



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



September 26, 2024

Nicole Moore  
Contract Planner  
City of Stockton  
345 N. El Dorado Street  
Stockton, CA 95202  
[nicole.moore.ctr@stocktonca.gov](mailto:nicole.moore.ctr@stocktonca.gov)

Subject: LeBaron Ranch  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH No. 2023070657

Dear Nicole Moore:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Notice of Availability of a DEIR from the City of Stockton for the LeBaron Ranch (Project) pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.<sup>[1]</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, native plants, and their habitat. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that it, by law, may need to exercise its own regulatory authority under the Fish and Game Code.

## **CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Fish & G. Code, § 1802.) Similarly for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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<sup>[1]</sup> 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.

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CDFW may also act as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

The Project site is located at approximately Latitude: 38.05414 and Longitude: -121.304274 (WGS 84 datum, decimal degrees), in the northern portion of the City of Stockton Metropolitan Area, within the unincorporated area of San Joaquin County. The Project site is bounded on the north by Eight Mile Road, to the east by West Lane, and to the west by Lower Sacramento Road. The future Marlette Road, between Lower Sacramento Road and West Lane, will form the property's southern boundary.

The Project consists of a 236.30-acre Development Area, 56.03-acre Non-development Area, and 13.7 acres of existing right-of-way within a 306.03-acre plot. The development would include 1,217 single family residential units with lot sizes that would range from 3,375 to 6,000 square feet. Additionally, the Development Area would include 194 high density residential units on 9.5 acres to the west of the proposed single family residential area, for a total residential unit count of 1,411 units. The proposed Project also includes a K-8 school if approved by Lodi Unified School District (LUSD). If LUSD does not approve the site, then the site will be developed with 79 single family residential units.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Stockton in adequately identifying and, where appropriate, mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

### **COMMENT 1: Other Insects, 3.4-29**

**Issue:** The DEIR states the habitat present at the site is not ideal natural habitat for Crotch's bumble bee (*Bombus scrotchii*). As a candidate species, this species receives the same protections as a listed species under CESA. The lack of targeted surveys and avoidance measures could result in "take" under CESA.

**Recommendation or Recommended Mitigation Measure:** CDFW recommends the final EIR includes appropriate avoidance measures that will be implemented during the Project construction and operation. CDFW recommends that within one (1) year prior to vegetation removal and/or grading, a qualified entomologist, familiar with the species behavior and life

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history with the appropriate handling permits, shall conduct a minimum of two (2) surveys of all areas within the Project site to determine the presence/absence of Crotch's bumble bee. Survey methodology shall be approved by CDFW prior to survey implementation, please see CDFW's Bumble Bee Survey Considerations document (found at: [nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline](http://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline)) for more information. . During surveys, the qualified entomologist should flag inactive small mammal burrows and other potential nest sites to reduce the risk of take. CDFW requests a copy of the survey results, including negative findings, analysis, recommendations, and field notes upon completion of surveys and no later than five (5) days prior to the start of project-related activities. Once Project activities begin, the qualified entomologist should continuously monitor potential nest sites and floral resources for Crotch's bumble bee activity for the duration of construction. If the species is detected, the qualified entomologist should notify CDFW immediately as further coordination may be required to avoid or mitigate significant impacts. Survey results including negative findings should be submitted to CDFW prior to initiation of Project activities.

If "take" to Crotch's bumble bee cannot be avoided either during Project construction or over the life of the Project, consultation with CDFW should be initiated to determine if a CESA incidental take permit (ITP) is necessary prior to starting or continuing any construction activities.

## **COMMENT 2: Bird Mortality**

**Issue:** The introduction of buildings and artificial lighting in the development areas will impact nesting and migrating birds within the project site unless avoidance, minimization or mitigation measures are incorporated into the EIR to reduce impacts to a less than signification level. An increase in building density may adversely affect bird populations by introducing sources of common bird mortalities such as domestic cats for residents and reflective windows that birds collide with. Collisions with clear and reflective sheet glass and plastic is a leading cause in human-related bird mortalities<sup>[2]</sup>. Many types of windows, sheet glass, and clear plastics are invisible to birds resulting in casualties or injuries from head trauma after an unexpected collision. Birds may collide with windows as little as one meter away in an attempt to reach habitat seen through, or reflected in, clear and tinted panes, so even taking small measures to increase visibility of windows to birds can make a substantial difference in minimizing long-term impacts of urban development near natural environments.

The installation of artificial lights may cause indirect effects on nesting or migrating birds by disrupting natural mating cues, which may alter the fecundity of species that occupy the riparian and open space areas adjacent to the development areas.

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<sup>[2]</sup> Klem, D. (2009). Avian Mortality at Windows: The Second Largest Human Source of Bird Mortality on Earth. Acopian Center for Ornithology, Department of Biology, Muhlenberg College, Allentown, Pennsylvania.

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Additionally, Local bird populations are severely impacted by domestic cats, which are estimated to cause over one billion bird mortalities every year in the United States and may be the single biggest cause of global bird mortality after habitat destruction<sup>[3]</sup>. Unlike natural predators, whose populations fluctuate with prey levels, cat populations are artificially sustained through introduction of new individuals or feeding of feral individuals. Therefore, cats can contribute not only to direct bird mortality but also to the imbalance of natural factors in the birds' ecosystem. Keeping domestic cats indoors and out of native ecosystems is a key consideration for reducing environmental impacts and promoting responsible pet ownership in the community.

**Recommendation or Recommended Mitigation Measure:** Given declines in segments of the overall bird population<sup>[4]</sup> and ecological benefits of healthy bird activity<sup>[5][6][7]</sup>, CDFW recommends consideration of bird enhancement and mortality reduction strategies in project design and implementation, such as:

- An education program for any onsite residents to keep domestic cats indoors.
- Installation of screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel. Additional information can be found at <https://www.fws.gov/birds/birdenthusiasts/threats-to-birds/collisions/buildings-and-glass.php>. Incorporation of these strategies can reduce anthropogenic effects on birds and promote sustainable development in California.

### COMMENT 3: Water Use, Table 3.14-5, 3.14-18

**Issue:** The DEIR cites the 2020 Stockton Urban Water Management Plan (UWMP) to summarize the City's projected water supply in the future, which has a substantial portion of the projected water supply coming from purchased water from Stockton East Water District (SEWD) and Woodbridge Irrigation District (WID). The DEIR does not provide any additional information about future purchasing plans. CDFW is concerned that in the absence of an extended plan, the water burden created by the development would be placed on the already critically over drafted Easter San Joaquin basin.

<sup>[3]</sup> Dauphine, N. and Cooper, R.J. (2009) Impacts of Free-Ranging Domestic Cats (*Felis catus*) on Birds in the United States: A Review of Recent Research with Conservation and Management Recommendations. Warnell School of Forestry and Natural Resources, University of Georgia.

<sup>[4]</sup> Douglas W Tallamy, W Gregory Shriver, Are declines in insects and insectivorous birds related?, Ornithological Applications, Volume 123, Issue 1, 1 February 2021.

<sup>[5]</sup> Maas, B., D. S. Karp, S. Bumrungsri, K. Darras, D. Gonthier, J. C.-C. Huang, C. A. Lindell, J. J. Maine, L. Mestre, N. L. Michel, et al. . (2016). Bird and bat predation services in tropical forests and agroforestry landscapes. Biological Reviews 91:1081–1101.

<sup>[6]</sup> Wenny, D. G., Ç. H. Şekercioğlu, N. J. Cordeiro, H. S. Rogers, and D. Kelly (2016). Seed dispersal by fruit-eating birds. In Why Birds Matter: Avian Ecological Function and Ecosystem Services (Ç. H. Şekercioğlu, D. G. Wenny, and C. J. Whelan, Editors). University of Chicago Press, IL, USA. pp. 107–146.

<sup>[7]</sup> Fujita, M., and K. O. Kameda (2016). Nutrient dynamics and nutrient cycling by birds. In Why Birds Matter: Avian Ecological Function and Ecosystem Services (Ç. H. Şekercioğlu, D. G. Wenny, and C. J. Whelan, Editors). University of Chicago Press, IL, USA. pp. 271–297.

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**Recommendation or Recommended Mitigation Measure:** The final EIR should evaluate how the city will accommodate the increased water burden between groundwater, purchases from SEWD and WID, and the City's existing water right permit 21176.

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

## FILING FEES

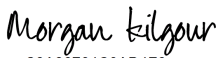
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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.)

## CONCLUSION

Pursuant to Public Resources Code § 21092 and § 21092.2, CDFW requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife North Central Region, 1701 Nimbus Road, Rancho Cordova, CA 95670 or emailed to [R2CEQA@wildlife.ca.gov](mailto:R2CEQA@wildlife.ca.gov).

CDFW appreciates the opportunity to comment on the DEIR for the LeBaron Ranch to assist City of Stockton in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize and/or mitigate impacts. Questions regarding this letter or further coordination should be directed to Zach Kearns, Environmental Scientist at (916) 358-1134 or [zachary.kearns@wildlife.ca.gov](mailto:zachary.kearns@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
C3A86764C0AD4F6...

Morgan Kilgour, PhD  
Regional Manager

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ec: Tanya Sheya, Environmental Program Manager  
Billie Wilson, Senior Environmental Scientist (Supervisory)  
Zach Kearns, Environmental Scientist  
*Department of Fish and Wildlife*

Office of Planning and Research, State Clearinghouse, Sacramento