



State of California – Natural Resources Agency
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July 10, 2019

Governor's Office of Planning & Research

JULY 11 2019

STATE CLEARINGHOUSE

Ms. Alexis Morris
City of Antioch
Post Office Box 5007
Antioch, CA 94531-5007
amorris@ci.antioch.ca.us

Subject: The Ranch Residential Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2019060012, Contra Costa County

Dear Ms. Morris:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for the proposed draft Environmental Impact Report (EIR) for The Ranch Residential Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. In accordance with our mandates, CDFW is submitting comments on the NOP as a means to inform the City of Antioch (City), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Incidental Take Permit (ITP), a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project (Fish and Game Code, § 2080 et seq.). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as potential significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if the Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency

makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration

CDFW requires an LSA Notification (Notification), pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourse with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document of the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

PROJECT DESCRIPTION SUMMARY

Proponent: Richland Communities

Objective: Notify Responsible Agencies of draft EIR preparation

Location: The proposed Project is located on 551.5 acres of undeveloped land in the southeastern portion of the City of Antioch in eastern Contra Coast County, California. The Project site is situated within the Sand Creek Focus Area of the City's General Plan, which contains lands designated by the Antioch General Plan for open space, residential, commercial, and mixed-use development. The site is identified by Assessor's Parcel Number (APN) 057-010-002, APN 057-010-003, and APN 057-021-003.

Timeframe: The proposed Project will be constructed in three phases, with the infrastructure and amenities corresponding to new unit demands. The Project will have buildout start from east to west and from north to south, and occur over the course of several years, as dictated by the economy and demand for new housing in the Project area.

Description: The proposed Project consists of a master planned community within the San Creek Focus Area and comprises a multi-generational plan of up to 1,177 dwelling units, including active adult housing, medium and low-density single-family residential neighborhoods, a Village Center, a trail system, parks, open space, various public facilities, amenities, and circulation and access improvements, as well as associated infrastructure improvements to serve the proposed planned community.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Comment 1: CDFW comments previously submitted for Project

The Project described in the NOP is in the same location with a number of impacts similar to a previously proposed project described in The Ranch Project draft EIR SCH No. 2017082033. CDFW submitted comments for the previously proposed project on May 10, 2018 (Attachment A). CDFW recommends incorporation of the applicable mitigation strategies and ratios outlined in Attachment A, incorporation of survey protocol guidelines recommended by CDFW, and an evaluation of the Project's impacts to special-status species and population recovery in relation to any publicly available recovery plans into the draft EIR. CDFW survey and monitoring protocols and guidelines can be found online at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>, and species federal recovery plans can be found at <https://www.fws.gov/endangered/species/recovery-plans.html>.

Comment 2: Trails system and open space impacts analysis

The NOP Project description includes a publicly accessible trail system and open space along the Sand Creek corridor. This type of action can result in habitat conversion, and additional and constant impacts to habitat and fish and wildlife species from recreational use. CDFW recommends inclusion of an analysis of the Project's trail and open space impacts in terms of habitat conversion and recreation-sourced impacts to fish and wildlife.

Comment 3: Project requires Notification under Fish and Game Code Section 1600 et. Seq.

Proposed activities described in the NOP may be subject to Notification and CDFW may require an LSA Agreement, pursuant to Section 1600 et seq. of the Fish and Game Code. These activities include: construction of a bridge over Sand Creek, construction of a pedestrian/bike bridge, trail system installation and operation along Sand Creek, stormwater outfall structure installation and operation, detention basins, and other infrastructure that directs water into or away from natural waterways, and grading within the 100-year flood plain. Please submit Notification to CDFW at the Regional Office listed above. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

Comment 4: Surface water diversion impacts analysis

CDFW recommends the draft EIR include an analysis of the Project's potential for increased water demands and the City's surface water diversions in relation to their impacts on special-status fisheries resources. To address this concern, please include an analysis of the Project's impacts on the current water diversion operations of the City, and with the City's proposed Brackish Water Desalination Facility Final Environmental Impact Report (SCH No. 2017082044) in operation.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)].

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Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: cnddb@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jeanette Griffin, Environmental Scientist, at (209) 234-3447 or Jeanette.Griffin@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse