annual and perennial grasslands, but also occurs in coastal scrub and sagebrush with sparse canopy cover. Prefers buckwheat, chamise, brome grass and filaree. Will burrow into firm soil.	Absent. The species is presumed to be extirpated in San Bernardino County.
Source: CNDDDB 2018.			

Federally Designated Critical Habitat

Figure 4-1 depicts the extent of designated critical habitat for both LBV and SWFL where these mapped designations overlap the Rancho Miramonte Property. It is notable that much of the area mapped as critical habitat for the LBV occurs on land that has been used for agriculture for decades. However, the only areas that contain riparian habitat and may be occupied by LBV occur along Mill Creek on the east side of the property. Despite being mapped as critical habitat, those areas of designated critical habitat within the Rancho Miramonte Property overlay upland areas containing agricultural fields or disturbed and ruderal areas. Therefore, they have very low potential to support breeding or foraging LBV and do not exhibit any of the primary constituent elements of suitable LBV habitat. Suitable LBV habitat can be described as “riparian woodland vegetation that generally contains both canopy and shrub layers and includes some associated upland habitats” (Critical Habitat Designation, USFWS, FR Vol. 59, No. 22, 2/2/1994). The Final Rule for the designation of critical habitat for LBV states that: “In cases where areas designated as critical habitat do not contain the primary constituent elements, impacts occurring within this area will not result in a finding of adverse modification by the Service. Thus, designation of critical habitat will not affect those areas within the legal critical habitat boundaries that do not contain LBV nesting or foraging habitat.”

The critical habitat designated for SWFL overlays Mill Creek, and associated riparian habitat, and does not extend up into the farmland and historic dairy yard areas. Comparisons of the LBV critical habitat boundary and the USGS topographic base map reveal that the blue dashed line representing the 543-foot elevation contour on the topo map, was used as the outline for the critical habitat. The contour line was originally drawn and then revised from aerials dating from the 1950s and 60s and does not represent the riparian habitat observed in this area.

The Locally Approved Project would permanently preserve 12.2 acres in Lot “P,” 52.9 acres within Lots “O” and “Q” which envelope Lot “P” on both sides, and the 1.9 acres Lot “R” at the north end of Lot “P,” which contains the Cucamonga Creek outlet and adjacent habitat. These lots together comprise 67 acres of conserved natural areas on the Rancho Miramonte Property.

Through the ESA Section 7 informal consultation process, the Corps consulted with the USFWS on the RHRP, and subsequently USFWS issued a Not likely to Adversely Affect (NLAA) Concurrence Letter (FWS-SB-19B0157-19I1044) (NLAA Concurrence Letter). The USFWS action area for the NLAA Concurrence Letter covered the Corps' jurisdictional impact area (0.13 acres) as well as Lots O, P and Q. Four small areas of designated LBV critical habitat (0.3 acres, 2.7 acres, 0.5 acres and 0.6 acres in size, respectively) exist within the Rancho Miramonte Property outside the area of consultation for the RHRP. The Corps conducted additional informal consultation with the USFWS on the Proposed Action in 2020, including these four additional areas containing the LBV critical habitat designation. Based on correspondence with USFWS, the farmlands where the earthwork excavation and/or residential development is proposed and where these four patches of critical habitat are located most likely never supported the primary constituent elements necessary to support the LBV, and those areas do not presently contain the primary constituent elements of critical habitat.

Wildlife Movement; Migratory Stopover

The Santa Ana River Mainstem Project EIS dated 2001 indicates that the area below the 566-foot elevation line within the eastern side of the Rancho Miramonte Property (shown in [Figure 3-1](#)) accommodates wildlife movement, linking Chino Hills with the SAR watershed. However, only a short distance northeast of the project area, Mill Creek/Cucamonga Creek are confined to a concrete-lined channel, which would not appeal to most terrestrial wildlife species. The concrete-lined channel proceeds through a mostly urbanized area for a great distance and does not link to the Chino Hills. Therefore, it is more accurate to state that the segment of Mill Creek onsite, and the immediately adjacent upland areas bordering it, provide a very localized landscape linkage (or movement corridor) for terrestrial wildlife moving between Prado Basin and the wetland demonstration project adjacent to the project area. This connection is only useful to a few terrestrial species and should not be considered regionally important.

In addition, the large remaining wastewater pond on the project area may provide stopover and foraging habitat for a number of shorebird and waterfowl species. However, the low water quality onsite and the availability of enormous wetland areas just to the south in the Prado Basin, makes this pond of virtually no significance in the area. Waterfowl and shorebird species do visit the site, but these species are not known to nest on the project area. Some species may nest nearby but are more closely associated with Mill Creek.

Habitat Conservation Plans

The Proposed Action is within the planning area for the Upper Santa Ana River Habitat Conservation Plan (HCP), but would not be subject to the policies, procedures, restrictions, or entitlements provided by this HCP.

4.8.2 Significance Criteria

- BIO-1: Have a substantial adverse effect either directly or through habitat modifications on any Federally-listed species or designated critical habitat.
- BIO-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local, regional plans, policies or regulations by U.S. Fish and Wildlife Service.

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

4.8.4 Environmental Consequences

- BIO-1: **Have a substantial adverse effect either directly or through habitat modifications on any Federally-listed species or designated critical habitat.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no construction activity that could potentially result in direct or indirect effects to sensitive species. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, the smaller development project would have a smaller construction footprint and would not be expected to impact federally-listed species or federally-designated critical habitat. The potential impacts would essentially be the same as those for the Locally Approved Project, with the exception of the RHRP component of the Locally Approved Project, which would not be expected to be a component of a reduced development project. The smaller project would be expected to be required to implement some but not all of Mitigation Measures BR-1 to BR-16 from the EIR and Addendum (or less onerous variations thereof commensurate with the less biologically impactful smaller scale development), which would mitigate potential impacts to sensitive species to less than significant. Compared to the Proposed Action, the level of impact would be the same, except for the absence of the environmentally beneficial restoration.

Proposed Action

DIRECT EFFECTS

The earthwork activities associated with the proposed Easement Exchange would redistribute material to maintain/increase volumetric flood capacity on the project area within the area of the new flowage easement area despite the fact that the acreage within the project area covered by the new flowage easement would be smaller than the acreage of the Existing Flowage Easement on the project area.

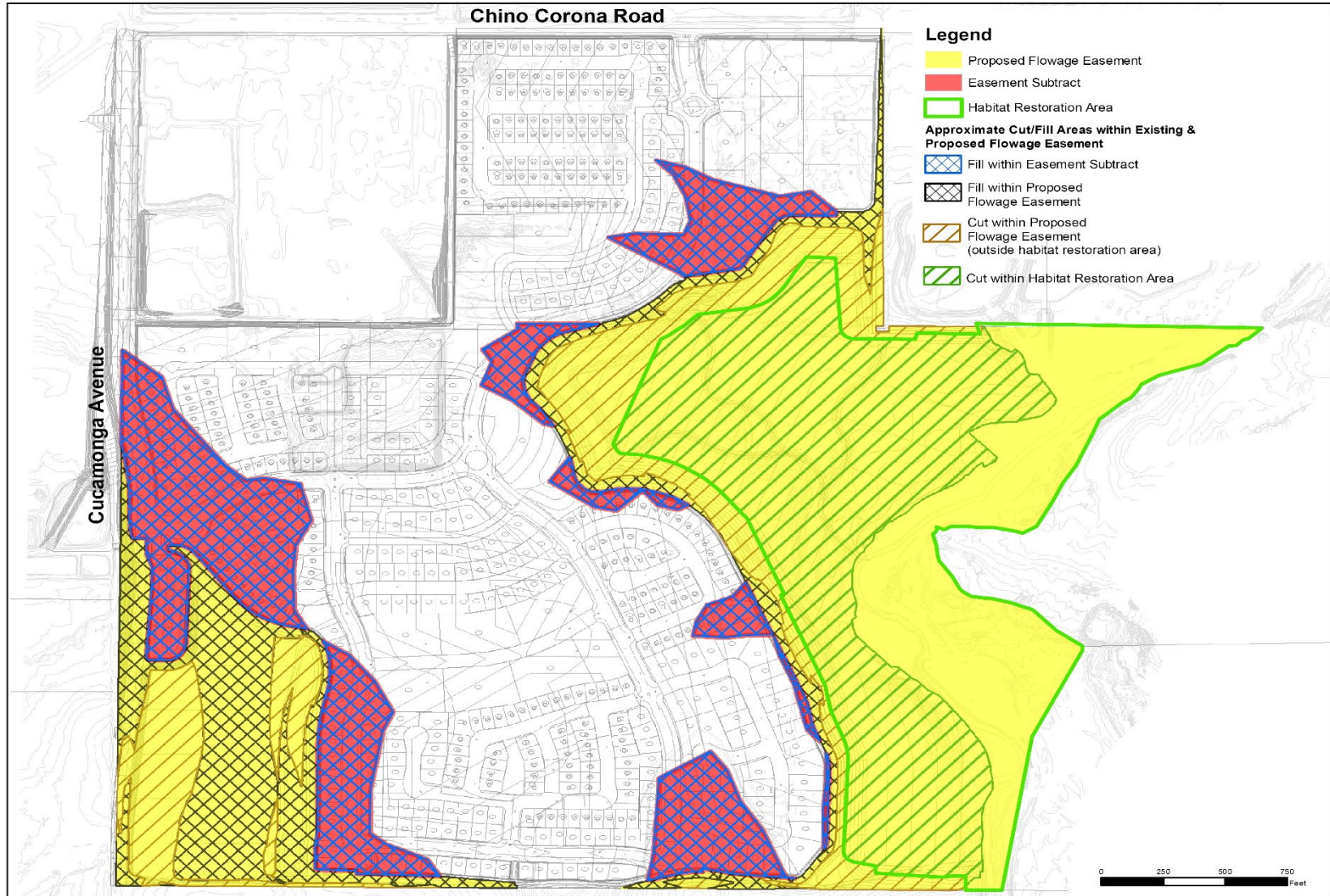
The proposed RHRP contains suitable habitat for the LBV and SWFL on the far eastern side of the project area along Mill Creek. As shown in [Figure 4-3, *Limits of Disturbance*](#), if grading and vegetation removal activities occur during nesting season in the vicinity of Mill Creek there could be the potential that adverse direct impacts could occur to nesting LBVs and any nesting SWFL (although nesting SWFL have not been detected during numerous past surveys of this area) if the grading or vegetation removal were to occur within 500 feet of nesting habitat. Designated critical habitat for the SWFL and LBV exists within the

Rancho Miramonte Property, primarily within its eastern side. Any critical habitat for the SWFL or LBV to be disturbed by the Proposed Action (with the exception of small areas of LBV critical habitat discussed below) would only be disturbed in conjunction with, and in connection with, the implementation of the RHRP activities addressed by the USFWS NLAA Concurrence Letter, and as such would avoid adverse modification of any LBV or SWFL critical habitat. Four small areas of designated LBV critical habitat exist outside the areas addressed through the Section 7 consultation on the RHRP. These four areas do not contain the primary constituent elements of LBV critical habitat, and earthwork activities associated with the Proposed Action therefore would not have any significant effect on LBV critical habitat.

The earthwork activities for the Proposed Action would occur as part of the Locally Approved Project, which is required to implement Mitigation Measures BR-1 to BR-17 from the EIR and Addendum and the CM-1 to CM-5. With implementation of mitigation measures and conservation measures, potential effects to sensitive species and critical habitat would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would enable the Locally Approved Project to be implemented by the Project Proponent. Earthwork activities associated with the Locally Approved Project would take place only in conjunction with, in concert with, and concurrently with grading and earthwork activities required by the Proposed Action to increase water storage capacity by lowering surface elevations and required by the RHRP; accordingly all Mitigation Measures for the Locally Approved Project and all Conservation Measures for the RHRP will apply and will act to avoid and mitigate any biological effects of the Locally Approved Project. The RHRP would temporarily remove 2.48 acres of a narrow band of riparian vegetation along the west side of Mill Creek, which provides and is critical habitat for LBV and would restore temporary impacts to riparian habitat at a 2:1 ratio. A minimum of 2.48 acres of riparian habitat would be restored and at least another 2.48 acres of additional riparian habitat would be established to replace the impacted habitat area with, at minimum, 4.96 acres of riparian vegetation. Furthermore, the riparian habitat along Mill Creek and the restored and established habitat on the west side of Mill Creek would be placed in permanent conservation as required by Mitigation Measure BR-17. The USFWS concurred with the Corps' determination that the RHRP (which includes grading of land within the flowage easement area) would not adversely affect listed species or designated critical habitat pursuant to Section 7 of the ESA. Therefore, with implementation of the RHRP and implementation of Mitigation Measures BR-1 to BR-17, and CM-1 through CM-5, potential indirect effects to the LBV, SWFL, or designated critical habitat for the LBV and SWFL would be less than significant.



Source: Hunsaker & Associates; July 2020.



Limits of Disturbance

Figure 4-3

Southern Willow Forest

BIO-2: **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local, regional plans, policies or regulations by U.S. Fish and Wildlife Service.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no construction activities and no potential for impacts to sensitive vegetation communities. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, there would be a smaller construction footprint. With the smaller construction footprint, there are no sensitive natural communities. Therefore, no adverse impacts would occur. Compared to the Proposed Action, the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The locations where the excavation and filling earthwork activities would occur for the proposed Easement Exchange do not contain sensitive natural vegetation communities. Therefore, no direct adverse effects would occur. The proposed restoration area contains suitable habitat for the LBV and SWFL on the far eastern side of the RHRP area along Mill Creek. If grading and vegetation removal activities occur during nesting season in the vicinity of Mill Creek there could be the potential that adverse direct impacts could occur to nesting LBVs and any nesting SWFL (although nesting SWFL have not been detected during numerous past surveys of this area) if the grading or vegetation removal were to occur within 500 feet of nesting habitat. Because grading and filling activities would occur as part of the Locally Approved Project, the Project Proponent is required to implement Mitigation Measures BR-1 to BR-17 from the EIR and Addendum and CM-1 through CM-5 from the NLAA Concurrence Letter. With implementation of Mitigation Measures BR-1 to BR-17 and CM-1 to CM-5, potential effects to sensitive species and critical habitat would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The construction footprint for the Locally Approved Project does not contain sensitive natural/vegetation communities. As part of the Locally Approved Project, the RHRP would be implemented, which would extend grading closer to the western edge of Mill Creek, which flows from north to south across the east side of the project area. This project element achievable under the City approved project development footprint would extend grading closer to the western edge of Mill Creek, which flows from north to south across the east side of the property. The extended grading would temporarily impact approximately 2.32 acres of riparian habitat (including up to 0.31 acres of “waters of the US” under Corps jurisdiction) along the edge of Mill Creek and in the outlet from Cucamonga Creek, where it flows across the property before joining Mill Creek. The extended grading would temporarily impact approximately 2.32 acres of riparian habitat along the edge of Mill Creek. The temporarily impacted riparian habitat would be restored at a 2:1 ratio. A minimum of 2.48 acres of riparian habitat would be restored and at least another 2.48 acres of additional riparian habitat would be established. Furthermore, with implementation Mitigation Measure BR-17 as part of the Locally Approved Project, all

the riparian habitat along Mill Creek and the restored and established habitat on the west side of Mill Creek would all be permanently conserved. With implementation of the Mitigation Measures BR-1 to BR-17 and CM-1 to CM-5, potential indirect effects associated with the loss of sensitive vegetation communities would be less than significant.

Earthwork and vegetation removal activities associated with the Locally Approved Project could result in indirect adverse effects to existing adjacent or nearby wetland habitat from construction debris, colonization of invasive weeds, fugitive dust, increased human presence, and from increased vehicle traffic occurring within the project area. The Locally Approved Project would be required to implement Mitigation Measure BR-3, which provides for the control of invasive weeds and maintenance of vegetation. With implementation of Mitigation Measure BR-3, potential indirect effects to wetland habitat would be less than significant.

BIO-3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no construction activities and no potential for impacts to wetland habitat. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, there would be a smaller construction footprint. Within the smaller construction footprint, there is no wetland habitat. Therefore, no adverse effects would occur. Compared to the Proposed Action the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The locations where the excavation and filling earthwork activities for the proposed Easement Exchange would occur does not contain wetlands and would not result in impacts to wetland habitat. Therefore, no adverse impacts wetlands would occur.

INDIRECT EFFECTS

Approval of the Proposed Action would enable the Locally Approved Project to be implemented by the Project Proponent. The construction footprint for the Locally Approved Project does not contain wetland habitat. As part of the Locally Approved Project, the RHRP would be implemented, which would extend grading closer to the western edge of Mill Creek, which flows from north to south across the east side of the project area. The extended grading would temporarily impact approximately 0.13-acre backwater area extending off the main trunk of Mill Creek, most of which is mapped as Disturbed Wetland, consisting of predominantly ruderal vegetation. This impact would be offset by implementation of the RHRP, which would construct a system of several new streambeds that would receive and convey flows from the Wetlands Demonstration project outlet on a nearly perennial basis. The impacted wetland habitat would be restored at a 2:1 ratio. A minimum of 0.3 acres, and potentially as much as 0.5 acres, of wetlands would be restored. Furthermore, with implementation of Mitigation Measure BR-17 as part of the Locally Approved Project, all the riparian habitat along Mill Creek and the restored and created habitat on the west side of Mill Creek would all be permanently conserved. With implementation of the proposed

restoration activities and mitigation measure, potential direct effects associated with the wetland habitat would be less than significant.

Earthwork excavation, and filling earthwork activities and vegetation removal activities associated with the Locally Approved Project could result in indirect adverse effects to existing adjacent or nearby wetland habitat from construction debris, colonization of invasive weeds, fugitive dust, increased human presence, and from increased vehicle traffic occurring within the project site. The Locally Approved Project would be required to implement Mitigation Measure BR-3, which provides for the control invasive weeds and maintenance of vegetation. With implementation of Mitigation Measure BR-3, potential indirect effects to wetland habitat would be less than significant.

BIO-4: Interfere substantially with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no modification of natural land areas or grading in the immediate vicinity of Mill Creek and thus, no direct effects on potential movement associated with Mill Creek. Additionally, there would be no vegetation removal activities that effect migratory birds. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. The footprint of the smaller project would not affect Mill Creek. Therefore, compared to the Locally Approved Project, there would be less potential to affect wildlife movement. Potential effects to wildlife movement would be less than significant. Compared to the Proposed Action the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The excavation and filling earthwork activities associated with the proposed Easement Exchange would not create any structures that would affect wildlife movement. The earthwork activities would involve the operation of heavy construction equipment, which could generate noise impacts that could potentially discourage migratory birds from nesting in the area of Mill Creek on the project area and affect their breeding patterns. The Proposed Action would be conducted concurrent with and in association with the general grading and earthwork for the Locally Approved Project, and therefore the mitigation measures in the EIR and Addendum will apply to the earthwork excavation and grading activities of the Proposed Action as well. With implementation of Mitigation Measure BR-2, potential indirect adverse noise effects to nesting migratory birds would be avoided.

INDIRECT EFFECTS

Approval of the Proposed Action would enable the Locally Approved Project to be implemented by the Project Proponent. Excavation and filling earthwork activities associated with the Locally Approved Project would temporarily encroach on Mill Creek and would affect limited areas of riparian habitat along the west side of that feature as part of the project's RHRP. During construction, the RHRP may have short-term effects that may curtail wildlife movement along that side of the creek, although nocturnal activity would not be hindered. The RHRP would restore impacted riparian habitat within the project area and expand the riparian habitat to a wider corridor, resulting in a net benefit. Furthermore, with implementation of Mitigation Measure BR-17 as part of the Locally Approved Project, all the riparian

habitat along Mill Creek and the restored and established habitat on the west side of Mill Creek would all be permanently conserved, thereby preserving movement opportunities in perpetuity. Regardless, this segment of Mill Creek on the project area is not considered to afford regionally important wildlife movement opportunities. This natural segment of the creek only connects between Prado Basin and the wetland demonstration project area just to the north of the project area. Just northeast from the wetland demonstration project site, Mill Creek/Cucamonga Creek transitions to a concrete-lined flood control channel that runs upstream for miles through a mostly urbanized area. While the local connection between the basin and the wetland demonstration project may be utilized by small numbers of terrestrial animals, it is not of regional importance. Likewise, the existing concrete-lined channel and any upstream drop structures northeast of the project area would severely limit movement of fish and aquatic organisms. Potential effects to wildlife movement from the Locally Approved Project would be less than significant.

The excavation and filling earthwork activities associated with the Locally Approved Project would involve the operation of heavy construction equipment, which could generate noise impacts that could potentially discourage migratory birds from nesting in the area of Mill Creek within the project area and affect their breeding patterns. However, any grading activities in the vicinity of any nesting birds would be conducted concurrent with and in association with the RHRP, and thus CM-1 to CM-5 would apply to those grading activities as well. To avoid construction related effects to migratory birds, the grading and filling activities would be implemented consistent with CM-1 to CM-5. With the implementation of Mitigation Measure BR-2 as part of the Locally Approved Project and CM-1 to CM-5, potential indirect adverse noise effects to nesting migratory birds would be avoided. Additionally, the proposed restoration activities within Mill Creek would not occur in the wetted channel. Therefore, there would not be any impacts to fish movement within Mill Creek. Therefore, impacts would be less than significant.

BIO-5: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. There is not an adopted Habitat Conservation Plan that would be applicable to the smaller project (or to the Locally Approved Project). Therefore, implementation of the No Action Alternative would not conflict with the provisions of an adopted Habitat Conservation Plan. Compared to the Locally Approved Project, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

There is not an adopted Habitat Conservation Plan that would be applicable to the Proposed Action. Therefore, implementation of the Proposed Action would not directly conflict with the provisions of an adopted Habitat Conservation Plan. Therefore, effects would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would enable the Locally Approved Project to be implemented. There is not an adopted Habitat Conservation Plan that would be applicable to the Locally Approved Project.

Therefore, implementation of the Locally Approved Project would not conflict with the provisions of an adopted Habitat Conservation Plan. Therefore, effects would be less than significant.

4.9 Cultural Resources

This section describes the existing cultural resources setting and potential effects associated with the alternatives.

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of their undertakings on historic properties and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing on the National Register of Historic Places (NRHP). The NRHP is the official list of cultural resources recognized for their national, state, and local significance in American history, architecture, archaeology, engineering, and culture, and worthy of preservation. To be eligible for listing in the NRHP, a cultural resource must meet one of the four significance criteria, listed as items a-d below, specified at 36 CFR 60.4, which reads as follows: The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of persons significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, information important in prehistory or history.

There is also a general requirement that properties be older than 50 years of age.

The Federal agency first determines if it has an undertaking that is a type of activity that could affect historic properties, and if so, the agency determines the area of potential effects (APE) and the scope of appropriate identification efforts. The agency then proceeds to identify historic properties in the APE through various methods, including consultation. If no historic properties are present or affected, the agency provides documentation to the State Historic Preservation Office (SHPO) and tribes, and, barring any objection in 30 days, proceeds with its undertaking. If historic properties are present, the agency proceeds to assess possible adverse effects on the identified historic properties based on criteria found in the ACHP regulations, in consultation with the SHPO/THPO. If they agree that there will be “no adverse effect,” consultation is completed. If they find that there is an “adverse effect,” or if the parties cannot agree and ACHP determines within 15 days that there is an adverse effect, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects.

Mitigation under Section 106 of the NHPA is defined as a measure to resolve specific adverse effects to historic properties. Resolution of adverse effects is referenced in the NEPA review and documented in a Memorandum of Agreement (MOA) developed in consultation with the Section 106 consulting parties. Per 36 CFR 800.16(d), the APE is the “geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist.” The Corps has defined the APE as where earthwork activities would occur for the Easement Exchange and indirectly the balance of the project area where the Locally Approved Project would be developed. Development would occur or potential inundation from it if the Proposed Action is approved. This is

consistent with the project area evaluated in the EIR and Addendum (refer to the [Figure 4-4, *Cultural Resources Map*](#)).

CONFIDENTIAL FIGURE: NOT FOR PUBLIC DISSEMINATION

Figure 4-4, *Cultural Resources Map*, has been removed from this submittal.

Existing conditions and indirect effects analysis in this section are summarized from information contained in the EIR and Addendum. The EIR and Addendum provide background information regarding cultural resources and potential cultural resources effects associated with the Locally Approved Project.

4.9.1 Existing Conditions

Four Cultural resource investigations have occurred within the APE. Michael Brandman and Associates (MBA) completed a pedestrian survey of the entire APE in 2006 (Dice 2007). In 2007, MBA completed subsurface investigations of two sites within the APE and provided eligibility recommendations for all of the sites recorded in their 2006 and 2007 investigations (Dice 2007a). Environmental Science Associates (ESA) completed an assessment of a portion of the APE in 2018 (Garcia et al. 2018) and finally Urbana Preservation & Planning, LLC (Urbana) revisited and re-recorded many of the sites recorded by MBA in 2020 (Urbana 2020). A total of seven cultural resources are located within the APE. Four of these sites are related to historic era farming and ranching (CA-SBR- P36-13408/13409, P36-13391, P36-13410 and CA-SBR-12573H); two are prehistoric era archaeological sites (CA-SBR-2845 and CA-SBR-12752) and one is the Southern Sierras Power Company “O” Transmission Line/SCE Transmission Line (CA-SBR-12613H). Of these seven sites, two of them, the prehistoric site CA-SBR-2845 and the “O” transmission line CA-SBR-12613H have previously been determined to be not eligible for the NRHP and the SHPO has concurred.

The Corps is in the process of consulting with the SHPO, Indian Tribes, and other consulting parties regarding the eligibility of the five remaining sites. The Corps has determined that three of the four historic-era sites lack essential integrity and are not eligible for the NRHP. All three are the remnants of late nineteenth century/early twentieth century ranches. Most of the original structures have been demolished and the remaining buildings no longer exhibit or embody a distinctive dairy farm design. With the loss of materials and design, the properties do not exhibit integrity of the original workmanship of the unidentified architects, builders, engineers, etc. The properties do retain integrity of location, for they have not moved since construction; however, with recent development of new housing communities and commercial centers in the vicinity, the setting around the properties has changed from the original agricultural setting thus causing loss of integrity of setting. Lastly, the historic-era improvements observed do not convey an association with significant historical events or individuals.

The remaining prehistoric site, CA-SBR-12752, underwent evaluative archaeological testing in 2007. Based on the results of the 2007 investigation, the Corps has determined that the site is not eligible under any criteria.

The Corps has determined that the remaining historic-era site, CA-SBR-12573H is eligible for the NRHP under Criterion A as a rare surviving example of early water resource management feature. This resource is located outside of any proposed ground disturbance under either alternative.

The potential for buried archaeological resources in the APE is limited. Only a mix of modern refuse consisting of consumer and household goods, scrap metals and wood, landscape related items, farming

and agricultural remains was noted on residential sites. Archaeological investigation in 2004 at two other historic-era residential sites in the Prado Dam Flood Control Basin and documented in Sterner et al. (2004) appears to show severe mixing in the upper soil stratum to approximately 18 inches below surface; this is underlain by clay loam in the lower stratum, which has been exposed in areas where it had been extracted for commercial uses. Mechanical stripping and archaeological excavations at these two other residential sites resulted in the discovery of minimal features and few diagnostic artifacts. A similar geomorphological situation is expected to occur in the APE. No subsurface testing has occurred at any of the sites.

4.9.2 Significance Criteria

CR-1: Would the alternative have an adverse effect substantial enough that implementation of the alternative would result in the loss of a property's eligibility for the NRHP.

4.9.3 Environmental Consequences

CR-1: **Have an adverse effect substantial enough that implementation of the alternative would result in the loss of a property's eligibility for the NRHP.**

No Action Alternative

Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, the smaller project would have a smaller construction footprint. Two cultural resources have been recorded within the smaller development footprint. One of these resources has previously been determined to be not eligible for the NRHP. The Corps has determined that the second resource is not eligible and is consulting with the SHPO and Indian Tribes regarding that determination. . The no action alternative would not result in an adverse effect to a historic property and therefore potential impacts would be less than significant. The EIR and Addendum identified mitigation measures to avoid adverse impacts to unknown cultural resources, which the smaller project would be expected to have to implement in a generally similar manner. With the implementation of Mitigation Measures CR-1 to CR-10 potential impacts would be less than significant. Compared to the Proposed Action the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

The Proposed Action would reconfigure the Existing Flowage Easement. This would include earthmoving activities to redistribute material to maintain/increase volumetric flood capacity on the project area within the new flowage easement area. Two cultural resources have been identified in areas where these earthmoving activities would take place. One of these resources has previously been determined to be not eligible for the NRHP. The Corps has determined that the second resource is not eligible and is consulting with the SHPO and Indian Tribes regarding that determination. No historic property would be directly impacted by the Easement Exchange.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. All seven resources fall within the larger development parcel for the Locally

Approved Project. Only one of these sites is an eligible property but it is outside of the limits of all proposed earthwork activities. The historic property would not be adversely affected by the implementation of the Locally Approved Project. The EIR and Addendum identified mitigation measures to avoid adverse impacts to unknown cultural resources would be implemented. With the implementation of Mitigation Measures CR-1 to CR-10, potential effects would be less than significant.

4.10 Aesthetics

This section describes the existing aesthetics setting and potential effects associated with the alternatives.

4.10.1 Existing Conditions

The project area lies within the city of Chino in the Chino Valley. Chino is located in southwestern San Bernardino County and is surrounded by the San Gabriel and San Bernardino Mountains to the north, the San Jacinto Mountains to the east, the Santa Ana Mountains to the south, and the Chino Hills to the west. Elevations of the mountain ranges are from 4,000 to 11,000 feet amsl. The major scenic beauty is the local mountains. In addition to the local mountains, Mill Creek and the agricultural land within the project area are considered dominant scenic resources. The creek has scenic value, although certain portions have diminished visual value due to trash deposits and debris. The former onsite dairy is comprised of various structures which detract from the overall visual characteristics of the site and surrounding area. The California Institution for Women-Chino (CIW-Chino) is highly visible along Cucamonga Avenue and from Chino Corona Road. Light sources from CIW-Chino and the high barbed wire perimeter fences are existing adverse aesthetic and visual elements. There are no roadways or scenic highways within the vicinity of the project site. A stockpile of imported fill material has been recently established near the northwest corner of the property.

AESTHETIC CHARACTERISTICS

Visual Quality

Due to the rural nature of the surrounding landscape and limited points of access, the project area is not discernable by the general public from a distance. Onsite and adjacent residents and employees and vehicle travelers along Cucamonga Avenue and/or Chino Corona Road comprise the limited group of persons viewing the project site. The project site can also be seen from Cucamonga Avenue, but traffic is limited. Two wastewater holding ponds are located in the site but provide functional rather than aesthetic value. Mill Creek and its associated riparian corridor and natural vegetation have an inherent scenic value.

When viewed from within or offsite, the project area is not distinguishable from the similar surrounding landscape. The presence of agricultural development, dominated by undeveloped land on the immediate surrounding lands to the east, north, and west, and the presence of open space to the south, create a common aesthetic rural environment. The wastewater ponds on the site contrast with the agricultural lands, open space, and vacant lands. Mill Creek and its natural features provide visual interest. CIW-Chino intrudes on the agricultural and open space character of the project area.

Visibility and Viewers

Viewers have differing sensitivity to visual change based on their familiarity with the view, the duration of those views (permanent versus intermittent), and their activity, which determines how much attention is paid to the view. Viewers in the actual viewshed of the project area would consist of limited local

residential viewers, local recreational and commercial viewers visiting surrounding land uses, and limited vehicular traffic. Activity type is the crucial indicator in determining viewer sensitivity.

Key Viewpoints. Points along Chino Corona Road can be considered public vantage points with direct views into the project area. Views also exist along Cucamonga Avenue.

Residential Viewers. Residential viewers are usually very sensitive to any changes in visual quality because of their familiarity with the view, their investment in the area as homeowners or long-time residents, and their sense of ownership of the view. Currently, residential uses with views of the project area are limited to onsite residents and residents of adjoining properties. Depending on the timing of Proposed Action implementation compared to future development of surrounding properties, future residents could have their views affected by conversion of the project area from open lands to urban uses. However, Proposed Action implementation would establish visually pleasing features such as manmade lakes, a community paseo, and open space system.

Recreational Viewers. Recreational viewers include people engaged in passive or active recreation. Recreationists in the Proposed Action's offsite viewshed can be defined as users of the equestrian facility and the Mill Creek Demonstration Wetland Ponds to the east; users of the hunting clubs, remote-operated airplane facility, and paint ball facility to the southeast; and users of Prado Regional Park to the west.

Commercial Viewers. Commercial viewers usually have a moderate to low sensitivity to their visual environment, unless the commercial activity is focused on the view as they are concentrated on their driving, their destination, and the commercial activity. Commercial activity in the viewshed includes a recycling/fertilizer production facility and a nursery.

Commuter Viewers. Commuter viewers are typically the largest percentage of viewers for most viewsheds; however, they usually have a moderate to low sensitivity to the visual environment due to their concentration on their destination. The project area is in transitioning from agriculture/dairy operations to urbanized land uses. Commuter views with the project would consist of combination urbanized and agriculture/dairy land uses.

Light and Glare

Light and glare sources are very limited within the project site due to the lack of structures, streetlights, and hard surfaces. The most significant source of light and glare in the project site is CIW-Chino.

4.10.2 Significance Criteria

- AES-1: Have a substantial adverse effect(s) on a scenic vista.
- AES-2: Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway.
- AES-3: Substantially degrade the existing visual character or quality of the site and its surrounding area.
- AES-4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

4.10.3 Environmental Consequences

AES-1: **Have a substantial adverse effect(s) on a scenic vista.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no construction activities that would temporarily affect scenic vistas. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, the smaller development project would have a smaller construction footprint and would involve less construction activities and less potential to affect scenic vistas. The aesthetic effects would be temporary and once construction was completed; scenic vistas would return to their pre-construction condition. Potential temporarily effects would be less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The Proposed Action would reconfigure the Existing Flowage Easement. This would include earthmoving activities to redistribute material to maintain/increase volumetric flood capacity on the project area within the new flowage easement area. The Proposed Action does not include any operational effects, nor does the action introduce permanent structures or facilities to the project site that would have the potential to adversely affect scenic vistas. The earthwork activities would temporarily affect scenic vistas. The effect would be short-term and once construction operations are completed existing vistas would return to their pre-construction condition. Temporary effects to scenic vistas would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The city of Chino's General Plan Conservation/Open Space Element provides policies to ensure that vistas of the San Bernardino and San Gabriel Mountains to the north of the project area and the Chino Hills to the east of the project area are maintained for aesthetic enjoyment by city of Chino residents. Due to existing elevations within the project area between 508 and 579 feet amsl, proposed uses, and expected building heights, and the distance between the project area and these scenic features, views will not be obstructed. The project will not have a substantial adverse effect on a scenic vista. Construction activities associated with implementation of the Locally Approved Project would include demolition, earthwork excavation and filling activities and building construction activities, which could temporarily affect scenic vistas within the project area. Construction equipment necessary for construction activities would not be of large mass or scale to substantially affect scenic vistas and would be removed from the project area once construction activities are completed. Due to the limited, short-term temporary nature of construction activities, the temporary presence of construction equipment would not significantly affect surrounding scenic vistas and potential direct effects would be less than significant.

AES-2: **Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State Scenic Highway.**

No Action Alternative

A scenic highway is officially designated as a State Scenic Highway when a local jurisdiction adopts a scenic corridor protection program, applies to the California Department of Transportation (Caltrans) for scenic highway approval, and receives notification from Caltrans that the highway has been designated as an official Scenic Highway. The nearest Officially Designated State Scenic Highways are SR-91, Highway 71, and Euclid Avenue/SR-83, which are not within the viewshed of the project area. Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Because there are no scenic highways within the viewshed of the construction activity, no effects to resources within the viewshed of Scenic Highway would occur. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The smaller project would also not be within the viewshed of a scenic highway. No effects to aesthetic resources within the viewshed of a scenic highway would occur. Compared to the Proposed Action, the level of effect would be the same.

Proposed Action

DIRECT EFFECTS

According to California Department of Transportation Scenic Highways Program there are no designated scenic highways in the viewshed where the grading and filling activities for the Easement Exchange would occur. No direct affects to scenic resources within the viewshed of a scenic highway would occur. Potential direct effects would be less than significant effect on scenic resources.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. According to California Department of Transportation Scenic Highways Program, there are no designated scenic highways in the viewshed where the Locally Approved Project would be implemented. Therefore, no indirect impacts scenic resources within the viewshed of a scenic highway would occur.

AES-3: **Substantially degrade the existing visual character or quality of the site and its surrounding area.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no activities that would degrade the visual character of the project area. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, the smaller development project would involve less construction activities and would have less potential to result in temporary aesthetic effects that would have the potential to degrade the visual character of the project area and surrounding area. The potential construction related to aesthetic impacts would be short-term and would be removed from the project area when completed. Potential aesthetic effects would be less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

Visual character of a site and its immediate surroundings is defined by existing land uses and the associated natural or built environment, including vegetation, landforms, and structural features.

The earthwork activities associated with the Proposed Action would result in short-term temporary aesthetic impacts from the presence of construction equipment and ground disturbance in portions of the project area. The potential construction related to aesthetic impacts would be short-term and would be removed from the project area when completed. As such, the Proposed Action would not permanently or significantly affect the existing visual character and quality of public views of the project area and immediate vicinity. Therefore, potential direct effects would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. There are no long-term activities associated with the Locally Approved Project that would indirectly affect the existing visual character or quality of the site and its surroundings of the project area. Implementation of the Locally Approved Project would protect and enhance Mill Creek and expand the managed native habitat on the site, expanding inherent scenic values in the area. The potential construction related aesthetic impacts would be short-term and would be removed from the project area when completed. As such, the Proposed Action would not permanently or significantly affect the existing visual character and quality of public views of the project area and immediate vicinity. Therefore, the Locally Approved Project would not indirectly degrade the visual character of the project area and potential impacts would be less significant.

AES-4: **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no activities that would create new sources of light and glare in the project area. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, there would be fewer residential units to create new sources of light and glare in the project area. The smaller project would be expected to be required to comply with project design guidelines that require onsite lighting to be confined to the project and not spillover onto adjoining properties. Compliance with project design guidelines would reduce potential light and glare effects to less than significant.

Proposed Action

DIRECT EFFECTS

There are two primary sources of light: light emanating from building interiors that pass-through windows and light from exterior sources (e.g., street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting). Currently, only limited sources of light exist in the project site, associated with onsite and surrounding agricultural and limited residential uses, and CIW-Chino. Proposed Action activities would not involve the use of nighttime lighting.

The Proposed Action would not involve the construction of any new physical facilities or aboveground infrastructure that would introduce new substantial sources of light and glare. Additionally, construction activities would occur during the day. Therefore, there would not be any temporary nighttime lighting impacts. During construction activities, potential glare effects could be reflected from the surfaces of the construction equipment, especially those with reflective surfaces. The impact would be confined to specific locations on the project area for a short period of time. There would be no new substantial sources of glare to affect daytime or nighttime views. Potential direct effects would be considered less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The Locally Approved Project would require the operation of heavy construction equipment. During construction activities, potential glare effects could be reflected from the surfaces of the construction equipment, especially those with reflective surfaces. The impact would be confined to specific locations on the project site for a short period of time and therefore would be less than significant.

4.11 Environmental Justice

This section describes the existing environmental justice setting and potential effects from the Proposed Action on minority and low-income populations.

4.11.1 Existing Conditions

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994), requires Federal agencies to develop strategies to address this issue as part of the NEPA process. The agencies are required to identify and address, as appropriate, any disproportionately high and adverse human health or environmental impacts of their programs, policies, and activities on minority and low-income populations. The CEQ has oversight responsibility for the Federal government's compliance with EO 12898 and NEPA. The CEQ, in consultation with the EPA and other agencies, has developed guidance to assist Federal agencies with their NEPA procedures so that environmental justice concerns are effectively identified and addressed. According to the CEQ's *Environmental Justice Guidance under the National Environmental Policy Act*, agencies should consider the composition of the affected area to determine whether minority populations or low-income populations are present in the area affected by the proposed action, and if so whether there may be disproportionately high and adverse human health or environmental impacts (CEQ 1997).

An analysis of demographic data was conducted to derive information on the approximate locations of low-income and minority populations in the community of concern. This analysis was performed using the USEPA's Environmental Justice Screening and Mapping Tool (EJSCREEN). Since the analysis considers disproportionate impacts, two areas must be defined to facilitate comparison between the area actually affected and a larger regional area that serves as a basis for comparison and includes the area actually affected. The larger regional area is defined as the smallest political unit that includes the affected area and is called the community of comparison. For purposes of this analysis, the affected area is an approximate one-mile polygon drawn around the project area. The community of comparison is the city of Chino. EO 12898 defines a minority as an individual belonging to one of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. A minority population, for the purposes of this environmental justice analysis, is identified when the minority population of the potentially affected area is greater than 50 percent or the minority

population is meaningfully greater than the general population or other appropriate unit of geographic analysis. The EO does not provide criteria to determine if an affected area consists of a low-income population. For purposes of this EA, the CEQ criterion for defining low-income population has been adapted to identify whether or not the population in an affected area constitutes a low-income population. An affected geographic area is considered to consist of a low-income population (i.e., below the poverty level, for purposes of this analysis) where the percentage of low-income persons: 1) is greater than 50%, or 2) is meaningfully greater than the low-income population percentage in the general population or other appropriate unit of geographic analysis.

MINORITY AND LOW POPULATIONS

Table 4.11-1 provides a summary of the demographics for the affected area, city of Chino, and the State of California. Complete EJSscreen Reports can be found in Appendix B. As shown in the table 4.11-1, the aggregate population percentage in the affected area exceeds 50%. Therefore, the affected area contains a minority population.

As shown in the table 4.11-1, 15% of the individuals in the affected area are considered below the poverty level. This percentage in the affected area does not exceed 50%. In addition, the affected area low-income population percentage is not greater than the low income population in the city, which is 27%, or the state of California which is 34%. Therefore, the affected area does not contain a high concentration of a low-income population.

**Table 4.11-1
Minority Population and Low-Income Population Demographics**

Demographics	Affected Area	State	City
Minority Population	79%	62%	75%
Low-income Population	15%	34%	27%

4.11.2 Significance Criteria

EJ-1: Have disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

4.11.3 Environmental Consequences

EJ-1: Have disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no effects disproportionate to adverse effects on minority populations. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The smaller project would not be an incompatible land use that could adversely affect minority populations. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, the smaller project would

involve less construction activities and associated short-term, construction impacts that could affect minority populations. The Proposed Action would implement required mitigation measures from the EIR and Addendum and would comply with required environmental regulations to reduce potential construction related effects to a less than significant level. With implementation of mitigation measures and compliance with environmental regulations, the smaller project would not result in disproportional amount of adverse impacts to minority populations and potential effects would be less than significant. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The earthwork activities associated with the Easement Exchange would be confined to the project area and would not result in disproportionate effects to minority populations.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The Locally Approved Project would occur in the same project area. The operation of the Locally Approved Project would not be an incompatible land use that would affect minority populations. The construction activities for the Locally Approved Project would be required to implement mitigation measures and comply with environmental regulations that would ensure that construction related effects would be less than significant. With implementation of mitigation measures and compliance with environmental regulations, the Locally Approved Project would not result in disproportional amount of adverse impacts to minority populations and potential effects would be less than significant.

4.12 Land Use and Planning

This section describes the existing land use and planning setting and potential effects associated with the alternatives.

4.12.1 Existing Conditions

The project area was formerly occupied by a private dairy operation and open land. The dairy was located in the northern portion of the site and included three residences, barns, and associated structures. Cattle holding pens made up majority of the dairy area. Several wastewater ponds were located east of Mill Creek and in the southwestern portion of the property. These ponds were used to collect and store the wastewater associated with the onsite dairy operation and several other local dairies. The wastewater was used to irrigate the actively farmed areas onsite that generally produced feed crops. One of the larger ponds is still used for that purpose.

SURROUNDING AREA

East. The eastern boundary of the project area is formed in part by Mill Creek. Across Mill Creek to the east, there is an equestrian facility, a green waste recycling/fertilizer plant, and limited plant nursery operations. To the east of the northern portion of the project area, just south of Chino Corona Road, lies a rural residence and property owned by the United States and managed by the Corps. In the corner formed by northeast property boundary, the city of Ontario recently completed the Mill Creek Recreation and Restoration Demonstration Project, which covers roughly 35 acres just northeast of the project area and directly adjacent to the planned RHRP area onsite. This area contains five large water quality basins

with open water, surrounded by riparian/wetland vegetation and mostly natural upland vegetation providing considerable wildlife habitat. Pedestrian trails established around these basins, and along portions of the inlet and outlet from the lined Cucamonga Creek channel back to the natural Mill Creek stream, provide opportunities for passive recreation and wildlife viewing. The Recreation and Restoration Demonstration Project lies at an elevation that is generally well below the project area, situated at least 20 feet or more below the level of the East County Road extension along the Rancho Miramonte Property line. Further east, the two properties lie at the same elevation as the project area slopes down to Mill Creek.

North. Land uses immediately north of the project area are the Land O’Lakes Dairy, two dairy residences, a mobile home, and other dairy operations. Further north lies developed residential neighborhoods within The Preserve above Pine Avenue and Chino Municipal Airport. The California Institution for Women lies to the northwest.

West. Immediately west of the project site at the intersection of Chino Corona Road and Cucamonga Avenue is property owned by the Orange County Flood Control District, currently occupied by an active dairy operation with onsite residences. West of Cucamonga Avenue is another active dairy operation. The California Institution for Women lies northwest of the intersection of Chino Corona Road and Cucamonga Avenue. Prado Regional Park lies directly west, accessible from Euclid Avenue.

South. To the south of the project area lies property owned by the United States and managed by the Corps. Other uses include Hunting Clubs, a remote-operated airplane facility operated by the San Bernardino County Department of Public Works – Regional Parks Division and a paint ball facility.

4.12.2 Significance Criteria

- LU-1: Physically divide an established community.
- LU-2: Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for avoiding or mitigating an environmental effect.

4.12.3 Environmental Consequences

- LU-1: Physically divide an established community.

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be activities that would divide an established community. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed by the Project Proponent. Similar to the Locally Approved Project, which would indirectly be enabled by the Proposed Action, the smaller project would be consistent with residential land uses developed in the vicinity of the project area and would not result in any adverse land use compatibility impacts that would divide an established community. Therefore, no effects would occur in regard to physically dividing an established community. Compared to the Proposed Action, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The proposed grading and filling activities associated with the Easement Exchange would not involve the construction of any permanent, aboveground physical structures that would create a barrier to an existing community. No effects would occur in regard to physically dividing an established community. Therefore, impacts would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The project area would be transitioning from agriculture uses to single-family residential land uses. Existing land uses immediately surrounding the project area include dairy and agricultural lands and lands owned by the United States and managed by the Corps or lands owned by the OCFCD. East of Hellman Avenue is the Preserve Residential Community. The Locally Approved Project would be consistent with residential land uses developed in the vicinity of the project area and would not result in any adverse land use compatibility impacts. The Locally Approved Project would not divide an established community, would not redirect traffic through existing residential neighborhoods, and would not introduce any physical barriers between the project site and surrounding area. Therefore, no impacts would occur in regard to physically dividing an established community.

LU-2: **Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for avoiding or mitigating an environmental effect.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no structures or activities that would conflict with relevant planning programs. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The smaller development project would conflict with the Specific Plan that was prepared for the project area and approved by the city of Chino. Implementation of the smaller development project would conflict with the City-approved Specific Plan and would require an amendment to the Specific Plan and new local environmental reviews to enable the smaller project to be developed.

Proposed Action

DIRECT EFFECTS

The Proposed Action would not develop any permanent built facilities or involve any activities that would conflict with city of Chino General Plan or the Preserve Specific Plan. Therefore, impacts would be less than significant.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented. The Locally Approved Project would be consistent with the Specific Plan prepared for the project area and approved by the city of Chino. Therefore, no land use planning conflicts would be associated with implementation of the Locally Approved Project and effects would be less than significant.

4.13 Utilities and Service Systems

This section describes the existing public service and utility setting and potential effects associated with the alternatives.

4.13.1 Existing Conditions

SERVICE SYSTEMS

Fire and Police Protection Services

The project site is within the Chino Valley Independent Fire District (CVIFD) and the Chino Police Department service area. CVIFD facilities consist of seven fire stations, one training facility, one maintenance facility and administrative offices that house the offices of the Fire Chief, Fire Marshal, Division Chief(s) and Battalion Chief(s). CVIFD participates in the State of California Master Mutual Aid System and has a response standard of a five-minute travel time. Currently, the response rate for travel time has been longer than the five-minute standard and, in 2016, the average first due travel time was just over six minutes. The nearest facility to the project area is Station No. 63, located at 7550 Kimball Avenue, Chino, which is approximately 2.5 miles northwest of the project area.

The primary facility for the Chino Police Department is located at 5450 Guardian Way, approximately 9.5 miles northwest of the project area. The city of Chino General Plan specifies a goal of maintaining a five-minute police emergency response at all times. According to the 2016 annual report, average emergency response time for priority calls to the Chino Police Department was seven minutes, three seconds for the project area during calendar year 2016.

Schools

The project area is located within the Chino Valley Unified School District (CVUSD). According to the General Plan, the CVUSD operates a total of 35 public schools, which includes 23 elementary schools, two K-8 Schools, five junior high schools, and five high schools. The three schools that would serve the project site include Rhodes Elementary, Magnolia Junior High School, and Chino High School.

Parks and Other Public Facilities

The city of Chino has a total of 15 neighborhood and community parks. Prado Regional Park and Chino Hills State Park, as well as many other recreational facilities, are in the Prado Dam Flood Control Basin. Prado Regional Park is the closest park to the project area, covers 2,280 acres, and features campgrounds, golf courses, sports fields, and other recreational activities. The city of Chino is currently served by the Chino Branch Library facility located at 13180 Central Avenue. The Chino Branch Library is owned by the city of Chino with library services provided by the San Bernardino County Library.

UTILITIES

Water Supply

The City of Chino Water Utility would be the water purveyor for the project area. The City currently receives approximately 27 percent of its water supply from groundwater, 17 percent from imported water, 21 percent from desalted water, and 35 percent from recycled water. Groundwater is produced from the Chino Groundwater Basin. The Basin was adjudicated in 1978, which allocated water production rights to water producers. The City's current groundwater production right as a share of the safe yield of the Basin is 4,034 acre-feet per year.

Recycled Water. Recycled water is supplied to the City by Inland Empire Utilities Agency (IEUA) through the Regional Recycled Water Distribution System. The IEUA operates four regional wastewater treatment plants. These are RP-1, RP-4, RP-5, and the Carbon Canyon Water Recycling Facility, which is the predominant supplier of recycled water to Chino and has a capacity in excess of 11,000 AFY of non-potable recycled water.

Existing Onsite Water Use. The onsite water use for existing land uses totals 779.1 AFY. The total includes 2.2 AFY for the three existing residences, 113.9 AFY for the 52 square acres of existing dairy farms, and 663 AFY for the existing 221 square acres of agricultural land.

Wastewater

The project area presently contains a system for the collection and handling of wastewater associated with former dairy operations. Wastewater and stormwater runoff from four adjacent dairies are also currently accepted. Water is managed using onsite percolation/evaporation and/or irrigation through the use of manmade ponds. Onsite homes have residential leach fields as septic systems. No wastewater is collected from the project area for conveyance and treatment.

Storm Water and Drainage

Currently, stormwater on the project area, as well as wastewater from the onsite and adjacent dairies, is managed using the manmade ponds, shown in [Figure 4-1](#).

Solid Waste

Waste Management of the Inland Empire provides solid waste collection and disposal for the city of Chino. Waste Management owns three operating facilities located in Riverside and San Bernardino Counties. After the waste is collected and processed by Waste Management, it is disposed of at El Sobrante Landfill, located at 10910 Dawson Canyon Road, Corona, which is owned and operated by the Riverside County Solid Waste Management Department and is expected to remain open to waste disposal until approximately 2030. The project area currently generates approximately 0.15 tons of solid waste per day.

Electricity and Natural Gas

Electricity within the project area is provided by Southern California Edison (SCE). The total existing electricity demand is 0.55 million kilowatt hours (kwh) per year. The total includes 0.02 kwh/yr for the three existing residences, and 0.53 kwh/yr for the 50,000 square feet of existing dairy farms. The Southern California Gas Company provides natural gas service to the area, including the project area. The existing natural gas demand of the project area is 2.25 million cubic feet (mcf) per year in total. The total includes 0.24 million kwh/yr for the three existing residences, and 2.01 million kwh/yr for the 50,000 square feet of existing dairy farms.

4.13.2 Significance Criteria

PSU-1: Require a substantial modification to existing facilities or services that would have an adverse environmental effect.

4.13.3 Environmental Consequences

PSU-1: **Require a substantial modification to existing facilities or services that would have an adverse environmental effect.**

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would no activities that would increase demands for public services and utilities and no activities that would require modification of existing facilities. Under the No Action Alternative, a smaller residential project with a commercial use area could potentially be developed. Compared to the Locally Approved Project, which indirectly would be enabled by the Proposed Action, the smaller development project would have fewer residential units and reduced demands for public services and utilities. Like the Locally Approved Project, the smaller development project would be expected to be required to implement the EIR and Addendum identified mitigation measures to reduce potential utility and public service impacts to less than significant. The smaller project would be expected to be required to implement Mitigation Measures USS-1 to USS-4 (or a similar variation thereof, adjusted to the impacts of the smaller project) to ensure proper construction of utility systems. With implementation of the mitigations measures, potential impacts to the environment associated with the construction of utility systems would be less than significant. Compared to the Locally Approved Project, the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The earthwork activities associated with the proposed Easement Exchange would not require the relocation of existing utility systems or construction of new utility service systems or expansion of existing public facilities to support earthwork activities that require new electric power or natural gas facilities. Therefore, there would be no construction of utility infrastructure associated with the Proposed Action and there would be no effect. The Proposed Action would not directly increase the existing demand for public services and utilities. No direct effects would occur.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. Implementation of the Locally Approved Project would not require the modification or relocation of any existing utility systems. The EIR and Addendum determined that adequate public facilities and utility systems would be available for the Locally Approved Project with the implementation of mitigation measures. The Locally Approved Project includes implementation of Mitigation Measures USS-1 to USS-4 which would ensure proper construction of utility systems and that impacts to the environment are minimized. With implementation of the mitigations measures as part of the Locally Approved Project, potential impacts to the environment associated with the construction of utility systems would be less than significant.

4.14 Recreation

This section describes the existing recreational setting and potential effects associated with the alternatives.

4.14.1 Existing Conditions

Open space on the project area has historically consisted of dairy farms and agriculture. Recreational opportunities surrounding the project area within the city of Chino and vicinity include neighborhood parks, sports parks, City parks, country clubs, and regional park facilities. The city of Chino maintains 15 neighborhood and community parks, including Ruben S. Ayala Community Park, located at the southeast corner of Edison and Central Avenue. Neighborhood and pocket parks are being established within the residential neighborhoods north of the project area within The Preserve Specific Plan area.

The closest regional park to the project area is Prado Regional Park, a multiple-facility park within the Prado Dam Flood Control Basin that is maintained by the San Bernardino County Department of Public Works, Regional Parks Division. Prado Regional Park is a 2,280-acre park that is located along State Route 83/Euclid Avenue, south of Pine Avenue, approximately one mile west of the project area. Additional recreational facilities in the vicinity of the project area are Big League Dreams Sports Park, Chino Hills Skate Park, Mike Raahauge Shooting Enterprise, which includes a pistol range and duck hunting, and S.C. Village Paintball Park.

The project area generates very limited demand for park and recreational facilities, based on the few residents that occupy onsite residences associated with the former dairy operation.

4.14.2 Significance Criteria

REC-1: Increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated.

4.14.3 Environmental Consequences

REC-1: Increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated.

No Action Alternative

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. There would be no land uses developed that would increase the demands for recreation facilities. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Because the smaller development project would have fewer residential units, there would be reduced demands for recreation facilities compared to the Locally Approved Project which indirectly would be enabled by the Proposed Action. The smaller project would be required to comply with City park land requirements which would reduce the demand for offsite recreation facilities. With compliance with the City park land requirement, potential impacts in regard to the use of existing recreation facilities and potential physical deterioration would be less than significant. Compared to the Proposed Action the level of impact would be the same.

Proposed Action

DIRECT EFFECTS

The proposed earthwork associated with the proposed Easement Exchange would not increase the demands for recreation facilities that would lead to their deterioration. No direct impacts to recreation facilities would occur.

INDIRECT EFFECTS

Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented by the Project Proponent. The Locally Approved Project would provide a 3.56-acre recreation area in the central section of the project area, a 1.4-acre park in the northern portion of the site, and four pocket parks within residential neighborhoods, that would total 8.4 acres of parklands. The 8.4 acres of proposed public parks would satisfy the City's requirement for 8.4 acres based on its parkland standard of three acres per 1,000 residents. Overall, the project area would provide 55.09 acres of recreational open space, which would include parks. The amount of onsite recreational facilities would encourage residents to utilize onsite recreation facilities and cause residents to seek offsite existing facilities. The residents' use of onsite recreation facilities would prevent substantial deterioration of existing offsite recreational facilities. Potential impacts to recreation facilities would be less than significant.

5.0 CUMULATIVE EFFECTS

Cumulative effect is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor direct and indirect but collectively significant actions taking place over a period of time. A cumulative effects assessment should consider how the direct and indirect environmental effects caused by the proposed activity (i.e., the incremental impact of the action) contribute to cumulative effects, and whether that incremental contribution is significant or not.

PAST, PRESENT AND FUTURE ACTIONS

The intent is to identify impacts of other past, present, and future projects that, when considered together with the Proposed Action, may significantly compound or increase environmental effects. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time. Infrastructure, industrial, commercial, residential, and other projects located in close proximity to the site are considered to have the potential for creating cumulative effects in association with the proposed project action. CEQ's guidance for considering cumulative effects states that NEPA documents "should compare the cumulative effects of multiple actions with appropriate national, regional, state, or community goals to determine whether the total effect is significant" (CEQ 1997).

Past Action

The Existing Flowage Easement was granted for the purpose of successfully operating and maintaining the Prado Dam Flood Control Basin and for controlling storm water runoff. The Existing Flowage Easement consists of flowage rights, the right to prohibit human habitation, and permanent easement vested in the United States to flood and inundate the property whenever the control of storm water runoff in the Prado Control Basin requires such flooding and inundation. The project area has also historically consisted of agriculture and dairy farming land uses. As a result of past land use approvals the project area has transitioned from agriculture and dairy uses to more urbanized land uses. The area has experienced a substantial amount of growth, which has resulted in cumulative adverse effects on traffic, air quality and water quality and increased demands on water and land resources within the project area. Additionally, past development within and around the project area has also increased the introduction of invasive species, pollutants, and human disturbance within the natural areas, such as Mill Creek.

Present Action

As part of the Prado Dam Separable Element Project, the spillway crest is anticipated to be raised by approximately 20 feet (from 543 feet to 563 feet) by 2021. Once the spillway is raised, the Prado Basin will require increased flood storage capacity within the Prado Basin. Dam operation requires lands, easements and rights of way to be above elevation 566 feet. The Project Proponent owns the Rancho Miramonte Property, some of which is currently encumbered by the Existing Flowage Easement and thus, subject to inundation below the 556-foot limit. However, there are areas onsite that lie below 566 feet amsl but above 556 feet amsl that are not within or subject to the Existing Flowage Easement. To develop the Rancho Miramonte Property and to achieve the flood control capacity required by the Prado Dam Separable Element Project, a total of 30.23 acres of Existing Flowage Easement area would be subtracted, 4.91 acres of new flowage easement area would be added and ground surface elevations would be lowered within the new and existing flowage easement area located within the Rancho Miramonte Property. Upland agricultural fields are present by Mill Creek. Potential effects of the Easement Exchange

have been evaluated and determined to be less than significant with the implementation of mitigation measures identified in this EA.

Future Action

Implementation of the Proposed Action would indirectly enable the Locally Approved Project to occur. The operation of the Locally Approved Project would extend into the future and would contribute to cumulative effects within the project area along with other future development occurring in the project area. Future development projects would be evaluated for potential impacts to the environment and would be required to comply with state and federal environmental laws and where needed implement measures to minimize potential adverse effects to the environment.

5.1 Related Projects

The geographic scope for the cumulative effects includes the Prado Dam Flood Control Basin, city of Corona, city of Chino, city of Ontario and the city of Eastvale. The following is a listing of projects occurring within the geographic scope of cumulative effects, Table 5-1, Related Projects for Cumulative Analysis.

**Table 5-1
Related Projects for Cumulative Analysis**

Project No.	Lead Agency	Name	Location	Project Type	Project Description	Status
1	US Army Corps of Engineers	Prado Dam Spillway Modification	City of Corona	Flood Risk Management	Raising the Prado Dam spillway is the last major project component of the Prado Dam Separable Element of the Santa Ana River Mainstem Project. To continue to protect communities and infrastructure from future anticipated storms, USACE will replace the existing spillway structure and abutments with a large capacity spillway structure designed to release flows totaling 615,000 cubic feet per second (cfs).	Planning, Environmental Assessment (under development)
2	US Army Corps of Engineers	Prado Dam Safety Modification Study	City of Corona	Flood Risk Management	USACE is currently undergoing a Dam Safety Modification Study (DSMS) to evaluate for extreme events the alternatives for long term risk reduction for the assumed future condition. There are unacceptable life safety risks associated with erosion of the Prado Spillway due to underlying geology and soil conditions.	Planning, Environmental Assessment (under development)
3	US Army Corps of Engineers	River Road Dike (Santa Ana River Mainstem Project)	City of Chino	Flood Risk Management	The purpose of this project is to provide flood-risk reduction to nearby residential developments, businesses, and infrastructure from reservoir expansion that results from raising Prado Dam.	Planning, Environmental Assessment (under development)
4	City of Corona	Santa Ana River Trail	City of Corona	Recreation	The 22-mile Santa Ana River trail is divided into three sections: Lower, Middle, and Upper, and includes bicycle trails and hiking/equestrian trails. The Upper trail consists of proposed trail alignments that would cross adjacent the Lower Norco Bluffs Project area.	Planning

Project No.	Lead Agency	Name	Location	Project Type	Project Description	Status
5	City of Chino	Pine Avenue Extension	City of Chino	Development	City of Chino is proposing to connect Pine Avenue west of SR-71 to Pine Avenue east of SR-71. As part of the extension project, Pine Avenue would be widened from a 2-lane roadway to a 4-lane roadway to match the existing 4-lane roadway east of SR-71 when connected, as well as elevated to above the 50-year flood level for Prado Basin and the 100-year flood level for Chino Creek and Cypress Channel.	Planning, Environmental Assessment (under development)
5	City of Chino	Altitude Business Centre	City of Chino	Redevelopment/Development	Implementation of the project includes demolition of the property's existing residential and agricultural/dairy structures, and construction and operation of a business center complex with up to 25 light industrial buildings.	Planning, Final EIR published in September 2019
7	City of Chino	Rodriguez Warehouse Project	City of Chino	Redevelopment/Development	Implementation of the project includes a General Plan amendment and a Specific Plan amendment to the (The Preserve Specific Plan) to redesignate the project from Open Space - Agriculture within an Agricultural Overlay to Light Industrial (M1); and Site Plan approval for the 3.28-acre site to allow the development of the site. The project site is located in an area of transition from agricultural to light industrial uses.	Planning, Initial Project published April 2019
8	City of Chino	Chino Parcel Delivery Facility	City of Chino	Development	The project involves the development of a distribution hub facility for a parcel delivery services company on an approximately 74.4-acre site.	Planning, Final EIR published in May 2019
9	City of Chino	Block 4 – TTM 20164	City of Chino	Development	The project includes Master Site Approval and multiple Tentative Tract Maps for a total 388 homes and a three-acre park on the project site, also known as South of Pine Block 4 (Tract No. 20164), and is located within the eastern portion of the South of Pine component of the Preserve Specific Plan. The project's residential uses are comprised of single-family detached homes, autocourt detached condominium units arranged around a shared driveway/autocourt, and four-pack detached condominium units accessed by a shared paseo that leads to front entries with shared alleys that lead to garages.	Planning, Addendum published in May 2019
10	City of Chino	Euclid Business Center Project	City of Chino	Development	The project involves the development of an approximately 18.5-acre property located at the northeast corner of the Euclid Avenue/Bickmore Avenue intersection in the City of Chino, San Bernardino County, California. The project applicant proposes to develop a business center with eight (8) buildings that could support warehouse, light industrial, and business park land uses. The project would develop up to 363,626 sf of floor area, with buildings ranging in size from 13,050 sf. to 206,118 sf	Planning, Addendum published June 2019
11	City of Chino	Lot 11 Preserve	City of Chino	Development	The project includes MSA and TTM 20223 (PL18-0049 & PL-18-0050 respectively) for development of a total of 176 homes, consisting of 70 Townhome (3-story) units and 106 Triplex Townhome (3-story) units on the 9.77-acre Property.	Planning, Addendum published April 2019

Project No.	Lead Agency	Name	Location	Project Type	Project Description	Status
12	City of Chino	Majestic Chino Heritage	City of Chino	Development	The project involves the development of two (2) industrial buildings on approximately 96.9 acres of land located in the southern portion of the City of Chino, San Bernardino County, California. Discretionary approvals requested from the City of Chino by the project applicant include a General Plan Amendment (PL18-0090), a Change of Zone (PL18-0091), Vesting Tentative Parcel Map (PL18-0119), two (2) Site Approvals (PL18-0118) and (PL18-0120), and a Special Conditional Use Permit.	Planning, Initial Project published March 2019
13	City of Chino	Van Vilet – Tract No. 20161	City of Chino	Development	The project includes up to 494 homes consisting of 102 single family units and 392 multi-family units.	Planning, Addendum published July 2019
14	City of Chino	Watson Industrial Park	City of Chino	Redevelopment/Development	Under existing conditions, the approximately 211.9-acre project site is used by three dairy operations. The proposed project involves the demolition and removal of the existing onsite improvements, grading and preparation of the property for development, and the construction and operation of eight industrial buildings with loading docks suitable for a variety of tenants. No building tenants are yet identified, but could include industrial, distribution warehousing, manufacturing, assembly, e-commerce, and similar uses. Associated improvements to the property would include, but are not limited to, surface parking areas, vehicle drive aisles, truck courts, utility infrastructure, landscaping, exterior lighting, signage, and water quality/detention basins. The proposed buildings would collectively contain a maximum of approximately 3,872,000 square feet (s.f.) of total building space. The project also involves the construction of an offsite segment of Hellman Avenue, between the southern project site boundary and Kimball Avenue, and the installation of an underground storm drain line in the paved section of Hellman Avenue between Kimball and Autumn Path Street.	Partially Complete/Construction, Final EIR published November 2015
15	City of Eastvale	The Homestead Industrial Project by Orbis Real Estate Partners	City of Eastvale	Development	The project would involve the development of an industrial park on an approximately 56-acre site. The project would also involve traffic and utility improvements.	Planning, Notice of Preparation of EIR published September 2019
16	City of Eastvale	Eastvale Crossings Project	City of Eastvale	Development	The project would subdivide the project site to facilitate the development of a 218,100-square-foot commercial retail center on the 24.78-acre project site. The retail center would be anchored by a 192,000-square-foot Walmart store and feature smaller retail, restaurant, and fuel station uses totaling 26,100 square feet. The proposed project would have a Floor Area Ratio of 0.22. The project requires approval of a General Plan Amendment, Zone Change, Major Development Plan, Tentative Tract Map, Conditional Use Permits, Sign Program, and Variance.	Planning, Draft EIR published September 2016

Project No.	Lead Agency	Name	Location	Project Type	Project Description	Status
17	City of Eastvale	VantagePoint Church	City of Eastvale	Development	The City of Eastvale is processing an application for a Major Development Plan for the VantagePoint Church (proposed project), which consists of construction of a 1,200-seat church facility, a high-school building, and a children's building totaling approximately 122,000-square-feet on approximately 10.5 acres.	Planning, Draft IS/MND published February 2018
18	City of Eastvale	The Merge Project	City of Eastvale	Development	The project proposes construction and operation of approximately 336,501 square feet of light industrial and 71,100 square feet of commercial/retail uses (407,601 total square feet) within an approximately 26.28-acre site located in the northwest portion of the City of Eastvale.	Planning, Draft EIR published September 2018

Sources: City of Chino, 2019a; 2019b; 2019c; 2019d; 2019e; 2019f; 2019g; 2019h; 2019i; 2019j, City of Eastvale, 2019a; 2019b; 2019c; 2019d.

5.2 Cumulative Impact Analysis

5.2.1 Air Quality/Greenhouse Gas Emissions

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, no construction equipment emissions would occur. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The air quality emissions would be less compared to the Proposed Action. Because the cumulative air quality effects generated from the Proposed Action would have a less than significant effect, the cumulative air quality effects from the smaller land use plan resulting from the No Action Alternative would also be considered less than significant.

PROPOSED ACTION

The air pollutant and greenhouse gas emissions generated directly by the Proposed Action would be minimal. However, approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented which would result in an increase of construction and operational air pollutant and greenhouse gas emissions within the project area along with the other related projects occurring in the project area. When considering the overall impacts that will result from the Proposed Action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the Proposed Action to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.2 Geology and Soils

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no uncovering of soils and no potential for erosion impacts. Additionally, no habitable structures would be constructed that could be subject to seismic risks. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be less earthwork activities and less potential to contribute to cumulative erosion effects.

Additionally, there would be few habitable structures constructed that would contribute cumulative seismic risk effects. The smaller land use project and other related projects would be required to comply with seismic safety standards and implement measures to minimize erosion and sedimentation generated from construction sites. Because the cumulative geology and soils effects associated with the Proposed Action would have a less than significant effect, the cumulative geology and soils effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

Geologic and seismic impacts typically are tied to site-specific conditions and the geotechnical hazards that are present do not combine with other sites to become cumulatively significant. The presence of past, current, and future projects would have no effect on either the severity or the probability of geologic hazards. During construction, the Proposed Action, the Locally Approved Project, and other past, present and reasonably foreseeable future projects could uncover soils potentially leading to adverse erosion impacts. The Proposed Action, the Locally Approved Project, and other related projects would be required to implement measures to minimize erosion and sedimentation generated from construction sites. The incremental contribution of the Proposed Action would not be considered significant.

5.2.3 Hazards and Hazardous Materials

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be onsite construction equipment and no handling of hazardous materials. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be fewer pieces of construction equipment and lesser amounts of hazards such as fuel, oil and solvents that would be handled to contribute to cumulative hazards and hazardous material impacts. Because the cumulative geology and soils effects associated with the Proposed Action would have a less than significant effect, the cumulative hazards and hazardous material impacts effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

Hazard and hazardous materials incidents tend to be isolated occurrences and do not combine unless they occur at the same location and overlap in time. Only simultaneous releases that occur on adjacent sites or within proximity of one another would have the potential to overlap and result in a cumulative impact. Due to the limited potential for other construction activities to be occurring within the same time frame and within or near the same footprint, this is not considered to be a likely scenario and, therefore, cumulative effects would be less than significant.

5.2.4 Noise

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be onsite construction equipment and no handling of hazardous materials. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be a reduced amount of construction activity and associated construction noise impacts to contribute to cumulative noise effects. Because the cumulative

noise effects associated with the Proposed Action would have a less than significant effect, the cumulative noise effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

Cumulative noise and vibration effects typically occur when multiple projects affect the same geographic areas simultaneously or when sequential projects extend the duration of noise and vibration impacts on a given area over a longer period. It is unlikely that sensitive receptors such as housing developments would be subjected to noise impacts from other sources at the same time or in the same area that the construction activities for the Proposed Action would occur. Additionally, noise and vibration effects are primarily localized because sound and vibration levels decrease relatively quickly with increasing distance from the source. Therefore, the area of potential effect would be limited to the area subject to increases in noise and vibration levels associated with construction of one or more projects. When considering the overall impacts that will result from the proposed action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.5 Transportation/Traffic

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. No effects to traffic would occur. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be a reduced amount of vehicle trips to contribute to cumulative traffic effects. Because the cumulative traffic effects associated with the Proposed Action would have a less than significant effect, the cumulative traffic effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

The Proposed Action would not directly generate long-term daily traffic trips within the project area that would reduce the level of service of any project area intersection or roadway segment. Approval of the Proposed Action would indirectly enable the Locally Approved Project to be implemented which would increase traffic volumes along with other related projects within the project area. When considering the overall impacts that will result from the proposed action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.6 Hydrology and Water Quality

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no uncovering of soils and no potential for erosion impacts and sedimentation impact. No impervious surfaces would be constructed and no increased rates of runoff would occur that would affect capacities of existing drainage facilities. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be less

earthwork activities and less potential to contribute to cumulative erosion effects. Additionally, reduce amounts of impervious surfaces would be constructed to contribute to cumulative drainage impacts. Because the cumulative hydrology and water quality effects associated with the Proposed Action would have a less than significant effect, the cumulative hydrology and water quality effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

The greatest potential for cumulative impacts with respect to hydrology and water quality would be the concurrent construction of the Proposed Action, the Locally Approved Project and related projects in the project area which could result in increased erosion and subsequent sedimentation, with effects to local drainages and/or storm drain capacity, or to groundwater supply or water quality, if not managed appropriately. The construction activities for the Proposed Action and the Locally Approved Project would be required to develop and implement a SWPPP in compliance with the SWRCB NPDES General Construction Permit for construction storm water runoff. The SWPPP would include BMPs to reduce potential impacts to surface waters and groundwater quality to less than significant levels. Similarly, the related projects in the project that would disturb more than one acre, would also be required to comply with the NPDES General Construction Permit requirements to mitigate the effects of construction activities to surface water and groundwaters. In addition, the Proposed Action, the Locally Approved Project and other related projects would be subject to the BMPs to reduce impacts. Those construction permit requirements are designed to protect water quality on a watershed basis. When considering the overall impacts that will result from the proposed action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.7 Biological Resources

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement exchange and no associated earthwork activities would occur within the Existing Government Flowage Easement. Therefore, there would be no earth disturbances and no potential for direct or indirect impacts to occur biological resources. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be a smaller construction footprint and less potential for direct and indirect effects to contribute to cumulative effects to biological resources. Because the cumulative biological resource effects associated with the Proposed Action would have a less than significant effect, the cumulative biological resource effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

The project area contains sensitive habitat that would support special status wildlife species. The grading activities associated with the Proposed Action and the Locally Approved Project would have the potential to directly and indirectly affect sensitive habitat and special status wildlife species. However, with the implementation of mitigation measures associated with the Locally Approved Project (including, but not limited to, the Conservation Measures associated with the Locally Approved Project's RHRP), no significant impacts would occur that would jeopardize special status species within the project area and with implementation of the restoration activities implemented by the Locally Approved Project, there would be no net loss of sensitive habitat. When considering the overall impacts that will result from the proposed action, in relation to the overall impacts from past, present and reasonably foreseeable future

activities, the incremental contribution of the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.8 Cultural Resources

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no earth disturbances and no potential to effect unknown cultural resources that might be present. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be a smaller construction footprint and less potential to encounter and adversely affect unknown cultural resources to contribute to cumulative effects to cultural resources. Because the cumulative cultural resource effects associated with the Proposed Action would have a less than significant effect, the cumulative cultural resource effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

Related projects may experience impacts to cultural resources if those projects/actions would include construction or operational activities that would directly or indirectly impact cultural resources. When considering the overall impacts that will result from the Proposed Action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the Proposed Action to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.9 Aesthetics

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no construction activity that would result in temporary aesthetic resource impacts. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, there would be a reduced amount of construction activity and less potential to contribute to cumulative aesthetic resource effects. Because the cumulative aesthetic effects associated with the Proposed Action would have a less than significant effect, the cumulative aesthetic resource effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

Implementation of the Proposed Action along with the Locally Approved Project would not permanently obstruct views or permanently introduce new sources of light and glare. There is the potential that construction activities associated with the implementation of the Proposed Action and the Locally Approved Project would temporarily replace existing scenic views with construction activities. These impacts would be confined to specific sites for a short period of time and would not affect the overall aesthetic character of the project area or surrounding area. When considering the overall impacts that will result from the proposed action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.10 Environmental Justice

NO ACTION ALTERNATIVE

The project area does contain a disproportional high number of minority communities but does not contain a high concentration of low-income households. Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no construction activity combined with the other activities occurring in the project area that could have the potential to result in result in disproportional high and adverse effects to minority households. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The implementation of the residential and commercial development project combined with the other activities occurring in the project area would not result in any incompatible uses or activities that could result in adverse effects to minority populations. The smaller residential and commercial project would result in short-term construction impacts. These impacts would be confined to the project area. Similar to the Locally Approved Project, the construction activities for the smaller residential and commercial project would be comply regulations and implement measures to reduce short-term construction impacts to a less than significant level. The reduced residential and commercial development would generate temporary construction employment opportunities which most likely would be filled by the local population, potentially providing employment and economic benefits to minority populations in the study area. Because the reduced residential and commercial development would have less construction activities, compared the Locally Approved Project there could be potentially fewer employment opportunities for minority populations. The smaller residential and commercial project would not contribute considerably directly or indirectly to adverse impacts that cumulatively would result in disproportionately high and adverse effects to minority households.

PROPOSED ACTION

The project area does contain a disproportional high number of minority communities but does not contain a high concentration of low-income households. The implementation of the Proposed Action combined with the other activities occurring in the project area would not create land uses or activities that would contribute significant cumulative adverse long-term effects to minority households. Implementation of the Proposed Action would result in short-term construction effects to the environment. However, with the implementation of mitigation measures the construction effects would be mitigated to a less than significant level. The Proposed Action would generate temporary construction employment opportunities which most likely would be filled by the local population, potentially providing employment and economic benefits to minority populations in the study area. The Proposed Action would not contribute considerably directly or indirectly to adverse impacts that cumulatively would result in disproportionately high and adverse effects to minority households.

5.2.11 Land Use and Planning

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no potential land use conflicts. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. The smaller land use project would not be an incompatible land use but would conflict with the City-approved Specific Plan. A potential conflict with the approved Specific Plan would not contribute to cumulative land use effects.

PROPOSED ACTION

Implementation of the Proposed Action and the Locally Approved Project would be consistent with the City of Chino General Plan. When considering the overall impacts that will result from the proposed action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.12 Utilities and Service Systems

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no demands for public services and utilities. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, the smaller land use project would have less demands for public services and utilities that would contribute to cumulative public service and utility effects. Because the cumulative public services and utility effects associated with the Proposed Action would have a less than significant effect, the cumulative public service and utility effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

The operation of the Proposed Action would not increase the demand for public services or utilities. Although the Locally Approved Project would contribute to an increased demand for public services and utilities, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution to such demand from the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

5.2.13 Recreation

NO ACTION ALTERNATIVE

Under the No Action Alternative, there would be no Easement Exchange and no associated earthwork activities would occur within the Existing Flowage Easement. Therefore, there would be no effect to recreation facilities. Under the No Action Alternative, a substantially smaller residential project with a commercial use area could potentially be developed. Compared to the Proposed Action, the smaller land use project would have less demands for recreation facilities that would contribute to cumulative recreation facility effects. Because the cumulative recreation facility effects associated with the Proposed Action would have a less than significant effect, the cumulative recreation facility effects from the smaller land use plan resulting from the No Action Alternative would also be less than significant.

PROPOSED ACTION

Implementation of the Proposed Action would not directly increase the use of existing parks and recreation facilities. However, the Locally Approved Project could indirectly increase the demand and use of existing recreation facilities. The Locally Approved Project includes the appropriate amount of park and open space or payment of development effect fees to accommodate increased demands for park and recreation facilities. When considering the overall impacts that will result from the Proposed Action, in relation to the overall impacts from past, present and reasonably foreseeable future activities, the incremental contribution of the proposed activity to cumulative impacts in the geographic scope described above are not considered to be significant.

6.0 APPLICABLE ENVIRONMENTAL LAWS AND REGULATIONS

The following section provides a brief summary of the laws, regulations, Executive Orders, and other guidelines that are relevant to the Proposed Action. Included in this summary is a discussion of the consistency of the Proposed Action with each of the plans, policies, and regulations listed below.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) (42 USC 4321 et seq.)

The NEPA was established to ensure that environmental consequences of federal actions are incorporated into Agency decision making processes. It establishes a process whereby parties most affected by impacts of a proposed action are identified and opinions solicited. The proposed action is evaluated in relation to its environmental impacts, and a preferred alternative has been identified.

ENDANGERED SPECIES ACT (ESA)

Under ESA Section 7(a)(2), each federal agency must ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of the species' designated critical habitat (16 U.S.C. §1536(a)(2)). If an agency determines that its actions "may affect" a listed species or its critical habitat, the agency must conduct informal or formal consultation, as appropriate, with either the USFWS or the NMFS, depending on the species at issue (50 C.F.R. §§402.01, 402.14(a)(b)). If, however, the action agency independently determines that the action would have "no effect" on listed species or critical habitat, the agency has no further obligations under the ESA.

A BA was conducted for the Rancho Miramonte Property, and this BA was used to inform compliance with ESA Section 7 for the RHRP; refer to [Figure 2-3](#). The BA acknowledged the relationship between the RHRP activity on the east side of the Rancho Miramonte Property and the development of the residential and commercial neighborhoods to the immediate west on the remaining portions of the Rancho Miramonte Property. The BA recognized that soil excavated on the eastern half of the Rancho Miramonte Property would be placed on portions of the western half of the Rancho Miramonte Property, thereby raising the elevations of those areas.

The BA determined that the only federally-listed species located within the Rancho Miramonte Property is the LBV; the LBV only occupies portions of the Rancho Miramonte Property located along Mill Creek, within the RHRP area. The BA indicated that there was potential for the SWFL to exist along portions of Mill Creek within the RHRP area, but that multiple surveys for this species over multiple years have not detected the species, and the species is not presently known to occur within the Rancho Miramonte Property. Designated critical habitat for the SWFL occurs along portions of Mill Creek within the RHRP area, but not elsewhere on the Rancho Miramonte Property. Designated critical habitat for the LBV also occurs along, and in the vicinity of, Mill Creek within the Rancho Miramonte Property and also occurs in several patches or areas outside the boundaries of the RHRP area; refer to [Figure 4-1](#).

The Corps consulted with the USFWS under ESA Section 7 in connection with authorizing impacts under Section 404 of the CWA relating to the RHRP (a component of the Locally Approved Project). Potential impacts to LBV, SWFL, and designated critical habitat for both SWFL and LBV were analyzed as part of that consultation. That analysis covered proposed conservation Lots "P," "Q" and "O", which together comprise the RHRP area shown in [Figure 2-3](#), as well as the areas of impacts to Corps jurisdiction under CWA Section 404 also located within the RHRP area.

On July 23, 2019, USFWS issued a letter concurring with the Corps' determination that the RHRP and its related activities (including the grading and earthwork activities associated with habitat restoration) were not likely to adversely affect the LBV and SWFL (the NLAA Concurrence Letter). The NLAA Concurrence Letter also confirmed that the RHRP would not adversely modify the designated critical habitat for the LBV or the SWFL within Lots O, P and Q.

The Corps conducted additional informal consultation under ESA Section 7 with the USFWS in 2020 for the Proposed Action. The location of the Proposed Action does not involve any areas of the Rancho Miramonte Property containing LBV habitat beyond the area addressed in the NLAA Concurrence Letter (and, in fact, there are no other areas of LBV habitat on the Rancho Miramonte Property), and the Proposed Action's earthwork does not involve any actions in or near occupied LBV habitat not already included as part of, and addressed as part of, the RHRP and the NLAA Concurrence Letter. Also, the location of the Proposed Action does not involve any areas of the Rancho Miramonte Property containing designated LBV or SWFL critical habitat beyond the areas addressed in the NLAA Concurrence Letter or earthwork in designated critical habitat areas not already included as part of, and addressed as part of, the RHRP, except for four separate, small patches of designated LBV critical habitat (0.3 acres, 2.7 acres, 0.5 acres, 0.6 acres in size, respectively) which are located in disturbed areas of the Rancho Miramonte Property outside of the area addressed in the Section 7 consultation for the RHRP; refer to [Figure 4-1](#).

During the 2020 informal consultation on the Proposed Action, the USFWS indicated that these four patches of designated LBV critical habitat most likely never supported the primary constituent elements of LBV critical habitat necessary to support the LBV at the time of, and at any time since, the designation of critical habitat. The BA confirmed that these four areas contain only upland agricultural fields, cattle facilities, and/or ruderal areas. The final rule designating critical habitat for the LBV states that: "In cases where areas designated as critical habitat do not contain the primary constituent elements, impacts occurring within this area will not result in a finding of adverse modification by the Service. Thus, designation of critical habitat will not affect those areas within the legal critical habitat boundaries that do not contain vireo nesting or foraging habitat." 59 Fed. Reg. 4845 (Feb. 2, 1994).

Furthermore, during the 2020 consultation the USFWS acknowledged that Lot O would be excavated (along with excavation in Lots P and Q) and that the excavated material would be used as fill on the western half of the Rancho Miramonte Property. The USFWS clarified that its "Not Likely to Adversely Affect" (NLAA) determination in the NLAA Concurrence Letter in regard to potential effects on the LBV and LBV critical habitat also applied to proposed earthwork (including excavating and grading) in Lot O. Therefore, proposed earthwork conducted in the lots located east of the residential construction footprint would not be likely to adversely affect the LBV or SWFL or their designated critical habitats, with the implementation of CM-1 to CM-5.

The USFWS also indicated that the Proposed Action would not cause any additional impacts to the LBV or SWFL or their designated critical habitats beyond those analyzed and addressed in the 2019 NLAA Concurrence Letter. The Corps sent a Section 7 informal consultation letter to USFWS on September 9, 2020 seeking concurrence on a NLAA determination for the Proposed Action. The Corps expects to receive a concurrence letter from the USFWS prior to the finalization of the EA.

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711) makes it unlawful to possess, buy, sell, purchase, barter or "take" any migratory bird listed in 50 CFR Part 10. "Take" is defined as possession or destruction of migratory birds, their nests or eggs. Disturbances that cause nest abandonment and/or loss

of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA.

The Proposed Action would involve minimal amount of construction activity and measures have been incorporated into the Proposed Action to avoid adverse impacts to migratory birds. The Proposed Action complies with the MBTA.

CLEAN WATER ACT (CWA) (33 USC 1251, et seq.)

Section 401 of the CWA requires that every applicant for a Federal license or permit for any activity that may result in a discharge into navigable waters must obtain a State Water Quality Certification (Certification) or waiver that the proposed activity will comply with state water quality standards (i.e., beneficial uses, water quality objectives, and antidegradation policy).

Section 402 of the CWA prohibits the discharge of pollutants to “waters of the United States” from any point source unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit. Section 402 requires a NPDES Permit for the discharge of storm water from municipal separate storm sewer systems (MS4) serving urban areas with a population greater than 100,000; construction sites that disturb one acre or more; and industrial amenities. The Regional Water Quality Control Board (RWQCB) administers these permits with oversight provided by the State Water Resources Control Board (SWRCB) and EPA Region IX.

Section 404 of the CWA authorizes the Secretary of the Army acting through the Corps to issue permits for the discharge of dredged or fill materials into the waters of the United States, including wetlands, at specified disposal sites. The selection and use of disposal sites must be in accordance with guidelines developed by the Administrator of EPA in conjunction with the Secretary of the Army and published in 40 CFR Part 230 (known as the 404(b)(1) guidelines). Under the Section 404(b)(1) guidelines, the Corps shall examine practicable alternatives to the proposed discharge and permit only the Least Environmentally Damaging Practicable Alternative (LEDPA).

The Proposed Action would reconfigure the Existing Flowage Easement. This would include earthmoving activities to redistribute material to maintain/increase volumetric flood capacity on the project area. The proposed earthwork activities associated with the Easement Exchange would not affect jurisdictional waters defined under the Clean Water Act. However, the earthmoving associated with the RHRP would affect approximately 0.13 acres of wetlands within a small backwater that extends off the main trunk of Mill Creek. Other than this small patch of wetland, the Locally Approved Project, including the RHRP avoids impacts to Corps jurisdiction along Mill Creek. This effect on this 0.13-acre area would be temporary as the area affected within the Corps’ jurisdiction, along with adjacent riparian habitat beyond the limit of jurisdictional waters, would be replaced by the Project Proponent at a 2:1 ratio as part of the RHRP and in compliance with the Department of the Army CWA section 404 Permit (SPL-2018-00467-PKR) requirements issued by the Corps, as well as the USFWS 2019 NLAA Concurrence Letter and the Water Quality Certification (362018-07) issued by the Santa Ana RWQCB for the RHRP.

In accordance with Section 402 of the CWA, the Project Proponent will obtain a NPDES General Construction Permit that would require preparation of a Stormwater Pollution Prevention Plan (SWPPP), including Best Management Practices (BMPs) and Erosion and Sedimentation Control Plan, which would be implemented by the Project Proponent’s construction contractor prior to and during construction to minimize site erosion.

CLEAN AIR ACT OF 1970 (CAA)(42 USC 7401, et seq.)

Under section 176(c)(1) of the federal CAA, federal agencies that “engage in, support in any way or provide financial assistance for, license or permit, or approve any activity”⁸ must demonstrate that such actions do not interfere with state and local plans to bring an area into attainment with the NAAQS. San Bernardino County is designated extreme non-attainment for the federal 8-hour ozone NAAQS, attainment-maintenance for the federal CO and PM₁₀ standards, and non-attainment serious for federal PM_{2.5} standards. The program by which a federal agency determines that its action would not obstruct or conflict with air quality attainment plans is called “General Conformity.” The implementing regulations for General Conformity are found in 40 CFR 93(B).⁹

Under the General Conformity regulations, both the direct and indirect emissions associated with a federal action must be evaluated.

Direct emissions are defined as:

*Those emissions of a criteria pollutant or its precursors that are caused or initiated by the federal action and originate in a nonattainment or maintenance area and occur at the same time and place as the action and are reasonably foreseeable.*¹⁰

Indirect emissions are defined as:

Those emissions of a criteria pollutant or its precursors:

- 1. That are caused or initiated by the federal action and originate in the same nonattainment or maintenance area, but occur at a different time or place as the action;*
- 2. That are reasonably foreseeable;*
- 3. That the agency can practically control; and*
- 4. For which the agency has continuing program responsibility.*¹¹

The Proposed Action would indirectly enable the Locally Approved Project to be developed. The project construction activities would generate indirect emissions of VOC, NO_x, CO, associated with operation of construction equipment, truck hauling, and worker commute trips. The indirect emissions generated by the Locally Approved Project would not meet Criteria 3 – Emissions, Federal Agency would practically control and Criteria 4 – Federal Agency would continue program responsibility. Therefore, the analysis is limited to emissions associated with grading and filling activities as part of the proposed Easement Exchange. The excavation and filling earthwork activities associated with the proposed Easement Exchange would involve the operation of heavy construction equipment that would produce fuel combustion exhaust emissions. As shown in Table 6-1, *General Conformity Analysis – Summary of Construction Emissions By Year*, the air emissions generated from the earthwork activities associated with the proposed Easement Exchange would not equal or exceed the applicable General Conformity applicability rates. The Proposed Action would be in compliance and preparation of a General Conformity Determination would not be required.

⁸ 42 USC 7506(c).

⁹ General conformity regulations were amended effective July 6, 2010. (75 FR 17254 (April 5, 2010)).

¹⁰ 40 CFR 93.152 (as revised April 5, 2010, effective July 6, 2010; 75 FR 17273).

¹¹ 40 CFR 93.152 (as revised April 5, 2010, effective July 6, 2010; 75 FR 17273).

**Table 6-1
General Conformity Analysis – Summary of Construction Emissions By Year**

Emission Source	VOC	NO _x	NO ₂	PM ₁₀	PM _{2.5}
Easement Exchange Grading Emissions, tons/year					
2021	0.3	6.8	6.8	0.78	0.43
2022	0.2	4.3	4.3	0.5	0.28
Riparian Habitat Restoration Project Construction Emissions, tons/year					
2021	0.12	2.3	2.3	0.4	0.2
Net Total					
2021	0.42	9.1	9.1	1.18	0.63
2022	0.2	4.3	4.3	0.5	0.28
GC Applicability Rates	10	10	100	100	70
Above GC Applicability Rates?	No	No	No	No	No
Note: Assumes 117 days of grading in 2021 and 75 days of grading in 2022. Source: Birdseye Planning Group, Rancho Miramonte Development Air Emissions Memorandum, July 16, 2020.					

NOISE CONTROL ACT OF 1972

Under the authority of the Noise Control Act of 1972, the USEPA established noise emission criteria and testing methods published in 40 CFR Parts 201 through 205 that apply to some transportation equipment (e.g., interstate rail carriers, medium trucks, and heavy trucks) and construction equipment. In 1974, the USEPA issued guidance levels for the protection of public health and welfare in residential land use areas of an outdoor L_{dn} of 55 dBA and an indoor L_{dn} of 45 dBA. These guidance levels are not considered as standards or regulations and were developed without consideration of technical or economic feasibility.

Under the Occupational Safety and Health Act of 1970 (29 U.S.C. §1919 et seq.), the Occupational Safety and Health Administration (OSHA) has adopted regulations designed to protect workers against the effects of occupational noise exposure. These regulations list permissible noise level exposure as a function of the amount of time during which the worker is exposed. The regulations further specify a hearing conservation program that involves monitoring the noise to which workers are exposed, ensuring that workers are made aware of overexposure to noise, and periodically testing the workers' hearing to detect any degradation.

Grading activities associated with the Proposed Action would generate short-term construction noise impacts. Potential noise impacts were analyzed in the EA. The Proposed Action complies with the Noise Control Act.

NATIONAL HISTORIC PRESERVATION ACT (NHPA)

Under Section 106 of the NHPA, Federal agencies are prohibited from approving any Federal "undertaking" (including the issuance of any license, permit, or approval), without (1) taking into account the effects of the undertaking on the historic properties and (2) affording the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking. The NHPA forces an agency to stop and consider consequences of its undertakings on a historic property, and assures that the agency does so by requiring it to receive comment from the ACHP or from agencies acting in its stead and from the public, before proceeding with such an undertaking. To comply with the NHPA, a Federal agency

considering an undertaking must go through the process outlined in the ACHP's regulations at 36 CFR Part 800.

Because the development project, as proposed, could not occur "but for" the Easement Exchange, the Corps has defined the APE as the project area. Four cultural resource investigations have occurred within the APE (Dice 2007; Dice 2007a; ESA 2018; and Urbana 2020) resulting in the identification of seven sites: P36-13408/13409 (combined into one site), P36-13391, P36-13410, CA-SBR-12613H, CA-SBR-2845, CA-SBR-12573H, and CA-SBR-12752.

The Corps, in consultation with the SHPO, has previously determined that two of these sites are not eligible for the NRHP under any criteria. The Corps has determined that of the remaining five sites, only one site is eligible for the NRHP. Ground disturbance would not occur within the eligible site's boundaries and the site would not be affected by visual or auditory intrusions. The Corps has found that the eligible site would not be adversely affected. The Corps is consulting with the SHPO and Indian Tribes, who may attach religious and cultural significance to properties within the APE on the adequacy of the APE and identification efforts and their determinations of eligibility and finding of effect.

Because the Proposed Action involves earth disturbing activities, the EA includes mitigation measures requiring monitoring during earthwork activities to avoid impacts to unknown historic resources. If any historic resources are discovered during implementation, they would be evaluated for eligibility for inclusion in the NRHP, pursuant to 36 CFR 800.13(b).

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA) (42 USC 9601 et seq.)

CERCLA regulates the release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare.

The EA has identified that there are no known hazardous sites within the project area. Therefore, CERCLA is not applicable to the Proposed Action.

EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT

In accordance with this Executive Order (EO), the Corps shall take action to "...avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative." This EO requires that Federal agencies take action to manage the risk and/or impacts of floods on human safety, health, and welfare, and restore and preserve natural and beneficial values served by the floodplains. Each agency also has the responsibility to evaluate potential effects of Federal actions that may be made within floodplains. Compliance with this EO requires proper implementation of ER 1165-2-26, which states that the policy of the Corps with respect to floodplain management is to formulate projects which, to the extent possible, avoid or minimize adverse impacts associated with use of the base (100-year) floodplain and avoid inducing development in the base floodplain unless there is no practicable alternative.

The Proposed Action would not reduce the flood storage capacity of Prado Basin. The Easement Exchange and grading and filling work associated with the Proposed Action will provide the Corps an approximate 61,970 cubic yards or 38.4 acre-feet of additional storage capacity in the developed condition over the baseline existing condition. The new easement exchange area would provide a "buffer" in which any high

flows could settle within the new flowage easement area and would avoid or minimize adverse impacts associated with floodplain modifications. The Proposed Action complies with Executive Order 11988.

EXECUTIVE ORDER 11990, PROTECTION OF WETLANDS

Federal agencies shall take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agencies responsibilities. Each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds 1) that there is no practicable alternative to such construction and 2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding, the head of the agency may take into account economic, environmental, and other pertinent factors. Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands.

The Proposed Action would reconfigure the Existing Flowage Easement. This would include earthmoving activities to redistribute material to maintain/increase volumetric flood capacity on the project area. The proposed earthwork activities associated with the Easement Exchange would not affect wetlands. The earthmoving activities associated with implementation of the RHRP (which is an element of the Locally Approved Project) would temporarily affect approximately 0.13 acre of wetlands within a small backwater that extends off the main trunk of Mill Creek. Other than this small patch of wetland, the Locally Approved Project avoids impacts to Corps jurisdictional wetlands along Mill Creek. This effect would be temporary as the area affected within the Corps' jurisdiction, along with adjacent riparian habitat beyond the limit of jurisdictional waters, would be replaced at a 2:1 ratio as part of the RHRP and in compliance with Department of the Army CWA section 404 Permit (SPL-2018-00467-PKR) requirements issued by the Corps, as well as the USFWS 2019 NLAA Concurrence Letter and the Water Quality Certification (362018-07) issued by the Santa Ana RWQCB for the RHRP.

EXECUTIVE ORDER 12088, FEDERAL COMPLIANCE WITH POLLUTION CONTROL STANDARDS

Federal Agencies are responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal amenities and activities under control of the agency.

The Proposed Action does not introduce environmental pollution upon the natural and beneficial values of the Prado Basin; therefore, the Proposed Action is in compliance with the Executive Order.

EXECUTIVE ORDER 12898, ENVIRONMENTAL JUSTICE FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY POPULATIONS AND LOW-INCOME POPULATIONS

Executive Order 12898 is intended to direct each Federal agency "to make achieving environmental justice part of its mission by identifying and addressing... disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low income populations in the [U.S.]..."

The socioeconomic demographics for the study area show that there is a high concentration of minority populations within the affected area, but not a concentration of low-income households. The Proposed Action, including implementation of Easement Exchange and indirect implementation of the Locally Approved Project, would not result in an incompatible activity or land use that would adversely affect minority populations. The construction activities for the Proposed Action would be required to implement mitigation measures and comply with environmental regulations that would ensure that construction

related effects would be less than significant. With implementation of mitigation measures and compliance with environmental regulations, the Proposed Action would not result in disproportionately high and adverse impacts to minority populations. The Proposed Action is in compliance with the Executive Order.

EXECUTIVE ORDER 13112, INVASIVE SPECIES

Federal agencies are to expand and coordinate efforts to prevent the introduction and spread of invasive plant species and to minimize the economic, ecological, and human health impacts that invasive species may cause.

The Proposed Action does not involve any activities that would facilitate the growth of invasive plant species or involve the planting or eradication of invasive plants. The Proposed Action is in compliance with the Executive Order.

FARMLAND PROTECTION POLICY ACT

The Farmland Protection Policy Act was enacted in 1981 to minimize the loss of prime farmland and unique farmlands as a result of federal actions by converting these lands to nonagricultural uses. It ensures that federal programs are compatible with state and local governments, and private programs and policies to protect farmland. Prime farmland is farmland that has the best combination of physical and chemical characteristics for producing food, feed, forage, and fiber and oilseed crops, and is also available for these uses. A unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops; it has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high-quality or high yields of specific crops.

The EIR and Addendum for the Locally Approved Project requires mitigation for the loss of 170.4 acres of prime and unique lands, as mapped by the Farmland Mapping and Monitoring Program of the California Resources Agency. In addition, the Williamson Act Agricultural Contract for 36 acres of the Locally Approved Project site expired on December 31, 2015. With the implementation of Mitigation AG-1 as part of the Locally Approved Project, there would be no conflicts with Farmland Protection Policy Act.

7.0 AGENCY COORDINATION

The Corps is in coordination and informally consulting with the USFWS to obtain concurrence for a NLAA determination on the Proposed Action (the easement exchange and the associated earthwork activities). A Section 7 informal consultation letter was mailed to the USFWS Palm Springs Office on September 9, 2020. The Corps is expecting to receive a letter of concurrence from the USFWS prior to finalization of the EA. The Corps is also consulting with the SHPO and Indian Tribes, who may attach religious and cultural significance to properties within the APE on the adequacy of the APE and identification efforts and their determinations of eligibility and finding of effect.

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APPENDIX A

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DISTRIBUTION/MAILING LIST

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APPENDIX B

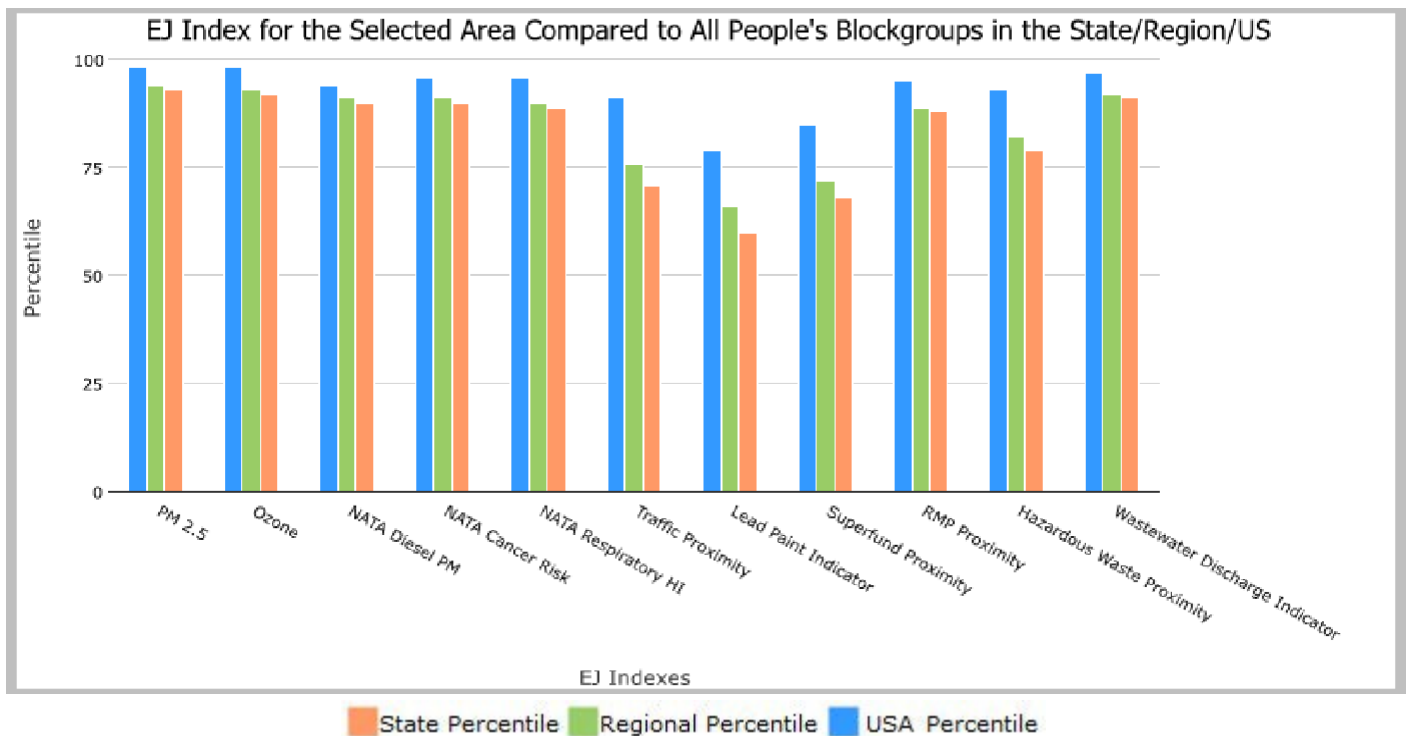
EJ SCREEN REPORTS

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the User Specified Area, CALIFORNIA, EPA Region 9

Approximate Population: 86,686 Input Area (sq. miles): 29.68

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	93	94	98
EJ Index for Ozone	92	93	98
EJ Index for NATA* Diesel PM	90	91	94
EJ Index for NATA* Air Toxics Cancer Risk	90	91	96
EJ Index for NATA* Respiratory Hazard Index	89	90	96
EJ Index for Traffic Proximity and Volume	71	76	91
EJ Index for Lead Paint Indicator	60	66	79
EJ Index for Superfund Proximity	68	72	85
EJ Index for RMP Proximity	88	89	95
EJ Index for Hazardous Waste Proximity	79	82	93
EJ Index for Wastewater Discharge Indicator	91	92	97

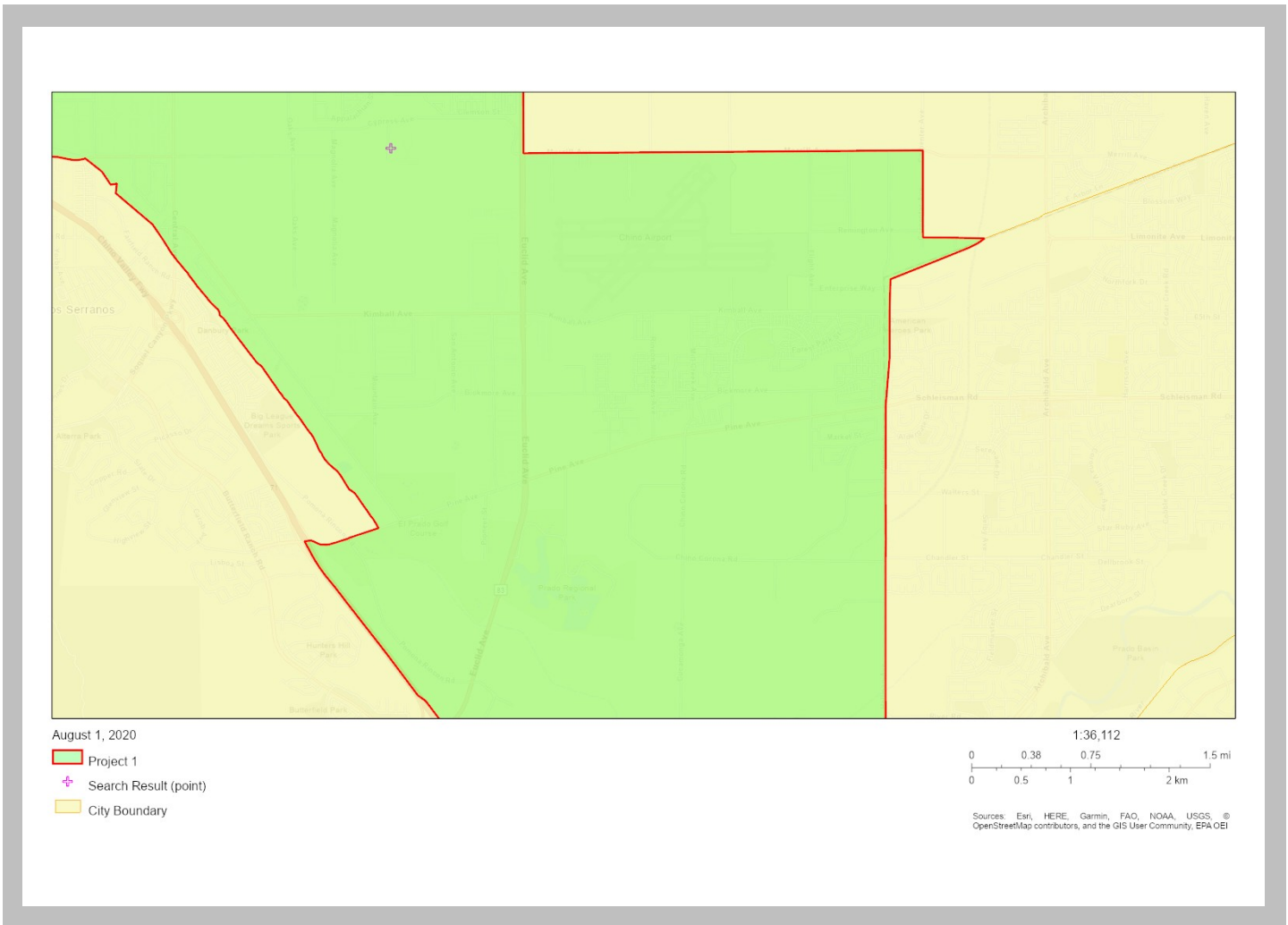


This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

EJSCREEN Report (Version 2019)
 the User Specified Area, CALIFORNIA, EPA Region 9

Approximate Population: 86,686

Input Area (sq. miles): 29.68



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	5
August 01, 2020	2/3

EJSCREEN Report (Version 2019)



the User Specified Area, CALIFORNIA, EPA Region 9
 Approximate Population: 86,686
 Input Area (sq. miles): 29.68

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	13.1	9.78	97	9.21	97	8.3	99
Ozone (ppb)	61.8	48.2	85	48.9	88	43	98
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.735	0.468	83	0.479	80-90th	0.479	80-90th
NATA* Cancer Risk (lifetime risk per million)	41	36	79	35	70-80th	32	80-90th
NATA* Respiratory Hazard Index	0.62	0.55	72	0.53	70-80th	0.44	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	1600	2000	63	1700	69	750	88
Lead Paint Indicator (% Pre-1960 Housing)	0.11	0.29	39	0.24	47	0.28	40
Superfund Proximity (site count/km distance)	0.05	0.18	30	0.15	36	0.13	42
RMP Proximity (facility count/km distance)	1.1	1.1	67	0.99	72	0.74	78
Hazardous Waste Proximity (facility count/km distance)	3	3.4	61	2.9	68	4	84
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.12	17	83	31	84	14	90
Demographic Indicators							
Demographic Index	51%	48%	55	47%	57	36%	74
Minority Population	75%	62%	60	59%	63	39%	81
Low Income Population	27%	34%	44	34%	44	33%	45
Linguistically Isolated Population	9%	9%	58	8%	62	4%	81
Population With Less Than High School Education	24%	18%	68	17%	71	13%	83
Population Under 5 years of age	6%	6%	49	6%	49	6%	52
Population over 64 years of age	10%	13%	43	14%	42	15%	33

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

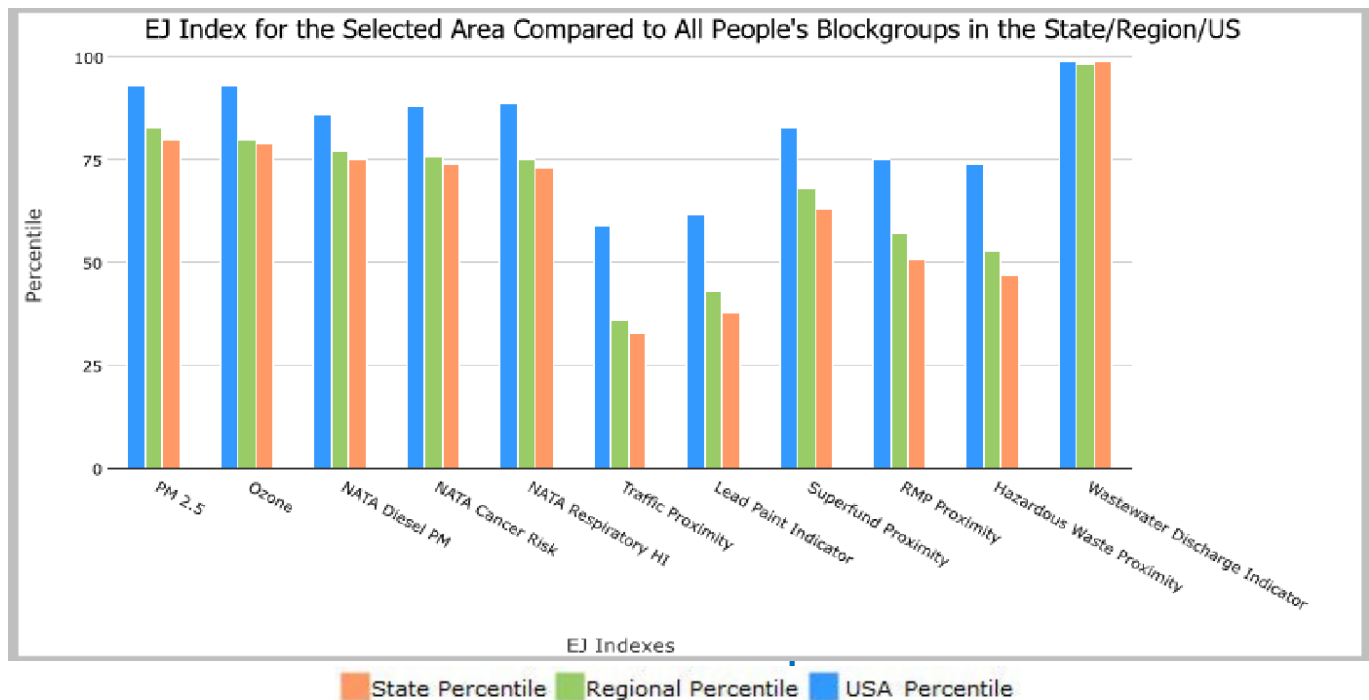
EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

EJSCREEN Report (Version 2019)



1 miles Ring around the Area, CALIFORNIA, EPA Region 9
 Approximate Population: 6,048
 Input Area (sq. miles): 6.42

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	80	83	93
EJ Index for Ozone	79	80	93
EJ Index for NATA* Diesel PM	75	77	86
EJ Index for NATA* Air Toxics Cancer Risk	74	76	88
EJ Index for NATA* Respiratory Hazard Index	73	75	89
EJ Index for Traffic Proximity and Volume	33	36	59
EJ Index for Lead Paint Indicator	38	43	62
EJ Index for Superfund Proximity	63	68	83
EJ Index for RMP Proximity	51	57	75
EJ Index for Hazardous Waste Proximity	47	53	74
EJ Index for Wastewater Discharge Indicator	99	98	99

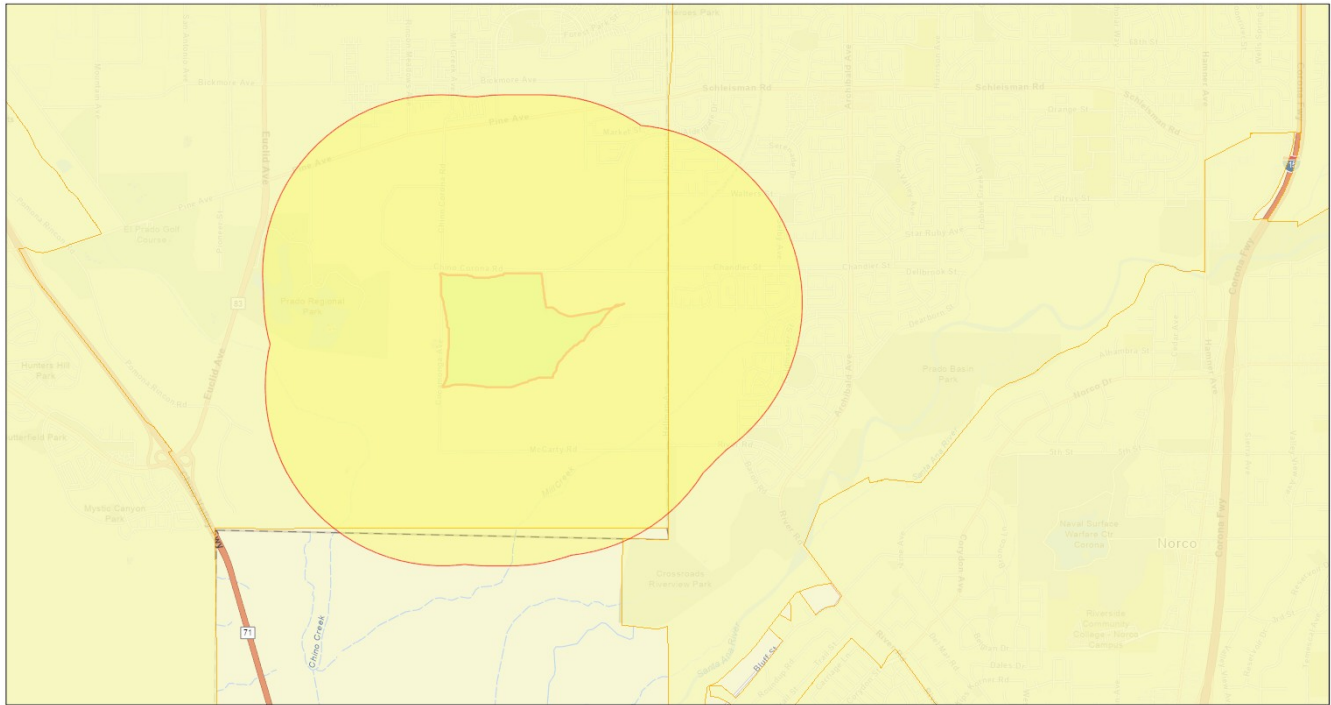


This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

1 miles Ring around the Area, CALIFORNIA, EPA Region 9

Approximate Population: 6,048

Input Area (sq. miles): 6.42

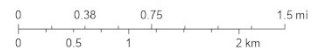


July 31, 2020

City Boundary

Project 1

1:36,112



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, EPA OEI

Sites reporting to EPA

Superfund NPL

0

Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)

0

August 01, 2020

2/3



1 miles Ring around the Area, CALIFORNIA, EPA Region 9
Approximate Population: 6,048
Input Area (sq. miles): 6.42

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	13.1	9.78	97	9.21	98	8.3	99
Ozone (ppb)	61.1	48.2	84	48.9	87	43	98
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.556	0.468	67	0.479	60-70th	0.479	70-80th
NATA* Cancer Risk (lifetime risk per million)	39	36	64	35	60-70th	32	80-90th
NATA* Respiratory Hazard Index	0.58	0.55	58	0.53	50-60th	0.44	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	6.3	2000	2	1700	3	750	9
Lead Paint Indicator (% Pre-1960 Housing)	0	0.29	10	0.24	17	0.28	10
Superfund Proximity (site count/km distance)	0.06	0.18	37	0.15	43	0.13	48
RMP Proximity (facility count/km distance)	0.23	1.1	28	0.99	34	0.74	43
Hazardous Waste Proximity (facility count/km distance)	0.21	3.4	16	2.9	22	4	36
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	30	17	98	31	98	14	99
Demographic Indicators							
Demographic Index	45%	48%	46	47%	49	36%	69
Minority Population	79%	62%	65	59%	68	39%	83
Low Income Population	15%	34%	24	34%	23	33%	23
Linguistically Isolated Population	8%	9%	55	8%	60	4%	79
Population With Less Than High School Education	18%	18%	59	17%	62	13%	75
Population Under 5 years of age	10%	6%	83	6%	82	6%	84
Population over 64 years of age	6%	13%	13	14%	14	15%	11

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