
Initial Study/Mitigated Negative Declaration

Willow and Valley Warehouse Project

MARCH 2026

Prepared for:

CITY OF RIALTO

Community Development Department
150 South Palm Avenue
Rialto, California, 92376
Contact: Mr. Daniel Casey

Prepared by:

DUDEK

687 South Coast Highway 101, Suite 110
Encinitas, California 92024
Contact: Chelsea Ohanesian

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1 Introduction to Responses to Comments

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Willow and Valley Warehouse Project (“proposed project” or “project”) was circulated for public review from February 11, 2026, through March 12, 2026, in accordance with Section 15073(a) of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.). In accordance with CEQA Guidelines Section 15074(b), before approving the project, the City of Rialto (City), as the lead agency under CEQA, will consider the IS/MND with any comments received during this public review period. Specifically, CEQA Guidelines Section 15074(b) states the following:

Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on an IS/MND, the lead agency may do so voluntarily as part of a Final IS/MND. A total of two written comment letters were received on the Draft IS/MND from agencies, as shown in Table 1, below. Each of the written comment letters have been assigned an alphanumeric label, and the individual comments within each written comment letter are bracketed and numbered. For example, Comment Letter A contains a comment labeled A-1.

Table 1. Comments Received on the Draft IS/MND

Comment Letter Designation	Commenter	Date
Agencies		
A	Department of Toxic Substances Control	March 11, 2026
B	San Bernardino County Department of Public Works	March 19, 2026*

Notes: IS/MND = Initial Study/Mitigated Negative Declaration.

* Comment letter received following the close of the public review period included and addressed for the administrative record.

Responses to comments are made in the following text to supplement, clarify, or expand on information already presented in the Draft IS/MND. These responses do not change the significance determinations made or the severity of potential environmental impacts evaluated in the Draft IS/MND. CEQA Guidelines Section 15073.5(c)(4) permits the inclusion of new information within an IS/MND if the additional information “merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.”

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2 Responses to Comments

Comment Letter A



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

March 11, 2026

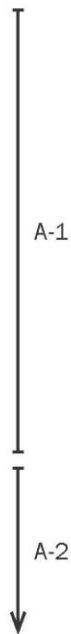
Daniel Rosas
Senior Planner
City of Rialto
150 South Palm Avenue
Rialto, CA 92376
drosas@rialtoca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE WILLOW AND VALLEY
WAREHOUSE PROJECT FEBRUARY 11, 2026, STATE CLEARINGHOUSE NUMBER
[2026020456](#)

Dear Daniel Rosas,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Willow and Valley Warehouse Project (Project). The Project would demolish an existing structure on site and construct two new industrial warehouse buildings totaling approximately 119,700 square feet (gross area). Building 1 would be composed of approximately 66,810 square feet of warehouse space, 2,400 square feet of mezzanine space, and 4,000 square feet of office space. Building 2 would be composed of approximately 43,558 square feet of warehouse space, 1,200 square feet of mezzanine space, and 2,000 square feet of office space. The Project would include landscaping, parking, and 12 loading docks. DTSC recommends and requests consideration of the following comments:

1. The Project site is in close vicinity to the boundary of hazardous materials sites known as the Cortese List (compiled pursuant to Government Code Section 65962.5) that DTSC regulates under its authority. In particular, [Birtcher Logistics Center Rialto](#) which is a [Land Use Covenant](#) (LUC) site.



Daniel Rosas
March 11, 2026
Page 2

The property subject to this LUC totals approximately 21 acres and is identified as County of San Bernardino, Assessor Parcel Numbers 0132-181-01, 0132-201-03, 0254-261-17. DTSC advises that the Project development does not impact conditions of the LUC and the city of Rialto should conduct further coordination with DTSC in the event that the proposed Project may impact any of the areas that may fall under DTSC's purview and oversight.

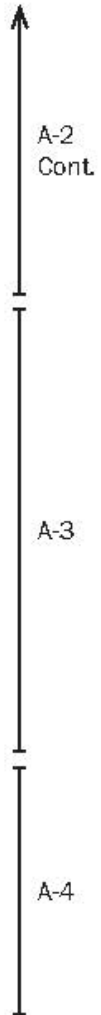
2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment Guidance Manual](#). Furthermore, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil/fill material there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

DTSC would like to thank you for the opportunity to comment on the MND for the Willow and Valley Warehouse Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our [CEQA Review email](#) for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov



Daniel Rosas
March 11, 2026
Page 3

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
state.clearinghouse@lci.ca.gov

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Response to Comment Letter A

Agency
Department of Toxic Substances Control
March 11, 2026

A-1 In this comment, the Department of Toxic Substances Control (DTSC) describes its understanding of the proposed project and introductory remarks on comments provided in the letter. The comment is acknowledged.

A-2 DTSC notes the proposed project is in close vicinity to the boundary of hazardous materials sites known on the Cortese List that DTSC regulates under its authority. The comment notes that, in particular, the project site is in close vicinity to the Birtcher Logistics Center Rialto, which has a Land Use Covenant (LUC) that totals approximately 21 acres on Assessor's Parcel Numbers 0132-181-01, 0132-201-03, and 0254-261-17. DTSC advises that the proposed project should not impact the conditions of the LUC, and if project could potentially affect the LUC area, the City of Rialto should coordinate with DTSC to determine appropriate steps.

The Birtcher Logistics Center Rialto is located on the western side of South Willow Avenue, and the LUC is placed on the 21 acres bounded by East Valley Boulevard to the south, San Bernardino County Flood Control District Channel to the north, South Willow Avenue to the east, and industrial businesses to the west (property). The LUC includes the following restrictions:

- The property shall not be used for sensitive receptors, such as residences, daycare centers, schools, or hospitals.
- No activities shall disturb soils, and no soil shall be brought to the surface without a soil management plan pre-approved by DTSC.
- Drilling for water, oil, or gas and groundwater extraction are prohibited.
- Access must be maintained for DTSC inspection, operations, and maintenance.

None of the restrictions listed above overlap with or are triggered by any component of the proposed project. As described in Draft Initial Study/Mitigated Negative Declaration (IS/MND) Section 1.1, Project Overview, and Section 2.1, Project Location, the project footprint is limited to three parcels on the eastern side of South Willow Avenue, while the LUC-regulated properties are located entirely on the western side of South Willow Avenue and therefore are not part of the project site. The proposed project would not encroach on the property regulated by the LUC. Driveways would be constructed on the eastern side of South Willow Avenue to facilitate ingress/egress to the proposed project site; this construction would be surficial and limited to the eastern side of South Willow Avenue and would not encroach into the LUC-regulated parcels. As discussed in Draft IS/MND Section 3.10, Hydrology and Water Quality, and the geotechnical investigation (Appendix D of the Draft IS/MND), groundwater in the area is estimated to be greater than 100 feet below ground surface. Municipal water supply would be provided to the project. Therefore, groundwater extraction is not anticipated. Finally, construction and operation of the proposed project are not anticipated to limit or otherwise restrict access to any adjoining or nearby properties.

Further, the Draft IS/MND concludes in Section 3.9, Hazards and Hazardous Materials, that the project would not interfere with adjacent sites subject to environmental oversight, including sites with existing

regulatory controls, because no disturbance of off-site regulated areas would occur. Given the physical separation between the project and the LUC area, the absence of groundwater extraction, and the surficial and limited construction proposed, the project would not impact the LUC restrictions. For these reasons, coordination with DTSC is not anticipated to be necessary. No changes to the Draft IS/MND are required. Nonetheless, Draft IS/MND Section 3.9(d) was revised to directly address DTSC's request for assurance. Revisions to Draft IS/MND Section 3.9 are shown in ~~strikeout~~/underline to clarify this information and provided in Chapter 3, Errata, of the Final IS/MND.

- A-3** In this comment, DTSC recommends all imported soil and fill shall tested to ensure contaminated fill is not imported onto the proposed project site. DTSC advises referencing the Preliminary Endangerment Assessment Guidance Manual and Information Advisory Clean Imported Fill Material Fact Sheet. The comment is noted. Should fill import be required, the contractor would be responsible for identifying clean or native materials that are suitable for the project site and do not contain contaminants of concern above applicable screening levels for commercial development. As described in Draft IS/MND Section 4.8(a), the project would adhere to all existing federal and state standards in place for the use, handling, storage, and transport of any materials brought onto the site during construction of the project. Compliance with these standards would ensure that impacts are less than significant, and there is no evidence to indicate that contaminated soils would be brought onto the project site. No changes to the Draft IS/MND are required.
- A-4** This comment states DTSC appreciated the opportunity to comment on the IS/MND. The comment is acknowledged.

Comment Letter B

Main Office - 825 East Third Street, San Bernardino, CA 92415-0835 | Phone: 909.387.7910 Fax: 909.387.7911



Department of Public Works

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

www.SBCounty.gov

Noel Castillo, P.E.
Director

Byanka Velasco, P.E.
Assistant Director

David Doublet, M.S., P.E.
Assistant Director

March 19, 2026

Transmitted Via Email
File: 10(ENV)-4.01

Daniel Rosas
City of Rialto
Community Development Department
Planning Division
150 South Palm Avenue
Rialto, CA 92376
Drosas@rialto.ca.gov

RE: PROJECT COMMENT – NOTICE OF INTENT TO ISSUE A MITIGATED NEGATIVE DECLARATION FOR THE WILLOW AND VALLEY WAREHOUSE PROJECT; MASTER CASE NO.: 2022-0034; APNS: 0132-182-08, 0132-182-09, AND 0132-202-04

Dear Mr. Rosas:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. We received this request on February 13, 2026, and pursuant to our review, we have the following comments for your consideration and inclusion into public record:

B-1

Flood Control Water Resources Division (Michael Fam, Engineering Manager, 909-387-8121):

1. The Flood Control District (District) recommendations are most often made for site-specific conditions. Therefore, the recommendations made here are general in nature until such a time as more detailed plans become available.
2. According to the most recent FEMA Flood Insurance Rate Map (FIRM), Panel 06071C8678J, dated September 2, 2016, the Project lies within Zone X.
3. A 6-foot block wall, chain link fence, or other District-approved barrier shall be constructed along the District's right-of-way line adjacent to the site.
4. Prior to any encroachment on the District's Right-of-Way, a permit shall be obtained from the District's Flood Control Operations Division. Other on-site or off-site improvements may be required, which cannot be determined at this time.
5. We recommend that the February 2009 city of Rialto Master Plan of Drainage, prepared by Hall & Foreman Inc., and the April 1988 San Bernardino County Flood Control District CSDP project 3-3, prepared by JMM Consulting Engineer Inc., be utilized in the design of drainage facilities.

B-2

B-3

B-4

B-5

B-6

BOARD OF SUPERVISORS

COL. PAUL COOK (RET.) First District	JESSE ARMENDAREZ Second District	DAWN ROWE Chairman, Third District	CURT HAGMAN Fourth District	JOE BACA, JR. Vice Chair, Fifth District	Luther Snoke Chief Executive Officer
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PROJECT COMMENT – MASTER CASE NO. 2022-0034
APNs: 0132-182-08, 0132-182-09, AND 0132-202-04
March 19, 2026
Page 2 of 2

Flood Control Planning and Operations Support Division (Michael Fam, Engineering Manager, 909-387-8121):

- 6. San Bernardino County Flood Control District (SBCFCD) right-of way and facilities are located adjacent to the proposed project area (Rialto Channel 2-120-1B). Any encroachments including, but not limited to access for grading, utility crossings, fencing/block wall removal/construction on the District's right-of-way or facilities will require a permit from the SBCFCD prior to start of construction. Please contact the SBCFCD Permit Section at (909) 387-7995 for further information regarding this process.

B-7

Flood Control Transportation Operations Permits Division (David Belicki, Engineering Manager, 909-387-7997)

- 7. The project for APN 0132-202-04 is adjacent to a San Bernardino County Flood Control District facility (Rialto Channel). Any impact on the facility, i.e. encroachment or connection, will require a District construction permit.

B-8

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

B-9

Sincerely,



ARLENE B. CHUN, M.S., P.E.
Engineering Manager
Environmental Management Division

ABC:MWM:aa

Response to Comment Letter B

Agency
San Bernardino County Department of Public Works
March 19, 2026

- B-1** The comment consists of an introductory statement.
- B-2** The comment notes that the San Bernardino County Flood Control District (District) recommendations are general until more detailed plans become available. The comment is acknowledged. As the project proceeds into final design, the City of Rialto (City) and project applicant will coordinate with the District to ensure that all drainage-, hydrology-, and right-of-way-related design elements comply with District standards. No changes to the Initial Study/Mitigated Negative Declaration (IS/MND) are required.
- B-3** The comment notes that the project is within Flood Zone X, according to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Panel 06071C8678J (dated September 2, 2016). Draft IS/MND Section 3.10, Hydrology and Water Quality, correctly identifies existing flood hazard conditions and acknowledges that Zone X represents an area of minimal flood hazard (refer to Draft IS/MND Section 3.10[c][4]). The project would implement on-site drainage and Water Quality Management Plan (Draft IS/MND Appendix F-1) features consistent with City and Municipal Separate Storm Sewer System (MS4) requirements, and therefore no revisions to the IS/MND are required.
- B-4** The commenter states that a 6-foot block wall, chain-link fence, or other District-approved barrier shall be constructed along the District's right-of-way (ROW) boundary. According to San Bernardino County's geographic information system (GIS) maps, the project site is located in proximity to flood control facilities, specifically the Rialto Channel (San Bernardino County Department of Public Works 2025). Accordingly, Draft IS/MND Section 2.1, Project Location, describes the project site as being bounded to the north and east by the Rialto Channel. Draft IS/MND Section 3.4(b) further explains that existing artificial barriers (chain-link fencing) are present between the project site and the concrete drainage channel adjacent to the eastern portion of the project site and that the proposed project would not directly impact this drainage feature. As the project proceeds into final design, the City and project applicant will coordinate with the District to ensure a compliant barrier (e.g., block wall or District-approved alternative) is provided along the project boundary adjacent to the District ROW. This requirement does not necessitate changes to the impact conclusions of the IS/MND.
- B-5** The comment notes that any encroachment into the District ROW requires a permit and additional on-site/off-site improvements may be required. The comment is acknowledged. Any on-site/off-site improvements required will be incorporated into the final design plans. The project applicant will obtain the required Flood Control Operations Division encroachment permit prior to any work within the District ROW. This process does not affect the impact findings of the IS/MND.
- B-6** The comment recommends using the February 2009 City of Rialto Master Plan of Drainage and April 1988 San Bernardino County Flood Control District Comprehensive Storm Drain Plan (CSDP) Project 3-3, as design guidance for drainage facilities. The project's final drainage design will incorporate applicable recommendations, sizing methodologies, and design criteria from both the City of Rialto Public Works Department Master Plan of Drainage (2009) and the San Bernardino County Flood Control District CSDP Project 3-3 (1988). Hydrology and drainage impacts were fully analyzed in the IS/MND

(Section 3.10) and remain less than significant with standard best management practices (BMPs). The project will be designed in accordance with applicable requirements and will comply with the municipal National Pollutant Discharge Elimination System permit. No changes to the IS/MND are required.

- B-7** The comment notes that District ROW and facilities are located adjacent to the proposed project area and any encroachments including, but not limited to, access for grading, utility crossings, fencing/block wall removal/construction on the District ROW facilities will require a permit from the District prior to construction. The comment provides contact information (phone number) for the District's Permit Section. The comment is acknowledged. As the project proceeds into final design, the City and project applicant will coordinate with the District to ensure that all drainage-, hydrology-, and ROW-related design elements comply with District standards and all required permits are obtained from the District prior to the start of construction. Hydrology and drainage impacts were fully analyzed in the IS/MND (Section 3.10) and remain less than significant with standard BMPs. This process does not affect the impact findings of the IS/MND. As such, no changes to the IS/MND are required.
- B-8** The comment notes that the project for Assessor's Parcel Number 0312-202-04 is adjacent to a District facility (Rialto Channel) and any impact on the facility (i.e., encroachment or connection) will require a District construction permit. The comment is acknowledged. As the project proceeds into final design, the City and project applicant will coordinate with the District to obtain all required permits, including a District construction permit, prior to the start of construction. This process does not affect the impact findings of the IS/MND. As such, no changes to the IS/MND are required.
- B-9** The comment consists of closing statements and requests that the District be included on the circulation list for all project notices, public reviews, and public hearings. The comment is acknowledged. As the project proceeds into final design, the City and project applicant will coordinate with the District to obtain all required permits, including a District construction permit, prior to the start of construction. This process does not affect the impact findings of the IS/MND. As such, no changes to the IS/MND are required.

3 Errata

The following provides minor revisions, corrections, and additions to the Draft IS/MND. The corrections and additions are organized by section and page number of the Draft IS/MND. New text additions are shown in underline format, and deletions are shown in ~~strikeout~~ format.

3.1 Section 3.9, Hazards and Hazardous Materials

Section 3.9(d)

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No Impact. The project site is not included on any hazardous waste site lists, including the California Department of Toxic Substances Control's EnviroStor database, the State Water Resources Control Board's GeoTracker site, the Cortese list, or other lists compiled pursuant to Section 65962.5 of the Government Code (CalEPA 2022; DTSC 2022; SWRCB 2022). The adjacent Birtcher Logistics Center Rialto property, located west of South Willow Avenue, is regulated under a Department of Toxic Substances Control Land Use Covenant (LUC). The proposed project is physically separated from the LUC-regulated parcels by South Willow Avenue and does not include any ground-disturbing activities, utility work, or access changes within the LUC boundary. Therefore, no component of the project would disturb soils, restrict required Department of Toxic Substances Control access, or otherwise interfere with LUC restrictions. Therefore, no impacts associated with hazardous materials sites would occur.

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4 References and Preparers

4.1 References Cited

City of Rialto Public Works Department. 2009. *Master Plan of Drainage*.

San Bernardino County Department of Public Works. 2025. "Flood Control Facilities" [Esri web map]. July 29, 2025. Accessed March 25, 2026. <https://sbcountydpw.maps.arcgis.com/apps/mapviewer/index.html?webmap=6ed1bcba6d7c4e14b76cf07593c9875c>.

San Bernardino County Flood Control District. 1988. *Comprehensive Storm Drain Plan Project 3-3 Rialto Channel Drainage Area* (Volume I Storm Drain Systems). April 15, 1988. James M. Montgomery, Consulting Engineers, Inc. Accessed March 26, 2026. <https://fonopengislayers.fontana.org/WebLink/DocView.aspx?id=566930&dbid=0&repo=FontanaRecords&cr=1>.

4.2 List of Preparers

Chelsea Ohanesian – Project Manager

Alexandra Howard – Environmental Planner

Audrey Herschberger, PE – Environmental Engineer

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5 Mitigation Monitoring and Reporting Program

CEQA Guidelines Section 15074(d) requires that a lead or responsible agency adopt a mitigation monitoring plan when approving or carrying out a project when an IS/MND identifies changes that the lead agency has required in the project or made a condition of approval to mitigate or avoid significant environmental effects. As lead agency for the project, the City is responsible for adoption and implementation of the mitigation monitoring and reporting program (MMRP).

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 2 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

City of Rialto
Development Services Department, Planning Division
150 South Palm Avenue
Rialto, California 92376

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
Biological Resources						
<p>MM-BIO-1: Pre-Construction Surveys for Special Status Wildlife. One pre-construction clearance survey for southern California legless lizard, California glossy snake, merlin, loggerhead shrike, San Diego black-tailed jackrabbit, and pocketed free-tailed bat shall be conducted no more than 14 days prior to initiation of site preparation and grading activities. A qualified biologist shall walk the entire project site to determine if the above species are observed or detected. Acoustic detection for bats may be used in conjunction with visual observation of individuals and sign to determine presence/absence of occupied roosts or foraging behavior. If any of the above species is observed or detected during the pre-construction survey, additional measures may be required, such as establishing a buffer around known locations and/or conducting monitoring during construction near occupied areas to move observed individuals out of harm’s way. For pocketed free-tailed bat, if a roost is found and may be impacted during construction, additional measures, such as a focused bat survey, replacement roost installation, and/or agency consultation, may be required.</p>	No more than 14 days prior to construction	project biologist	City of Rialto Department of Community Development			
<p>MM BIO-2: Focused Burrowing Owl Surveys. CDFW protocol focused surveys for burrowing owl shall be conducted by one Dudek biologist on the disturbed habitat within the project site according to the protocol outlined in the CDFG Staff Report on Burrowing Owl Mitigation (CDFG 2012). Breeding season surveys (February through August) will be conducted in order to positively determine burrowing owl presence or</p>	Prior to construction, during breeding season (February through August): At least one survey will be conducted	project biologist; contractor/ builder	City of Rialto Department of Community Development; California Department of Fish and Wildlife			

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<p>absence prior to the start of construction. Four (4) survey visits will be conducted on the study area, spaced apart to allow an adequate amount of time to detect burrowing owl throughout the breeding season. At least one survey will be conducted between February 15 and April 15, and a minimum of three surveys conducted at least three weeks apart between April 15 and July 15, with at least one visit after June 15.</p> <p>Dudek’s biologist will walk straight line transects spaced approximately 50-feet apart across the entire project site and a 500-foot buffer (study area). The entire visible areas on the study area will be scanned with the use of binoculars to search for presence of burrowing owl including individual owl(s), pellets, prey remains, whitewash, and/or suitable active burrows. The surveys will not be conducted during periods of inclement weather with winds over 12 miles per hour, rain, and/or dense fog. Surveys will also be conducted between sunrise and 10:00 a.m. Any suitable burrows or individual owls observed will be mapped with a hand-held GPS unit and marked on a field map. Special attention will be paid to the disturbed habitat within the project site that supports small mammal burrows. If owls are found nesting on the study area, a suitable buffer will be established around the active nest and this area should be avoided, and a Burrowing Owl Protection and Relocation Plan shall be drafted to ensure protection of the species. Additional avoidance/mitigation measures will be provided in the Burrowing Owl Protection and Relocation Plan to protect the owls from potential take related to project activities including but not limited to appropriate avoidance</p>	<p>between February 15 and April 15, and a minimum of three surveys conducted at least 3 weeks apart between April 15 and July 15, with at least one visit after June 15</p>					

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<p>buffers, passive and/or active relocation methodology, construction biomonitoring, and reporting requirements. The Burrowing Owl Protection and Relocation Plan shall be reviewed and approved within 30 days of receipt by CDFW. If the species is not detected, then no further action is required.</p>						
<p>MM BIO-3: Pre-Construction Burrowing Owl Surveys and Avoidance. A burrowing owl pre-construction survey will be required in compliance with Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012 (CDFG 2012). To avoid potential direct impacts to burrowing owl, a burrowing owl pre-construction survey shall be conducted by a qualified biologist no more than 30 days prior to ground-disturbing project activities. The pre-construction survey will reevaluate the locations of burrowing owl burrows located within the study area so take of owls or active owl nests can be avoided. The survey would include 100% coverage of the development area and within suitable habitat areas, within 500 feet of the project limits.</p> <p>If active burrowing owl burrows are determined to be present, they would be flagged, and a 160-foot buffer would be created around the burrow during the nonbreeding season (September 1 to January 30). A 250-foot buffer would be created during the breeding season (February 1 to August 31) (Environmental Planning Group 2020, Dudek 2024). Conversely, a default 300-foot buffer can be created around active burrows (Environmental Resource Group 2020). These buffers may be adjusted by a qualified biologist to</p>	<p>Prior to ground-disturbing project activities (no more than 30 days prior for pre-construction survey) and during construction</p>	<p>project biologist; contractor/builder</p>	<p>City of Rialto Department of Community Development; California Department of Fish and Wildlife</p>			

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
address site-specific conditions. If possible, avoid disturbing occupied burrows during the nesting period. Any mitigation methods, including translocation, mitigation monitoring and reporting, must be coordinated with CDFW. If burrowing owl are determined to be present, MM BIO-5: Biological Monitoring and Worker Environmental Awareness Program shall be implemented.						
<p>MM BIO-4: Pre-Construction Survey for Crotch's Bumble Bee. A pre-construction survey for Crotch's bumble bee shall be conducted within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31 for Crotch's bumble bee). If ground-disturbing activities occur outside the period, no further mitigation would be required. The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area.</p> <p>The focused survey shall be performed by a biologist with expertise in surveying for bumble bees. Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling) and surveyors shall wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies and a temperature greater than 60° F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 mph). Within non-developed habitats, the biologist shall look for nest resources suitable for bumble bee</p>	Prior to the start of ground-disturbing construction activities occurring during the Colony Active Period (April 1 through August 31)	project biologist; contractor/ builder	City of Rialto Department of Community Development; California Department of Fish and Wildlife			

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<p>use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the potential nest resources for up to 5 minutes, looking for exiting or entering worker bumble bees. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point, but this limit shall not exceed 50 feet. The biologist will reduce the 50-foot limit as necessary to ensure 100% visual coverage of potential burrow resources depending on topography, vegetation height and cover, and other factors. This approach should allow the biologist to assess multiple burrows at one time to sufficiently determine if bees are entering/exiting them. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes). A photo voucher of the bee species shall be collected, and the location mapped. If required, any capture of bumble bees will be conducted by a biologist with a valid CESA Memorandum of Understanding (MOU) and Scientific Collecting Permit (SCP) for Crotch’s bumble bee. If a bumble bee worker is detected, then a representative shall be identified to species.</p> <p>If Crotch's bumble bee nests are not detected, no further mitigation would be required.</p> <p>If a Crotch’s bumble bee nest is detected, the project biologist will establish, monitor, and maintain a no-work buffer around the nest. The size and configuration of the no-work buffer will be based on best professional judgement of the project biologist in consultation with CDFW. The buffer will provide at least 50 feet of clearance around the nest entrance(s).</p>						

Table 2. Mitigation Monitoring and Reporting Program

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<p>Construction activities will not occur within the no-work buffer until the colony is no longer active. To determine that a nest is no longer active, the nest will be observed for a minimum of 60 minutes each day across a minimum of 3 days during suitable flight weather (i.e., ambient air temperature between 60- and 90-degrees Fahrenheit, winds under 10 mph, and no precipitation more than a drizzling rain). If no bees are seen flying in or out of the nest by the end of the observation period, it will be determined that the nest is no longer active. If project activities occur outside of the Colony Active Period, then pre-construction surveys for active bee nests and avoidance measures are not required.</p> <p>A written survey report shall be submitted to the City within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report. If the above measures are followed, it is assumed that the project shall not need to obtain authorization from CDFW through the CESA Incidental Take Permit process. If the nest resources cannot be avoided, as outlined in this measure, the project applicant shall</p>						

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
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<p>consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this CEQA document and shall be incorporated into the habitat mitigation and monitoring plan.</p> <p>In the event an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.</p>						

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
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<p>MM BIO-5: Biological Monitoring and Worker Environmental Awareness Program. A biological monitor shall be present during all ground-disturbing construction activities to ensure that burrowing owls are not impacted by the project and to administer passive relocation of owls, if required. Of burrowing owls are observed, the biological monitor shall have the authority to halt construction activities to avoid damaging sensitive resources or violating applicable laws. The biological monitor shall conduct an initial training for all construction workers on the biological resources that require protection during construction activities (Crotch’s bumble bee, burrowing owl) as well as the measures that must be implemented to protect those resources. The biological monitor shall maintain a list of personnel that have received the training and any new personnel shall receive the training prior to commencing construction activities.</p>	Prior to ground-disturbing construction activities	Contractor/ builder; project biologist	City of Rialto Department of Community Development			
<p>MM-BIO-6: Nesting Bird Avoidance. Pursuant to the Migratory Bird Treaty Act (MBTA), the project should avoid the avian nesting season (March 15 – September 15) in order to reduce any potential impact to protected birds and their nests. In the event the project must commence during the nesting season, a pre-construction clearance survey should be conducted within 3 days prior to ground-disturbing activities to determine the presence/absence of nesting birds. If an active nest is found a biologist will establish a buffer around the nest until the nestlings have fledged and the nest is no longer active. The buffer will be established by a biologist based on the sensitivity of the species to disturbance and proximity to project activities. Construction activities may continue outside</p>	Within 3 days prior to ground-disturbing construction activities occurring during the avian nesting season (March 15 through September 15) and during construction	Contractor/ builder; project biologist	City of Rialto Department of Community Development			

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
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of the buffer under the discretion of a monitoring biologist. The monitoring biologist shall remain onsite to monitor an active nest buffer until the nest has fledged. Once the biologist has determined the nest is no longer active, the buffer can be removed, and construction may continue.						
Cultural Resources						
MM-CUL-1: Project Archaeologist. Prior to issuance of any permit for ground-disturbing activities, the Project Applicant shall provide evidence to the City of Rialto (City) that a qualified professional archaeologist meeting Secretary of the Interior professional qualifications (Project Archaeologist) has been retained.	Prior to ground-disturbing construction activities	project applicant; qualified archaeologist	City of Rialto Department of Community Development			
MM-CUL-2: Cultural Resources Management Plan. Prior to any ground-disturbing activities the Project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. The CRMP shall be written in consultation with the Consulting Tribes and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties.	Prior to ground-disturbing construction activities	project applicant; qualified archaeologist; contractor/builder	City of Rialto Department of Community Development			
MM-CUL-3: Cultural Resources Sensitivity Training. A Cultural Resources Training shall be provided to all construction managers and construction personnel prior to commencing any ground disturbance work within the project area. The training shall be prepared and conducted or overseen by the Project Archaeologist. The training content shall include, but is	Prior to ground-disturbing construction activities	Contractor/builder; qualified archaeologist	City of Rialto Department of Community Development			

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
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not limited to, information about any known cultural resources in Project area and vicinity and the process for inadvertent discovery. The training may be discontinued when ground disturbance is completed. Construction personnel shall not be permitted to operate equipment within the construction area unless they have attended the training. The Qualified Archeologist or designated Archaeological Monitor and Monitoring Tribes' designated representatives shall attend the pre-grade meeting with the grading contractors to conduct the initial training and explain and coordinate the requirements of the Cultural Resource Management Plan.						
MM-CUL-4: Archaeological Monitoring. The Project Archaeologist shall monitor or supervise archaeological monitors (Monitors) for initial ground disturbing activities. After initial grading, should no cultural resources be present and/or subsurface soils indicate a low likelihood for significant intact resources, the Project Archaeologist shall have the ability to recommend archaeological monitoring be decreased or eliminated after initial ground disturbing activities are complete, which shall be approved in writing by the City. Any such recommendation shall be specific to archaeological monitoring and not impact the implementation of Mitigation Measures TCR-1 and/or TCR-2.	Construction	Contractor/ builder; qualified archaeologist	City of Rialto Department of Community Development			
MM-CUL-5: Inadvertent Discovery of Cultural Resources. In the event that cultural resources are discovered during Project implementation, all earthwork and ground-disturbing activities shall halt within a 60-foot buffer of the discovery as established by the Project Archaeologist, and the Project	Construction	Contractor/ builder; qualified archaeologist; County Coroner	City of Rialto Department of Community Development			

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
	Implementing Period	Implementing Party	Enforcing Agency	Comments	Date	Initials
<p>Archaeologist shall assess the nature and significance of the find. The Project Archaeologist shall coordinate with the City and identify whether the resource is potentially significant and if it requires further evaluation. Work on the other portions of the project site outside of the buffered area may continue during this assessment period. If the cultural resources are Native American in origin, the Consulting Tribes must be immediately contacted and consulted regarding potential significance and treatment of the resource. Specifically, the Consulting Tribes shall be contacted, as detailed within MM-TCR-2, regarding any pre-contact finds and shall be provided information after the Project Archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regard to significance and treatment. For any potential significant cultural resources, the Project Archaeologist shall make recommendations to the City to avoid or mitigate impacts to the resource. If significant pre-contact cultural resources, as defined by CEQA, are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Consulting Tribes for review and comment, as detailed within MM-TCR-1. The Project Archaeologist shall monitor the remainder of the project and implement the Plan accordingly. Preservation in place (i.e. avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery to excavate the resource along with subsequent laboratory processing and analysis. Disposition of significant Native American</p>						

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
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archaeological materials, such as reburial or curation by a qualified repository within San Bernardino County, shall be agreed upon by the City and Consulting Tribes. Any significant non-Native American archaeological material shall be curated at a public, non-profit institution with a research interest in the materials within San Bernardino County, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. All identified cultural resources shall be recorded on appropriate California Department of Parks and Recreation (CA DPR 523) series forms and evaluated for significance. All findings shall be included within a Monitoring Report drafted by the Project Archaeologist and submitted to the City and Consulting Tribes for review. Final copies of the Monitoring Report shall be submitted to the City, Consulting Tribes, and South Central Coastal Information Center (SCCIC).						
Noise						
MM-NOI-1: During all project site excavation and grading on site, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.	Construction	Contractor/ builder	City of Rialto Department of Community Development			
MM-NOI-2: The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors to the east and southwest of the site.	Construction	Contractor/ builder	City of Rialto Department of Community Development			

Table 2. Mitigation Monitoring and Reporting Program

Mitigation Measure	Mitigation Monitoring			Verification of Compliance		
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MM-NOI-3: The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors to the east and southwest of the site during all project construction.	Prior to and during construction	Contractor/ builder	City of Rialto Department of Community Development			
MM-NOI-4: During all project site construction, the construction contractor shall limit all construction-related activities that would result in high noise levels to between the hours of 7:00 a.m. and 5:30 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. Saturday. No construction shall be allowed on Sundays and public holidays.	Construction	Contractor/ builder	City of Rialto Department of Community Development			
Tribal Cultural Resources						
MM-TCR-1: Retain a Native American Monitor Prior to Commencement of Ground Disturbing Activities. The project applicant shall retain a Native American Monitor from or approved by the Consulting Tribes. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. A copy of the executed monitoring agreement shall be submitted to the City of Rialto prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity. The agreement would also address the	Prior to and during construction	project applicant; consulting Native American Tribe and Native American Tribal monitor	City of Rialto Department of Community Development			

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consideration of rotating monitoring between Consulting Tribes. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Consulting Tribes. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/ City of Rialto upon written request to the Consulting Tribes. On-site tribal monitoring shall conclude upon the latter of the following: (1) written confirmation to the Consulting Tribes from a designated point of contact for the project applicant that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Consulting Tribes to the project applicant that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact TCRs.						
MM-TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial). Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 60 feet) and shall not resume until the	Construction	Contractor/ builder; Native American Tribal monitor	City of Rialto Department of Community Development			

Table 2. Mitigation Monitoring and Reporting Program

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discovered TCR has been fully assessed by the Native American Monitor (pursuant to Mitigation Measure [MM] CUL-5). The Consulting Tribes will recover and retain all discovered TCRs in the form and/or manner the Consulting Tribes deem appropriate and for any purpose the Consulting Tribes deem appropriate, including for educational, cultural and/or historic purposes. Should the find be deemed significant, as defined by CEQA, the find shall be addressed to the protocols outlined in the Cultural Resources Management Plan from MM CUL-2 .						
<p>MM-TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.</p> <p>A. Native American human remains are defined in Public Resources Code Section 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p>	Construction	Contractor/ builder; County Coroner	City of Rialto Department of Community Development			

Table 2. Mitigation Monitoring and Reporting Program

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D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.						

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