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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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June 24, 2026

Kevin Scudero, Principal Planner
City of Antioch
200 H Street
Antioch, CA 94509
KScudero@antiochca.gov

Subject: Leung Property Project, Notice of Preparation of Draft Environmental Impact Report, SCH No. 2026051080, City of Antioch, Contra Costa County

Dear Kevin Scudero:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Antioch's Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Leung Property Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect fish and wildlife resources of the State. Please be advised, by law, CDFW may be required to carry out or approve aspects of the project through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is providing the City of Antioch, as the lead agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

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. (*Id.*, § 1802.) For purposes of CEQA, CDFW is charged by law to provide, 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.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project 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.

[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.

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REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW 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. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) **The Project has the potential to impact CESA listed or candidate species, including: Crotch's bumblebee (*Bombus crotchii*), California tiger salamander (*Ambystoma californiense*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), tricolored blackbird (*Agelaius tricolor*), Western burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), and San Joaquin kit fox (*Vulpes macrotis mutica*).**

CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and **mitigation** measures must be incorporated into the CEQA document analysis, discussion, and 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 Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the lead agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the lead agency makes and supports findings of overriding consideration for impacts that remain significant despite the implementation of all feasible mitigation. Findings of consideration under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting river, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. **It appears that the project may impact Sand Creek and the associated riparian habitat.** Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

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

California Fully Protected Species

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

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- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (NCCP) (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code § 2081.15). Project proponents should consult with CDFW early in the project planning process. **The Project has the potential to impact golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*), which are both California fully protected species.**

PROJECT DESCRIPTION AND LOCATION SUMMARY

Proponent: City of Antioch

Objective: The objective of the Project is to construct a new residential development and commercial area. Primary Project activities include: (1) demolition of the existing residence; (2) subdivision of the north-central portion of the project site into 309 residential lots in which 434 single-family residential units will be constructed; (3) installation of onsite amenities and supporting infrastructure such as stormwater drains, resident parking, roadways and bridges, sidewalks, bike paths, and recreational spaces; and (4) construction of a 15,000 square foot commercial area in the northeast corner of the project site, located immediately southwest of Deer Valley Road.

Location: The Project is located in the City of Antioch, County of Contra Costa, State of California, Latitude: 37.942897 Longitude: -121.781553, southwest of the intersection of Sand Creek Road and Deer Valley Road.

Timeframe: Timeframe not provided.

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project's environmental impact. Please include a complete description of the following Project components in the Project description including but not limited to the information below:

- Land use changes resulting from, for example, rezoning certain areas;
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes;
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems;
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features; and
- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW

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recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City of Antioch or Contra Costa County may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to the species listed below:

Scientific Name	Common Name	Status
Invertebrates		
Bombus crotchii	Crotch's bumblebee	SC
Branchinecta lynchi	Vernal pool fairly shrimp	FT
Lepidurus packardi	Vernal pool tadpole shrimp	FE
Amphibians		
Ambystoma californiense, pop. 1	California tiger salamander – Central California DPS	FT, ST
Rana draytonii	California red-legged frog	FT, SSC
Spea hammondii	Western spadefoot	FC, SSC
Reptiles		
Actinemys marmorata	Northwestern pond turtle	FC, SSC
Anniella pulchra	Northern California legless lizard	SSC
Masticophis lateralis euryxanthus	Alameda whipsnake	FT, ST
Birds		
Agelaius tricolor	Tricolored blackbird	ST, SSC
Athene cunicularia	Western burrowing owl	SC, SSC
Buteo swainsona	Swainson's hawk	ST
Mammals		
Taxidea taxus	American badger	SSC
Vulpes macrotis mutica	San Joaquin kit fox	FE, ST
Plants		
Atriplex depressa	Brittlescale	1B.2
Belpharizonia plumosa	Big tarplant	1B.1
Extriplex joaquinana	San Joaquin spearscale	1B.2
Helianthella castanea	Diablo helianthella	1B.2

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Hesperolinon breweri	Brewer's western flax	1B.2
Navarretia nigelliformis ssp. radians	Shining navarretia	1B.2

Notes: FC = federal candidate species under the Endangered Species Act (ESA); FE = federally endangered under ESA; FT = federally threatened under ESA; SE = state endangered under the California Endangered Species Act (CESA); SC = state candidate for listing under CESA; SFP = state fully protected; SSC = state species of special concern; ST = state threatened under CESA. CNPS ranking system: 1B = plants rare, threatened, or endangered in California and elsewhere; 2B = plants rare, threatened or endangered in California, but common elsewhere; 3 = plants about which more information is needed; 4 = plants of limited distribution. Threat ranks: 0.1 = seriously threatened in California; 0.2 = moderately threatened in California.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the East Contra Costa County Habitat Conservation Plan and NCCP; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and information can the City of Antioch adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Changes in hydrological conditions that could alter the timing and magnitude of stream flows both during construction and operation of the Project;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence;
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features;
- Water quality impacts resulting from construction and operation of the Project;

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- Impacts both from construction and operation of the Project;
- Impacts to the bed, channel, and bank, in the reservoirs and creeks downstream of the Project; and
- Impacts to riparian habitat, and the direct and indirect effects to fish, wildlife, and their habitats.

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City of Antioch, as the lead agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species such as golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*) may not be taken or possessed at any time except in limited circumstances (Fish & G. Code, §§ 3511, 4700, 5050, & 5515). Therefore, the draft EIR should include measures to completely avoid take of fully protected species.

COMMENTS AND RECOMMENDATIONS

Based on the information provided in the NOP, CDFW offers the comments and recommendations below to assist the City of Antioch in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and/or indirect impacts on fish and wildlife (biological) resources. **These comments and recommendations are not an exhaustive list and CDFW may provide additional recommendations as more Project specific information is disclosed. The draft EIR must include a full Project Description, Environmental Setting, and Impact Analysis and Mitigation Measures as outlined above.** Editorial comments or other suggestions may also be included to improve the document.

Comment 1: Special-Status Amphibians and Other Small Wildlife

Issue: Storm drains and road infrastructure associated with the Project may pose a risk of entrapment and act as barriers to small wildlife species. Semi-aquatic and terrestrial wildlife may inadvertently wander onto roadways or into stormwater infrastructure and become trapped.

Evidence Impact Would Be Significant: The Project proposes to construct road and stormwater infrastructure adjacent to Sand Creek and within known upland habitat for California tiger salamander, California red-legged frog, and Western spadefoot. The proposed curbs and sidewalks, if installed adjacent to drainage systems, may act as barriers for small animals trying to cross and exit the roadway (Ratzel, 1993). Individuals migrating to breeding or hibernation sites may be forced to crossroads, follow curbs, or crawl over roadside drains (Smith & Sutherland, 2014). Individuals prevented from leaving the roadway face increased mortality risk from vehicle strikes, desiccation, or exposure to predators and

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are forced to expend additional energy to find an alternative exit. Furthermore, should individuals enter storm drain inlets or catch basins when passing over them, smooth walls prevent their escape and lead to their subsequent mortality.

Recommendations: CDFW recommends that the draft EIR incorporate the following measures to protect amphibians and other small wildlife:

Wildlife-Friendly Roadside Curb Design and Construction. Curbs adjacent to storm drains shall be offset by a distance sufficient to allow volitional passage for wildlife around the storm drains. Curbs on the edge of any road, sidewalk, or trail shall be slanted at no more than a 45-degree angle; alternatively, slanted sections shall be provided at regular intervals of no more than 100 linear feet.

Wildlife-Friendly Storm Water Infrastructure. Storm water infrastructure (e.g., storm drains, v-ditches, storm drain grates, v-ditches, catchment basins, bioretention basins) shall be designed and constructed in a manner that minimizes and avoids impacts to wildlife to the maximum extent feasible. Designs shall adhere to the following requirements:

- Storm drain grates shall be offset from any adjacent curb by a distance that will allow for volitional passage of wildlife to go around the grate, along the curb;
- Openings in storm drain grates shall be no more than 16 millimeters in width or as narrow as feasible to allow necessary water throughput while preventing wildlife from entering;
- Catchment basins and drop inlets shall be fitted with escape ramps or ladders that will allow wildlife to volitionally escape. Ramps and/or ladders shall be placed along a wall of the catchment basin and must span the distance from the lowest point in the basin (sump pit) to the grate covering. Ramps and/or ladders shall be placed at a slope no steeper than 45 degrees. Escape ramps or ladders shall be fashioned from perforated metal sheeting covered with an open structured synthetic matting material that will allow for sufficient traction for wildlife to volitionally escape from the catchment basin if entrained. Alternatively, catchment basins shall be designed to have walls that are slanted outward and the walls shall be covered with open structured synthetic matting material together with an escape ramp or ladder that allows for volitional escape of wildlife;
- Vehicle entry/exit points of access to the detention basins shall have crossing structures installed (e.g., grated trenches) to prevent road mortality of wildlife; and
- Detention basin outfall structures shall have one-way gates installed (e.g., flapper gates) or similar devices that will serve to prevent wildlife from entering the basin via the structure.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent CEQA documents or to make supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (d) & (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online here: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found here: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

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ENVIRONMENTAL DOCUMENT FILING FEES

CDFW anticipates that the proposed Project, will 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.)

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Kristin Brandon, Environmental Scientist, at (707) 428-2069 or Kristin.Brandon@wildlife.ca.gov; or Sara Kern, Senior Environmental Scientist (Supervisory), at Sara.Kern@wildlife.ca.gov.

Sincerely,

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

ec: Office of Land Use and Climate Innovation SCH No. 2026030861
Melissa Farinha, CDFW Bay Delta Region – Melissa.Farinha@wildlife.ca.gov

REFERENCES

Ratzel, M. (1993). Road drainage: Trap effect and defusing with special consideration of amphibians. District Office for Nature Conservation and Landscape Management.

Smith R.K., & Sutherland, W.J. (2014). Amphibian conservation: global evidence for the effects of interventions. Pelagic Publishing Ltd