

Albers Ranch Project

SCH# 2021100264

Final Environmental Impact Report

Prepared for
City of Antioch



December 2023

Prepared by



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Albers Ranch Project Final Environmental Impact Report

SCH# 2021100264

Lead Agency

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1. Introduction and List of Commenters

1. INTRODUCTION AND LIST OF COMMENTERS

1.1 INTRODUCTION

This Final Environmental Impact Report (EIR) contains comments received during the public review period of the Albers Ranch Project (proposed project) Draft EIR. This document has been prepared by the City of Antioch, as Lead Agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. The Introduction and List of Commenters chapter of the Final EIR discusses the background of the Draft EIR and purpose of the Final EIR, identifies the comment letters received on the Draft EIR, and provides an overview of the organization of the Final EIR.

1.2 BACKGROUND

The Draft EIR identified the proposed project's potential environmental impacts and the mitigation measures that would be required to be implemented. The Albers Ranch Project Draft EIR includes the following environmental analysis chapters: Air Quality and Greenhouse Gas Emissions, and Transportation. The remaining environmental issue areas identified by Appendix G of the CEQA Guidelines are addressed in the Initial Study prepared for the proposed project, which was circulated for review with the Notice of Preparation (NOP) and included as Appendix A of the Albers Ranch Project Draft EIR.

In accordance with CEQA, the City of Antioch used the following methods to solicit public input on the Draft EIR:

- A NOP for the Draft EIR was released for a 30-day public review period from October 15, 2021 to November 15, 2021. The NOP comment letters are included as Appendix B to the Draft EIR.
- A public scoping meeting was held through Zoom on October 28, 2021 to solicit comments regarding the scope of the Draft EIR.
- On July 7, 2023, the Draft EIR was submitted to the State Clearinghouse for distribution to State agencies for a 45-day public review period from July 7, 2023 to August 21, 2023.
- On July 7, 2023, a Notice of Availability (NOA) of the Draft EIR was posted to the City's website (<https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/>) and printed copies were made available for review at the City's Clerk Office (200 H Street) and mailed to local agencies and interested members of the public.

All public comments received on the Draft EIR are listed in this chapter, and written responses to comments are included in Chapter 2, Response to Comments, as discussed in more detail in Section 1.6 of this chapter.

1.3 PURPOSE OF THE FINAL EIR

Pursuant to CEQA Guidelines Section 15132, this Final EIR consists of the following:



1. A list of persons, organizations, and public agencies commenting on the Draft EIR (included as Section 1.4 of this chapter);
2. Comments received on the Draft EIR (Chapter 2 of this Final EIR);
3. Responses to the comments received on the Draft EIR (Chapter 2 of this Final EIR);
4. The Draft EIR or a revision of the Draft EIR (Chapter 3 of this Final EIR); and
5. Any other information added by the Lead Agency.

1.4 LIST OF COMMENTERS

The City of Antioch received six comment letters during the public comment period on the Draft EIR for the proposed project. The comment letters were authored by the following agencies and groups.

Agencies

Letter 1 California Department of Fish and Wildlife
Letter 2 Central Valley Regional Water Quality Control Board
Letter 3 Contra Costa County Flood Control and Water Conservation District

Groups

Letter 4 Contra Costa Residents for Responsible Development
Letter 5 Pacific Gas and Electric Company
Letter 6 Pacific Gas and Electric Company

1.5 CERTIFICATION OF THE FINAL EIR

State law requires that the City make several types of CEQA “findings” at the time of final action on the project. Findings describe the conclusions reached regarding particular issues, including specific evidence in support of those conclusions. The Final EIR typically provides much of the substantial evidence to support these findings. The required findings for the project are as follows:

- Certification of the Final EIR (CEQA Guidelines Section 15090) – These findings support the adequacy of the Final EIR for decision-making purposes. The Lead Agency must make the following three determinations in certifying a Final EIR:
 1. The Final EIR has been completed in compliance with CEQA.
 2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
 3. The Final EIR reflects the Lead Agency’s independent judgment and analysis.
- Findings Regarding Significant Impacts and Project Alternatives (CEQA Guidelines Section 15091) – These findings explain how the City chose to address each identified significant impact, including the mitigation measures adopted or an explanation of why such measures are infeasible. A discussion of the feasibility of project alternatives is also required by this section (see also CEQA Guidelines Section 15126.6[f]).

Pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence. The Albers Ranch Project would result



in significant and unavoidable impacts related to greenhouse gas (GHG) emissions and transportation; thus, a Statement of Overriding Considerations must be adopted if the project is approved. The required Findings of Fact and Statement of Overriding Considerations will be included as part of the resolution considered by the City of Antioch.

1.6 ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following four chapters.

1. Introduction and List of Commenters

Chapter 1 provides an introduction and overview of the document, describes the background of the Draft EIR and the purposes of the Final EIR, provides a list of commenters, and describes the organization of the Final EIR.

2. Responses to Comments

Chapter 2 presents the comment letters received and responses to each comment within the letters. Each comment letter received has been numbered at the top of the page and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. The response to each comment will reference the comment number.

3. Revisions to the Draft EIR Text

Chapter 3 summarizes minor changes made to the Draft EIR text since its release.

4. Mitigation Monitoring and Reporting Program

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the EIR for the Albers Ranch Project.



2. Responses to Comments

2. RESPONSES TO COMMENTS

2.1 INTRODUCTION

The Responses to Comments chapter contains responses to each of the comment letters submitted regarding the Albers Ranch Project (proposed project) Draft EIR during the public review period.

2.2 RESPONSES TO COMMENTS

Each bracketed comment letter is followed by numbered responses to each bracketed comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 3 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.



Letter 1

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 18, 2023

Kevin Scudero, Senior Planner
City of Antioch Community Development Department
Post Office Box 5007
Antioch, CA 94531
KScudero@antiochca.gov

Subject: Albers Ranch Project, Draft Environmental Impact Report,
SCH No. 2021100264, City of Antioch, Contra Costa County

Dear Kevin Scudero:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Antioch (City) for the Albers Ranch Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the draft EIR to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the 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 permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY AUTHORITY

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (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. Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures,

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Conserving California's Wildlife Since 1870



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cont.

and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

Lake and Streambed Alteration

Pursuant to Fish and Game Code section 1600 et seq., an LSA 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 deposit or dispose of material where it may pass into a river, lake or stream. Figure 11 (Biotic Habitats and Land Uses) of the Albers Ranch Project Initial Study, submitted as part of the draft EIR, depicts impacts to streams that would occur as part of the Project. Therefore, the Project proponent should submit a 1602 notification covering all activities subject to Fish and Game Code 1602 authority. CDFW will consider the CEQA document for 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.

Fully Protected Species

Fully Protected species, such as white-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), may not be taken or possessed at any time and no licenses or permits may be issued for their take associated with housing development projects unless they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan with take authorization for the species (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act (MBTA).

PROJECT DESCRIPTION SUMMARY

1-2

Proponent: Hillside Group, LLC., Post Office Box 458, Brentwood, CA 94513

Project Description

The proposed Project includes development of a single-family residential subdivision with 294 lots, ranging in sizes from a minimum of 3,600 square feet to a maximum of



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9,000 square feet. Of the 96.5-acre site, 31.2 acres are proposed for development of single-family residential lots, 13.2 acres would be developed with private streets, and 49.1 acres would be used for parks, open space, recreation, and water quality/detention purposes. Three acres are proposed for future development of an assisted living facility and neighborhood commercial land uses upon issuance of a Conditional Use Permit (CUP). The remaining 49.1 acres of the site would be retained as open space.

The area to the east of the site is planned for future development with the Creekside/Vineyards at Sand Creek Project, which would include extension of a new roadway, Hillcrest Avenue, to the eastern site boundary. Primary access to the proposed Project would be provided by a new on-site roadway connecting to the planned Hillcrest Avenue extension east of the site. The connection to Hillcrest Avenue is contingent upon construction of the Creekside/Vineyards at Sand Creek Project.

Location: The Project is located east of the Deer Valley Road/Deer Hill Lane intersection in the City of Antioch, Contra Costa County. The Project site is bordered by the City of Antioch/Contra Costa County line to the south. The City of Antioch/City of Brentwood limit is further east of the site. The site is identified by Assessor's Parcel Numbers 057-042-006 and 057-050-021.

ENVIRONMENTAL SETTING

The Project area is undeveloped, consisting primarily of grassland vegetation. A reach of Sand Creek, a tributary to Marsh Creek, extends through the western portion of the Project site. The majority of the surrounding area has been approved for residential development. Within the City of Antioch, the area to the north of the site is approved for development with the Aviano Project, the area to the northeast of the site is approved for development with the Promenade/Vineyard at Sand Creek Project, and the area to the east is approved for development for the Creekside/Vineyards at Sand Creek Project.

According to Biogeographic Information and Observation System (BIOS) records, the Project site contains positive detections of several special-status species and has the potential to support numerous special-status species and their associated habitat. Species that can be considered to be endangered, rare or threatened as defined in CEQA Guidelines section 15380, with potential to occur on-site include, but are not limited to: California tiger salamander (*Ambystoma californiense*; FT², ST), California red-legged frog (*Rana draytonii*; FT, SSC), western pond turtle (SSC), burrowing owl (*Athene cunicularia*), golden eagle (SFP), Swainson's hawk (*Buteo swainsonii*; ST),

²FE species listed as Federally Endangered; FT = species listed as Federally Threatened; SE = species listed as State Endangered; ST = species listed as State Threatened; SFP = species designated as State Fully Protected; SSC = species designated as a State Species of Special Concern.



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tricolored blackbird (*Agelaius tricolor*; ST), American badger (*Taxidea taxus*), Brewer's western flax (*Hesperolinon breweri*; 1B.2³), brittlescale (*Atriplex depressa*; 1B.1), alkali milk-vetch (*Astragalus tener* gray var. *tener*; 1B.2), bearded popcorn flower (*Plagiobothrys hystriculus*; 1B.1), California alkali grass (*Puccinellia simplex*; 1B.2), Congdon's tarplant (*Hemizonia parryi congdonii*; 1B) Contra Costa goldfields (*Lasthenia conjugens*; FE), Diamond-petaled California poppy (*Eschscholzia rhombipetala*; 1B.1), Hoover's cryptantha (*Cryptantha hooveri*; 1A), San Joaquin spearscale (*Extriplex joaquinana*; 1B.2), shining navarretia (*Navarretia nigeliformis* radians; 1B), showy golden madia (*Madia radiata*; 1B.1).

COMMENTS AND RECOMMENDATIONS

1-3
CDFW offers the comments and recommendations below 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. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends, CDFW concludes that an EIR is appropriate for the Project. Please see Attachment 1 Draft Mitigation and Monitoring Reporting Plan outlining the mitigation measures recommended by CDFW below.

COMMENT 1: Species Survey Timing and Results

1-4
Focused surveys for special-status species using appropriate protocols should be conducted by qualified biologists at the Project site prior to any Project-related construction no earlier than seven (7) days prior to start of work, unless otherwise specified in this comment letter. Survey results should be sent to CDFW for review and acceptance.

COMMENT 2: California Tiger Salamander

1-5
↓
Issue: While Measure IV-7 of the draft EIR acknowledges the potential for California tiger salamander to be present on-site, presence is not assumed and only pre-construction level surveys located within the wetland complex on the easternmost portion of the site are required to determine if mitigation is warranted. The draft EIR indicates if breeding habitat is not identified on-site, the Project would not pursue mitigation. Based on California tiger salamander life history, it is highly unlikely a salamander would be found during pre-construction surveys unless the surveys

³ CNPS Plant Ranks: 1A = Presumed extinct in California, 1B = Rare, Threatened, or Endangered in California and Elsewhere. CNPS Threat Ranks: 0.1 = species considered to be seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat), 0.2 = species considered to be moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat).



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cont.

↑ included actions such as, burrow excavation, pitfall traps and drift fencing, as authorized under CESA. California tiger salamanders spend the majority of their lives underground in burrows created by fossorial mammals. There is one extant observation of California tiger salamander located on the southwest portion of the Project site. It is important to note even if wetland habitat on the Project site did not provide suitable California tiger salamander breeding habitat, the upland area on-site is directly connected to open adjacent land with visible evidence of the existence of wetlands and ponds that may be used as breeding habitat (California Natural Diversity Database (CNDDDB) Accessed July 2023). California tiger salamander are able migrate up to 1.3 miles from a breeding pond to upland habitat to aestivate. Therefore, the evaluation as written is not adequate.

Recommendations: Due to the Project location's close proximity to known California tiger salamander breeding and upland habitats, the overlapping California tiger salamander documented occurrence and appropriate habitat presence on-site, CDFW advises that the Project proponent obtain a CESA Permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts; and should fully describe a robust mitigation, monitoring and reporting program. As mentioned above, if the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process and protocol survey procedures can be found on the CDFW website at <https://www.wildlife.ca.gov/CESA> or <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>.

CDFW recommends consulting with the U.S. Fish and Wildlife Service (USFWS) to comply with federal Endangered Species Act (ESA) requirements.

COMMENT 3: California Red-legged Frog

1-6

↓ **Issue:** Project activities have the potential to directly and/or indirectly impact California red-legged frog, and/or their habitat. According to BIOS, there is an extant detection of California red-legged frog on the border of the Project site (CNDDDB, accessed July 2023). Although Measure IV-8(b) requires pre-construction surveys, there are no specific details regarding how the survey should be conducted to ensure the frogs are identified if present on-site. Additionally, the measure states "if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal ESA and shall obtain take authorization from the USFWS". This measure does not address removal of upland habitat and it does not clearly define California red-legged frog breeding habitat. Therefore, the measure as written is inadequate.

California red-legged frog require a variety of habitats, including aquatic breeding habitats and upland dispersal habitats. Breeding sites of the species are in aquatic



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cont.

↑ habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. Additionally, California red-legged frog frequently breed in artificial impoundments such as stock ponds (USFWS 2002). Breeding sites are generally found in deep, still, or slow-moving water (greater than 2.5 feet) and can have a wide range of edge and emergent cover amounts. California red-legged frog can breed at sites with dense shrubby riparian or emergent vegetation, such as cattails (*Typha* sp.) or overhanging willows (*Salix* sp.) or can proliferate in ponds devoid of emergent vegetation (i.e., stock ponds). California red-legged frog habitat includes nearly any area within one to two miles of a breeding site that stays moist and cool through the summer; this includes non-breeding aquatic habitat in pools of slow-moving streams, perennial or ephemeral ponds, and upland sheltering habitat such as rocks, small mammal burrows, logs, densely vegetated areas, and man-made structures (i.e., culverts, livestock troughs, spring-boxes, and abandoned sheds) (USFWS 2017b).

Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to the species (Thompson et al. 2016; USFWS 2017b). Therefore, if California red-legged frog is present in the Project area and would be impacted, Project impacts to California red-legged frog would be potentially significant.

Recommendations: For an adequate environmental setting and to reduce potential impacts to California red-legged frog to less-than-significant, CDFW recommends the following mitigation measure:

Within 48 hours prior to the commencement of ground-disturbing activities, the Project area and nearby vicinity, including a minimum 500-foot radius surrounding the Project area, shall be assessed by a qualified biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows. The results of the habitat feature assessment shall be submitted to CDFW for written acceptance prior to starting Project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the Project. If California red-legged frog is encountered or the qualified biologist believes that California red-legged frog is likely to occur in the Project area, the Project shall consult with USFWS pursuant to the federal ESA. All California red-legged frog upland and breeding habitat should be considered and evaluated when consulting with USFWS for take authorization.



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COMMENT 4: Western Pond Turtle

Issue: As indicated in the draft EIR, western pond turtle have the potential to occur in the Project site. Western pond turtle are known to nest in the spring or early summer within 100 meters of a water body, although nest sites as far away as 500-meter have also been reported. Measure IV-9 only requires a 50-foot buffer from the active nest, without consideration to preventing nest reestablishment during the Project phases. Without appropriate avoidance and minimization measures for western pond turtle, potentially significant impacts associated with Project activities include nest destruction, inadvertent entrapment, reduced reproductive success, reduction in health or vigor of eggs and/or young, and direct mortality.

1-7

Recommendations: CDFW recommends that the draft EIR include a measure requiring a qualified biologist to conduct focused surveys for potential western pond turtle nesting habitat prior to each phase of the Project. If nesting habitat is identified then to exclude any female western pond turtle from laying eggs within a development phase of the Project, exclusion fencing should be placed prior to the egg-laying season (March through August). Exclusion fencing should be designed to encompass each development phase and maintained weekly until construction activities have been completed.

Additionally, CDFW recommends that if any western pond turtle are discovered at the site immediately prior to or during Project activities, they should be allowed to move out of the area of their own accord. If a western pond turtle is unable to independently move out of the Project area, a qualified biologist should relocate WPT out of harm's way in habitat similar to where it was found.

COMMENT 5: Alameda Whipsnake

Issues: The draft EIR indicates there is no suitable habitat on-site for Alameda whipsnake (*Masticophis lateralis euryxanthus*); however, it did not identify all habitat types which are present in the Project area potentially occupied by Alameda whipsnake and; therefore, does not fully disclose or analyze potential impacts. It also does not review surrounding land uses adjacent to the property that Alameda whipsnake may occupy. According to BIOS, there are two extant observations of Alameda whipsnake approximately 2.8 miles to the west of the Project site (CNDDDB Accessed August 2023).

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Publicly available, peer-reviewed literature documents Alameda whipsnake use of the following habitats: annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian, and areas with rock outcrop features. The Project site at minimum contains annual grassland and riparian features. It is unclear if other features exist based on aerial imagery review.



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Recommendations: CDFW recommends revising the draft EIR to evaluate all habitat types and assess the viability for containing Alameda whipsnake. Project construction may result in direct adverse effects including mortality of individuals. CDFW recommends that Project impacts such as the permanent destruction of Alameda whipsnake habitat and direct impacts associated with roadway mortalities be identified in a revised draft EIR. The draft EIR should also analyze cumulative impacts to the Alameda whipsnake due to fragmentation of habitat, permanent loss of habitat, and impacts associated with vehicle traffic on roadways. The draft EIR does not include measures to protect Alameda whipsnake, and therefore, fails to reduce permanent loss of Alameda whipsnake habitat to level of less-than-significant as it does not identify compensatory mitigation to offset this impact. CDFW recommends adding new measures addressing impact minimization and compensatory mitigation for Project impacts to Alameda whipsnake and their habitats to a less-than-significant level. If take of Alameda whipsnake cannot be fully avoided, then CDFW recommends the Project obtain Alameda whipsnake take coverage through an ITP issued by CDFW.

COMMENT 6: Nesting Migratory Birds, including Nesting Raptors and Protected Birds

1-9

Issues: Measures IV-5a and IV-5b would not adequately reduce impacts to nesting birds to a level of less-than-significant. The Measure does not include an adequate survey radius relative to nest sites or nest trees that could prevent potential impacts to species, especially with respect to raptors. Additionally, the measure does not provide adequate details about nest monitoring timeline and requirements to ensure the qualified biologist does not miss signs of disturbance and/or distress. Without an adequate protocol specified, Project related impacts to nesting birds could lead to significant impacts to nesting birds including, but not limited to, nest abandonment, nest failure, impacts to availability of forage, chick mortality and resultant population decline.

Recommendations: CDFW recommends the Final EIR incorporate the following revisions to language in Measures IV-5a and IV-5b to ensure that significant impacts to bird species resulting from the Project are mitigated to a level of less-than-significant.

Construction work should take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project applicant is responsible for ensuring that the Project does not result in any violation of the MBTA or Fish and Game Code. A qualified biologist will conduct focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys will be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for Passerines; (2) and 1,000 feet for raptors such as Buteo spp. In the event that there is a lapse in



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cont.

construction activities for seven days or more, a qualified biologist will conduct additional focused pre-construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.

- Active Nest Buffers. Active nest sites and protective buffer zones will be designated as “ecologically sensitive areas” where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist will determine the necessary buffer, in consultation with CDFW if needed, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.
- Active Nests. A qualified biologist will observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of the adults and any nestlings. Once Project activities commence, all active nests will be continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist will halt Project activities causing that change until they nestlings have fledged, and the nest is determined to be inactive.

1-10

COMMENT 7: Burrowing owls

Issues: The draft EIR acknowledges that Project has the potential to impact burrowing owl; however, Measure IV-4(b) only requires a pre-construction level survey no greater than 14 days prior to start of ground disturbing activities and within 24 hours prior to start of ground-disturbing activities. Please be advised that pre-construction surveys alone are inadequate to determine impacts to western burrowing owl and their habitat. burrowing owls may also use unnatural features such as debris piles, culverts and pipes for nesting, roosting or cover. If burrowing owls that may be impacted by the Project are not detected, the Project may result in reduced health and vigor, or mortality, of owls from direct impacts to occupied wintering habitat or from wintering burrow abandonment caused by auditory and visual disturbances (Klute et. al 2003). Burrowing owl is a California SSC and protected under Fish and Game Code sections 3503 and 3503.5 and the federal MBTA. Therefore, if wintering burrowing owls are present on or within



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1,640 feet of the Project site, Project impacts to burrowing owl would be potentially significant.

Recommendation: For an adequate environmental setting evaluation and to reduce impacts to burrowing owl to less-than-significant, CDFW recommends revising the draft EIR to include the following revised mitigation measure:

A qualified biologist shall conduct a habitat assessment for wintering burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.

Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to Project construction.

COMMENT 8: Golden Eagle

1-11

Issue: The draft EIR describes golden eagle being potentially present on-site. Measure IV-3 requires a pre-construction survey within 0.5 miles of the Project site. The measure indicates that biological monitoring would only be conducted if there is a golden eagle nest within 0.5 miles and the nest is within the line of sight from disturbance. Golden eagles are sensitive to both visual disturbances as well as noise disturbance alone, even with a full visual barrier. The species typically displays subtle behavioral changes



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↑ signifying stress from noise and visual disturbances. These behavioral changes can easily be missed, so it is critical that any biologist conducting surveys have previous experience monitoring golden eagle nest behavior.

Additionally, the buffer would only be a maximum of 800 feet from nest to construction activities, which does not meet the 0.5-mile nest survey threshold. Golden eagle is listed as a Fully Protected species; therefore, take must be fully avoided. Measure IV-3 may not achieve full avoidance of impacts to golden eagle as currently written.

Recommendations: CDFW recommends revising the measure to incorporate following survey protocols per the *Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations* document:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83940>.

Surveys should be conducted by a qualified biologist with sufficient experience surveying and monitoring golden eagle. Golden eagles are known to spend 90 percent of their time within one mile of a nest; therefore, nest surveys should be completed at minimum within one mile the outer boundaries of Project related activities. Active golden eagle nests observed within one mile from Project activities should be monitored by a qualified biologist and a “no-work” buffer should be implemented until all young have fledged. CDFW and USFWS should be consulted to determine site-specific buffers and monitoring requirements to avoid premature fledging.

COMMENT 9: Special-Status Plants

1-12

Issue: The draft EIR recognizes that rare, threatened and/or endangered plant species may occur within the Project location, including, but not limited to: Contra Costa goldfields, alkali milk-vetch, heart scale, brittlescale, lesser salt scale, dwarf downingia, Jepson’s coyote-thistle, shining navarretia, bearded popcorn flower, California alkali grass, long-styled sand spurrey, San Joaquin spearscale, etc. Measure IV-4 of the draft EIR states that pre-construction botanical surveys will be conducted prior to start of ground-disturbing activities on the Project site. Relying solely on pre-construction level surveys is insufficient in evaluating presence of special-status plants. Additionally, according to BIOS, San Joaquin spearscale and Brewer’s western flax have been observed directly on the Project site, overlapping where proposed activities would take place (CNDDDB accessed July 2023).

Without conducting appropriate survey methodology and mitigation measures, the Project could potentially have a significant impact on special-status plant species. Potential impacts to special-status plants include inability to reproduce and direct mortality. Special-status plants are often narrowly distributed endemic species. They are susceptible to habitat loss and habitat fragmentation resulting from development, vehicle and foot traffic, and introduction of non-native plant species. Therefore, there is



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high potential for the Project to have significant impacts to these species and their populations.

Due to the high potential for encountering special-status plants on-site, appropriate methodologies for species detection should be outlined and conducted well in advance of the anticipated start of construction. If CESA and federally listed plants that may be impacted by the Project go undetected, the Project may result in mortality of individuals from direct impacts or degradation of habitat adjacent to ground disturbance. CESA and federally listed plant mentioned above are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA and federally listed plants are present on or directly adjacent to the Project site where they may be indirectly impacted, the Project may substantially reduce the number or restrict the range of these species, which would be a mandatory finding of significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendations: For an adequate environmental setting and to reduce impacts to CESA and federally listed plants to less-than-significant, CDFW recommends implementing the following additional measures related to botanical resources:

The Project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results. The botanical survey results shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. If CDFW is unable to accept the survey results, the Project applicant shall conduct additional surveys prior to initiation of Project activities or may assume presence of listed species. Please be advised that for CDFW to accept the results, they must be completed in conformance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the Project, or the presence of these species is assumed, the Project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.

CDFW agrees that a Mitigation and Monitoring Plan should be prepared and implemented prior to Project implementation if special-status plants are found during surveys. The draft EIR should outline which species of special-status plants will be impacted, and a well-developed, robust proposal for how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The applicant should provide a copy of the special-status plant survey results to CDFW for review and acceptance.



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COMMENT 10: Impacts to Sand Creek and Associated Riparian Habitat

1-13

Issues: Sand Creek, and unnamed tributaries thereto, are within the Project area and would be both temporarily and permanently impacted by the Project. Pursuant to Fish and Game Code section 1602, an LSA Agreement would be required for any substantial modifications to Sand Creek and its floodplain and riparian corridor. Additional information can be found at <https://www.wildlife.ca.gov/Conservation/LSA>. Sand Creek is intermittent and highly incised. Currently, nearby reaches of Sand Creek are constrained to Stage 2 or 3 of the Stream Evolution Model (Cluer and Thorne, 2013). Development surrounding both sides of streams/creeks would permanently restrict the waterway's hydrologic and fluvial dynamics. Creation of additional impervious surfaces as a result of the development and associated infrastructure, all surrounding the creek, would result in additional channel incision, lowering of the streambed elevations and destabilize the streambanks. Hydraulic and hydromorphological assessment modeling should be performed to determine all anticipated changes to peak flow resulting from the Project (showing calculations), as well as anticipated effects that the large-scale land use changes the Project will have on the channel geometry. This analysis should include an estimate of appropriate setback distances between the development and creek necessary to avoid a future need to harden any destabilized creek banks as the channel evolves under future Project conditions.

Recommendations: There may be opportunities to move the channel to the more stable stream Stage 8 as described in Cluer and Thorne (2013).

CDFW recommends evaluating mechanisms that slow the channel's flow velocity through the Project site, and which encourage establishment of vegetation and biological activity, as well as sediment deposition to aggrade in the channel. This might be accomplished by elevating the existing channel grade to match the small inset terrace above the active channel, and/or by introducing nature-based techniques and structures to slow flow and capture sediment.

CDFW further recommends that Project develop and incorporate appropriate channel restoration actions to ensure the long-term stability of the channel's stream dynamics.

COMMENT 11: Project Phasing Evaluation

1-14

Issue: Page 3-12 of the draft EIR acknowledges the Project will be constructed in two phases but does not provide details about the phasing other than that each phase would involve development of single-family homes in different neighborhoods. Project activities may have additional significant biological impacts due to Project's phasing over time. Projects that include multiple phases with different sections or parcels built out at different time periods may include whole-site or mass grading with separate sections or parcels developed at later dates. Delays or phasing of full buildout of a



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cont.

Project after initial mass grading over long periods of time negates the sufficiency of one-time-only pre-construction surveys and their validity becomes questionable over the lifetime of the Project. For example, if an area is left dormant for a season or two post-grading, grassland and scrub habitats or ground squirrel colonies can be quickly established. These elements then provide potential habitat for nesting birds and other wildlife. There is also the potential for habitat elements to develop and wildlife to occupy dormant housing lots where foundational infrastructure is in place.

Recommendations: CDFW recommends the draft EIR be revised to include a fully developed description of the Project's phasing and estimated timeframes from start of construction to complete buildout and require resurveys for biological resources. If the Project's timeframe from start of construction to complete build out includes breaks in construction longer than 15 days or periods of inactivity that could allow establishment of habitat elements such as ground squirrel burrows or vegetation, then impacts to wildlife that may use these habitat elements should be addressed in the draft EIR. CDFW recommends including in the draft EIR a mitigation measure that includes the following elements: 1) a qualified biologist shall conduct a wildlife survey and habitat assessment to determine potential wildlife and habitat elements present that may be utilizing the vacant sections and/or parcels prior to Project-related activities taking place when there is a break in these activities greater than 15-days; 2) if unbuilt or fallow sections and/or parcels are being utilized by wildlife, avoidance and minimization measures shall be specified to prevent impacts and mortality, 3) if impacts and "take" are not fully avoidable, additional compensatory mitigation shall be discussed and agreed upon with CDFW's approval prior to the re initiation of construction activities, and 4) if there is a break in these activities greater than 15 days, compliance checks by a qualified biologist are required to ensure habitat assessments, pre-construction surveys, and other biological mitigation measures in the draft EIR are being implemented.

COMMENT 12: Maintaining Migration Corridors

1-15

Issues: The Project will severely restrict wildlife movement through the Sand Creek area. Item 13, on page 4 of the First American Title 2nd Supplemental Report states in part, as follows: "Building setback line-no permanent structures shall be constructed within 50 feet; measured from the Toe of the Creek Bank". The proposed wildlife corridor will be surrounded on one side by development, fragmented by recreational features, and wildlife will be confined to a 50-foot-wide buffer area that is subject to significant human disturbance. In addition, there will be the potential for predation by domestic animals, human disturbance by bicyclists and hikers, trash in the creek, potential for deleterious substances to be released in the creek, and lighting disturbance. Small animals, such as amphibians, could be adversely impacted over time by these cumulative impacts to the creek. In addition, the creek corridor would be an insufficient corridor for San Joaquin kit fox, which prefers open space and grasslands.



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For many wildlife species sensitive to human disturbance, the recreational use and proximity to development would entirely preclude their use of Sand Creek as a movement corridor.

Recommendation: CDFW recommends that the draft EIR be revised to contemplate and fully evaluate an increase in the creek setback area greater than the proposed 50 feet or completely excluding recreation from this corridor.

ENVIRONMENTAL DATA

1-16

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

1-17

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

1-18

CONCLUSION

CDFW appreciates the opportunity to comment on the draft EIR to assist the City in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Mia Bianchi, Senior Environmental Scientist (Specialist), at (707) 815-8722 or Mia.Bianchi@wildlife.ca.gov; or Michelle Battaglia, Senior Environmental Scientist (Supervisory), at (707) 339-6052 or Michelle.Battaglia@wildlife.ca.gov.



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Sincerely,

DocuSigned by:
Erin Chappell
B77E9A8211EF496
Erin Chappell
Bay Delta Region
Regional Manager

Attachment: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021100264)

REFERENCES

- California Department of Fish and Wildlife (formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>.
- California Department of Fish & Wildlife. 2021. California Natural Diversity Database (CNDDDB) Rarefind Electronic database. Sacramento, CA. Search of U.S. Geological Survey 7.5-minute quadrangles. Antioch South. Accessed November 2023.
- Cluer, B., and Thorne, C. (2013). A Stream Evolution Model Integrating Habitat and Ecosystem Benefits, Incorporating Space-Time Substitution. *River Research and Applications*, 30(2). <https://doi.org/10.1002/rra.2631>.
- Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTPR6001-2003, Washington, D.C.
- Thompson, R.C., A.N. Wright, and H.B. Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. University of California Press and California Department of Fish and Wildlife.
- U.S. Fish and Wildlife Service. 2002. Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*). U.S. Fish and Wildlife Service, Portland, Oregon. viii and 173.
- U.S. Fish and Wildlife Service. 2017b. Species Account for California Red-legged frog. December 2017. Sacramento, CA.



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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

1-19

Biological Resources (BIO)		
Mitigation Measure Description	Implementation Schedule	Responsible Party
<p>Species Survey Timing and Results: Focused surveys for special-status species using appropriate protocols should be conducted by qualified biologists at the Project site prior to any Project-related construction no earlier than seven (7) days prior to start of work, unless otherwise specified in this comment letter. Survey results should be sent to CDFW for review and acceptance.</p>	Prior to ground disturbance	Project Applicant
<p>Measure IV-7 California Tiger Salamander: Recommendations: Due to the Project location overlapping California tiger salamander occurrences and appropriate habitat, CDFW advises that the Project proponent obtain a CESA Permit (pursuant to Fish and Game Code Section 2080 et seq.) in advance of Project implementation. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document should specify impacts; mitigation, and should fully describe a mitigation, monitoring and reporting program. As mentioned above, if the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit. More information on the CESA permitting process and protocol survey procedures can be found on the CDFW website at https://www.wildlife.ca.gov/Conservation/CESA or https://www.wildlife.ca.gov/Conservation/Survey-Protocols. CDFW recommends consulting with USFWS to comply with federal ESA requirements.</p>	Prior to ground disturbance	Project Applicant
<p>Measure IV-8 California Red-legged Frog: For an adequate environmental setting and to reduce potential impacts to California red-legged frog to less-than-significant, CDFW recommends the following mitigation measure.</p>	Prior to ground disturbance and ongoing	Project Applicant



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<p>Within 48 hours prior to the commencement of ground-disturbing activities, the Project area and nearby vicinity, including a minimum 500-foot radius surrounding the Project area, shall be assessed by a qualified biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows. The results of the habitat feature assessment shall be submitted to CDFW for written acceptance prior to starting Project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frogs are encountered during the assessment or Project activities, the Project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the Project. If California red-legged frog is encountered or the qualified biologist believes that California red-legged frog is likely to occur in the Project area, the Project shall consult with USFWS pursuant to the federal ESA. All California red-legged frog upland and breeding habitat should be considered and evaluated when consulting with USFWS for take authorization.</p>		
<p>Measure IV-9 Western Pond Turtle: CDFW recommends that the draft EIR include a measure requiring a qualified biologist to conduct focused surveys for potential western pond turtle nesting habitat prior to each phase of the Project. If nesting habitat is identified then to exclude any female western pond turtle from laying eggs within a development phase of the Project, exclusion fencing should be placed prior to the egg-laying season (March through August). Exclusion fencing should be designed to encompass each development phase and maintained weekly until construction activities have been completed.</p> <p>Additionally, CDFW recommends that if any western pond turtle are discovered at the site immediately prior to or during Project activities, they should be allowed to move out of the area of their own accord. If a western pond turtle is unable to independently move out of the Project area, a qualified biologist should relocate western pond turtle out of harm's way in habitat similar to where it was found.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
<p>Added Measure – Alameda Whipsnake: CDFW recommends revising the draft EIR to evaluate all habitat</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>



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<p>types and assess the viability for containing Alameda whipsnake. Project construction may result in direct adverse effects including mortality of individuals. CDFW recommends that Project impacts such as the permanent destruction of Alameda whipsnake habitat and direct impacts associated with roadway mortalities be identified in a revised draft EIR. The draft EIR should also analyze cumulative impacts to the Alameda whipsnake due to fragmentation of habitat, permanent loss of habitat, and impacts associated with vehicle traffic on roadways.</p> <p>The draft EIR does not include measures to protect Alameda whipsnake, and therefore, fails to reduce permanent loss of Alameda whipsnake habitat to level of less-than-significant as it does not identify compensatory mitigation to offset this impact. CDFW recommends adding new measures addressing impact minimization and compensatory mitigation for Project impacts to AWS and their habitats to a less-than-significant level. If take of Alameda whipsnake cannot be fully avoided, then CDFW recommends the Project obtain Alameda whipsnake take coverage through an ITP issued by CDFW.</p>		
<p>Measures IV-5a and IV-5b Nesting Migratory Birds, including Nesting Raptors and Protected Birds: CDFW recommends the final EIR incorporate the following revisions to language in Measures IV-5a and IV-5b to ensure that significant impacts to bird species resulting from the Project are mitigated to a level of less-than-significant.</p> <p>Construction work should take place outside of the February 15 to September 15 bird nesting seasonal window to the maximum extent practicable. If construction is to be conducted during the nesting season, the Project Applicant is responsible for ensuring that the Project does not result in any violation of the MBTA or Fish and Game Code. A qualified biologist will conduct focused pre-construction nesting bird surveys throughout the Project area no more than five days prior to the initiation of on-site Project-related activities. Surveys will be conducted in all potential habitat located at, and adjacent to, Project work sites and in staging and storage areas. The minimum survey radii surrounding the work area will be the following: (1) 250 feet for Passerines; (2) and 1,000 feet for raptors such as Buteo spp. In the event that there is a lapse in construction activities for seven days or more, a qualified biologist will conduct additional focused pre-</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>



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<p>construction nesting bird surveys in areas of potential habitat again before Project activities can be reinitiated. If an active nest is found, the qualified biologist may consult with CDFW if needed regarding appropriate action to comply with Fish and Game Code.</p> <ul style="list-style-type: none"> Active Nest Buffers. Active nest sites and protective buffer zones will be designated as "ecologically sensitive areas" where no Project-related activities or personnel may enter (while occupied or in use for the season in the case of multi clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist will determine the necessary buffer, in consultation with CDFW if needed, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors. Active Nests. A qualified biologist will observe any identified active nests prior to the start of any Project-related activities to establish a behavioral baseline of the adults and any nestlings. Once Project activities commence, all active nests will be continuously monitored by a qualified biologist to detect any signs of disturbance and behavioral changes as a result of the Project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist will halt Project activities causing that change until they nestlings have fledged, and the nest is determined to be inactive. 		
<p>Measure IV-4 Burrowing Owls: For an adequate environmental setting evaluation and to reduce impacts to burrowing owl to less-than-significant, CDFW recommends revising the draft EIR to include the following revised mitigation measure:</p> <p>A qualified biologist shall conduct a habitat assessment for wintering burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report) habitat assessment and survey methodology prior</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>



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<p>to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the Project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.</p> <p>Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site specific conditions, and completed before Project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to Project construction.</p>		
<p>Measure IV-3 Golden Eagle: CDFW recommends revising the measure to incorporate following survey protocols per the Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations document: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83940.</p> <p>Surveys should be conducted by a qualified biologist with sufficient experience surveying and monitoring golden eagle. Golden eagles are known to spend 90 percent of their time within one mile of a nest; therefore, nest surveys should be completed at minimum within one mile the outer boundaries of Project related activities. Active golden eagle</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>



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<p>nests observed within one mile from Project activities should be monitored by a qualified biologist and a "no-work" buffer should be implemented until all young have fledged. CDFW and USFWS should be consulted to determine site-specific buffers and monitoring requirements to avoid premature fledging.</p>		
<p>Measure IV-4 Special-Status Plants: For an adequate environmental setting and to reduce impacts to CESA and federally listed plants to less-than-significant, CDFW recommends implementing the following additional measures related to botanical resources:</p> <p>The Project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results. The botanical survey results shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities. If CDFW is unable to accept the survey results, the Project applicant shall conduct additional surveys prior to initiation of Project activities or may assume presence of listed species. Please be advised that for CDFW to accept the results, they must be completed in conformance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering offsite hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the Project, or the presence of these species is assumed, the Project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.</p> <p>CDFW agrees that a Mitigation and Monitoring Plan should be prepared and implemented prior to Project implementation if special-status plants are found during surveys. The draft EIR should outline which species of special-status plants will be impacted, and a well-developed, robust proposal for how the Project would be re-designed to avoid, minimize and/or mitigate impacts to those special-status plants. The applicant should provide a</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>



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<p>copy of the special-status plant survey results to CDFW for review and acceptance.</p>		
<p>Added Measure - Impacts to Sand Creek and Associated Riparian Habitat: There may be opportunities to move the channel to the more stable stream Stage 8.</p> <p>CDFW recommends evaluating mechanisms that slow the channel's flow velocity through the Project site, and which encourage vegetation and biological activity, as well as sediment deposition to aggrade in the channel. This might be accomplished by elevating the existing channel grade to match the small inset terrace above the active channel, and/or by introducing nature-based techniques and structures to slow flow and capture sediment.</p> <p>CDFW further recommends that Project develop and incorporate appropriate channel restoration actions to ensure the long-term stability of the channel's stream dynamics.</p>	<p>Prior to ground disturbance and during Project implementation</p>	<p>Project Applicant</p>
<p>Added Measure – Project Phasing Evaluation: CDFW recommends the draft EIR be revised to include a fully developed description of the Project's phasing and estimated timeframes from start of construction to complete buildout and require resurveys for biological resources. If the Project's timeframe from start of construction to complete build out includes breaks in construction longer than 15 days or periods of inactivity that could allow establishment of habitat elements such as ground squirrel burrows or vegetation, then impacts to wildlife that may use these habitat elements should be addressed in the draft EIR. CDFW recommends including in the draft EIR a mitigation measure that includes the following elements: 1) a qualified biologist shall conduct a wildlife survey and habitat assessment to determine potential wildlife and habitat elements present that may be utilizing the vacant sections and/or parcels prior to Project-related activities taking place when there is a break in these activities greater than 15-days; 2) if unbuilt or fallow sections and/or parcels are being utilized by wildlife, avoidance and minimization measures shall be specified to prevent impacts and mortality, 3) if impacts and "take" are not fully avoidable, additional compensatory mitigation shall be discussed and agreed upon with CDFW's approval prior to the re initiation of construction activities, and 4) if there is a break in these activities greater than 15</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>



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City of Antioch Community Development Department
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cont.**

days, compliance checks by a qualified biologist are required to ensure habitat assessments, pre-construction surveys, and other biological mitigation measures in the draft EIR are being implemented.		
Added Comment - Maintaining Migration Corridors: CDFW recommends that the draft EIR be revised to contemplate and fully evaluate an increase in the creek setback area greater than the proposed 50 feet or completely excluding recreation from this corridor.	Prior to ground disturbance	Project Applicant



LETTER 1: CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Response to Comment 1-1

The comment is an introductory statement regarding the role of the California Department of Fish and Wildlife (CDFW) and does not address the adequacy of the Draft EIR.

Response to Comment 1-2

The comment consists of a summary of the project description and setting. The comment does not address the adequacy of the Draft EIR.

Response to Comment 1-3

The comment consists of an introduction to the specific comments and recommendations included in the remainder of the letter. The comment does not address the adequacy of the Draft EIR.

Response to Comment 1-4

As stated in Mitigation Measures IV-1 through IV-11, presented in Table 2-1 beginning on page 2-12 of Chapter 2, Executive Summary, of this Draft EIR, focused surveys for special-status species shall be conducted by qualified biologists at the project site using appropriate protocols prior to any project-related construction. However, special-status plant surveys would be conducted in appropriate habitats for plants of concern during the appropriate period in which the species are most identifiable, which is usually within the blooming period for each special-status plant species. Depending on the construction schedule, conducting special-status plant surveys within seven days of the start of construction may not be effective, as such surveys may not occur during the appropriate period in which the plant species of concern are most identifiable. The best practice to effectively avoid and minimize the potential impacts to special-status plant species is to conduct special-status plant surveys within one year prior to the start of initial ground disturbance during the appropriate blooming periods, as stated in the Draft EIR mitigation measures. The City of Antioch, as the lead agency for the project, will be responsible for ensuring the CEQA mitigation measures are implemented. Submitting survey results to third-party agencies for review and acceptance is not necessary. Further, criteria for evaluating such survey results is not provided. Additional discussion on special-status plant surveys is provided in Response to Comment 1-12, below.

However, based on the comment, Mitigation Measures IV-2(b), IV-6(b), IV-7(b), IV-10(b), and IV-11(b) are revised as shown below. Mitigation Measures IV-3(b) and IV-5(b) are also revised based on the comment, as well as on subsequent comments, as shown in Responses to Comments 1-9 and 1-11 below.

Based on the comment, Mitigation Measure IV-2(b) is hereby revised as follows:

IV-2(b) Prior to any project-related ground disturbance that occurs during the nesting season (March 15th to September 15th) within a half-mile of a potential nest tree, a qualified biologist shall conduct preconstruction surveys within the construction zones and adjacent lands to identify any nesting pairs of Swainson's hawks ~~within 14~~ no more than seven days prior to the onset of ground disturbance. Preconstruction surveys are not required for construction activities located farther than a half-mile from a potential nest tree. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in



California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.

If active nests are not found during preconstruction surveys, further mitigation is not necessary. If any active nests are discovered in or near proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the active nest site. The buffer shall be identified on the ground with flagging or fencing and shall be maintained until the qualified biologist has determined that the young have fledged.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

- 1) Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or
- 2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.

Based on the comment, Mitigation Measure IV-6(b) is hereby revised as follows:

IV-6(b) No more than seven days prior ~~Prior~~ to initiation of ground-disturbing activities, a protocol-level survey shall be conducted to assess the presence or absence of listed fairy shrimp within the project site. Surveys shall occur in a year wet enough to fill ephemeral wetlands for the USFWS to accept the results of the surveys. Should the surveys confirm absence of listed fairy shrimp, no further action will be necessary.

Should the surveys identify listed fairy shrimp, to mitigate for permanent impacts to shrimp habitat, the project applicant shall preserve occupied and potentially occupied habitat at a minimum 2:1 ratio (preserved:impacted) and create additional habitat at a minimum 2:1 ratio (created:impacted). Preservation or created habitat shall be via the purchase of mitigation land in fee title or via recordation of a conservation easement over the mitigation land preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization as defined by Section 815.3 of the California Civil Code. The preserved or created habitat shall be established at least a year prior to on-site impacts to vernal pool fairy shrimp or vernal pool tadpole shrimp habitat in order to monitor the new habitat's effectiveness, including a comparison to the existing on-site habitat with regards to appropriate hydrology for shrimp. Once the determination has been made that the created habitat supports the appropriate hydrology, the top four inches of topsoil of the on-site habitat planned to be impacted can be transferred to the mitigation site in the same day. Removal and placement of this topsoil shall be done in a systematic fashion that will avoid compaction of the soil.

Prior to the start of construction, the project applicant shall prepare and submit to the City of Antioch a Habitat Mitigation and Management Plan (HMMP), which shall



outline the requirements for managing preserved areas and created areas for five years, as well as success criteria for the created habitat. The HMMP will follow the guidelines for mitigation and monitoring of vernal pools issued by the USFWS (1994). The project applicant shall also establish an endowment fund, or other funding mechanism to provide for the long-term management, maintenance, and monitoring of the mitigation site.

In lieu of the above, prior to construction, the project applicant may purchase credits at a 1:1 ratio from an approved mitigation bank.

The project applicant may satisfy the requirements of this mitigation measure by providing the City of Antioch Community Development Department with a copy of a biological opinion issued by the USFWS that includes these, or other functionally equivalent, habitat preservation measures prior to the start of construction.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or
2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.

If breeding habitat is planned to be removed, in addition to evaluating the potential of the project to affect listed fairy shrimp under CEQA, the applicant would need to comply with provisions of the federal Endangered Species Act and would need to seek take authorization from the USFWS for project-related losses as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (i.e., Section 7 consultation, usually through the USACE or the Bureau of Land Management) or through the HCP process (i.e., Section 10 consultation).

Based on the comment, Mitigation Measure IV-7(b) is hereby revised as follows:

IV-7(b) No more than seven days prior ~~Prior~~ to initiation of ground-disturbing activities, a qualified biologist shall conduct a preconstruction survey of the seasonal wetlands in the eastern portion of the project site during the rainy season in order to determine whether they could be classified as breeding habitat for the California tiger salamander. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If breeding habitat is not identified, further mitigation is not necessary. If the seasonal wetland is determined to be breeding habitat and cannot be avoided, the project applicant shall compensate for the loss of upland habitat at a minimum of a 2:1 impacts to replacement ratio. Mitigation land shall be permanently protected land within the Central California Distinct Population Segment (DPS) range of the California tiger salamander within 1.3 miles of a known breeding site, or as otherwise approved by CDFW and USFWS. Protection shall be accomplished through the purchase of the mitigation land in fee title or via recordation of a conservation easement over the mitigation land. In lieu of this mitigation prior to construction, the project



applicant may purchase California tiger salamander credits at a 1:1 ratio from an approved mitigation bank.

In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses of the California tiger salamander habitat, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management. Proof of compliance shall be submitted to the City of Antioch Community Development Department.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

1. *Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or*
2. *Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.*

Based on the comment, Mitigation Measure IV-10(b) is hereby revised as follows:

IV-10(b) The project applicant shall retain a qualified biologist to conduct a preconstruction survey to determine the presence or absence of badgers no more than seven days prior to initiation of ground-disturbing activities. If badgers are not identified, further mitigation is not required. If an active badger den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction-free buffer of up to 300 feet around the badger den. Once the biologist has determined that the badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the badger young are of an independent age and construction activities would not harm individual badgers. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.

Based on the comment, Mitigation Measure IV-11(b) is hereby revised as follows:

IV-11(b) A qualified biologist shall conduct preconstruction surveys no more than ~~14~~ seven days prior to site grading to determine the presence or absence of kit fox. If kit fox is not identified during the surveys, further mitigation is not required. If an active kit fox den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction free buffer of up to 300 feet around the San Joaquin kit fox den. Once the biologist has determined that the San Joaquin kit fox has vacated the den, the



den can be collapsed or excavated, and ground disturbance can proceed. Should the den be determined to be a natal or reproductive den, a biological monitor shall be present on-site during construction activities in the vicinity of the dens to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the young are of an independent age and construction activities would not harm individual San Joaquin kit fox. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.

The foregoing revisions are for clarification and amplification purposes, and do not affect the analysis or conclusions presented in the Draft EIR.

Response to Comment 1-5

The majority of the approximately 96.5-acre project site supports dry-farmed agriculture planted in wheat and is regularly disced. Historic photos show years of on-site agricultural production. The occurrence of special-status species, potential impacts to special-status species and their habitats, including California tiger salamanders, is addressed in Section IV, Biological Resources, of the Initial Study prepared for the proposed project and included as Appendix A of the Draft EIR. The analysis therein is based on the project-specific Technical Biological Report, which is included as Appendix D of the Draft EIR. The commenter does not provide any site-specific data regarding California tiger salamanders that is not already addressed in Appendix D of the Draft EIR, such as occurrences of California tiger salamanders in the project vicinity. While suitable breeding habitat may be present off-site, only one historic occurrence of California tiger salamander has been recorded on-site, which occurred in a pond that straddled the project site boundary in the far southwest corner of the site that is no longer present. Although the comment states that the habitat is extant, the pond was removed many years ago. Therefore, breeding habitat is absent from the project site, and the dry-farming on-site makes the site generally unsuitable for the species dispersal and over summering. Accordingly, contrary to the commenter's suggestion, California tiger salamander are not necessary to be assumed present on-site.

According to the California Natural Diversity Database (CNDDDB) records, four extant California tiger salamander records are located south of the project site. One of these records (Occurrence No. 700) is a 2001 record of eggs and larvae found in a pond. Google Earth images show that this area is manipulated regularly, and the pond appears to no longer be present. The other CNDDDB records (352, 559, and 699) have impediments to movement north: either Deer Valley Road or intensive agriculture, or both, lie between the project site and the locations where the species has been recorded. Thus, the California tiger salamander known to occur south of the project site are unlikely to move to the intensively farmed project site that does not provide breeding habitat.

Furthermore, field studies have shown that farmed sites that are absent breeding habitat do not support California tiger salamander. For example, wildlife exclusion fencing with cover boards was installed on two project sites that lie north of Sand Creek, in the project vicinity. Daily fence checks were made on the two project sites during the rainy season over two years to search for California tiger salamander movement on the farmed properties. During two years of rainy season daily fence checks, as well as dry season checks with water trucks simulating rain events, California tiger salamander were not identified, as the current and historical farming practices are incompatible with California tiger salamander use.



The majority of the proposed project's development footprint currently consists of agricultural land. As noted in the available scientific data regarding California tiger salamander, and as demonstrated in the past studies discussed above, agriculture is considered detrimental to the species. As such, a loss of agricultural land would not significantly impact the species, or the availability of habitat for the species in the region. The City has sufficient data to evaluate the potential impacts to biological resources, including California tiger salamander, and based on the project-specific Technical Biological Report, the Draft EIR concluded that the species should not be presumed to be present on-site, and protocol-level surveys for the species are also not necessary to evaluate the project's potential impacts.

The commenter's advice to the project proponent does not raise any significant environmental impacts. The Draft EIR adequately discloses the regulatory environment; whether the project proponent chooses to apply for an incidental take permit does not affect the project's potential environmental impacts. As the lead agency, the City of Antioch is ultimately charged with concluding whether the Draft EIR is adequate and certifying the Draft EIR. Once certified, the Draft EIR is presumed adequate for all subsequent project permitting.

Response to Comment 1-6

The occurrence of special-status species, as well as potential impacts to special-status species and their habitats, including California red-legged frog, is addressed beginning on page 34 in Section IV, Biological Resources, of the Initial Study prepared for the proposed project and included as Appendix A to the Draft EIR. Similar to Response to Comment 1-5, above, the commenter does not provide any site-specific data regarding California red-legged frogs that is not already addressed in the Draft EIR. As such, the Draft EIR already considered the information provided by the commenter in evaluating the project's potential impacts to California red-legged frogs.

While the Draft EIR demonstrates that the project, with the incorporation of the proposed mitigation measures, would result in a less-than-significant impact on California red-legged frogs, Mitigation Measure IV-8(b) is hereby revised as follows:

IV-8(b) Within 48 hours prior to the initiation of ground-disturbing activities, a A qualified biologist shall conduct preconstruction surveys for the presence of California red-legged frog individuals and habitat features within the project site and nearby vicinity, including a 500-foot radius surrounding the project site (to the extent that such areas are accessible) prior to the initiation of ground-disturbing activities. Habitat features include both aquatic habitat, such as plunge pools and ponds, and terrestrial habitat, such as burrows.

The results of the habitat feature assessment shall be submitted to the City prior to starting project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frog are not encountered during the preconstruction surveys, further mitigation is not required. If California red-legged frogs are encountered during the assessment, the qualified biologist shall recommend, and the project shall implement, measures to avoid or minimize impacts to individual frogs, such as allowing frogs to move out of the area on their own volition or relocating the frogs. Following preconstruction surveys, work areas adjacent to Sand Creek and the unnamed tributary shall be enclosed with wildlife exclusion fencing with one-way escape doors prior to the commencement of initial ground disturbing activities. If a California red-legged frog is encountered during project construction, all work shall cease until the frog has moved out of harm's



~~way on its own volition or been relocated out of harm's way by a qualified biologist. If California red-legged frog are present, they shall be relocated by the qualified biologist. The work areas shall be cleared and isolated with suitable wildlife exclusion fencing that would block the movement of California red-legged frogs from entering the work areas.~~ A qualified biologist shall be on-site during particular times of construction to ensure California red-legged frog are not harmed, injured, or killed during project buildout.

Upland habitats shall be managed via a long-term management plan to maintain the quality of the habitat for the movement and dispersal of California red-legged frog. Potential opportunities include, but are not limited to, enhancement of the channels and riparian corridor (e.g., formation of plunge pools), which would maximize opportunities to disperse from the ponds to even higher-quality habitat off-site.

In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management). Proof of compliance shall be submitted to the City of Antioch Community Development Department.

As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:

1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or
2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.

As shown in Table 2.1 in Chapter 2, Executive Summary, of the Draft EIR, implementation of Mitigation Measures IV-8(a) and IV-8(b) would minimize and avoid impacts to California red-legged frogs and suitable California red-legged frog habitat. As such, the proposed project would have a less-than-significant impact on California red-legged frogs, and additional mitigation is unnecessary. The City of Antioch, as the lead agency for the project, will be responsible for ensuring the CEQA mitigation measures are implemented; thus, the inclusion of the additional portions of the mitigation measures recommended by the commenter, such as submitting reports to third-party agencies or requiring authorization from third-party agencies to commence construction, are not necessary. Further, the recommended mitigation measure does not include any criteria for evaluating such reports, or criteria for providing the CDFW's written permission to continue construction. The language added to Mitigation Measure IV-8(b) ensures that construction would continue only after a species has moved out of harm's way, which would prevent any impacts to individual California red-legged frogs.

If the project proponent seeks a permit, authorization, or funding from a federal agency, the federal agency would determine whether consultation with the U.S. Fish and Wildlife Service (USFWS)



regarding California red-legged frogs is necessary in accordance with the federal Endangered Species Act. If necessary, the federal agency would consult with the USFWS in accordance with the federal Endangered Species Act. The federal Endangered Species Act does not require, or authorize, consultation with the USFWS by a non-federal entity.

Response to Comment 1-7

While the Draft EIR demonstrates the proposed project, with the implementation of the proposed mitigation measures, would have a less-than-significant impact on western pond turtles, based on the comment, Mitigation Measure IV-9(b) is hereby revised as follows to include CDFW's recommendations regarding western pond turtle preconstruction surveys and construction measures:

IV-9(b) Implement Mitigation Measures IV-8(b) for potential western pond turtle nesting habitat. If nesting habitat is identified, in order to exclude any female western pond turtle from laying eggs within a development phase of the project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained regularly until construction activities have been completed. Alternatively, the development footprint can be excluded from western pond turtle use by installing wildlife exclusion fencing prior to the turtle nesting season to prevent turtles from laying eggs on the project site and protect the nesting turtles and their hatchlings from impacts. If western pond turtle are observed on-site prior to or during construction, they shall be allowed to leave the site on their own, or be located by a CDFW-approved biologist. If a western pond turtle is unable to independently move out of harm's way, a qualified biologist shall relocate the species out of harm's way to habitat similar to where it was found. If a western pond turtle nest is observed, a 50-foot construction-free buffer around the nest site shall be established and maintained until a qualified biologist determines the nest is no longer active.

Response to Comment 1-8

As stated in the Draft EIR, with the exception of the riparian zone along Sand Creek, the project site has been intensively farmed for decades. Suitable core habitat for Alameda whipsnake does not occur within the project site, and the only on-site natural community is the narrow, broken riparian canopy along Sand Creek. Recent research has shown that Alameda whipsnake will move out of core habitats (i.e., chaparral and scrub) and into less favorable habitats (e.g., orchard). However, the core habitats must be nearby, even in small amounts, for the snakes to make the trek into less favorable habitats. The recent research postulates that vegetative structure may be a more critical component of suitable habitat for the Alameda whipsnake than the type of plant species. Given that the project site is farmed, contains very little plant structural diversity, is bordered by farming on two sides and by a well-traveled road on another side, and only contains a small native component of riparian habitat in an otherwise developed region, the Alameda whipsnake, which relies on lizard populations for prey, is unlikely to occur along Sand Creek, which is flowing many months of the year. In addition, exclusionary fencing would be installed between Sand Creek and the project site to mitigate impacts to other special-status species, which would further decrease the risk of Alameda whipsnake entering the project site.

The proposed project would not disturb the riparian habitat along Sand Creek. The only work planned along Sand Creek is a culverted crossing for an emergency vehicle access (EVA) road along an already culverted crossing location where an unnamed on-site tributary flows into Sand Creek. Because the nominal development of Sand Creek would not result in a significant



cumulative loss of Alameda whipsnake habitat or result in habitat fragmentation, further habitat assessments are not necessary. Consistent with the conclusions of the Draft EIR, impacts to Alameda whipsnake would be less than significant, and additional mitigation is unnecessary.

The commenter's advice to the project proponent does not raise any significant environmental impacts, and whether the project proponent chooses to apply for an incidental take permit does not affect the potential environmental impacts of the proposed project.

Response to Comment 1-9

Based on the comment, Mitigation Measure IV-5(b) is hereby revised as follows:

IV-5(b) Prior to commencement of ground-disturbing activities or tree removal during the breeding season (typically between February 1st and August 31st, the project applicant shall retain a qualified biologist to conduct preconstruction migratory bird and raptor nesting surveys ~~within 14~~ no more than seven days prior to the onset of ground disturbance. The nesting migratory bird surveys shall cover the project site and the raptor nesting surveys shall encompass the site and lands within 250 feet of the site, where accessible. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If nesting migratory birds or raptors are not identified during the surveys, further mitigation is not required.

If nesting migratory birds or raptors are identified during the surveys, an appropriate construction-free buffer shall be established. ~~The actual size of the buffer, which would be determined by the qualified biologist, will depend on the species, topography, and type of activity that would occur in the vicinity of the nest. The project buffer shall be monitored periodically by the qualified biologist to ensure compliance. Construction or earth-moving activity shall not occur within the established buffer until determined by a qualified biologist that the young have fledged. Active nest sites and protective buffer zones shall be designated as "ecologically sensitive areas" where project-related activities are not allowed and personnel may not enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, if any, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.~~

A qualified biologist shall observe any identified active nests prior to the start of any project-related activities to establish a behavioral baseline of the adults and any nestlings. Once project activities commence, all active nests shall either be monitored daily or continuously by a qualified biologist until the biological monitor is confident the established buffer is at an effective distance from the nest, to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive.



Response to Comment 1-10

The project's potential to impact to the western burrowing owl is discussed beginning on page 36 of the Initial Study prepared for the proposed project and included as Appendix A of the Draft EIR. As discussed therein, implementation of Mitigation Measure IV-4(a) and IV-4(b) would be sufficient to reduce impacts to western burrowing owl to less than significant. More specifically, Mitigation Measure IV-4(b) would require surveys in compliance with the 2012 Staff Report on Burrowing Owl Mitigation by requiring that "take avoidance (preconstruction) surveys shall be conducted within 14 days prior to ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys, including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance to ensure absence of the species." Thus, the preconstruction surveys required by Mitigation Measure IV-4(b) are sufficient to detect any western burrowing owl on-site, and would reduce the potential impact to less than significant. Therefore, impacts to western burrowing owl are adequately addressed in the Draft EIR, and further mitigation is not necessary.

Response to Comment 1-11

The comment does not provide any site-specific data for concluding that the proposed mitigation measures are inadequate. As stated in the comment, golden eagle displays behavior changes if disturbed, and in accordance with Mitigation Measure IV-3(b), behavior will be monitored, and a larger buffer may be implemented if a qualified biologist determines it is necessary. The commenter's statement regarding the fully protected species status does not present an environmental impact or affect the Draft EIR's analysis of the project's potential impacts to golden eagle. The project would be subject to State law irrespective of the conclusions and requirements of the Draft EIR.

However, based on the comment, Mitigation Measure IV-3(b) is hereby revised as follows:

IV-3(b) No more than seven days prior Prior to initiation of ground-disturbing activities or tree removal, preconstruction surveys shall be conducted concurrently with the preconstruction surveys for Swainson's hawk nests as required by Mitigation Measure IV-2(b) above. The preconstruction surveys shall include a survey radius of one mile surrounding the project's development footprint. However, adjacent parcels under different land ownership within the one-mile survey area shall only be surveyed on foot if access to such areas are granted by the landowners of the parcels. If access is not granted, the qualified biologist shall survey trees on adjacent parcels from the closest boundary of the project site. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.

If no active nesting golden eagles are identified during survey(s), project construction may commence without further regard for protection of nesting eagles. If active nesting golden eagles are identified during the preconstruction surveys within a half-mile of the site and within the line of sight from disturbance to the nest site, biological monitors shall monitor the nest in order to establish baseline behavioral data. Based on the baseline behavioral data and location of the nest (i.e., whether the nest is remote or in/close to town, and whether existing disturbances are present), a construction-free buffer shall be established. The construction-free buffer shall be a minimum of 800 feet and can be increased based on the biological monitor's observations of the behavior at the nest. Project-related disturbance shall not be allowed within any established buffer until the biologist has determined that the young have fledged.



Response to Comment 1-12

The commenter recommends two years of surveys for special-status plants. With the exception of the Santa Rosa Plain in Sonoma County, where federally and State listed vernal pool plant species are extremely threatened due to land conversion, federal, State, and local policies do not require two years of surveys for special-status plants. While the CDFW's 2018 protocol recommends yearly surveys for annual species, the recommendation is site dependent. The language in the 2018 survey protocol reads: "Habitats, such as grasslands or desert plant communities that have annual and short-lived perennial plants as major floristic components, may require yearly surveys to accurately document baseline conditions for purposes of impact assessment." The project site has been farmed for decades; thus, the project site does not support a native or even naturalized annual grassland community that would require two years of surveys. In addition, due to the long history of intensive farming on the project site, the potential for special-status plants to occur within the development footprint is extremely low. Nonetheless, two years of special-status plant surveys have already been conducted by Monk and Associates in 2005 and 2018; because the 2018 surveys are already five years old, additional surveys are necessary. As such, Mitigation Measure IV-1 is hereby revised, as shown below, to require special-status plant surveys to be conducted the spring/summer prior to project grading, and that all such surveys shall be conducted during the blooming period of all special-status plants with the potential to occur on-site. Therefore, potential impacts of the proposed project upon special-status plants are adequately addressed in the Draft EIR, and additional mitigation is not necessary.

Based on the recommendations set forth in the comment letter, Mitigation Measure IV-1 is hereby revised as follows:

IV-1 *During the spring/summer prior* ~~Prior~~ *to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall retain a qualified biologist to conduct focused botanical surveys during the blooming period for Contra Costa goldfields, alkali milk-vetch, heartscale, brittlescale, lesser saltscale, dwarf downingia, Jepson's coyote-thistle, shining navarretia, bearded popcirnflower, California alkali grass, long-styled sand spurrey, San Joaquin spearscale, and all plants that are considered locally rare as listed in the East Bay Chapter of the CNPS Database of Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties for the Marsh Creek/Lone Tree Valley area. Project construction shall not be initiated until all special-status plant surveys are completed and the mitigation is implemented, if necessary and required prior to starting construction*

A special-status plant survey report that includes the methods used, survey participants, and associated findings shall be prepared and submitted to the City no more than 30 days following the completion of the final site visit. A record of any special-status plant species identified within the project site during the preconstruction surveys shall be submitted to the CNDDB. If new special-status plant populations are not found on the site during the appropriately timed surveys, additional mitigation is not required. If construction is not started within two years after the rare plant surveys are completed, the City may require additional rare plant surveys.

If special-status plants are observed on the site during the survey, the populations shall be avoided to the maximum degree possible during project development, and a Mitigation and Monitoring Plan shall be prepared detailing the measures to be implemented to avoid the plant population. Measures shall include establishment of appropriate buffers during construction, fencing of the population prior to and



during construction, and regular monitoring of the preserved population by a biologist during and after construction activities. The Mitigation and Monitoring Plan shall be implemented prior to the initiation of project grading. If the plant populations cannot be avoided, the applicant shall hire a qualified biologist to prepare a seed collection and replanting plan in coordination with the City of Antioch to reduce impacts to the identified special-status plant populations, subject to review and approval by the City of Antioch Community Development Department.

Response to Comment 1-13

As shown in Figure 3-3 in Chapter 3, Project Description, of the Draft EIR, the proposed development footprint would not encroach upon Sand Creek or the associated riparian zone. Although the on-site unnamed tributary, which flows into Sand Creek, may be impacted by the proposed project, if any impacts could occur to the CDFW's jurisdiction of the tributary, Mitigation Measures IV-12(a) through IV-12(c) would be sufficient to reduce such impacts to a less-than-significant level. Additional mitigation would not be necessary.

The proposed project would result in an increase in impervious surfaces beyond what currently exists within the project site. However, as discussed on page 75 in Section X, Hydrology and Water Quality, of the Initial Study (Appendix A of the Draft EIR), pursuant to the stormwater control plan prepared for the project, the detention and bioretention facilities would be designed to exceed the minimum volume needed to treat and control runoff from all proposed impervious surfaces and sufficient to ensure that the post-project flows from the project site would not exceed pre-project flows. In addition, the Preliminary Geotechnical Exploration prepared for the project site by ENGEO Incorporated (ENGEO), included as Appendix B to the Initial Study, recommends a "preliminary creek set-back of 150 feet, or a 3:1 slope projected upward from the toe of existing creek (whichever is less), be incorporated into the project planning." Mitigation Measure VII-1 requires "that all geotechnical recommendations specified in the Preliminary Geotechnical Exploration prepared for the proposed project are properly incorporated and utilized in the project design." Based on the above, as presented in the Initial Study and Draft EIR, the proposed project would not result in any adverse impacts to Sand Creek.

Response to Comment 1-14

The project description in the Draft EIR is complete, and the Draft EIR discloses the potential biological impacts of developing the proposed project. Under Mitigation Measures IV-1 through IV-11, preconstruction surveys are timed, as appropriate, for plant and wildlife species. The surveys would occur prior to initial ground disturbance or for any phase of the project for which mass grading has not occurred. In addition, the installation of wildlife exclusion fencing following preconstruction surveys would exclude special-status species from entering the areas subject to construction. Therefore, even if project construction should lapse for more than 15 days, additional special-status species surveys would not be necessary.

Response to Comment 1-15

Project impacts related to interference with wildlife movement is discussed on page 51 within Section IV, Biological Resources, of the Initial Study (Appendix A of the Draft EIR). As discussed therein, most wildlife in the area would use the adjacent Sand Creek and associated tributary as a local movement corridor and would likely continue to do so in the same manner after site development. In addition, as discussed above, the majority of Sand Creek and its channel would remain undisturbed; the majority of Sand Creek is located off-site, and all development in the vicinity of the creek would be situated upslope. Because trails and lighting are not proposed near



the creek, mammals moving along Sand Creek, which would most commonly occur at night, would not be impacted. In addition, due to the distance between the proposed development and Sand Creek, amphibians and/or reptiles moving along the creek are also unlikely to be impacted. With respect to Sand Creek not providing a sufficient movement corridor for San Joaquin kit fox, as discussed in the Technical Biological Report prepared for the proposed project, San Joaquin kit fox has not been recorded in the project vicinity since 1996, and, thus, is unlikely to occur on-site or move through the site or the riparian corridor of Sand Creek. Therefore, impacts related to wildlife movement corridors have been adequately addressed in the Draft EIR, and additional analysis or mitigation is not required.

Response to Comment 1-16

The Draft EIR, including all associated technical reports and references, has been made available to the public as discussed in Chapter 1, Introduction and List of Commenters, of this Final EIR. The comment does not address the adequacy of the Draft EIR and has been noted for the record.

Response to Comment 1-17

The comment does not address the adequacy of the Draft EIR.

Response to Comment 1-18

The comment consists of a conclusion statement and does not address the adequacy of the Draft EIR.

Response to Comment 1-19

The comment consists of a summary of the mitigations recommended throughout the comment letter. The comment does not address the adequacy of the Draft EIR.



Letter 2



Central Valley Regional Water Quality Control Board

21 August 2023

Kevin Scudero
City of Antioch
Community Development Department
P.O. Box 5007
Antioch, CA 94531
KScudero@antiochca.gov

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, ALBERS RANCH PROJECT, SCH#2021100264, CONTRA COSTA COUNTY

2-1

Pursuant to the State Clearinghouse's 7 July 2023 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Albers Ranch Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

2-2

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

MARK BRADFORD, CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

2-2
cont.



Albers Ranch Project
Contra Costa County

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http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

2-2
cont.



Albers Ranch Project
Contra Costa County

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401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

2-2
cont.



Albers Ranch Project
Contra Costa County

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2-2
cont.

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

2-3

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



LETTER 2: CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 2-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 2-2

The comment provides background information regarding applicable regulations and required permits. Compliance with such regulations is discussed in Section X, Hydrology and Water Quality, of the Initial Study prepared for the proposed project and included as Appendix A of the Draft EIR, as well as in Chapter 4.0, Introduction to the Analysis, of the Draft EIR. The comment does not address the adequacy of the Draft EIR and has been noted for the record.

Response to Comment 2-3

The comment is a conclusory statement and does not address the adequacy of the Draft EIR.



Letter 3

From: [Scudero, Kevin](#)
To: [Cindy Gnos](#); [Angela DaRosa](#)
Subject: FW: NOA - Albers Ranch Project DEIR
Date: Tuesday, August 22, 2023 9:01:39 AM
Attachments: [image001.png](#)
[Drainage 130 Fee Calc.pdf](#)

Kevin Scudero
Acting Community Development Director
Senior Planner

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City of Antioch | P.O. Box 5007, Antioch, CA 94531-5007



From: Alexander Zandian <Alexander.Zandian@pw.cccounty.us>
Sent: Tuesday, August 22, 2023 8:59 AM
To: Scudero, Kevin <KScudero@antiochca.gov>
Cc: Michelle Cordis <michelle.cordis@pw.cccounty.us>
Subject: NOA - Albers Ranch Project DEIR

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Morning Kevin,

- 3-1 The Contra Costa County Flood Control and Water Conservation District (FC District) received the July 7, 2023 Notice of Availability of a Draft Environmental Impact Report (DEIR) for Subdivision 9515, Albers Ranch, located south of Upper Sand Creek Basin and east of Deer Valley Road (APNs 057-042-006 and 057-050-021) in the City of Antioch (City). We submit the following comments and recommendations for the project's DEIR:
- 3-2 Recommended Conditions of Approval:
1. The developer shall pay Drainage Area 130 fees prior to filing the final map.



**Letter 3
Cont'd**

**3-2
cont'd**

2. The developer shall apply for and obtain an FC District Encroachment Permit for any work planned within the FC District's right-of-way, including slope easements, or any work that affects the FC District's right-of-way.
3. If the developer is unsuccessful in securing access from the southeast, and a roadway crossing the dam and across the eastern edge of the basin is ultimately needed for access to the development, the developer shall provide conceptual access exhibits, including grading plans for the FC District's consideration. The FC District, in conjunction with DSOD, will consider the possible impacts of the grading and operation of this roadway, and determine if a sale of land rights is in the public interest.

Drainage Area Fee:

4. This development is located within Drainage Area 130 (DA 130), for which a drainage fee is due in accordance with Flood Control Ordinance Number 2007-06. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective January 1, 2023, the current fee in this drainage area is \$0.89 per square foot of newly created impervious surface. The drainage area fee for this lot should be collected prior to filing the final map.
5. The FC District is not the approving local agency for this development as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect, and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection.
6. The DA 130 fee for this project is estimated to be \$1,285,00 based on the VTM and development's Project Description. Please see the enclosed spreadsheet for our drainage fee calculation.

General Comments:

3-3

7. In the Hydrology Section, please identify and show all existing watercourses, tributaries, and man-made drainage facilities within the project site that could be impacted by this project. The discussion should include an analysis of the capacity of the existing watercourses.

3-4

8. The Hydrology Section should quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses, the detention basins (if proposed), and the man-made drainage facilities.

3-5

9. If the proposed Creekside/Vineyards at Sand Creek Project subdivision does not get approved the bioretention basin excess runoff would not have storm drain facilities to overflow to. We recommended the FEIR discuss design alternatives including drainage facilities.



**Letter 3
Cont'd**

- 3-6** 10. We recommend that the DEIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed.
- 3-7** 11. The DEIR should discuss the adverse impacts of the runoff from the project site to the existing drainage facilities, and drainage problems in the downstream areas, including those areas outside of the City of Antioch.
- 3-8** 12. The development is located within the FC District's repealed Drainage Area 104 (DA 104) boundary, which defines the watershed for Sand Creek. DA 104 is now a portion of regional Drainage Area 130 (DA 130), which defines the greater watershed for Marsh Creek. The existing and planned FC District facilities within DA 104 and DA 130 are designed to mitigate flooding on Sand Creek and further downstream on Marsh Creek.
- 3-9** 13. The FC District facilities that would be impacted by this development include the Upper Sand Creek Basin (USCB), the Lower Sand Creek Basin (LSCB), the Sand Creek Channel, and the Marsh Creek channel. The following FC District concerns should be addressed in the DEIR:
- A. The development borders USCB and grading activities may affect FC District property. The DEIR should discuss how the development will avoid and/or mitigate impacts to the FC District's property.
- 3-10** B. The development area naturally drains into Sand Creek towards LSCB. LSCB is currently in an interim condition and may not have adequate capacity to accommodate increased runoff from the development. The DEIR should discuss how the development will mitigate peak flows to pre-project levels.
- 3-11** 14. The Hydrology Section of the DEIR should include a study that uses Contra Costa County's hydrology and hydrograph standards found at the following links:
- Hydrology: <https://www.contracosta.ca.gov/5747/Hydrology-Standards>
Hydrograph: <https://www.contracosta.ca.gov/5746/Hydrograph-Standards>
- 3-12** 15. The DEIR should address the impacts of this project's runoff due to the increase in duration (length of time) of flows and the effect on creeks and channels downstream of the project. Whereas detention basins are capable of mitigating peak flows to pre-project levels, they increase the duration (length of time) of flows in the downstream watercourses, which saturate the channel banks and increase the potential for stream and channel erosion.
- 3-13** 16. The FC District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District facilities. The FC District is available to provide technical assistance during the development of the DEIR, including hydrology and hydraulic information, under our Fee-for-Service program.
- Thank you,



**Letter 3
Cont'd**

Alexander Zandian

Staff Engineer



Contra Costa County Public Works Department

Flood Control & Water Conservation District

255 Glacier Drive, Martinez, CA 94553

Office: (925) 313-2052

Fax: (925) 313-2333

Website: www.cccpublicworks.org

"Accredited by the American Public Works Association"

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3-14

Summary of Drainage Fees

Development #: Sub 9515 Albers Ranch / Olive Groves Date: 17-Aug-23
 APN: 057-042-006 Fee Schedule: 2023 Ordinance: 2007-6
 Drainage Area: 130

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ 36,597		\$ -	\$ 39,311	3.00	\$ 117,933
31,364		-	35,048		-
26,246		-	29,584		-
-		-			-

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ 28,836		\$ -	\$ 28,836		\$ -
1,709		-	1,709		-
1,958		-	1,958		-
2,278		-	2,278		-
2,608		-	2,608		-
2,928		-	2,928		-
3,240		-	3,240		-
3,400		-	3,400		-

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ 2,394		\$ -	\$ 3,836	227	\$ 870,772
2,501		-	3,996	39	155,844
2,608		-	4,156	17	70,652
2,715		-	4,317	6	25,902
2,875		-	4,548	5	22,740
3,195		-	5,011		-
3,729		-	5,767		-
4,610		-	6,915		-
5,723		-	8,259		-
6,862		-	9,514		-

(Amount Below is part of total.)			
	Sqr Ft.	Unit Price	Amount
Area of impervious surface to account for:	22869	0.89	\$ 20,353
			TOTAL: \$1,284,196

Calculate DA 130 fee if checked.

Mark box to add mitigation fee. n/a

Comments:
 This fee estimate is based on the 3/2/21 Vesting Tentative Map prepared by Carlson, Barbee and Gibson, Inc. Parcels A to S, streets, are included in the subdivision rate and were not charged fees. Parcels U to Y, open space and water quality, were not charged fees. Parcel T, a 1.5-acre park, was assumed to be 35% impervious area and charged the "per square foot" rate for 22,869 square feet. Parcels Z1 and Z2, assisted-living and/or commercial, were assumed to be 85.1% to 100.0% impervious and charged the commercial rate.

Prepared by: Alexander Zandian



Letter 3
Cont'd

3-14
cont'd

Lot Closure		
LOT #	(square feet)	
1	7,209	35
2	5,811	36
3	5,866	37
4	5,531	38
5	5,000	39
6	5,000	40
7	5,000	41
8	5,000	42
9	5,000	43
10	5,000	44
11	5,251	45
12	6,209	46
13	6,299	47
14	5,464	48
15	4,500	49
16	4,500	50
17	4,500	51
18	5,579	52
19	6,190	53
20	6,236	54
21	6,236	55
22	6,357	56
23	6,155	57
24	4,547	58
25	4,500	59
26	4,500	60
27	4,500	61
28	4,500	62
29	4,500	63
30	4,500	64
31	4,500	65
32	4,500	66
33	4,631	67
34	5,454	68
		69
		70
		71
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		97
		98
		99
		100
Total Area (ft²):	465,184	
Total Area (Acres):	10.679	
Comments:		

AREA (SF)	QTY
<2,500	-
2,500-2,999	-
3,000-3,999	24
4,000-4,999	44
5,000-5,999	21
6,000-6,999	9
7,000-7,999	1
8,000-9,999	1
10,000-13,999	-
14,000-19,999	-
20,000-29,999	-
30,000-39,999	-
40,000 +	-

Subdivision Total: 1,352,334 ft²



**Letter 3
 Cont'd**

**3-14
 cont'd**

Lot Closure					
LOT #	(square feet)				
101	3,867	135	4,582	169	3,864
102	4,416	136	4,670	170	5,000
103	5,312	137	4,908	171	4,097
104	5,692	138	4,831	172	4,191
105	3,690	139	4,695	173	4,191
106	3,690	140	4,374	174	4,191
107	4,012	141	3,834	175	4,191
108	4,258	142	3,825	176	4,191
109	3,995	143	3,825	177	4,191
110	4,258	144	3,825	178	4,191
111	4,296	145	3,825	179	4,191
112	4,261	146	3,949	180	3,927
113	4,261	147	4,273	181	4,116
114	4,261	148	4,266	182	4,328
115	4,263	149	4,277	183	4,588
116	4,049	150	4,745	184	4,563
117	4,116	151	4,116	185	3,825
118	4,244	152	3,951	186	3,825
119	4,572	153	4,169	187	3,825
120	4,584	154	4,170	188	3,825
121	4,583	155	4,169	189	3,825
122	4,541	156	4,169	190	4,056
123	4,144	157	4,167	191	4,443
124	4,144	158	4,131	192	3,825
125	4,144	159	4,094	193	4,956
126	4,160	160	3,910	194	4,925
127	4,691	161	4,433	195	8,318
128	5,826	162	4,065	196	5,953
129	5,760	163	3,780	197	4,076
130	6,524	164	5,845	198	3,825
131	4,793	165	3,602	199	3,825
132	6,269	166	3,600	200	3,825
133	7,296	167	3,600		
134	4,676	168	3,600		

Total Area (ft²):	439,086
Total Area (Acres):	10.080

AREA (SF)	QTY
<2,500	-
2,500-2,999	-
3,000-3,999	28
4,000-4,999	61
5,000-5,999	7
6,000-6,999	2
7,000-7,999	1
8,000-9,999	1
10,000-13,999	-
14,000-19,999	-
20,000-29,999	-
30,000-39,999	-
40,000 +	-

Subdivision Total: 1,352,334 ft²

Comments:



Letter 3
Cont'd

3-14
cont'd

Lot Closure					
LOT #	(square feet)				
201	3,825	235	6,449	269	5,013
202	3,939	236	4,500	270	7,750
203	5,170	237	4,500	271	8,790
204	4,445	238	4,500	272	4,789
205	4,116	239	4,524	273	4,500
206	4,030	240	7,509	274	4,500
207	4,195	241	4,500	275	4,500
208	4,196	242	4,500	276	4,500
209	4,196	243	5,007	277	4,500
210	4,195	244	5,739	278	5,890
211	4,195	245	5,739	279	6,373
212	4,195	246	5,739	280	6,383
213	4,195	247	7,009	281	6,383
214	4,195	248	8,060	282	6,513
215	4,162	249	4,679	283	4,991
216	3,995	250	4,590	284	4,991
217	4,399	251	4,590	285	4,500
218	4,847	252	4,590	286	4,500
219	3,900	253	4,590	287	4,607
220	3,600	254	4,590	288	7,055
221	3,671	255	4,590	289	3,714
222	3,743	256	4,590	290	3,600
223	3,743	257	4,590	291	3,600
224	3,743	258	5,615	292	3,600
225	3,743	259	5,624	293	3,600
226	3,743	260	8,773	294	3,600
227	3,743	261	6,063	295	-
228	3,743	262	5,179	296	-
229	3,743	263	4,680	297	-
230	3,743	264	4,680	298	-
231	3,743	265	4,680	299	-
232	3,653	266	4,680	300	-
233	3,600	267	4,680		
234	3,600	268	5,050		

Total Area (ft²):	448,064
Total Area (Acres):	10.286

Comments:

AREA (SF)	QTY
<2,500	-
2,500-2,999	-
3,000-3,999	25
4,000-4,999	45
5,000-5,999	11
6,000-6,999	6
7,000-7,999	4
8,000-9,999	3
10,000-13,999	-
14,000-19,999	-
20,000-29,999	-
30,000-39,999	-
40,000 +	-

Subdivision Total: 1,352,334 ft²



LETTER 3: CONTRA COSTA COUNTY FLOOD AND WATER CONSERVATION DISTRICT

Response to Comment 3-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 3-2

The comment does not address the adequacy of the Draft EIR. The City of Antioch shall consider including the recommended conditions of approval based on the comment, as appropriate.

Response to Comment 3-3

Figure 12, on page 73 of the Initial Study (Appendix A of the Draft EIR), is a Preliminary Stormwater Control Plan prepared for the proposed project which shows all man-made drainage facilities within the project site. However, Sand Creek, a tributary to Marsh Creek, which is located along the northern border of the site, and a reach of Sand Creek that extends through the western portion of the project site, are not identified on Figure 12. Nonetheless, the discussion included on page 72 of the Initial Study provides an analysis of the stormwater drainage management areas (DMAs) that would be developed on-site, and page 3 of the Preliminary Stormwater Control Plan, included as Appendix D of the Initial Study, states that, “no natural drainage features will be impacted as part of this project.”

The capacity of existing on-site watercourses is not explicitly discussed in the Initial Study. However, as stated on page 75 of the Initial Study, “the detention and bioretention facilities would be designed to exceed the minimum volume needed to treat and control runoff from all proposed impervious surfaces and sufficient to ensure that the post-project flows from the project site would not exceed pre-project flows.” Therefore, post-project runoff would not impact the capacity of existing watercourses in the project area.

Response to Comment 3-4

The discussion under question ‘a’ of Section X, Hydrology and Water Quality, on pages 72 through 73 of the Initial Study (Appendix A of the Draft EIR), and the discussion under question ‘ci-ciii’ on page 75, provide a detailed analysis on how stormwater runoff would be handled on-site. As discussed therein, the proposed project would include construction of a series of drain inlets and underground storm drain pipes to capture stormwater runoff from impervious surfaces created by the project. Runoff would be routed to a detention basin and bio-retention basin located within the southeastern portion of the project site (Parcel U). The basin would provide for treatment and detention of captured stormwater runoff. The stormwater flows would be metered from the basin to match pre-development rates. A discharge line would be constructed into I Street of the Creekside/Vineyards at Sand Creek Project. The proposed EVA road in the western portion of the site would generate a relatively small amount of runoff. The runoff from the EVA road would be collected into a proposed bio-swale within Parcel X and eventually discharge through a new outfall into the unnamed reach of Sand Creek. Detention of the runoff from the EVA would not be necessary as Sand Creek drains into the Upper Sand Creek Basin, north of the project site.

While the runoff is not quantified within the discussion included in the Initial Study, a Preliminary Stormwater Control Plan, which is included as Appendix D of the Initial Study, provides a quantification of the amount of runoff that would result from the proposed project.



Response to Comment 3-5

The Creekside/Vineyards at Sand Creek Project is anticipated to be complete prior to development of the proposed project. Should that not be the case, the City would require the proposed project to include the development of all necessary improvements, including adequately sized drainage facilities, as a Condition of Approval.

Response to Comment 3-6

See Response to Comment 3-4 above.

Response to Comment 3-7

According to the discussion included on page 72 of the Initial Study (Appendix A of the Draft EIR), the bio-retention basin and bio-swale that would be developed as part of the proposed project would remove any pollutants from on-site runoff by filtering runoff slowly through an active layer of soil prior to discharge. In addition, as stated on page 75 of the Initial Study, “the detention and bioretention facilities would be designed to exceed the minimum volume needed to treat and control runoff from all proposed impervious surfaces and sufficient to ensure that the post-project flows from the project site would not exceed pre-project flows.” Therefore, post-project runoff would not impact existing drainage facilities in the project area, or in downstream areas, including those areas outside the City of Antioch. Additionally, Mitigation Measure X-1 would ensure a Storm Water Pollution Prevention Plan (SWPPP) is completed for the proposed project, and adverse impacts to existing drainage facilities would not occur during project construction.

Response to Comment 3-8

The comment does not address the adequacy of the Draft EIR.

Response to Comment 3-9

The discussion under question ‘a’ of Section X, Hydrology and Water Quality, on page 72 of the Initial Study (Appendix A of the Draft EIR), provides a detailed analysis of how proposed grading activities could expose topsoil. As discussed therein, because the proposed project would disturb more than one acre of land, the proposed project would be subject to the requirements of the State’s Construction General Permit, which requires a SWPPP to be prepared for the site. In addition, Mitigation Measure X-1 would ensure that a SWPPP is prepared prior to any grading activities. Therefore, the proposed project would not result in impacts to Contra Costa County Flood and Water Conservation District property.

Response to Comment 3-10

See Response to Comment 3-7 above.

Response to Comment 3-11

As discussed on page 4.0-8 of the Draft EIR, within Chapter 4.0, Introduction to the Analysis, the Preliminary Stormwater Control Plan and EVA Culvert Sizing Analysis were prepared for the proposed project using the County design standards. Further, the proposed project is required to meet the hydromodification requirements in the City’s National Pollutant Discharge Elimination System (NPDES) permit. Based on the preliminary design of the proposed project, the combination detention basin and water quality facility would satisfy such requirements. Nonetheless, the City would require, as a condition of project approval, that a final stormwater management plan (SWMP) be submitted to the City for review and approval in conjunction with the project construction documents to ensure all County requirements have been met.



Response to Comment 3-12

See Responses to Comments 3-7 and 3-10 above.

Response to Comment 3-13

The comment does not address the adequacy of the Draft EIR.

Response to Comment 3-14

The comment does not address the adequacy of the Draft EIR.



Letter 4

ADAMS BROADWELL JOSEPH & CARDOZO

ARIANA ABEDIFARD
KEVIN T. CARMICHAEL
CHRISTINA M. CARO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
RICHARD M. FRANCO
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Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

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SACRAMENTO OFFICE
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TEL: (916) 444-6201
FAX: (916) 444-6209

July 17, 2023

Via Email and U.S. Mail

Forest Ebbs, Director
Community Development Department
City of Antioch
200 "H" Street
Antioch, CA 94531
Email: febbs@ci.antioch.ca.us

Ellie Householder, City Clerk
Office of the City Clerk
City of Antioch
200 "H" Street
Antioch, CA 94509
Email: ehouseholder@antiochca.gov;
cityclerk@antiochca.gov

Via Email Only

Cindy Gnos, Contract Planner
Email: cindygnos@raneymanagement.com

**Re: Request for Access to Documents Referenced in the Draft
Environmental Impact Report – Albers Ranch (Olive Groves) Project
(File Nos. GP-19-04 & MDP-19-01) (SCH No. 2021100264)**

Dear Mr. Ebbs, Ms. Householder and Ms. Gnos:

4-1


We are writing on behalf of Contra Costa Residents for Responsible Development ("Contra Costa Residents") to request access to any and all documents referenced, incorporated by reference, and relied upon in the Draft Environmental Impact Report ("DEIR") prepared for the Albers Ranch (Olive Groves) Project (File Nos. GP-19-04 & MDP-19-01) (SCH No. 2021100264) ("Project"), proposed Lucia Albers of Hillside Group, LLC. *This request excludes a copy of the DEIR and its appendices. This request also excludes any documents that are currently available on the Project's webpage on the City of Antioch website, as of today's date.*¹

4-2

The Project consists of a single-family residential subdivision with 294 units (no affordable units are currently planned), as well as recreational amenities and

¹ Accessed <https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/> on July 17, 2023.

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Letter 4
Cont'd

- July 17, 2023
Page 2
- 4-2 cont.** associated improvements. The Project also includes the future development of an assisted living facility upon issuance of a Conditional Use Permit. The Project site is located at the intersection of Deer Valley Road and Deer Hill Lane in Antioch, California (APNs 057-042-006 and 057-050-021).
- 4-3** Contra Costa Residents is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential public health and environmental impacts associated with Project development. Contra Costa Residents includes: the International Brotherhood of Electrical Workers Local 302, Plumbers & Steamfitters Local 159, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, their members and their families, and other individuals that live and/or work in the City of Antioch and Contra Costa County. Contra Costa Residents has a strong interest in enforcing the State's environmental laws that encourage sustainable development and ensure a safe working environment for its members.
- 4-4** Our request for access to all documents referenced in the DEIR is made pursuant to the California Environmental Quality Act ("CEQA"), which requires that all documents referenced, incorporated by reference, and relied upon in an environmental review document be made available to the public for the entire comment period.²
- If the requested documents are in electronic format, please email them using a file hosting program such as NextRequest, Sharepoint or a similar service. Alternatively, if the electronic documents are 10 MB or less (or can be easily broken into chunks of 10 MB or less), they may be emailed as attachments.
- 4-5** Please use the following contact information for all correspondence regarding this request:

² See Public Resources Code § 21092(b)(1) (stating that "all documents referenced in the draft environmental impact report" shall be made "available for review"); 14 Cal. Code Reg. § 15087(c)(5) (stating that all documents incorporated by reference in the EIR . . . shall be readily accessible to the public"); see also *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442, as modified (Apr. 18, 2007) (EIR must transparently incorporate and describe the reference materials relied on in its analysis); *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3rd 818, 831 ("[W]hatever is required to be considered in an EIR must be in that formal report. . ."), internal citations omitted.

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**Letter 4
Cont'd**

**4-5
cont.**

July 17, 2023
Page 3

Sienna L. Shankel
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Ste. 1000
South San Francisco, CA 94080
Email: sshankel@adamsbroadwell.com
Phone: (650) 589-1660

Thank you for your assistance with this matter.


Sincerely,



Sienna L. Shankel
Legal Assistant

SLS:acp

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LETTER 4: CONTRA COSTA RESIDENTS FOR RESPONSIBLE DEVELOPMENT

Response to Comment 4-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 4-2

The comment consists of a summary of the proposed project and does not address the adequacy of the Draft EIR.

Response to Comment 4-3

The comment does not address the adequacy of the Draft EIR.

Response to Comment 4-4

See Response to Comment 1-16. In response to the comment, the City provided all such documents to the commenter.

Response to Comment 4-5

The comment is a conclusory statement and does not address the adequacy of the Draft EIR.





Plan Review Team
Land Management

PGEPlanReview@pge.com

Letter 5

July 7, 2023

Kevin Scudero
City of Antioch
200 H Street
Antioch, CA 94531

Ref: Gas and Electric Transmission and Distribution

Dear Kevin Scudero,

5-1

Thank you for submitting Albers Ranch project plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

5-2

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management





Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

5-3

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch





5-3
cont.

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.





**Letter 5
Cont'd**

**5-3
cont.**

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an "Impressed Current" cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.





Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

5-4

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "RESTRICTED USE AREA – NO BUILDING."
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.





Pacific Gas and
Electric Company

Letter 5
Cont'd

5-4
cont.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.



LETTER 5: PACIFIC GAS AND ELECTRIC COMPANY

Response to Comment 5-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 5-2

The comment consists of Pacific Gas and Electric Company (PG&E) guidance with respect to PG&E facilities. The comment does not address the adequacy of the Draft EIR.

Response to Comment 5-3

The comment does not address the adequacy of the Draft EIR.

Response to Comment 5-4

The comment does not address the adequacy of the Draft EIR.





Plan Review Team
Land Management

PGEPlanReview@pge.com

Letter 6

August 17, 2023

Kevin Scudero
City of Antioch
200 H Street
Antioch, CA 94531

Re: Albers Ranch Project SCH #2021100264

Dear Kevin:

6-1

Thank you for giving us the opportunity to review the proposed Albers Property Subdivision 9515. The installation of new gas and electric facilities and/or relocation of existing PG&E facilities will be performed in accordance with common law or Rules and Tariffs as authorized by the California Public Utilities Commission.

6-2

Following our review, PG&E recommends the following language be expressly stated for the offer to dedicate Public Utility Easements (PUE):

I/We the undersigned, as Owner(s) of the land shown hereon, do hereby state that I/we am/are the only person(s) whose consent is necessary to pass clear title to said land and do hereby consent to the preparation and recordation of this map and offer for dedication and do hereby dedicate for public uses the Public Utility Easements (PUEs) shown on this map for public utility purposes including electric, gas, communication facilities and all other public utility purposes; together with any and all appurtenances thereto, including the right from time to time to trim and to cut down and clear away or otherwise control any trees or brush. The PUEs hereby offered for dedication are to be kept open and free of buildings, structures and wells of any kind.

6-3

The final map must contain a statement setting forth dedications and offers to dedicate interests in real property for public utility purposes. If the offer of dedication has terminated, or the local agency declines to accept it, the applicant maybe required to provide an easement in gross satisfactory to PG&E. Please note that this is our preliminary review and PG&E reserves the right for future review as needed.

Please work with PG&E's Service Planning department at www.pge.com/cco for additional services you may require, or for any modification and/or relocation requests.

Sincerely,





**Letter 6
Cont'd**

A handwritten signature in blue ink that reads "Justin Newell".

Justin Newell
Land Management
916-594-4068



LETTER 6: PACIFIC GAS AND ELECTRIC COMPANY

Response to Comment 6-1

The comment is an introductory statement and does not address the adequacy of the Draft EIR.

Response to Comment 6-2

The comment does not address the adequacy of the Draft EIR. However, the City shall require the recommendation as a Condition of Approval for the proposed project.

Response to Comment 6-3

The comment is a conclusory statement and does not address the adequacy of the Draft EIR.



3. Revisions to the Draft EIR Text

3. REVISIONS TO THE DRAFT EIR TEXT

3.1 INTRODUCTION

The Revisions to the Draft EIR Text chapter provides all corrections, additions, and revisions made to the Draft EIR.

Section 15088.5 of the State CEQA Guidelines states that a lead agency is required to recirculate a draft EIR when “significant new information” is added to the document after public notice is given of the availability of the Draft EIR for public review under Section 15087 but before certification. Pursuant to this section, the term “information” can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not considered “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the City has decided not to implement.

“Significant new information” requiring recirculation includes any of the following:

1. A new significant environmental impact would result from the project or for a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR. The modifications to the Draft EIR analyzed herein have been examined with these requirements and obligations in mind. The changes represent minor clarifications and amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

3.2 DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

2 Executive Summary

For clarification purposes, Table 2-1 beginning on page 2-6 of Chapter 2, Executive Summary, of the Draft EIR is hereby revised to reflect changes made to Mitigation Measures IV-1, IV-2(b), IV-3(b), IV-5(b), IV-6(b), IV-7(b), IV-8(b), IV-9(b), IV-10(b), IV-11(b), and XII-1 within the Initial Study prepared for the proposed project. Rather than include the entirety of Table 2-1 with revisions



shown where appropriate, only the impacts for which mitigations have been revised are presented on the following pages. The revisions are for clarification and amplification purposes only, and do not change the conclusions of the Draft EIR.



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
IV-a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	S	<p><i>Special-Status Plants</i></p> <p><i>IV-1</i> <u>During the spring/summer prior</u> Prior <u>to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall retain a qualified biologist to conduct focused botanical surveys during the blooming period for Contra Costa goldfields, alkali milk-vetch, heartscale, brittlescale, lesser saltscare, dwarf downingia, Jepson's coyote-thistle, shining navarretia, bearded popcirmflower, California alkali grass, long-styled sand spurrey, San Joaquin spearscale, and all plants that are considered locally rare as listed in the East Bay Chapter of the CNPS Database of Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties for the Marsh Creek/Lone Tree Valley area. Project construction shall not be initiated until all special-status plant surveys are completed and the mitigation is implemented, if necessary and required prior to starting construction.</u></p> <p><i>A special-status plant survey report that includes the methods used, survey participants, and associated findings shall be prepared and submitted to the City no more than 30 days following the completion of the final site visit. A record of any special-status plant species identified within the project site during the preconstruction surveys shall be submitted to the CNDDB. If new special-status plant populations are not found on the site during the appropriately timed surveys, additional mitigation is not required. If construction is not</i></p>	LS



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>started within two years after the rare plant surveys are completed, the City may require additional rare plant surveys.</i></p> <p><i>If special-status plants are observed on the site during the survey, the populations shall be avoided to the maximum degree possible during project development, and a Mitigation and Monitoring Plan shall be prepared detailing the measures to be implemented to avoid the plant population. Measures shall include establishment of appropriate buffers during construction, fencing of the population prior to and during construction, and regular monitoring of the preserved population by a biologist during and after construction activities. The Mitigation and Monitoring Plan shall be implemented prior to the initiation of project grading. If the plant populations cannot be avoided, the applicant shall hire a qualified biologist to prepare a seed collection and replanting plan in coordination with the City of Antioch to reduce impacts to the identified special-status plant populations, subject to review and approval by the City of Antioch Community Development Department.</i></p> <p>Swainson's Hawk <i>IV-2(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a Swainson's hawk is</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-2(b) Prior to any project-related ground disturbance that occurs during the nesting season (March 15th to September 15th) within a half-mile of a potential nest tree, a qualified biologist shall conduct preconstruction surveys within the construction zones and adjacent lands to identify any nesting pairs of Swainson’s hawks within 14 <u>no more than seven</u> days prior to the onset of ground disturbance. Preconstruction surveys are not required for construction activities located farther than a half-mile from a potential nest tree. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If active nests are not found during preconstruction surveys, further mitigation is not necessary. If any active nests are discovered in or near proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around</i></p>	



**Table 2-1
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>the active nest site. The buffer shall be identified on the ground with flagging or fencing and shall be maintained until the qualified biologist has determined that the young have fledged.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1) Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or</i> <i>2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.</i> <p>Golden Eagle IV-3(a) <i>Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a golden eagle is</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-3(b) <u>No more than seven days prior</u> Prior to initiation of ground-disturbing activities or tree removal, preconstruction surveys shall be conducted concurrently with the preconstruction surveys for Swainson's hawk nests as required by Mitigation Measure IV-2(b) above. <u>The preconstruction surveys shall include a survey radius of one mile surrounding the project's development footprint. However, adjacent parcels under different land ownership within the one-mile survey area shall only be surveyed on foot if access to such areas are granted by the landowners of the parcels. If access is not granted, the qualified biologist shall survey trees on adjacent parcels from the closest boundary of the project site.</u> A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If no active nesting golden eagles are identified during survey(s), project construction may commence without further regard for protection of nesting eagles. If active nesting golden eagles are identified during the preconstruction surveys within a half-mile of the site and within the line of sight from disturbance to the nest site, biological monitors shall</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>monitor the nest in order to establish baseline behavioral data. Based on the baseline behavioral data and location of the nest (i.e., whether the nest is remote or in/close to town, and whether existing disturbances are present), a construction-free buffer shall be established. The construction-free buffer shall be a minimum of 800 feet and can be increased based on the biological monitor's observations of the behavior at the nest. Project-related disturbance shall not be allowed within any established buffer until the biologist has determined that the young have fledged.</i></p> <p><i>Nesting Migratory Birds, Including Nesting Raptors and Protected Birds</i></p> <p><i>IV-5(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if an active bird nest is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-5(b) Prior to commencement of ground-disturbing activities or tree removal during the breeding season (typically between February 1st and August 31st, the project applicant shall retain a qualified</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>biologist to conduct preconstruction migratory bird and raptor nesting surveys within 14 no more than seven days prior to the onset of ground disturbance. The nesting migratory bird surveys shall cover the project site and the raptor nesting surveys shall encompass the site and lands within 250 feet of the site, where accessible. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If nesting migratory birds or raptors are not identified during the surveys, further mitigation is not required.</i></p> <p><i>If nesting migratory birds or raptors are identified during the surveys, an appropriate construction-free buffer shall be established. The actual size of the buffer, which would be determined by the qualified biologist, will depend on the species, topography, and type of activity that would occur in the vicinity of the nest. The project buffer shall be monitored periodically by the qualified biologist to ensure compliance. Construction or earth-moving activity shall not occur within the established buffer until determined by a qualified biologist that the young have fledged. Active nest sites and protective buffer zones shall be designated as "ecologically sensitive areas" where project-related activities are not allowed and personnel may not enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>necessary buffer, if any, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.</u></p> <p><u>A qualified biologist shall observe any identified active nests prior to the start of any project-related activities to establish a behavioral baseline of the adults and any nestlings. Once project activities commence, all active nests shall either be monitored daily or continuously by a qualified biologist until the biological monitor is confident the established buffer is at an effective distance from the nest, to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt project activities causing that change until the nestlings have fledged, and the nest is determined to be inactive.</u></p> <p><i>Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp</i> IV-6(a) <i>Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>species biology, and minimization measures and instructions of what to do if a listed shrimp is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-6(b) <u>No more than seven days prior</u> Prior to initiation of ground-disturbing activities, a protocol-level survey shall be conducted to assess the presence or absence of listed fairy shrimp within the project site. Surveys shall occur in a year wet enough to fill ephemeral wetlands for the USFWS to accept the results of the surveys. Should the surveys confirm absence of listed fairy shrimp, no further action will be necessary.</i></p> <p><i>Should the surveys identify listed fairy shrimp, to mitigate for permanent impacts to shrimp habitat, the project applicant shall preserve occupied and potentially occupied habitat at a minimum 2:1 ratio (preserved:impacted) and create additional habitat at a minimum 2:1 ratio (created:impacted). Preservation or created habitat shall be via the purchase of mitigation land in fee title or via recordation of a conservation easement over the mitigation land preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization as defined by Section 815.3 of the California Civil Code. The</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>preserved or created habitat shall be established at least a year prior to on-site impacts to vernal pool fairy shrimp or vernal pool tadpole shrimp habitat in order to monitor the new habitat's effectiveness, including a comparison to the existing on-site habitat with regards to appropriate hydrology for shrimp. Once the determination has been made that the created habitat supports the appropriate hydrology, the top four inches of topsoil of the on-site habitat planned to be impacted can be transferred to the mitigation site in the same day. Removal and placement of this topsoil shall be done in a systematic fashion that will avoid compaction of the soil.</i></p> <p><i>Prior to the start of construction, the project applicant shall prepare and submit to the City of Antioch a Habitat Mitigation and Management Plan (HMMP), which shall outline the requirements for managing preserved areas and created areas for five years, as well as success criteria for the created habitat. The HMMP will follow the guidelines for mitigation and monitoring of vernal pools issued by the USFWS (1994). The project applicant shall also establish an endowment fund, or other funding mechanism to provide for the long-term management, maintenance, and monitoring of the mitigation site.</i></p> <p><i>In lieu of the above, prior to construction, the project applicant may purchase credits at a 1:1 ratio from an approved mitigation bank.</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>The project applicant may satisfy the requirements of this mitigation measure by providing the City of Antioch Community Development Department with a copy of a biological opinion issued by the USFWS that includes these, or other functionally equivalent, habitat preservation measures prior to the start of construction.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> <p><i>If breeding habitat is planned to be removed, in addition to evaluating the potential of the project to affect listed fairy shrimp under CEQA, the applicant would need to comply with provisions of the federal Endangered Species Act and would need to seek</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>take authorization from the USFWS for project-related losses as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (i.e., Section 7 consultation, usually through the USACE or the Bureau of Land Management) or through the HCP process (i.e., Section 10 consultation).</i></p> <p>California Tiger Salamander</p> <p>IV-7(a) <i>Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if California tiger salamander is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p>IV-7(b) <i><u>No more than seven days prior</u> Prior to initiation of ground-disturbing activities, a qualified biologist shall conduct a preconstruction survey of the seasonal wetlands in the eastern portion of the project site during the rainy season in order to determine whether they could be classified as breeding habitat for the California tiger salamander. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If breeding habitat is not</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>identified, further mitigation is not necessary. If the seasonal wetland is determined to be breeding habitat and cannot be avoided, the project applicant shall compensate for the loss of upland habitat at a minimum of a 2:1 impacts to replacement ratio. Mitigation land shall be permanently protected land within the Central California Distinct Population Segment (DPS) range of the California tiger salamander within 1.3 miles of a known breeding site, or as otherwise approved by CDFW and USFWS. Protection shall be accomplished through the purchase of the mitigation land in fee title or via recordation of a conservation easement over the mitigation land. In lieu of this mitigation prior to construction, the project applicant may purchase California tiger salamander credits at a 1:1 ratio from an approved mitigation bank.</i></p> <p><i>In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses of the California tiger salamander habitat, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management. Proof of compliance shall be submitted to the City of Antioch Community Development Department.</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> <p>California Red-Legged Frog <i>IV-8(a) Prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall require all construction workers to attend tailgate training that includes a description of California red-legged frog and its habitat and measures to be implemented to protect the frog and minimize take if the frog is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>Community Development Department within two weeks of training completion.</p> <p>IV-8(b) <u>Within 48 hours prior to the initiation of ground-disturbing activities, a</u> A qualified biologist shall conduct preconstruction surveys for the <u>presence of California red-legged frog individuals and habitat features within the project site and nearby vicinity, including a 500-foot radius surrounding the project site (to the extent that such areas are accessible) prior to the initiation of ground-disturbing activities. Habitat features include both aquatic habitat, such as plunge pools and ponds, and terrestrial habitat, such as burrows.</u></p> <p><u>The results of the habitat feature assessment shall be submitted to the City prior to starting project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frog are not encountered during the preconstruction surveys, further mitigation is not required. If California red-legged frogs are encountered during the assessment, the qualified biologist shall recommend, and the project shall implement, measures to avoid or minimize impacts to individual frogs, such as allowing frogs to move out of the area on their own volition or relocating the frogs. Following preconstruction surveys, work areas adjacent to Sand Creek and the unnamed tributary shall be enclosed with wildlife exclusion fencing with one-way escape doors prior to the commencement of initial ground disturbing</u></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i><u>activities. If a California red-legged frog is encountered during project construction, all work shall cease until the frog has moved out of harm's way on its own volition or been relocated out of harm's way by a qualified biologist. If California red-legged frog are present, they shall be relocated by the qualified biologist. The work areas shall be cleared and isolated with suitable wildlife exclusion fencing that would block the movement of California red-legged frogs from entering the work areas. A qualified biologist shall be on-site during particular times of construction to ensure California red-legged frog are not harmed, injured, or killed during project buildout.</u></i></p> <p><i>Upland habitats shall be managed via a long-term management plan to maintain the quality of the habitat for the movement and dispersal of California red-legged frog. Potential opportunities include, but are not limited to, enhancement of the channels and riparian corridor (e.g., formation of plunge pools), which would maximize opportunities to disperse from the ponds to even higher-quality habitat off-site.</i></p> <p><i>In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management). Proof of compliance shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> <p><i>Western Pond Turtle</i> <i>IV-9(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if western pond turtle is</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-9(b) <u>Implement Mitigation Measures IV-8(b) for potential western pond turtle nesting habitat. If nesting habitat is identified, in order to exclude any female western pond turtle from laying eggs within a development phase of the project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained regularly until construction activities have been completed. Alternatively, the development footprint can be excluded from western pond turtle use by installing wildlife exclusion fencing prior to the turtle nesting season to prevent turtles from laying eggs on the project site and protect the nesting turtles and their hatchlings from impacts. If western pond turtle are observed on-site prior to or during construction, they shall be allowed to leave the site on their own, or be located by a CDFW-approved biologist. If a western pond turtle is unable to independently move out of harm's way, a qualified biologist shall relocate the species out of harm's way to habitat similar to where it was found. If a western pond turtle nest is observed, a 50-foot construction-free buffer around the nest site</u></i></p>	



**Table 2-1
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>shall be established and maintained until a qualified biologist determines the nest is no longer active.</i></p> <p>American Badgers</p> <p>IV-10(a) <i>Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if an American badger is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p>IV-10(b) <i>The project applicant shall retain a qualified biologist to conduct a preconstruction survey to determine the presence or absence of badgers <u>no more than seven days</u> prior to initiation of ground-disturbing activities. If badgers are not identified, further mitigation is not required. If an active badger den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction-free buffer of up to 300 feet around the badger den. Once the biologist has determined that the badger has vacated the burrow, the burrow can be collapsed or excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because</i></p>	



**Table 2-1
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the badger young are of an independent age and construction activities would not harm individual badgers. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p>San Joaquin Kit Fox</p> <p>IV-11(a) <i>Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a kit fox is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p>IV-11(b) <i>A qualified biologist shall conduct preconstruction surveys no more than 14 <u>seven</u> days prior to site grading to determine the presence or absence of kit fox. If kit fox is not identified during the surveys, further mitigation is not required. If an active kit fox</i></p>	



**Table 2-1
 Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction free buffer of up to 300 feet around the San Joaquin kit fox den. Once the biologist has determined that the San Joaquin kit fox has vacated the den, the den can be collapsed or excavated, and ground disturbance can proceed. Should the den be determined to be a natal or reproductive den, a biological monitor shall be present on-site during construction activities in the vicinity of the dens to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the young are of an independent age and construction activities would not harm individual San Joaquin kit fox. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p>	
<p>XIII-a Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>	<p>S</p>	<p>XIII-1 <i>Prior to approval of grading permits, the City shall establish the following requirements, via written notation on final improvement plans, subject to review and approval by the City of Antioch Community Development Department:</i></p> <ul style="list-style-type: none"> <i>Construction activities shall be limited to the hours of 8:00 AM and 5:00 PM <u>7:00 AM and 6:00 PM</u> Monday through Friday, <u>and 9:00 AM and 5:00 PM on weekends</u> when work is within 300 feet of occupied dwellings, and to between the hours of 7:00 AM and 7:00</i> 	<p>LS</p>



**Table 2-1
Summary of Impacts and Mitigation Measures**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>PM Monday through Friday when work occurs greater than 300 feet from occupied dwellings. Such activities should be limited to the hours of 9:00 AM and 5:00 PM on Saturdays. No construction shall be allowed on Sundays and public holidays.</p> <ul style="list-style-type: none"> • The construction contractor shall use temporary noise attenuation fences to protect sensitive receptors west of the project site. • The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. • Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation. • When not in use, motorized construction equipment shall not be left idling for more than five minutes. • Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts. 	



4. Mitigation Monitoring and Reporting Program

4. MITIGATION MONITORING AND REPORTING PROGRAM

4.1 INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to an EIR.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Albers Ranch Project (proposed project). The intent of the MMRP is to ensure implementation of the mitigation measures identified within the EIR and Initial Study (IS) for the Albers Ranch Project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the project applicant.

4.2 COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Albers Ranch Project prepared by the City of Antioch. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR and IS that were prepared for the proposed project.

The Albers Ranch Project EIR and IS present a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Antioch. The table in Section 4.3 identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.



4.3 MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.



MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Air Quality and Greenhouse Gas Emissions					
4.1-1	Conflict with or obstruct implementation of the applicable air quality plan during project construction.	<p>4.1-1 <i>Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall achieve a project wide fleet average 28.6 percent NOX reduction compared to the year 2024 California Air Resources Board (CARB) fleet average. The 28.6 percent NOX reduction may be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment. For instance, the emissions presented in Table 4.1-8 were achieved by requiring graders, scrapers, and rubber-tired dozers to be engine Tier 4.</i></p> <p><i>In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to five minutes or less in accordance with the In-Use Off-Road Diesel Vehicle Regulation as required by CARB. Clear signage regarding idling restrictions shall be placed at the entrances to the construction site.</i></p>	City of Antioch Community Development Department	Prior to approval of grading plans and during construction	



MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Portable equipment over 50 horsepower must have either a valid BAAQMD Permit to Operate (PTO) or a valid statewide Portable Equipment Registration Program (PERP) placard and sticker issued by CARB.</i></p> <p><i>Conformance with the foregoing requirements shall be included as notes and be confirmed through review and approval of grading plans by the City of Antioch Community Development Department.</i></p>			
4.1-6	Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.	<p><i>4.1-6(a) Prior to the approval of project improvement plans, the applicant shall implement the following measure:</i></p> <ul style="list-style-type: none"> <i>• Consistent with the BAAQMD's Buildings standard a., natural gas shall be prohibited in proposed structures.</i> <p><i>Compliance with the foregoing measure shall be ensured by the City of Antioch Community Development Department.</i></p> <p><i>4.1-6(b) Implement Mitigation Measures 4.2-3(a) and 4.2-3(b).</i></p>	<p>City of Antioch Community Development Department</p> <p>See Mitigation Measures 4.2-3(a) and 4.2-3(b)</p>	<p>Prior to the approval of project improvement plans</p> <p>See Mitigation Measures 4.2-3(a) and 4.2-3(b)</p>	
4.2 Transportation					
4.2-1	Conflict with a program, plan, ordinance, or policy addressing the circulation system during	<p><i>4.2-1 Prior to issuance of grading and building permits, the project applicant shall submit a construction management plan, subject to review and approval by the City Engineer. The</i></p>	City Engineer	Prior to issuance of grading and building permits	



**MITIGATION MONITORING AND REPORTING PROGRAM
Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	construction activities.	<p><i>requirements within the construction management plan shall include, but are not necessarily limited to, the following elements:</i></p> <ul style="list-style-type: none"> • <i>Project staging plan to maximize on-site storage of materials and equipment;</i> • <i>A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes;</i> • <i>Permitted construction hours;</i> • <i>Location of construction staging;</i> • <i>Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and</i> • <i>Provisions for street sweeping to remove construction related debris on public streets.</i> 			
4.2-2	Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.	<p>4.2-2 <i>The following requirements shall be noted on project improvement plans, subject to review and approval by the City of Antioch Community Development Department:</i></p> <ul style="list-style-type: none"> • <i>City-standard ADA ramps shall be provided at all internal roadway intersections;</i> 	City of Antioch Community Development Department	Prior to approval of project improvement plans	



MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • Pedestrian paths shall be identified and marked crosswalks shall be installed at key uncontrolled pedestrian crossing locations, such as trail crossings and park connections; • The project shall install all-way stop control and high visibility pedestrian crosswalks at the intersection of A Street and C Street; • City standard sidewalks shall be installed on A Street connecting the project site to Hillcrest Avenue; and • Bicycle parking shall be provided in accordance with Section 9-5.1707 of the City of Antioch Municipal Code for the retail and assisted living portions of the proposed project. 			
4.2-3	Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).	<p>4.2-3(a) Prior to issuance of residential building permits, the project applicant shall develop a Transportation Demand Management (TDM) Plan for the residential components of the proposed project, including any anticipated phasing, and shall submit the TDM Plan to the City for review and approval. The TDM Plan shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the residential portions of the proposed project may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Increase Transit Accessibility; 	City of Antioch Community Development Department	Prior to the issuance of residential building permits	



MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • Provide Traffic Calming Measures; • Provide Carpooling Programs; • Implement Car-Sharing Program; • Provide a Transit Riders Guide; • Provide an Online TDM Information Center; • Increase Bicycle and Pedestrian Facilities/Amenities; • Free Trial Rides on Transit Services; and • Implement a Subsidized or Discounted Transit Program. <p>4.2-3(b) Prior to issuance of building permits for the assisted living facility, the project applicant shall develop a TDM Plan for the assisted living component of the proposed project, including any anticipated phasing, and shall submit the TDM Plan to the City for review and approval. The TDM Plan shall identify trip reduction strategies as well as mechanisms for funding and overseeing the delivery of trip reduction programs and strategies. Trip reduction strategies applicable to the employment portions of the proposed project may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Provide Bicycle Maintenance Facilities; • Price and Unbundle Parking; • Provide Carpooling Programs; 	City of Antioch Community Development Department	Prior to issuance of building permits for the assisted living facility	



MITIGATION MONITORING AND REPORTING PROGRAM					
Albers Ranch Project					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • <i>Implement Car-Sharing Program;</i> • <i>Implement Loaner Bike Program;</i> • <i>Provide a Transit Riders Guide;</i> • <i>Provide a Dedicated Transportation Coordinator;</i> • <i>Provide an Online TDM Information Center;</i> • <i>Increase Bicycle and Pedestrian Facilities/Amenities;</i> • <i>Increase Transit Accessibility;</i> • <i>Provide Secure and Accessible Bike Parking;</i> • <i>Free Trial Rides on Transit Services; and</i> • <i>Implement a Subsidized or Discounted Transit Program.</i> 			
Initial Study					
IV-a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<p><i>Special-Status Plants</i></p> <p><i>IV-1 During the spring/summer prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall retain a qualified biologist to conduct focused botanical surveys during the blooming period for Contra Costa goldfields, alkali milk-vetch, heartscale, brittlescale, lesser saltscare, dwarf downingia, Jepson's coyote-thistle, shining navarretia, bearded popcornflower, California alkali grass, long-styled sand spurrey, San Joaquin spearscale, and all plants that are considered locally rare as listed in the East Bay Chapter of the CNPS</i></p>	City of Antioch Community Development Department	<p>During the spring/summer prior to initiation of ground-disturbing activities on the project site and off-site project improvement areas</p> <p>Special-status plant survey report submitted to the City no more than</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
 Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Database of Rare, Unusual and Significant Plants of Alameda and Contra Costa Counties for the Marsh Creek/Lone Tree Valley area. Project construction shall not be initiated until all special-status plant surveys are completed and the mitigation is implemented, if necessary and required prior to starting construction.</i></p> <p><i>A special-status plant survey report that includes the methods used, survey participants, and associated findings shall be prepared and submitted to the City no more than 30 days following the completion of the final site visit. A record of any special-status plant species identified within the project site during the preconstruction surveys shall be submitted to the CNDDDB. If new special-status plant populations are not found on the site during the appropriately timed surveys, additional mitigation is not required. If construction is not started within two years after the rare plant surveys are completed, the City may require additional rare plant surveys.</i></p> <p><i>If special-status plants are observed on the site during the survey, the populations shall be avoided to the maximum degree possible during project development, and a Mitigation and Monitoring Plan shall be prepared detailing the measures to be implemented to avoid the plant population. Measures shall include establishment of appropriate buffers</i></p>		<p>30 days following the completion of the final site visit</p> <p>During project development</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>during construction, fencing of the population prior to and during construction, and regular monitoring of the preserved population by a biologist during and after construction activities. The Mitigation and Monitoring Plan shall be implemented prior to the initiation of project grading. If the plant populations cannot be avoided, the applicant shall hire a qualified biologist to prepare a seed collection and replanting plan in coordination with the City of Antioch to reduce impacts to the identified special-status plant populations, subject to review and approval by the City of Antioch Community Development Department.</p> <p>Swainson's Hawk</p> <p>IV-2(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a Swainson's hawk is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</p> <p>IV-2(b) Prior to any project-related ground disturbance that occurs during the nesting season (March</p>			
			City of Antioch Community Development Department	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	
			City of Antioch Community	No more than seven days prior to any	



**MITIGATION MONITORING AND REPORTING PROGRAM
Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>15th to September 15th) within a half-mile of a potential nest tree, a qualified biologist shall conduct preconstruction surveys within the construction zones and adjacent lands to identify any nesting pairs of Swainson’s hawks no more than seven days prior to the onset of ground disturbance. Preconstruction surveys are not required for construction activities located farther than a half-mile from a potential nest tree. Surveys shall follow the protocol in the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (Swainson’s Hawk Technical Advisory Committee 2000), including the survey period lengths identified therein. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If active nests are not found during preconstruction surveys, further mitigation is not necessary. If any active nests are discovered in or near proposed construction zones, the qualified biologist shall establish a suitable construction-free buffer around the active nest site. The buffer shall be identified on the ground with flagging or fencing and shall be maintained until the qualified biologist has determined that the young have fledged.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p>	Development Department	<p>project-related ground disturbance that occurs during the nesting season (March 15th to September 15th)</p> <p>During construction period</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>1) <i>Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written “Conditions of Coverage” by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCCHCP/NCCP Covered Species; or</i></p> <p>2) <i>Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and FWS have approved the conservation plan.</i></p> <p><i>Golden Eagle</i></p> <p><i>IV-3(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a golden eagle is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-3(b) No more than seven days prior to initiation of ground-disturbing activities or tree removal, preconstruction surveys shall be conducted concurrently with the preconstruction surveys for Swainson's hawk nests as required by Mitigation Measure IV-2(b) above. The preconstruction surveys shall include a survey radius of one mile surrounding the project's development footprint. However, adjacent parcels under different land ownership within the one-mile survey area shall only be surveyed on foot if access to such areas are granted by the landowners of the parcels. If access is not granted, the qualified biologist shall survey trees on adjacent parcels from the closest boundary of the project site. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If no active nesting golden eagles are identified during survey(s), project construction may commence without further regard for protection of nesting eagles. If active nesting golden eagles are identified during the preconstruction surveys within a half-mile of the site and within the line of sight from disturbance to the nest site, biological monitors shall monitor the nest in order to establish baseline behavioral data. Based on</i></p>	<p>City of Antioch Community Development Department</p>	<p>No more than seven days prior to initiation of ground-disturbing activities or tree removal</p> <p>Concurrently with preconstruction measures identified in MM IV-2(b)</p> <p>During construction period</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
Albers Ranch Project**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>the baseline behavioral data and location of the nest (i.e., whether the nest is remote or in/close to town, and whether existing disturbances are present), a construction-free buffer shall be established. The construction-free buffer shall be a minimum of 800 feet and can be increased based on the biological monitor's observations of the behavior at the nest. Project-related disturbance shall not be allowed within any established buffer until the biologist has determined that the young have fledged.</i></p> <p><i>Burrowing Owl</i></p> <p>IV-4(a) <i>Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a burrowing owl is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p>IV-4(b) <i>Prior to initiation of ground-disturbing activities, a preconstruction survey for burrowing owls shall be conducted. The CDFG's Staff Report on Burrowing Owl</i></p>	<p>City of Antioch Community Development Department</p> <p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p> <p>Within 14 days prior to ground-disturbing activities</p>	



**MITIGATION MONITORING AND REPORTING PROGRAM
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Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Mitigation (CDFG 2012) states that take avoidance (preconstruction) surveys shall be conducted within 14 days prior to ground disturbance. As burrowing owls may recolonize a site after only a few days, time lapses between project activities trigger subsequent take avoidance surveys, including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance to ensure absence of the species. Surveys shall ensure 100 percent visual coverage. The results of the survey shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>If burrowing owls or fresh sign of burrowing owls are not observed during preconstruction surveys, further mitigation is not required and construction may proceed. If burrowing owls or their recent sign are detected on the site, occupied burrows shall be identified by the monitoring biologist and a construction-free buffer (up to 250 feet) shall be established and maintained until a qualified biologist has determined the burrowing owl has abandoned the burrow.</i></p> <p><i>Nesting Migratory Birds, Including Raptors and Protected Birds</i></p> <p><i>IV-5(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training</i></p>	<p>City of Antioch Community Development</p>	<p>Final survey conducted within 24 hours prior to ground disturbance</p> <p>During construction period</p> <p>Prior to initiation of ground-disturbing activities</p>	



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		<p><i>that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if an active bird nest is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p>	Department	Written summary of the training submitted to the City within two weeks of training completion	
		<p>IV-5(b) <i>Prior to commencement of ground-disturbing activities or tree removal during the breeding season (typically between February 1st and August 31st), the project applicant shall retain a qualified biologist to conduct preconstruction migratory bird and raptor nesting surveys no more than seven days prior to the onset of ground disturbance. The nesting migratory bird surveys shall cover the project site and the raptor nesting surveys shall encompass the site and lands within 250 feet of the site, where accessible. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If nesting migratory birds or raptors are not identified during the surveys, further mitigation is not required.</i></p> <p><i>If nesting migratory birds or raptors are identified during the surveys, an appropriate construction-free buffer shall be established. Active nest sites and protective buffer zones</i></p>	City of Antioch Community Development Department	<p>No more than seven days prior to commencement of ground-disturbing activities or tree removal during the breeding season (typically between February 1st and August 31st)</p> <p>During the construction period</p>	



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		<p><i>shall be designated as “ecologically sensitive areas” where project-related activities are not allowed and personnel may not enter (while occupied or in use for the season in the case of multi-clutch bearing species) during the course of nesting bird season with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer, if any, to protect nesting birds based on existing site conditions, such as construction activity, topography, and line of sight, and will increase buffers as needed to provide sufficient protection of nesting birds and their natural behaviors.</i></p> <p><i>A qualified biologist shall observe any identified active nests prior to the start of any project-related activities to establish a behavioral baseline of the adults and any nestlings. Once project activities commence, all active nests shall either be monitored daily or continuously by a qualified biologist until the biological monitor is confident the established buffer is at an effective distance from the nest, to detect any signs of disturbance and behavioral changes as a result of the project. In addition to direct impacts, such as nest destruction, nesting birds might be affected by noise, vibration, odors and movement of workers or equipment. If signs of disturbance and behavioral changes are observed, the qualified biologist shall halt project activities</i></p>			



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		<p><i>causing that change until the nestlings have fledged, and the nest is determined to be inactive.</i></p> <p><i>Vernal Pool Fairy Shrimp and Vernal Pool Tadpole Shrimp</i></p> <p><i>IV-6(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a listed shrimp is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-6(b) No more than seven days prior to initiation of ground-disturbing activities, a protocol-level survey shall be conducted to assess the presence or absence of listed fairy shrimp within the project site. Surveys shall occur in a year wet enough to fill ephemeral wetlands for the USFWS to accept the results of the surveys. Should the surveys confirm absence of listed fairy shrimp, no further action will be necessary.</i></p>	<p>City of Antioch Community Development Department</p> <p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p> <p>No more than seven days prior to the initiation of ground-disturbing activities</p> <p>Preserved or created habitat shall be established at least a year prior to on-site impacts</p>	



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		<p><i>Should the surveys identify listed fairy shrimp, to mitigate for permanent impacts to shrimp habitat, the project applicant shall preserve occupied and potentially occupied habitat at a minimum 2:1 ratio (preserved:impacted) and create additional habitat at a minimum 2:1 ratio (created:impacted). Preservation or created habitat shall be via the purchase of mitigation land in fee title or via recordation of a conservation easement over the mitigation land preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization as defined by Section 815.3 of the California Civil Code. The preserved or created habitat shall be established at least a year prior to on-site impacts to vernal pool fairy shrimp or vernal pool tadpole shrimp habitat in order to monitor the new habitat's effectiveness, including a comparison to the existing on-site habitat with regards to appropriate hydrology for shrimp. Once the determination has been made that the created habitat supports the appropriate hydrology, the top four inches of topsoil of the on-site habitat planned to be impacted can be transferred to the mitigation site in the same day. Removal and placement of this topsoil shall be done in a systematic fashion that will avoid compaction of the soil.</i></p> <p><i>Prior to the start of construction, the project applicant shall prepare and submit to the City of Antioch a Habitat Mitigation and</i></p>		<p>Prior to the start of construction</p>	



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		<p><i>Management Plan (HMMP), which shall outline the requirements for managing preserved areas and created areas for five years, as well as success criteria for the created habitat. The HMMP will follow the guidelines for mitigation and monitoring of vernal pools issued by the USFWS (1994). The project applicant shall also establish an endowment fund, or other funding mechanism to provide for the long-term management, maintenance, and monitoring of the mitigation site.</i></p> <p><i>In lieu of the above, prior to construction, the project applicant may purchase credits at a 1:1 ratio from an approved mitigation bank.</i></p> <p><i>The project applicant may satisfy the requirements of this mitigation measure by providing the City of Antioch Community Development Department with a copy of a biological opinion issued by the USFWS that includes these, or other functionally equivalent, habitat preservation measures prior to the start of construction.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of</i> 			



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		<p><i>Coverage” by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i></p> <p><i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i></p> <p><i>If breeding habitat is planned to be removed, in addition to evaluating the potential of the project to affect listed fairy shrimp under CEQA, the applicant would need to comply with provisions of the federal Endangered Species Act and would need to seek take authorization from the USFWS for project-related losses as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (i.e., Section 7 consultation, usually through the USACE or the Bureau of Land Management) or through the HCP process (i.e., Section 10 consultation).</i></p> <p><i>California Tiger Salamander</i></p> <p><i>IV-7(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all</i></p>			
			City of Antioch Community	Prior to initiation of ground-disturbing	



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		<p><i>construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if California tiger salamander is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p>	Development Department	<p>activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	
		<p><i>IV-7(b) No more than seven days prior to initiation of ground-disturbing activities, a qualified biologist shall conduct a preconstruction survey of the seasonal wetlands in the eastern portion of the project site during the rainy season in order to determine whether they could be classified as breeding habitat for the California tiger salamander. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department. If breeding habitat is not identified, further mitigation is not necessary. If the seasonal wetland is determined to be breeding habitat and cannot be avoided, the project applicant shall compensate for the loss of upland habitat at a minimum of a 3:1 impacts to replacement ratio. Mitigation land shall be permanently protected land within the Central California Distinct Population Segment (DPS) range of</i></p>	<p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>No more than seven days prior to initiation of ground-disturbing activities</p>	



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		<p><i>the California tiger salamander within 1.3 miles of a known breeding site, or as otherwise approved by CDFW and USFWS. Protection shall be accomplished through the purchase of the mitigation land in fee title or via recordation of a conservation easement over the mitigation land. In lieu of this mitigation prior to construction, the project applicant may purchase California tiger salamander credits at a 1:1 ratio from an approved mitigation bank.</i></p> <p><i>In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses of the California tiger salamander habitat, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management. Proof of compliance shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p>			



<p align="center">MITIGATION MONITORING AND REPORTING PROGRAM Albers Ranch Project</p>					
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		<p>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written “Conditions of Coverage” by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</p> <p>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</p> <p><i>California Red-Legged Frog</i></p> <p>IV-8(a) <i>Prior to initiation of ground-disturbing activities on the project site and off-site improvement areas, the project applicant shall require all construction workers to attend tailgate training that includes a description of California red-legged frog and its habitat and measures to be implemented to protect the frog and minimize take if the frog is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p>	City of Antioch Community Development Department	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	



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		<p><i>IV-8(b) Within 48 hours prior to the initiation of ground-disturbing activities, a qualified biologist shall conduct preconstruction surveys for the presence of California red-legged frog individuals and habitat features within the project site and nearby vicinity, including a 500-foot radius surrounding the project site (to the extent that such areas are accessible). Habitat features include both aquatic habitat, such as plunge pools and ponds, and terrestrial habitat, such as burrows.</i></p> <p><i>The results of the habitat feature assessment shall be submitted to the City prior to starting project activities. Habitat features shall be flagged for avoidance to the extent feasible. If California red-legged frog are not encountered during the preconstruction surveys, further mitigation is not required. If California red-legged frogs are encountered during the assessment, the qualified biologist shall recommend, and the project shall implement, measures to avoid or minimize impacts to individual frogs, such as allowing frogs to move out of the area on their own volition or relocating the frogs. Following preconstruction surveys, work areas adjacent to Sand Creek and the unnamed tributary shall be enclosed with wildlife exclusion fencing with one-way escape doors prior to the commencement of initial ground disturbing activities. If a California red-legged frog is encountered during project</i></p>	<p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>Within 48 hours prior to and during the construction period</p>	



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		<p><i>construction, all work shall cease until the frog has moved out of harm's way on its own volition or been relocated out of harm's way by a qualified biologist. A qualified biologist shall be on-site during particular times of construction to ensure California red-legged frog are not harmed, injured, or killed during project buildout.</i></p> <p><i>Upland habitats shall be managed via a long-term management plan to maintain the quality of the habitat for the movement and dispersal of California red-legged frog. Potential opportunities include, but are not limited to, enhancement of the channels and riparian corridor (e.g., formation of plunge pools), which would maximize opportunities to disperse from the ponds to even higher-quality habitat off-site.</i></p> <p><i>In addition, if breeding habitat is planned to be removed, the applicant shall comply with the provisions of the federal Endangered Species Act and shall obtain take authorization from the USFWS for project-related losses, as required by law. To obtain a take permit, consultation with the USFWS would need to be initiated either through a federal nexus (Section 7 consultation, usually through the U.S. Army Corps of Engineers (USACE) or the Bureau of Land Management). Proof of compliance shall be submitted to the City of</i></p>			



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		<p><i>Antioch Community Development Department.</i></p> <p><i>As an alternative to completion of this mitigation measure, the project applicant could comply with one of the following conditions:</i></p> <ol style="list-style-type: none"> <i>1. Comply with the applicable terms and conditions of the ECCC HCP/NCCP, as determined in written "Conditions of Coverage" by the Conservancy, provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to ECCC HCP/NCCP Covered Species; or</i> <i>2. Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.</i> <p><i>Western Pond Turtle</i></p> <p><i>IV-9(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if western pond turtle is observed</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the</p>	



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		<p><i>on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-9(b) Implement Mitigation Measures IV-8(b) for potential western pond turtle nesting habitat. If nesting habitat is identified, in order to exclude any female western pond turtle from laying eggs within a development phase of the project, exclusion fencing shall be placed prior to the egg-laying season (March through August). Exclusion fencing shall be designed to encompass each development phase and maintained regularly until construction activities have been completed. Alternatively, the development footprint can be excluded from western pond turtle use by installing wildlife exclusion fencing prior to the turtle nesting season to prevent turtles from laying eggs on the project site and protect the nesting turtles and their hatchlings from impacts. If western pond turtle are observed on-site prior to or during construction, they shall be allowed to leave the site on their own. If a western pond turtle is unable to independently move out of harm's way, a qualified biologist shall relocate the species out of harm's way to habitat similar to where it was found. If a western pond turtle nest is observed, a 50-foot construction-free buffer around the nest site shall be established</i></p>	<p>City of Antioch Community Development Department</p> <p>CDFW</p> <p>USFWS</p>	<p>City within two weeks of training completion</p> <p>Prior to and during the construction period</p>	



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		<p style="text-align: center;"><i>and maintained until a qualified biologist determines the nest is no longer active.</i></p> <p>American Badgers</p> <p><i>IV-10(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if an American badger is observed on or near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p> <p><i>IV-10(b) The project applicant shall retain a qualified biologist to conduct a preconstruction survey to determine the presence or absence of badgers no more than seven days prior to initiation of ground-disturbing activities. If badgers are not identified, further mitigation is not required. If an active badger den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction-free buffer of up to 300 feet around the badger den. Once the biologist has determined that the badger has vacated the burrow, the burrow can be collapsed or</i></p>	<p>City of Antioch Community Development Department</p> <p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p> <p>No more than seven days prior to initiation of ground-disturbing activities</p>	



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		<p><i>excavated, and ground disturbance can proceed. Should the burrow be determined to be a natal or reproductive den, and because badgers are known to use multiple burrows in a breeding burrow complex, a biological monitor shall be present on-site during construction activities in the vicinity of the burrows to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the badger young are of an independent age and construction activities would not harm individual badgers. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i></p> <p>San Joaquin Kit Fox</p> <p><i>IV-11(a) Prior to initiation of ground-disturbing activities, the project applicant shall require all construction workers to attend tailgate training that includes a description of the species, a brief summary of the species biology, and minimization measures and instructions of what to do if a kit fox is observed on a near the construction zone. A sign-in sheet shall be distributed to all participants of the training program and submitted, along with a written summary of the training, to the City of Antioch Community Development Department within two weeks of training completion.</i></p>	<p>City of Antioch Community Development Department</p>	<p>Prior to initiation of ground-disturbing activities</p> <p>Written summary of the training submitted to the City within two weeks of training completion</p>	



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		<i>IV-11(b) A qualified biologist shall conduct preconstruction surveys no more than seven days prior to site grading to determine the presence or absence of kit fox. If kit fox is not identified during the surveys, further mitigation is not required. If an active kit fox den is identified during preconstruction surveys within or immediately adjacent to an area subject to construction, a qualified biologist shall establish a construction free buffer of up to 300 feet around the San Joaquin kit fox den. Once the biologist has determined that the San Joaquin kit fox has vacated the den, the den can be collapsed or excavated, and ground disturbance can proceed. Should the den be determined to be a natal or reproductive den, a biological monitor shall be present on-site during construction activities in the vicinity of the dens to ensure that the buffer is adequate to avoid direct impact to individuals or natal/reproductive den abandonment. The monitor shall be required to be present until it is determined that the young are of an independent age and construction activities would not harm individual San Joaquin kit fox. A written summary of the survey results shall be submitted to the City of Antioch Community Development Department.</i>	City of Antioch Community Development Department	No more than seven days prior to initiation of grading activities During the construction period	
IV-b., IV-c.	Have a substantial adverse effect on any riparian habitat or other	<i>IV-12(a) Prior to the initiation of ground-disturbing activities, the project applicant shall submit a formal wetland delineation to the USACE for</i>	USACE	Prior to the initiation of ground-disturbing activities	



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	<p>sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.</p> <p>Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.</p>	<p><i>verification to determine the extent of all hydrological features, their jurisdictional status, and the extent of any impacts of the currently proposed project. A summary of the wetland delineation shall be submitted to the City of Antioch Community Development Department.</i></p> <p><i>IV-12(b) Prior to discharging any dredged or fill materials into any waters of the U.S. within the project site and/or the off-site improvement areas, the applicant shall obtain permit authorization to fill wetlands under Section 404 of the federal Clean Water Act (CWA) (Section 404 Permit) from USACE. The Section 404 Permit application shall include an assessment of directly impacted, avoided, and preserved acreages to waters of the U.S. Mitigation measures shall be developed as part of the Section 404 Permit to ensure no net loss of wetland function and values. Mitigation for direct impacts to waters of the U.S. within the project site and/or the off-site improvement areas would occur at a minimum of 1:1 ratio for direct impacts by purchasing seasonal wetland credits from the Cosumnes Mitigation Bank or other wetland mitigation bank that services the project site, as approved by the USACE and the RWQCB.</i></p> <p><i>Alternatively, the project applicant may create, preserve, and manage new seasonal wetlands on or off of the project site that is of</i></p>	<p>City of Antioch Community Development Department</p> <p>USACE</p> <p>RWQCB</p> <p>City of Antioch Community Development Department</p>	<p>Prior to discharging any dredged or fill materials into any waters of the U.S.</p>	



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		<p><i>equal or greater quality to the habitats being impacted at a minimum 1:1 mitigation ratio. A project-specific Wetland Mitigation and Monitoring Plan prepared by a qualified wetland restoration ecologist that includes the following information shall be provided to the City of Antioch Community Development Department prior to conducting any activity that would result in the placement of any fill material into a water of the U.S. or water of the State:</i></p> <ul style="list-style-type: none"> • <i>A description of the impacted water;</i> • <i>A map depicting the location of the mitigation site(s) and a description of existing site conditions;</i> • <i>A detailed description of the mitigation design that includes: (i) the location of the new seasonal wetlands; (ii) proposed construction schedule; (iii) a planting/vegetation plan; (iv) specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional waters using USACE published methods; and (v) contingency measures if the created wetlands do not achieve the specified success criteria; and</i> • <i>Short-term and long-term management and monitoring methods.</i> 			



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		<p><i>If the wetland mitigation site is a separate mitigation property, the project applicant will grant a conservation easement to a qualified entity, as defined by Section 81.5.3 of the California Civil Code, preserving the created seasonal wetland(s) in perpetuity, and establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the created seasonal wetland(s). If the proposed project includes placing fill material into jurisdictional waters of the U.S. or waters of the State, the project applicant shall provide the City of Antioch Community Development Department with a copy of permits issued by the USACE and RWQCB authorizing the fill.</i></p> <p><i>In addition, a Water Quality Certification or waiver pursuant to Section 401 of the CWA must be obtained for Section 404 permit actions. Proof of compliance with the mitigation measure shall be submitted to the City of Antioch Community Development Department prior to the issuance of grading permits.</i></p> <p><i>IV-12(c) Impacts to riparian habitat within CDFW's Section 1602 jurisdictional areas that would occur during construction shall be mitigated through planting California native trees and/or shrubs within the Sand Creek buffer area. Impacted trees and shrubs shall be mitigated with a 3:1 (replacement:impacts) ratio.</i></p>	<p>City of Antioch Community Development Department</p> <p>CDFW</p>	<p>Prior to the construction period</p>	



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		<p><i>Replacement trees and shrubs shall be a minimum of one gallon size trees/shrub replacements.</i></p> <p><i>In addition, the project applicant will implement appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek and the creek's tributaries. The measures shall include the installation of wildlife-friendly hay wattles and/or silt fence that will prevent unintended de minimus fill impacts during construction activities associated with Sand Creek. In addition, orange silt fencing shall be installed at the top-of-bank of Sand Creek to prevent unintended human and equipment traffic adjacent to Sand Creek. Finally, the dripline of all protected trees within the drainages on the project site, if near work areas, shall be protected through the installation of orange construction fencing.</i></p> <p><i>The project applicant shall satisfy this mitigation by providing the City of Antioch Community Development Department with a fully executed copy of a Streambed Alteration Agreement (SBAA) with the CDFW that includes these, or other functionally equivalent, BMPs, prior to any construction activities associated with Sand Creek. The project applicant shall implement the conditions of the executed SBAA.</i></p>			



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IV-e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	<p><i>IV-15 Prior to issuance of certificates of occupancy, all trees that are legally removed as part of the proposed project shall be replaced according to the following schedule, to the satisfaction of the City of Antioch Community Development Department:</i></p> <ol style="list-style-type: none"> <i>1. Each established tree: two 24-inch box trees.</i> <i>2. Each mature tree: two 48-inch box trees.</i> <p><i>The locations and sizes of the replacement trees shall be clearly shown on the final landscape plans, subject to review and approval by the City of Antioch Community Development Department.</i></p>	City of Antioch Community Development Department	Prior to issuance of certificates of occupancy	
V-a-c.	<p>Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.</p> <p>Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.</p> <p>Disturb any human remains, including those</p>	<p><i>V-1 In the event that a cultural resource is inadvertently discovered during project activities, work shall be halted within 100 feet (30 meters) of the find and a qualified archaeologist (36 CFR Part 61) notified immediately so that an assessment of potential significance can be undertaken in accordance with City of Antioch General Plan Policy 10.9.2.d (2003). Construction activities may continue in other areas, but shall not resume in the area of the find until the City of Antioch Community Development Department provides written permission.</i></p> <p><i>If the discovery proves to be significant, additional work, such as data recovery</i></p>	City of Antioch Community Development Department	During the construction period	



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	interred outside of dedicated cemeteries.	<p><i>excavation, may be warranted and would be discussed in consultation with the City of Antioch Community Development Department, any invested tribes, and other relevant regulatory agencies, as appropriate.</i></p> <p>V-2 <i>In the event of the accidental discovery or recognition of any or human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his</i></p>	<p>City of Antioch Community Development Department</p> <p>County Coroner</p> <p>NAHC</p>	During the construction period	



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		<i>authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.</i>			
VII-a-iii., aiv., c.,d.	<p>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?</p> <p>Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?</p> <p>Be located on a geologic unit or soil that is</p>	<p>VII-1 <i>All grading and foundation plans for the development shall be designed by a Civil and Structural Engineer and reviewed and approved by the City of Antioch Building Division prior to issuance of grading and building permits to ensure that all geotechnical recommendations specified in the Preliminary Geotechnical Exploration prepared for the proposed project are properly incorporated and utilized in the project design.</i></p> <p>VII-2 <i>Prior to issuance of any grading permits, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, a design-level geotechnical exploration study produced by a California Registered Civil Engineer or Geotechnical Engineer and identify grading and building</i></p>	<p>City of Antioch Building Division</p> <p>City of Antioch Engineering Department</p>	<p>Prior to issuance of grading and building permits</p> <p>Prior to issuance of any grading permits</p>	



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	<p>unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> <p>Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</p>	<p><i>practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code's geologic, soils, and seismic requirements. Consistent with the Preliminary Geotechnical Exploration prepared for the proposed project, the design-level geotechnical exploration study shall include additional soil borings, test pits, laboratory testing, chemical testing for corrosivity, geologic mapping and fault trenching/evaluation.</i></p>			
VII-b.	<p>Result in substantial soil erosion or the loss of topsoil?</p>	<p>VII-3 <i>Prior to issuance of grading and building permits, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures shall include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Hydro-seeding;</i> • <i>Placement of erosion control measures within drainage ways and ahead of drop inlets;</i> • <i>The temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric);</i> 	City Engineer	Prior to issuance of grading and building permits	



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		<ul style="list-style-type: none"> • The placement of straw wattles along slope contours; • Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire); • The use of siltation fences; and • The use of sediment basins and dust palliatives. 			
VII-f.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<p><i>VII-4 Prior to the initiation of ground-disturbing activities, a qualified paleontologist shall be retained to administer Worker Environmental Awareness Program (WEAP) training to construction personnel so that a basic understanding of local geology and the paleontological sensitivity of the project area will be acquired by those involved in earth-moving activities. The training shall include information on the types of fossils that may be encountered during project work, relevant compliance requirements, and the course to action to be taken in the event of an inadvertent fossil discovery. A sign-in sheet shall be kept with the signatures of all attendees for submission to the City of Antioch Community Development Department.</i></p> <p><i>VII-5 In the event that a paleontological resource is inadvertently discovered during project-related work, regardless of the depth of excavation or location, work shall be halted within 50 feet (15 meters) of the find and a qualified paleontologist (Society of Vertebrate</i></p>	<p>City of Antioch Community Development Department</p> <p>City of Antioch Community Development Department</p>	<p>Prior to the initiation of ground-disturbing activities</p> <p>During any project-related work</p>	



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		<p><i>Paleontology [SVP] 2010) notified immediately so that an assessment of the resource's potential significance can be undertaken in accordance with City of Antioch General Plan Policy 10.9.2.d (City 2003). Construction activities could continue in other areas.</i></p> <p><i>If the find is determined to be significant under SVP criteria, the find shall be left in place without further disturbance, or if avoidance is not feasible, then additional work, such as fossil recovery excavation (salvage) and curation at a certified repository, such as the University of California Museum of Paleontology (UCMP), may be warranted and would be discussed in consultation with the City of Antioch Community Development Department, and any other relevant regulatory agency, as appropriate.</i></p>			
IX-b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	IX-1 <i>Prior to final map approval, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, plans which show that future inhabited structures will not be located over or within the required setback from any active petroleum pipelines in compliance with the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) Construction Site Review Program.</i>	City of Antioch Engineering Department	Prior to the final map approval	



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		<p>IX-2 <i>Prior to issuance of any grading permits, the project applicant shall coordinate with Conoco Phillips and Chevron to determine the accurate depths and alignment of the existing on-site pipelines and shall conduct field checking and potholing of the pipelines, if necessary. Arrangements for potholing of the pipelines shall be made at least 48 hours in advance. The project applicant shall be responsible for providing a backhoe and operator, as well as a surveyor if needed. All construction plans that involve pipeline easement encroachments shall be submitted to the applicable pipeline owner to allow for review.</i></p> <p><i>After determining the accurate depths and alignments of the existing pipelines, the results shall be noted on all project construction plans, subject to review by the City Engineer. For any work occurring within the pipeline easement, construction plans shall demonstrate compliance with applicable local, State, and federal regulations and development restrictions, which would include, but would not be limited to, the following:</i></p> <ul style="list-style-type: none"> <i>Maintain a minimum of 12 inches of clearance between the pipelines and other cross-lines that intersect at a 90-degree angle, or a minimum of 24</i> 	City Engineer	<p>Prior to issuance of any grading permits</p> <p>Arrangements for potholing of the pipelines shall be made at least 48 hours in advance</p>	



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		<p><i>inches of clearance for intersection angles less than 90-degrees;</i></p> <ul style="list-style-type: none"> • <i>Maintain a minimum of 24 inches of undisturbed clearance between the top of pipe and bottom of the sub grade for paving and grass or shallow rooted plants within the pipeline easements;</i> • <i>Prohibit deep-rooted trees and structures within pipeline easements;</i> • <i>All excavations within 24-inches of the pipelines shall be accomplished using hand tools only;</i> • <i>Restrict use of heavy vibratory equipment over pipelines; and</i> • <i>Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work.</i> 			
X-a.	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.	X-1 <i>Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the</i>	Director of Public Works/City Engineer	Prior to issuance of grading permits	



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		<i>contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.</i>			
X-civ.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows.	X-2 <i>Prior to issuance of grading permits, the project applicant shall prepare a site-specific hydraulic analysis to determine the BFE within Zone A in the vicinity of the proposed EVA. If the analysis determines that the portion of the proposed EVA within the floodplain would be less than one foot above the BFE, the elevation of the portion of the EVA within the floodplain shall be raised to at least one foot above the BFE or to the satisfaction of the CCCFCD. The site-specific hydraulic analysis and proof of CCCFCD satisfaction shall be submitted to the City of Antioch Community Development Department.</i>	City of Antioch Community Development Department	Prior to issuance of grading permits	
XIII-a.	Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	XIII-1 <i>Prior to approval of grading permits, the City shall establish the following requirements, via written notation on final improvement plans, subject to review and approval by the City of Antioch Community Development Department:</i> <ul style="list-style-type: none"> • <i>Construction activities shall be limited to the hours of 7:00 AM and 6:00 PM Monday through Friday, and 9:00 AM and 5:00 PM on weekends.</i> • <i>The construction contractor shall use temporary noise attenuation fences to</i> 	City of Antioch Community Development Department	Prior to approval of grading permits	



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		<p><i>protect sensitive receptors west of the project site.</i></p> <ul style="list-style-type: none"> • <i>The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</i> • <i>Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.</i> • <i>When not in use, motorized construction equipment shall not be left idling for more than five minutes.</i> • <i>Stationary equipment (power generators, compressors, etc.) shall be located at the furthest practical distance from nearby noise-sensitive land uses or sufficiently shielded to reduce noise-related impacts.</i> 			
XVIII-a., b.	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape	XVIII-1 Implement Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2	See Mitigation Measures V-1 and V-2	



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	<p>that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).</p> <p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe,</p>				



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	and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				
XXI-a.	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the	<i>XXI-1 Implement Mitigation Measures IV-1 through IV-13, V-1, and V-2.</i>	See Mitigation Measures IV-1 through IV-13, V-1, and V-2	See Mitigation Measures IV-1 through IV-13, V-1, and V-2	



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	range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				

