Acorn Business Park Project

Final Initial Study Mitigated Negative Declaration and Response to Comments

PD-18-02

May 2, 2019

Lead Agency:

City of Antioch
Community Development Department
Planning Division
200 H Street
Antioch, CA 94509

Technical Assistance:

Stantec Consulting Services Inc.
1340 Treat Boulevard, Suite 300
Walnut Creek, CA 94597

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1.0 INTRODUCTION

1.1 PURPOSE

This Final Initial Study (IS) and Mitigated Negative Declaration (MND; together, IS/MND) has been prepared for the Acorn Business Park Project ("proposed project") in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The City of Antioch ("City") is acting as the Lead Agency as defined by CEQA for the environmental review of the proposed project.

1.2 DESCRIPTION OF THE PROPOSED PROJECT

JMI Properties Corporation (applicant) is seeking entitlements to allow for the development of the Acorn Business Park Project (proposed project) in the City of Antioch, California. The business park could include a range of uses such as hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site is currently undeveloped and comprised of Assessor Parcel Numbers 051-052-112 and 051-052-113. The project site would be divided into three subsections as described briefly below.

Subsection A

Subsection A consists of two lots (3.79 acres total) in the southern portion of the project site adjacent to East 18th Street. The proposed project includes two alternative conceptual alternative site plans for this portion of the project site. Alternative A-1 would develop two commercial buildings of 16,800 square feet each with associated parking. Alternative A-2 would develop a 4-story, 95-room hotel of approximately 43,195 square feet and an 11,088-square-foot commercial building with associated parking.

The applicant is only seeking entitlements at this stage and will seek to market Subsection A for future construction by a separate developer.

Subsection B

Subsection B consists of one lot (5.44 acres) in the central portion of the project site approximately 270 feet from East 18th Street. The applicant would develop this portion of the project site with 122,021 square feet of self-storage facilities between eight separate buildings with associated parking. The applicant is considering developing rooftop solar on top of the self-storage buildings when the economics are feasible. In the near-term, the proposed project would develop a 30 kilowatt (kW) facility to offset the electrical load of the self-storage facility.

Subsection C

Subsection C consists of nine lots (10.52 acres total) in the northern portion of the project site adjacent to Sakurai Street and approximately 535 feet from East 18th Street. The proposed project also includes two alternative conceptual site plans for this portion of the project site. Alternative C-1 would develop eight buildings of 14,112 square feet each for a total of 112,896 square feet, associated parking, and a bioretention basin. Alternative C-2 would develop a bioretention basin and one building of 71,880 square feet and associated parking.

The applicant is only seeking entitlements at this stage and will seek to market Subsection C for future construction by a separate developer.

1.2.1 Project Location

The project site is located 0.15 mile west of State Route 160 (SR-160) at the northwest corner of East 18th Street and Drive-In Way in the City of Antioch, California.

1.2.2 Required Permits and Approvals

This ISMND would be used by the City as the Lead Agency to evaluate the potential environmental impacts of the proposed project. For the proposed project to be implemented, a series of actions and approvals would be required from multiple agencies. Anticipated project approvals/actions would include, but are not limited to, the following:

- Rezone to Planned Development District (PD): City of Antioch
- Use Permit: City of Antioch
- Design Review: City of Antioch
- Vesting Tentative Map: City of Antioch
- Adoption of the Mitigated Negative Declaration: City of Antioch

Other ministerial approvals such as building permits, grading permits, and encroachment permits are also anticipated.

Additionally, all work related to improvements and project grading would be subject to the City of Antioch Municipal Code, including the Zoning Ordinance, Building Code, and Fire Code.

1.3 PUBLIC REVIEW PROCESS

On February 14, 2019, the City circulated a Notice of Availability of the Draft IS/MND for a 30-day review and comment period by the public and responsible and reviewing agencies. The review period ended on March 15, 2019.

The Final IS/MND and Draft IS/MND are available for review at:

City of Antioch, Community Development Department
200 H Street Antioch, CA 94509
Monday through Friday 8:00-5:00

The Final IS/MND and Draft IS/MND are also available online at:

https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/

1.4 ORGANIZATION OF THE FINAL IS/MND

As required by the State CEQA Guidelines, the Final IS/MND consists of the following elements

Section 1.0: Introduction. This section introduces the proposed project and describes the purpose and organization of this document.

Section 2.0: Response to Comments. This section describes the purpose and need for the proposed project, identifies the project objectives, and provides a detailed description of the proposed project.

Section 3.0: Errata. This section presents specific text changes made to the Draft IS/MND since its publication and public review.

Appendix A. A Mitigation Monitoring and Reporting Program (MMRP), which provides a summary of impacts, mitigation measures, and implementation procedures.

Appendix B. Letters to Tribes Culturally and Traditionally Affiliated with the Project Site

Appendix C. Revised Biological Resources Assessment Report.

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2.0 RESPONSE TO COMMENTS

This section contains the comment letters that were received during the 30-day public-comment period addressing the Draft ISMND. The public comment period started on February 14, 2019 and concluded on March 15, 2019. In accordance with Section 15074(b) of the CEQA Guidelines, when considering whether to approve a project, the lead agency must consider the comments received during its consultation and review periods together with the ISMND. Therefore, these comments and responses are provided along with the Draft ISMND for consideration by the City Planning Commission and City Council.

2.1 COMMENTS RECEIVED ON THE DRAFT ISMND

The City received five comment letters during the public-comment period for the Draft ISMND. Table 2.1-1 indicates the numerical designation for each comment letter, the author and their associated agency, and the date of the comment letter.

Table 2.1-1 List of Commenters

Letter Number	Author of Comment Letter	Date
Individuals		
1	Jim Moita, JMI Properties Corporation	March 15, 2019
Agencies		
2	Gayle Totton, Native American Heritage Commission (NAHC)	February 28, 2019
3	Jordan Hensley, Central Valley Regional Water Quality Control Board	March 8, 2019
4	Patricia Maurice, California Department of Transportation (Caltrans)	March 13, 2019
5	Gregg Erickson, California Department of Fish and Wildlife (CDFW)	March 14, 2019

2.2 COMMENTS AND RESPONSES ON THE DRAFT ISMND

The written individual comments received on the Draft ISMND and the responses to those comments are provided below. All comments are indicated by a line bracket and an identifying number in the margin of the comment letter.

Letter 1

JMI PROPERTIES CORPORATION
BROKERAGE INVESTMENTS DEVELOPMENT

8117 Marsh Creek Road
Clayton, CA 94517
(925) 672-2200 Tel
(925) 672-0288 Fax
jmi-acorn@sbcglobal.net

March 15, 2019

City of Antioch
Attn: Alexis Morris
200 "H" Street
Antioch, CA 94509

RE: Proposed Acorn Business Park – CEQA Comment Letter

Dear Alexis,

1-1 Attached is our comment letter on the Acorn Business Park IS/MND in response to "Impact TRANS-4."

I would like our to comment to be considered as a replacement for mitigation "MM Trans – 2 Driveway Relocation."

Thank you,

Jim J. Moita, President
JMI Properties Corporation

Letter 1 (page 2)

FEHR PEERS

MEMORANDUM

Date: March 15, 2019

To: Jim Moita

From: Kathrin Tellez and Delia Votsch, Fehr & Peers

Subject: Acorn Business Park Driveway Evaluation

WC19-3575

The purpose of this memorandum is to review the location and proposed design of the easternmost driveway for Acorn Business Park development (project). As part of the environmental review process for the project, a transportation impact analysis (TIA) was completed by Stantec dated November 6, 2018. The mitigated negative declaration prepared based on the findings of that analysis recommended that the easternmost project driveway be eliminated due to its proximity to the intersection of Holub Lane/Drive in Way.

The project proposes to construct three driveways along its East 18th Street frontage. All three driveways would be right-in/right-out access only, with the easternmost driveway serving only the self-storage uses, which generates minimal daily and peak hour trips. The easternmost driveway is located approximately 40-feet from the intersection of East 18th Street and Drive In-Way/Holub Lane, which could result in potential vehicle conflicts due to the proximity to the East 18th Street and Drive In-Way/Holub Lane.

Fehr & Peers reviewed the proposed driveway location in combination with the roadway configuration. As East 18th Street provides three westbound travel lanes along the project frontage, and the intersection of East 18th Street and Drive In-Way/Holub Lane is striped to provide two westbound travel lanes through the intersection, there is an opportunity to provide an exclusive right-turn lane into the project site. To accommodate a right-in/right-out driveway into the self-storage and to minimize potential vehicle conflicts, Fehr & Peers recommends East 18th Street along the project site be modified to provide the following:

- Remove the existing merge arrows and striping

Letter 1 (page 3)

- Install a continuous right turn lane along the project frontage on East 18th Street
- Stripe a dashed centerline on East 18th Street to denote two travel lanes
- Stripe a buffer between the driveways and right turn pockets along the Project frontage, and after the westernmost driveway, to direct vehicles to the two travel lanes
- Install a bike lane between the two travel lanes and the right turn pockets
- Provide skip striping for the bike lanes in the transition area between the striped buffer and right turn pockets

In addition to the above geometric changes, the intersection of East 18th Street and Drive in Way/Holub Lane should be signalized prior to the opening of the self-storage uses if access is provided from the eastern most driveway.

This completes our driveway assessment for the Acorn Business Park development project. Please call Kathrin or Delia at (925) 930-7100 if you have questions

Letter 1: Response to Comment from Jim Moita, JMI Properties Corporation

Response 1-1

The comment letter includes a draft memorandum (memo) prepared by Fehr and Peers on March 13, 2019. The commenter would like the following findings of the memo to be considered as a replacement for Mitigation Measure TRANS-2 in the Draft ISMND:

> *"As East 18th Street provides three westbound travel lanes along the project frontage, and the intersection of East 18th Street and Drive In-Way/Holub Lane is striped to provide two westbound travel lanes through the intersection, there is an opportunity to provide an exclusive right-turn lane into the project site. Therefore, to accommodate a right-in/right-out driveway into the self-storage and to minimize potential vehicle conflicts, Fehr & Peers recommends East 18th Street along the project site be modified to provide the following:*
>
> - *Remove the existing merge arrows and striping*
> - *Install right turn pockets at the westernmost and middle project driveways*
> - *Stripe a dashed centerline on East 18th Street to denote two travel lanes*
> - *Stripe a buffer between the driveways and right turn pockets along the Project frontage, and after the westernmost driveway, to direct vehicles to the two travel lanes.*
> - *Install a bike lane between the two travel lanes and the right turn pockets*
> - *Provide skip striping for the bike lanes in the transition area between the striped buffer and right turn pockets*

In addition to the above geometric changes, the intersection of East 18th Street and Drive in Way/Holub Lane should be signalized prior to the opening of the self-storage uses if access is provided from the eastern most driveway."

The City has reviewed the technical memo provided by Fehr and Peers and agrees that Mitigation Measure Trans-2 may be revised to reflect the above recommendations. Note that the text of Mitigation Measure TRANS-2 has been revised. This change does not alter the Draft IS/MND's conclusion that the proposed project would not substantially increase hazards due to a design feature or incompatible uses nor does it constitute a "substantial revision" pursuant to CEQA Guidelines Section 15073.5(c), and there is no new impact, therefore, recirculation of the Draft IS/MND is not required.

.

Letter 2

STATE OF CALIFORNIA — Gavin Newsom, Governor
NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: http://www.nahc.ca.gov

February 28, 2019

Alexis Morris
City of Antioch
200 H Street
Antioch, CA 94509

Also sent via e-mail: amorris@ci.antioch.ca.us

RE: SCH# 2019029069, Acorn Business Park Project, City of Antioch; Contra Costa County

Dear Ms. Morris:

2-1 The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration prepared for the above referenced project. The review included the Introduction and Project Description; the Environmental Checklist, section 3.5 Cultural Resources and section 3.18, Tribal Cultural Resources; and Appendix C-2, Cultural Resources Report, prepared by Stantec for the City of Antioch. We have the following concern(s):

2-2 1. There is no documentation of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute has taken place, or that possible mitigation measures were developed in consultation with the tribes. This document includes the statement that the City "will initiate" consultation at some future unspecified date.

2-3 2. Mitigation measures do not include contacting tribes for inadvertent finds of Cultural Resources or Tribal Cultural Resources.

2-4 *3.* The Most Likely Descendant timeline in the Cultural Resources section of the Environmental Checklist and the Cultural Resources report is incorrect. Public Resources Code section 5097.98 specifically states "the descendants shall complete their inspection and make their recommendations or preferences within **48 hours after being allowed access to the site".**

2-5 Agencies should be aware that AB 52 does not preclude them from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf, entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

2-6 A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

If you have any questions, please contact me at my email address: gayle.totton@nahc.ca.gov.

Sincerely,

Gayle Totton

Gayle Totton, B.S., M.A., Ph. D
Associate Governmental Program Analyst

Attachment
cc: State Clearinghouse

Letter 2 (page 2)

The California Environmental Quality Act (CEQA)[1], specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.[2] If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.[3] In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).[4] **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"[5], that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.[6] Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.[7] Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code §65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements**. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966[8] may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Pertinent Statutory Information:

Under AB 52:

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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:
Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.
A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.[9] and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report**. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18).[10]
The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.
b. Recommended mitigation measures.
c. Significant effects.[11]

1. The following topics are discretionary topics of consultation:

a. Type of environmental review necessary.
b. Significance of the tribal cultural resources.
c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. [12]
With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.[13]
If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

[1] Pub. Resources Code § 21000 et seq.
[2] Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
[3] Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)
[4] Government Code 65352.3
[5] Pub. Resources Code § 21074
[6] Pub. Resources Code § 21084.2
[7] Pub. Resources Code § 21084.3 (a)
[8] 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.
[9] Pub. Resources Code § 21080.3.1, subds. (d) and (e)
[10] Pub. Resources Code § 21080.3.1 (b)
[11] Pub. Resources Code § 21080.3.2 (a)
[12] Pub. Resources Code § 21080.3.2 (a)
[13] Pub. Resources Code § 21082.3 (c)(1)

Letter 2 (page 3)

b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.[14]

Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.[15]

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.[16]

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code §21084.3 (b).[17]

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days.[18]

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

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Government Code §65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described §5097.9 and §5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code §65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Public Resources Code §5097.9 and §5097.993.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe**.[19]
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,[20] the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction.[21]
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.[22]

NAHC Recommendations for Cultural Resources Assessments:

- Contact the NAHC for:

[14] Pub. Resources Code § 21082.3 (b)
[15] Pub. Resources Code § 21080.3.2 (b)
[16] Pub. Resources Code § 21082.3 (a)
[17] Pub. Resources Code § 21082.3 (e)
[18] Pub. Resources Code § 21082.3 (d)
[19] (Gov. Code § 65352.3 (a)(2)).
[20] pursuant to Gov. Code section 65040.2,
[21] (Gov. Code § 65352.3 (b)).
[22] (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

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- A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  - The request form can be found at http://nahc.ca.gov/resources/forms/.

- Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.[23]
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.[24]

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The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.[25] In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

[23] (Civ. Code § 815.3 (c)).
[24] (Pub. Resources Code § 5097.991).
[25] per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

Letter 2: Response to Comment from Gayle Totton, Native American Heritage Commission

Response 2-1

The Native American Heritage Commission (NAHC) provided an introductory paragraph and noted their comments pertained to their review of the Project Description, the Environmental Checklist Section 3.5 Cultural Resources, Environmental Checklist Section 3.18 Tribal Cultural Resources, and Appendix C-2 Cultural Resources Report prepared by Stantec.

No further response is required because the comment does not comment on the content or approach to the environmental analysis.

Response 2-2

The commenter states there is no documentation of government-to-government consultation by the lead agency under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute has taken place, or that possible mitigation measures were developed in consultation with the tribes.

As discussed in the Draft IS/MND the Native American Heritage Commission (NAHC) was contacted on October 9, 2018 to request a search of the Sacred Lands File and a list of Native American contacts who might have knowledge of tribal cultural resources at the project site. The NAHC responded on October 18, 2018, stating negative results. The NAHC included a list of six individuals and tribes affiliated with the area. The NAHC recommended contacting those tribes for additional information about any known tribal resources. Certified letters pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52) to the tribal representatives were sent on October 26, 2018 by certified mail. The letters were received by the recipients on October 29, 2018 and October 30, 2018. No responses from the tribal representatives have been received to date.

Copies of the certified letters and proof of receipt have been included with this Final IS/MND as Appendix B.

Response 2-3

The commenter states mitigation measures do not include contacting tribes for inadvertent finds of Cultural Resources or Tribal Cultural Resources.

Mitigation measure CUL-1 will be revised to include contacting tribes for inadvertent discoveries of Cultural Resources or Tribal Cultural Resources. This revision does not constitute a “substantial revision” pursuant to CEQA Guidelines Section 15073.5(c), therefore, recirculation of the Draft IS/MND is not required.

Response 2-4

The commenter states the Most Likely Descendant timeline in the Cultural Resources section of the Environmental Checklist and the Cultural Resources report is incorrect. Public Resources Code section 5097.98 specifically states “the descendants shall complete their inspection and make their recommendations or preferences within **48 hours after being allowed access to the site”**

The City will revise Mitigation Measure CUL-3 to note the correction to the Most Likely Descendant timeline is 48 hours from the time access to the site is allowed. This revision does not constitute a “substantial revision” pursuant to

CEQA Guidelines Section 15073.5(b) and recirculation of the Draft IS/MND is not required pursuant to CEQA Guidelines 15073.5(c).

Response 2-5

The commenter stated that AB 52 does not preclude Agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided by AB 52. The commenter provided their recommendation that the City request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. Such consultation early on will avoid inadvertent discoveries of Native American human remains and best protect cultural resources.

The City appreciates the NAHC's comments and reiterates that tribal consultation pursuant to AB 52 and the NAHC's recommendations was conducted for the proposed project. Information on the consultation letters has been provided as an appendix to this Final IS/MND.

Response 2-6

The commenter provided a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resource assessments.

Tribal consultation pursuant to AB 52 and the NAHC's recommendations was conducted for the proposed project. Information on the consultation letters has been provided as an appendix to this Final IS/MND.

Letter 3

CALIFORNIA Water Boards

Central Valley Regional Water Quality Control Board

GAVIN NEWSOM GOVERNOR

JARED BLUMENFELD SECRETARY FOR ENVIRONMENTAL PROTECTION

8 March 2019

RECEIVED

MAR 1 4 2019

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Alexis Morris
City of Antioch
200 H Street
Antioch, CA 94509

CERTIFIED MAIL
7014 2120 0001 4292 3297

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, ACORN BUSINESS PARK PROJECT, SCH#2019029069, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 14 February 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Acorn Business Park 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

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 the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

Letter 3 (page 2)

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_201805.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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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

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(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
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

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.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.

[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.

Letter 3 (page 4)

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 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/

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 Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. 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 Risk 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 Risk Waiver and the application process, visit the Central Valley Water Board website at:

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http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture
If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 11-100 acres are currently $1,277 + $8.53/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

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

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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) 464-4812 or Jordan.Hensley@waterboards.ca.gov.

Jordan Hensley
Environmental Scientist

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

Letter 3: Response to Comment from Jordan Hensley, Central Valley Regional Water Quality Control Board

Response 3-1

The comment letter provides general information regarding the Central Valley Regional Water Quality Control Board's regulations, required permits, and compliance with required permits. No specific environmental concerns relating to the Draft ISMND analysis were provided. As discussed in Section 3.9, Hydrology and Water Quality, of the ISMND the proposed project would comply with all applicable regulations, required permits, and requirements associated with protecting the quality of groundwater and surface water. No further response is required.

Insert comment letter from Caltrans

Insert comment letter from Caltrans

Letter 4: Response to Comment from Patricia Maurice, California Department of Transportation

Response 4-1

The commenter states the project should be conditioned to ensure connections to existing bike lanes and multi-use trails, and that the project should provide subsidized transit passes on an ongoing basis for future employees due to the project site's proximity to the Tri Delta's 383 bus stop.

Bicycle lanes are currently present along both sides of Viera Avenue between East 18th Street and Wilbur Avenue and along the entire length of Phillips Lane. There is a planned future Low Stress countywide bikeway on East 18th Street. Although the other nearby streets have no striped bike lanes, the low traffic volumes make these roadways conducive to bicycle traffic.

Response 4-2

The commenter states that the City of Antioch is responsible for all project mitigation, including needed improvements to the State Transportation Network (STN). According to the proposed project's traffic study no impacts to the STN would require improvements or mitigation.

Response 4-3

The commenter states construction within Caltrans Right of Way will require an encroachment permit prior to construction and that traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. The comment letter provides a link to the encroachment permit application.

The proposed project would not involve any construction activity within a State Right of Way. However, if such activities are required the applicant will obtain an encroachment permit from Caltrans. In addition, the Draft ISMND states on page 2.37, "The project site would be accessed by construction crews from SR-160, East 18th Street, and Drive-In Way. Any construction traffic, lane closures, or street staging would require approved traffic control plans (TCP) and an encroachment permit from the City. Once improvement plans are approved, the construction contractor would prepare a TCP and submit to the City for approval. Temporary lane closures are anticipated to construct proposed driveways and utility connections. Pedestrian walk ways would not be impacted along Drive-In Way as the walk way is on the opposite side of the road. Pedestrian access along East 18th Street would be maintained during construction."

Letter 5

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

March 14, 2019

Ms. Alexis Morris
City of Antioch
200 H Street
Antioch, CA 94503

Dear Ms. Morris:

Subject: Acorn Business Park Project, Draft Mitigated Negative Declaration, SCH #2019029069, City of Antioch, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Initial Study/Mitigated Negative Declaration (draft IS/MND) for the proposed Acorn Business Park Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. In accordance with our mandates, CDFW is submitting comments on the draft IS/MND to inform the City of Antioch (City), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

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

REGULATORY REQUIREMENTS

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

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

Letter 5 (page 2)

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Acorn Business Park Project

Objective: Obtain entitlements to allow for the development of the Acorn Business Park Project. The business park could include a range of uses such as hotel, commercial/retail, office, and self-storage facilities. The applicant is proposing to construct the self-storage facility upon approval of the proposed Project by the City but will seek to market the remainder of the Project for future construction by a separate developer(s).

Location: The Project site is located 0.15 miles west of State Route 160 at the northwest corner of East 18th Street and Drive-In Way in the City of Antioch, Contra Costa County, California, Assessor Parcel Number 051-052-112 and 051-052-113.

Timeframe: unknown

Description: The Project proposes to subdivide a currently undeveloped 19.75-acre site into 12 lots from the existing two parcels and construct a business park divided into 3 subsections. Subsection B, consisting of 5.44 acres, would be developed into a self-storage facility by the applicant. The remaining Subsections A and C, at 3.79 and 10.5 acres respectively, would be marketed for future construction by a separate developer(s).

COMMENTS AND RECOMMENDATIONS

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

Comment 1: The draft IS/MND does not mitigate biological impacts to a level of less-than-significant.

Letter 5 (page 3)

5-1

Comment 1a: Biological Resources Assessment lacks impact analysis to Antioch Dunes-endemic species.

Designated critical habitat for three endangered species endemic to Antioch Dunes, federally-endangered Lange's metalmark butterfly (*Apodemis mormo langei*), state and federally endangered Antioch Dunes evening-primrose (*Oenothera deltoids* ssp. *howellii*), and state and federally endangered Contra Costa wallflower (*Erysimum capitatum*), is located less than half a mile to the northwest of the Project site. The Biological Resource Assessment (BRA) lacks an analysis of potential occurrence on the Project site. Additionally, there are recent (2012) California Natural Diversity Database (CNDDB) records of these species outside the designated critical habitat and within less than 0.3 miles of the Project site. Exhibit 5 of the BRA illustrates the Natural Resources Conservation Service soils map soil type of the Project site is identical to and within the same alluvia fan as the soil within the designated critical habitat and has complete connectivity and no soil type aberration from what exists within the designated critical habitat. Additional species known to occur within the habitat associated with the Antioch Dunes critical habitat include, but are not limited to, Northern California legless lizard (*Anniella pulchra*), Antioch Dunes buckwheat (*Eriogonum nudum* var. *psychicola*), Antioch Dunes anthicid beetle (*Anthicus antiochensis*), and redheaded sphecid wasp (*Eucerceris ruffceps*), all species not included in the BRA's analysis. CDFW recommends inclusion of the suite of Antioch Dunes special-status species in an updated impact analysis section in a revised draft IS/MND.

If impacts to protected species are identified and cannot be fully avoided, then CDFW recommends the Project obtain take coverage through an ITP issued by CDFW.

5-2

Comment 1b: Exclusion of recent detections of special-status plants from CNDDB indicate a flaw with survey techniques.

The draft IS/MND impacts analysis on special-status plants is faulty in multiple ways. The analysis occurred after a one-day site visit on June 10, 2018, where linear transects, presence/absence surveys, and visual encounters were conducted. Line or 'strip' transect surveys are used for population estimate studies and monitoring plant abundance and are not appropriate for conducting a botanical inventory. Reference sites are not discussed, which is an important shortcoming given the proximity of the Antioch Dunes critical habitat and the identical soil type at the Project site. Justification for conducting the site visit during June compared to the times of year when special-status plants are in bloom and easier to detect was not provided in the draft IS/MND. A vegetation community map was not included with the BRA, and qualifications of field personnel was not discussed. Finally, there is insufficient information to verify whether the one-day site visit and surveys were performed according to CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (2009). The CDFW protocols state the following regarding survey methodology:

> *"When special-status plants are known to occur in the type(s) of habitat present in the project area, observe reference sites (nearby accessible occurrences of the plants) to determine whether those species are identifiable at the time of the survey and to obtain a visual image of the target species, associated habitat, and associated natural community."*

Letter 5 (page 4)

The CDFW protocols state the following regarding negative findings:

> *"Adverse conditions may prevent investigators from determining the presence of, or accurately identifying, some species in potential habitat of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any given year. Discuss such conditions in the report. The failure to locate a known special status plant occurrence during one field season does not constitute evidence that this plant occurrence no longer exists at this location, particularly if adverse conditions are present. For example, surveys over a number of years may be necessary if the species is an annual plant having a persistent, long-lived seed bank and is known not to germinate every year"*

The lack of discussion or justification in the analysis for the exclusion of special-status plants known to occur within the vicinity of the Project is not consistent with the above statements. CDFW recommends that the special-status plant species impacts analysis in the draft IS/MND be revised to include at least one to two additional years of focused special-status plant surveys conducted according to CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (2009), and using reference sites to verify the blooming period for species that have been known to historically occupy the Project site habitat type and those that have the potential to occur. In addition, CDFW recommends that the following botanical reporting requirements in the CDFW protocols be included in a revised draft IS/MND impacts analysis:

5-2

1) A vegetation map of the Project areas using Survey of California Vegetation Classification and Mapping Standards;
2) Names and qualifications of botanical field surveyor(s);
3) Total person-hours spent conducting surveys;
4) An updated list of special-status plants and sensitive natural communities that includes the Antioch Dunes suite of species;
5) Description of reference site(s) visited and the phenological development of special-status plants at those reference sites;
6) Detailed data and maps for all special-status plants and sensitive natural communities detected;
7) A discussion of the potential for a false negative botanical field survey;
8) A discussion of how climatic conditions may have affected the botanical field survey results;
9) A discussion of how the timing of botanical field surveys may affect the comprehensiveness of botanical field surveys;
10) Any use of existing botanical field surveys and a discussion of their applicability to the Project;
11) The deposition locations of voucher specimens, if collected;
12) A list of references used, including persons contacted and herbaria visited;
13) A discussion of the significance of special-status plant populations in the Project area considering nearby populations and total range and distribution;
14) A discussion of the significance of sensitive natural communities in the Project area considering nearby occurrences and natural community distribution;

Letter 5 (page 5)

5-2

15) A discussion of Project related direct, indirect, and cumulative impacts to special-status plants and sensitive natural communities;
16) A discussion of the degree and immediacy of all threats to special-status plants, and sensitive natural communities, including those from invasive species;
17) A discussion of the degree of impact, if any, of the Project on unoccupied, potential habitat for special-status plants;
18) Recommended measures to avoid, minimize, or mitigate impacts to special-status plants and sensitive natural communities.

If the draft IS/MND is not revised to include the above items, then the draft IS/MND should operate under the assumption that the entire Project site is occupied by all special-status plant species that both historically occurred on or adjacent to the site and with the potential to occur on-site.

5-3

Comment 1c: Draft IS/MND does not mitigate for impacts to burrowing owl and Swainson's hawk habitats to a level of less-than-significant.

The draft IS/MND recognizes that burrowing owl and Swainson's hawks have the potential to occur within the vicinity of the proposed Project. The Project has the potential to adversely impact both species through permanent and temporary losses of nesting and foraging habitat. The Project may also result in additional impacts to burrowing owl through nest abandonment, loss of young and reduced health and vigor of chicks (resulting in reduced survival rates) and breeding and foraging disturbance through Project activities. To ensure these impacts are mitigated to a level of less-than-significant, CDFW recommends the draft IS/MND require compensatory mitigation for loss of habitats through specifying compensatory mitigation for loss of habitats at a minimum of a 1:1 mitigation ratio (conservation to loss) for permanent impacts to Swainson's hawk foraging habitat, a 3:1 ratio for permanent impacts to burrowing owl habitats, and a 1:1 ratio for temporary impacts. Conservation lands should be placed under a conservation easement with CDFW listed as a third-party beneficiary and an endowment should be funded for managing the lands for the benefit of the conserved species in perpetuity. Additionally, a long-term management plan should be prepared and implemented by a land manager. The Grantee of the conservation easement should be an entity that has gone through the due diligence process for approval by CDFW to hold or manage conservation lands.

In addition, protocol level surveys and nest buffers for Swainson's hawk nests should be required to avoid Project impacts. To achieve this, the following mitigation measure should be incorporated into the draft IS/MND:

"Pre-Construction Surveys for Swainson's Hawk: If Project Activities are to be conducted between March 1 and July 31, a focused survey for active Swainson's hawk nests shall be conducted by a Qualified Biologist within seven (7) days prior to the beginning of Project Activities. If a lapse in Project Activities of seven (7) days or longer occurs, another focused survey shall be performed, and the results sent to CDFW prior to resuming work. The following criteria for shall be met:

- *Surveys shall be conducted in proposed work areas, staging, and storage areas.*

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- *Surveys shall be conducted within 0.5-mile of the Project Site.*
- *Nest surveys for Swainson's hawks shall be conducted in a manner consistent with the recommended timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley.* For more information, see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline located at https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds

If an active nest is identified, a 0.5-mile buffer in non-urban settings or a 0.25-mile buffer in urban settings shall be maintained around the nest until the young fledge. If any active Swainson's hawk nests are found within 0.5 miles of the Project site, CDFW shall immediately be contacted and additional measures may be required for Project activities"

5-3

The draft IS/MND does not offer compensatory mitigation for the "future" construction of Subsection A or Subsection C with the rationale that these are proposed to be constructed at a future date with yet-to-be-determined developers. To reduce potentially significant impacts from these phases of the Project, CDFW recommends the draft IS/MND specify that compensatory mitigation for special-status species' habitats shall be required using the above mitigation ratios through land lease or purchase, permitting, or other actionable item by the Lead Agency.

Comment 1d: Mitigation Measure BIO-1 insufficient to mitigate impacts to nesting bird to less-than-significant

The Project may adversely impact nesting birds through direct take by development, and indirect take by resulting in nest abandonment, loss of young and reduced health and vigor of chicks (resulting in reduced survival rates), temporary loss of nesting habitat, and breeding and foraging disturbance through Project activities. To ensure impacts to nesting birds are mitigated to a level of less-than-significant, CDFW recommends that Mitigation Measure BIO-1 be revised to include the addition of the following specific and enforceable mitigation measure in the event nesting birds are detected:

5-4

"Nesting Bird Assessment and Avoidance: Prior to the initiation of construction, including ground disturbing activities scheduled to occur between February 1 and September 1, a Qualified Biologist shall conduct a habitat assessment and nesting survey for nesting bird species no more than five (5) days prior to the initiation of work. Surveys shall encompass all potential habitats (e.g., grasslands and tree cavities) within 250 feet of the Project site. The Qualified Biologist conducting the surveys shall be familiar with the breeding behaviors and nest structures for birds known to nest in the Project site. Surveys shall be conducted during periods of peak activity (early morning, dusk) and shall be of sufficient duration to observe movement patterns. Survey results, including a description of timing, duration and methods used, shall be submitted to CDFW for review forty-eight hours prior to the initiation of the Project. If a lapse in Project activity of seven days (7) or more occurs, the survey shall be repeated and no work shall proceed until the results have been submitted to CDFW.

If nesting birds are found, then no work shall be initiated until species-specific buffers have been established in consultation with CDFW. The buffer area(s) shall be fenced off from work activities and avoided until the young have fledged, as determined by the Qualified

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5-4

Biologist. Active nests found inside the limits of species-specific buffer zones or nests within the vicinity of the Project site showing signs of distress from Project activity as determined by the Qualified Biologist shall be monitored daily during the duration of the Project for changes in bird behavior. Buffer areas of active nests within the vicinity of the Project site showing signs of distress or disruptions to nesting behaviors from Project activity, as determined by the Qualified Biologist, shall have their buffers immediately adjusted by the Qualified Biologist until no further interruptions to breeding behavior are detectable.

The Permittee or representatives of the Permittee shall not disturb or destroy the nests or eggs of fully protected species or of other birds as per Fish and Game Code Section 3503."

5-5

Comment 2: CDFW recommends additional mitigation measures be included in draft IS/MND.

CDFW also recommends the following avoidance and minimization measures to be included in the draft IS/MND:

"Open Pipes Restriction: All pipes, culverts, or similar structures that are stored at the construction site (either vertically or horizontally) for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation by a Qualified Biologist.

Fence and Sign Post Restriction: Any fencing posts or signs installed, temporarily or permanently, throughout the course of the Project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey.

Water Pollution: Permittee and all contractors shall be subject to the water pollution regulations found in Fish and Game Code Sections 5650 and 12015.

Spill Contingency Plan Required: Permittee shall submit for approval an oil/toxic materials spill contingency plan to CDFW prior to commencement of operations. The plan shall identify the location of containment and abatement materials on-site and the notification and cleanup procedures to be followed by Permittee in the event of a spill.

Spill Cleanup: Permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on-site during construction."

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

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Project surveys to the CNDDB following the protocol outlined at https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be submitted online, or emailed to CNDDB at the following email address: cnddb@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the revisions to mitigation measures, described above, be incorporated as enforceable conditions into the revised draft IS/MND. CDFW appreciates the opportunity to comment on the draft IS/MND to assist the City in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

Gregg Erickson
Regional Manager
Bay Delta Region

ec: State Clearinghouse

Letter 5: Response to Comment from Gregg Erickson, California Department of Fish and Wildlife

Response 5-1

The commenter states the Biological Resources Assessment lacks impact analysis to Antioch Dunes-endemic species. The commenter states that if impacts to protected species are identified and cannot be fully avoided, then recommends the Project obtain take coverage through an Incidental Take Permit issued by CDFW.

Although the project site contains suitable soil (alluvia fan) conditions known to support Antioch Dunes evening-primrose and Contra Costa wallflower, the existing conditions of the site do not support these species based on numerous factors. Review of historical aerial imagery shows the site consisted of agricultural fields (and the surrounding properties) in 1939 and has since been routinely disturbed by disking or tilling since 2002. In 2007 the site was completely graded, and this frequent disturbance has promoted high populations of non-native plant species, primarily non-native grasses. This frequent disturbance and prolonged growth of non-natives grasses have likely led to reduced available habitat for native species, including Antioch Dunes evening-primrose and Contra Costa wallflower. As discussed in the BRA, the site was visited multiple times, walking the entire property and on the April 2019 site visit, the site was recently disked. During these site visits, no special-status plant species were observed, which is likely attributed to frequent disturbances.

Designated critical habitat for both species does occur in close proximity; however, the critical habitat is located along the confluence of the San Joaquin River and Suisan Bay. The project site is located ~1 mile inland, with no habitat connectivity for Antioch Dunes evening-primrose or Contra Costa wallflower. The project is surrounded by residential and commercial properties with no natural habitat communities. Based on habitat requirements provided by online databases including CDFW California Native Diversity Database (CNDDB) and California native plant society (CNPS), suitable habitat for Antioch Dunes evening primrose is described as “remnant river bluffs and sand dunes east of Antioch and interior dunes.” CNDDB indicates suitable habitat as “stabilized dunes of sand and clay near Antioch along the San Joaquin River and interior dunes.” According to the BRA, seaside heliotrope (*Heliotropium heliotrope*) was the only species observed that occurs within dune habitat, while all other species consisted of non-native and invasive vegetation typically associated with annual grassland habitat.

Based on review of available online resources, historical aerial imagery and existing conditions, the project site does not support Antioch Dune evening-primrose, Contra Costa wallflower or any other special-status species associated with Antioch Dune habitat. Although soil types in the Project are associated with suitable habitat, frequent historical and recent disturbances have likely contributed to the absence of these species.

Response 5-2

The commenter states the exclusion of recent detections of special-status plants from the California Natural Diversity Database (CNDDB) indicates a flaw with survey techniques.

Review of online databases including CNDDB and CNPS was performed to determine the likelihood of occurrences for Antioch Dunes evening-primrose, Contra Costa wallflower, and Lange’s metalmark butterfly, based on suitable site conditions and historical occurrences in proximity to the Project site. Numerous historical and recent observations for Antioch Dunes evening primrose occur within the vicinity of the Project; however, all of the recent occurrences are located within the Antioch Dunes National Wildlife Refuge and Antioch/Oakley Regional Shoreline (Calflora 2019). All other occurrences that are located inland are historical records prior to 1990. According to CNDDB, the nearest occurrence record (Occurrence No. 3) was initially reported in 1978 as one plant being observed and was updated in

2011 with no plants being observed. This occurrence record also indicates the exact location mapped as unknown, and the mapped location is a best guess by CNDDB; therefore, it's difficult to determine its exact proximity to the project site.

For Contra Costa wallflower, CNDDB does not show any occurrence records beyond the shoreline of the San Joaquin River. CNPS indicates two occurrences for Contra Costa wallflower located further inland recorded in 1933 and 1935. Similar to Antioch Dunes evening-primrose, historical and existing site conditions do not support populations of Contra Costa wallflower, even if the soil type is consistent with suitable habitat.

Lange's metalmark butterfly inhabits stabilized dunes along the San Joaquin River and its primary host plant is naked buckwheat (*Eriogonum nudum* var. *auriculatum*) but is also known to feed on nectar of other wildflowers. Based on existing conditions of the site and observed vegetation, the site does not support the host plant (naked buckwheat) and contains minimal wildflowers (observed species consisted primarily of non-native grasses). Stantec received suppressed CNDDB occurrence records from CDFW for Lange's metalmark butterfly. Results show the nearest occurrence is located 1.5 miles from the project site, within the USFWS Antioch Dunes National Wildlife Refuge.

The USFWS Recovery Plan for this species indicates dispersal for males is less than 30 meters from perches, while females may travel up to 400 meters and both male and female prefer buckwheat flowers as perches and as a nectar source. Based on CNPS occurrence records for naked buckwheat, the project site is approximately two miles from the nearest recorded observations of naked buckwheat (occurrence dated 2015). Furthermore, based on available resources and information, Lange's metalmark butterfly only occurs within its designated USFWS critical habitat and will not be impacted by the proposed project.

Response 5-3

The commenter states the Draft ISMND does not mitigate for impacts to burrowing owl and Swainson's hawk habitats to a level of less-than-significant. Responses to each of these species are provided separately below.

Burrowing owl: This species is a California species of special concern and typically associated with short-grass prairies, grasslands, lowland scrub, agricultural lands, coastal dunes, and desert floors. There were no California ground squirrels observed onsite. Although, two small burrows were observed along the eastern boundary of the property, there were no indication the burrows were utilized by burrowing owls. The burrows were located immediately adjacent to the cemented sidewalk along Drive In Way which is not a suitable burrowing location for the species. Additionally, there were no wildlife signs that indicated borrowing owl activity (i.e., white wash, prey items, berm slopes). Moreover, due to the frequent use of OHV recreational activity (i.e., motorcycles and quad vehicles) observed while onsite the likelihood for this species to occur on the project site is unlikely. The project site is frequently used by the local residents for recreational activities (i.e., motorcycles and quad vehicles). As such, the project does not anticipate impacts to burrowing owl or its habitat; therefore, no compensatory mitigation is proposed.

Swainson's hawk: This species protected under the Migratory Bird Treaty Act (MBTA) and is listed as Threatened by the State. Swainson's hawk are present in California during the breeding season (March through September) and winter in South America and Mexico. The species breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, agricultural and ranch land, and fallow fields. Foraging typically occurs in grasslands, or alfalfa or grain fields that support rodent populations (Bechard et al. 2010). During the on-site surveys, a single Swainson's hawk was observed flying and foraging overhead near the project site but not within the project site. Although it's possible Swainson's hawks could use the project site as foraging, the site consists of ruderal vegetation that has minimal potential to support a high abundance of rodent populations and provides marginal foraging habitat for this species due to frequent disturbance that occurs. The project site contains no trees that could be potential

Swainson's hawk nesting locations. Other trees in the vicinity are small or sparse and unlikely to be used for nesting. Therefore, impacts to Swainson's hawk foraging and nesting habitat are not anticipated and no compensatory mitigation is proposed.

Response 5-4

The commenter states Mitigation Measure BIO-1 is insufficient to mitigate impacts to nesting birds to less-than-significant.

Burrowing owl are typically associated with short-grass prairies, grasslands, lowland scrub, agricultural lands, coastal dunes, and desert floors. The project site contains no California ground squirrels or burrow complexes that could provide suitable habitat for burrowing owls. Due to the frequent disturbance from off-road vehicles in the project site, it is unlikely the site provides suitable nesting habitat for burrowing owls. Though the site is currently not occupied by burrowing owls, avoidance and minimization measures including preconstruction surveys for this species shall be conducted by a qualified biologist within the 30 days prior to construction to ensure that no burrowing owls have occupied the project area. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed. If owls are subsequently identified within the project area, though are not likely to be directly or indirectly impacted by project construction, then the project proponent shall implement the following measures to minimize disturbance to this species:

a. A buffer area approximately 100 meters (328 feet) in radius will be established around occupied burrows. This radius will be identified by the placement of orange construction fencing.

b. If temporary ground disturbing activities are to occur within 50 to 100 meters (164 to 328 feet) of occupied burrows, then these areas will be restored to their original condition so as to maintain burrowing owl foraging habitat.

c. No disturbance activities should occur within 50 meters (164 feet) of occupied burrows.

With the lack of suitable nesting habitat and the implementation of AMMs, the project does not anticipate impacts to burrowing owls or their habitat; therefore, no compensatory mitigation is proposed.

The project site does not provide suitable nesting habitat for Swainson's hawk, as no trees or potential nesting locations for the species occurs onsite or directly adjacent to the site. Swainson's hawk have been observed in the vicinity, but the site only provided marginal foraging habitat with a lack of food sources and frequent disturbances. Impacts to the project site are not considered temporary or permanent impacts to foraging habitat for Swainson's hawk. AMMs to prevent potential direct and indirect impacts to Swainson's hawk and their nesting habitat include pre-construction nesting surveys following CDFW protocols, and measures to implement if an active nest is found. If work must occur during bird breeding season for Swainson's hawk, to ensure that no indirect impacts to active nests occur due construction activities, a qualified biologist will conduct a pre-construction survey for Swainson's hawk nests per the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (CDFG 2000). The area to be surveyed will include a 0.5 mile-radius including and surrounding the project site. If active nests are found, the City will be notified. No construction will occur until appropriate buffers are established, based upon recommendation by the City.

With no suitable nesting and marginal foraging habitat within the project site with the implementation of AMMs, the project does not anticipate impacts to Swainson's hawk or their habitat. Therefore, no compensatory mitigation is proposed.

Response 5-5

The commenter recommends the following avoidance and minimization measures be included in the Draft ISMND:

> *"Open Pipes Restriction: All pipes, culverts, or similar structures that are stored at the construction site (either vertically or horizontally) for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation by a Qualified Biologist.*
>
> *Fence and Sign Post Restriction: Any fencing posts or signs installed, temporarily or permanently, throughout the course of the Project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey.*
>
> *Water Pollution: Permittee and all contractors shall be subject to the water pollution regulations found in Fish and Game Code Sections 5650 and'l20l5.*
>
> *Spill Contingency Plan Required: Permittee shall submit for approval an oil/toxic materials spill contingency plan to CDFW prior to commencement of operations. The plan shall identify the location of containment and abatement materials on-site and the notification and cleanup procedures to be followed by Permittee in the event of a spill.*
>
> *Spill Cleanup: Permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on-site during construction."*

The above information has been included in the Draft ISMND under MM BIO-1.

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3.0 ERRATA

The following are revisions to the Draft IS/MND. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

SECTION 3.4 BIOLOGICAL RESOURCES

Page 3.38, Section 3.4.2 Methodology

Touré Environmental Engineering conducted a Biological Resources Assessment within the entire 19.75-acre project site on June 10, 2018 and April 12, 2019.

A list of special-status species with potential to occur in the project site was compiled by performing a CNDDB query for the U.S. Geological Survey (USGS) quadrangle containing the project site (Antioch ~~South~~ North) and the 8 surrounding quadrangles (Antioch ~~North~~ South, Clayton, Honker Bay, Denverton, Birds Landing, Rio Vista, Jersey Island, and Brentwood) and reviewing species data provided by the USFWS.

Page 3.39, Swainson's hawk

During the on-site surveys, a single Swainson's hawk was observed flying and foraging overhead near the project site but not within the project site. Although it's possible Swainson's hawks could use the project site as foraging, ~~The project~~ the site consists of ruderal vegetation that has minimal potential to ~~contain~~support a high abundance of rodent populations and provides marginal foraging habitat for this species due to frequent disturbance that occurs. Therefore, impacts to Swainson's hawk foraging habitat is not anticipated. The project site contains no trees ~~and thus~~ that could be potential Swainson's hawk nesting locations. Other trees in the vicinity are small or sparse and unlikely to be used for nesting.

Page 3.40, Mitigation Measures

MM BIO-1 **Special-status species protection measures.** The following measures shall be implemented to protect special-status species.

A. **Avoid Disturbance of Nesting Birds**. If project activities occur during the nesting season for native birds (February 1 to August 31), the following measures shall be implemented to avoid or minimize the potential for adverse impacts on nesting migratory birds and raptors: Pre-construction nesting bird survey for species protected by the MBTA and California Fish and Game Code will be conducted by a qualified biologist within a 250-foot radius of proposed construction activities for passerines and a 500-foot radius for raptors no more than two weeks prior to the start of construction activities.

If active nests are found a qualified biologist shall determine the size of the buffer based on the nesting species and its sensitivity to disturbance (i.e. a buffer measuring from 50 to 100 feet for passerine species and a buffer of 300 feet for raptor species). These buffers may be reduced at the discretion of a qualified biologist, but no construction activities shall be permitted within the buffer if they are demonstrated to disturb nesting birds. Active nest sites shall be monitored

periodically to determine time of fledging.

B. **Burrowing Owl Specific Measures.** Though the site is currently not occupied by burrowing owls, preconstruction surveys for this species shall be conducted by a qualified biologist within the 30 days prior to construction to ensure that no burrowing owls have occupied the project area. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed. If owls are subsequently identified within the project area, though are not likely to be directly or indirectly impacted by project construction, then the project proponent shall implement the following measures to minimize disturbance to this species:

1. A buffer area approximately 100 meters (328 feet) in radius will be established around occupied burrows. This radius will be identified by the placement of orange construction fencing.

2. If temporary ground disturbing activities are to occur within 50 to 100 meters (164 to 328 feet) of occupied burrows, then these areas will be restored to their original condition so as to maintain burrowing owl foraging habitat.

3. No disturbance activities should occur within 50 meters (164 feet) of occupied burrows.

C. **Swainson's Hawk Specific Measures.** If work must occur during bird breeding season for Swainson's hawk (February 1st through August 31st), to ensure that no indirect impacts to active nests occur due construction activities, a qualified biologist will conduct a pre-construction survey for Swainson's hawk nests per the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (CDFG 2000). The area to be surveyed will include a 0.5 mile-radius including and surrounding the project site between April 5 to April 20 from sunrise to 1200 and 1630 to sunset (CDFG 2000). One survey shall be conducted during this time because activity at the nest site increases significantly and active nests are more easily identified. If active nests are found, the City will be notified. No construction will occur until appropriate buffers are established, based upon recommendation by the City.

D. **Open Pipes Restriction.** All pipes, culverts, or similar structures that are stored at the construction site (either vertically or horizontally) for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation by a Qualified Biologist.

E. **Fence and Sign Post Restriction.** Any fencing posts or signs installed, temporarily or permanently, throughout the course of the project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey.

F. **Water Pollution.** Permittee and all contractors shall be subject to the water pollution regulations found in Fish and Game Code Sections 5650 and'l20l5.

G. **Spill Contingency Plan.** The permittee shall submit for approval an oil/toxic material spill contingency plan to CDFW prior to commencement of operations. The plan shall identify the

location of containment and abatement materials on-site and the notification and cleanup procedures to be followed by Permittee in the event of a spill.

H. **Spill Cleanup.** The permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on-site during construction.

SECTION 3.5 CULTURAL RESOURCES

Page 3.47, Mitigation Measures

MM CUL-1 **Cultural Materials Discovered During Construction.** If any cultural resource is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential historical resource shall cease until an archaeologist who meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history evaluates the resource for its potential significance and determines whether the resource requires further study. Tribal cultural resources are discussed in Section 3.18. If the qualified archaeologist determines that the cultural resource does not appear to be eligible for inclusion on the CRHR, it will be appropriately documented on Department of Parks and Recreation (DPR) 523 series forms and project activity may resume. If the qualified archaeologist determines that the cultural resource appears eligible for inclusion on the CRHR the archaeologist shall make recommendations to the City of Antioch on the measures to be implemented to protect the discovered resources. The measures may include avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in PRC Section 21083.2. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria. The applicant shall be responsible for the costs of retaining a qualified archaeologist and the recording of resources on DPR forms.

No further grading shall occur within a 50-foot radius of the discovery until the City of Antioch approves the measures to protect these resources. Any archaeological artifacts recovered because of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.

SECTION 3.17 TRAFFIC AND TRANSPORTATION

Page 3.131, first paragraph

~~Due to the relatively short distance along East 18th Street between the self-storage facility driveway (east driveway) and Drive-In Way (approximately 40 feet); this short distance results in a potential hazard and a potentially significant impact. It is recommended that the driveway be relocated, or access provided to the commercial retail parcel for use of a shared driveway (center driveway), thereby reducing the total number of driveways along East 18th Street to two. This recommendation has been incorporated into the project mitigation measure TRANS-2.~~

As East 18th Street provides three westbound travel lanes along the project frontage, and the intersection of East 18th Street and Drive In-Way/Holub Lane is striped to provide two westbound travel lanes through the intersection, there is an opportunity to provide an exclusive right-turn lane into the project site. To accommodate a right-in/right-out driveway into the self-storage and to minimize potential vehicle conflicts, the following modifications to East 18th Street along the project site should be provided:

- Remove the existing merge arrows and striping
- Install right turn pockets at the westernmost and middle project driveways
- Stripe a dashed centerline on East 18th Street to denote two travel lanes
- Stripe a buffer between the driveways and right turn pockets along the Project frontage, and after the westernmost driveway, to direct vehicles to the two travel lanes.
- Install a bike lane between the two travel lanes and the right turn pockets
- Provide skip striping for the bike lanes in the transition area between the striped buffer and right turn pockets

In addition to the above geometric changes, the intersection of East 18th Street and Drive in Way/Holub Lane should be signalized prior to the opening of the self-storage uses if access is provided from the eastern most driveway.

Page 3.131, third paragraph

The above modifications have been incorporated into the project as Mitigation Measure TRANS 2. With the implementation of Mitigation Measure TRANS 2 and the installation of the new traffic signal at the intersection of East 18th Street and Drive-In Way, there are no apparent issues regarding conflicting movements, delay and vehicles queueing on Drive-In Way with the nearby and adjacent business/property that has access via Drive-In way.

MM TRANS-2 ~~**Driveway Relocation.** Prior to issuance of grading permits for the self-storage facility, the project applicant shall amend their design review application to relocate the self-storage facility driveway on East 18th Street, or have access provided through a shared driveway from the commercial/retail parcel, thereby reducing the total number of driveways along East 18th Street.~~ **East 18th Street Modifications.** To accommodate a right-in/right-out driveway into the self-storage and to minimize potential vehicle conflicts, the following modifications to East 18th Street along the project site should be provided:

- Remove the existing merge arrows and striping
- Install right turn pockets at the westernmost and middle project driveways
- Stripe a dashed centerline on East 18th Street to denote two travel lanes
- Stripe a buffer between the driveways and right turn pockets along the Project frontage, and after the westernmost driveway, to direct vehicles to the two travel lanes.
- Install a bike lane between the two travel lanes and the right turn pockets
- Provide skip striping for the bike lanes in the transition area between the striped buffer and right turn pockets

- If access is provided from the eastern most driveway, the intersection of East 18th Street and Drive in Way/Holub Lane shall be signalized prior to the opening of the self-storage uses.

SECTION 3.18 TRIBAL CULTURAL RESOURCES

Page 3.134, fourth paragraph

However, subsurface construction activities such as trenching and grading associated with the proposed project could potentially damage or destroy previously undiscovered unique tribal cultural resources. Therefore, Mitigation Measure CUL-1, ~~and~~ Mitigation Measure CUL-2, and Mitigation Measure CUL-3 are proposed, requiring implementation of standard inadvertent discovery procedures and worker awareness training, and procedures to follow in the event human remains are encountered. With the implementation of Mitigation Measure CUL-1, Mitigation Measure CUL-2, and Mitigation Measure CUL-3, ~~to reduce potential impacts to previously undiscovered subsurface unique tribal cultural resources. With the implementation of Mitigation Measure CUL-1 and Mitigation Measure CUL-2,~~ potential impacts would be reduced to a level of less than significant.

Page 3.134, Mitigation Measures

Mitigation Measure CUL-1, Mitigation Measure CUL-2, and Mitigation Measure CUL-3 are required.

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APPENDICES

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Appendix A MITIGATION MONITORING AND REPORTING PROGRAM

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Acorn Business Park Project

Mitigation Monitoring and Reporting Program

May 2, 2019

Lead Agency:

City of Antioch
Community Development Department
Planning Division
200 H Street
Antioch, CA 94509

Technical Assistance:

Stantec Consulting Services Inc.
1340 Treat Boulevard, Suite 300

1.0 MITIGATION MONITORING AND REPORTING PROGRAM

1.1 INTRODUCTION

The purpose of the Mitigation, Monitoring, and Reporting Program (MMRP) is to briefly describe the roles and responsibilities of government agencies in implementing and enforcing the adopted mitigation measures identified in the Initial Study Mitigated Negative Declaration (ISMND) for the Acorn Business Park Project (proposed project).

Section 21081.6 of the Public Resources Code requires a Lead Agency that approves or carries out a project with potentially significant environmental effects to adopt a "reporting or monitoring program for the changes to the project which it has adopted or made a condition of a project approval to mitigate or avoid significant effects on the environment." The City of Antioch Community Development Department, Planning Division (City), is the Lead Agency that must adopt the MMRP for the proposed project.

The California Environmental Quality Act (CEQA) Statutes and Guidelines provide direction for clarifying and managing the complex relationships between a Lead Agency and other agencies with respect to implementing and monitoring mitigation measures. In accordance with CEQA Guidelines Section 15097(d), "each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise." This discretion will be exercised by implementing agencies at the time they consider any of the activities identified in the environmental document.

This MMRP is a working guide to facilitate both the implementation of the mitigation measures and the monitoring, compliance, and reporting activities by the City and any monitors it may designate. If the City adopts the ISMND for the proposed project, it will adopt the MMRP.

1.2 OVERVIEW OF THE MITIGATION MONITORING AND REPORTING PROGRAM

The City and its contractors will be required to comply with this MMRP in all respects. In any instance where non-compliance occurs, the City-designated environmental monitors will issue a warning to the project construction manager and the City's Project Manager. Any decisions to halt work due to non-compliance will be made by the City. The City's designated environmental monitors will keep records of any incidents on non-compliance with mitigation measures. Copies of these documents will be supplied to the City.

1.3 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP is presented in the following table and includes the mitigation measures identified in the ISMND prepared for the proposed project. The purpose of the MMRP is to provide the City with a comprehensive list of the mitigation measures. The mitigation measures will be implemented through verification of required approvals by City staff. The MMRP consists of the following components:

- The list of mitigation measures contained in the ISMND, as adopted by the City.
- The party responsible for implementing the mitigation measures

- The timing for implementation of the mitigation measure
- The agency responsible for monitoring implementation of the mitigation measure
- The monitoring action and frequency

The City will be responsible for ensuring compliance with the mitigation measures applicable to the proposed project. City staff will prepare or require preparation of reports which identify compliance with mitigation measures. Once construction has begun and is underway, the City will carry out monitoring of the mitigation measures associated with construction. The MMRP will be maintained in the City's files for use in construction and operation of the proposed project.

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Section 3.3: Air Quality						
MM AIR-1 Implement Construction Best Management Practices (BMPs). The applicant shall require all construction contractors to implement the basic construction mitigation measures recommended by the BAAQMD to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by the BAAQMD or contractor as appropriate: a) all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day; b) all haul trucks transporting soil, sand, or other loose material off-site will be covered; c) all visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; d) all vehicle speeds on unpaved roads will be limited to 15 mph; e) all roadways, driveways, and sidewalks to be paved will be completed as soon as possible. Building pads will be laid as soon as possible after grading unless seeding or soil binders are used; and f) Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of CCR. Clear signage shall be provided for construction workers at all access points. g) all construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. h) post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person will respond and take corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.	• Project Construction Manager	Prior to issuance of grading permits and during construction.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm construction BMPs are included in project specifications and implemented throughout the construction phase.	Prior to issuance of grading permit and throughout construction as needed.		
Section 3.4: Biological Resources						
MM BIO-1 Special-status species protection measures. The following measures shall be implemented to protect special-status species.						
A. Avoid Disturbance of Nesting Birds. If project activities occur during the nesting season for native birds (February 1 to August 31), the following measures shall be implemented to avoid or minimize the potential for adverse impacts on nesting migratory birds and raptors: Pre-construction nesting bird survey for species protected by the MBTA and California Fish and Game Code will be conducted by a qualified biologist within a 250-foot radius of proposed construction activities for passerines and a 500-foot radius for raptors no more than two weeks prior to the start of construction activities. If active nests are found a qualified biologist shall determine the size of the buffer based on the nesting species and its sensitivity to disturbance (i.e. a buffer measuring from 50 to 100 feet for passerine species and a	• Project Construction Manager • Qualified Biologist	Pre-construction: Nesting bird surveys will be conducted no more than two weeks prior to ground disturbing activities and prior to issuance of grading permits.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm selection of qualified biologist • Confirm nesting bird surveys are conducted no more than two weeks	Prior to issuance of grading permit and throughout construction as needed.		

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
buffer of 300 feet for raptor species). These buffers may be reduced at the discretion of a qualified biologist, but no construction activities shall be permitted within the buffer if they are demonstrated to disturb nesting birds. Active nest sites shall be monitored periodically to determine time of fledging.			prior to the start of construction activities.			
B. Burrowing Owl Specific Measures. Though the site is currently not occupied by burrowing owls, preconstruction surveys for this species shall be conducted by a qualified biologist within the 30 days prior to construction to ensure that no burrowing owls have occupied the project area. If ground-disturbing activities are delayed or suspended for more than 30 days after the preconstruction survey, the site shall be resurveyed. If owls are subsequently identified within the project area, though are not likely to be directly or indirectly impacted by project construction, then the project proponent shall implement the following measures to minimize disturbance to this species: 1. A buffer area approximately 100 meters (328 feet) in radius will be established around occupied burrows. This radius will be identified by the placement of orange construction fencing. 2. If temporary ground disturbing activities are to occur within 50 to 100 meters (164 to 328 feet) of occupied burrows, then these areas will be restored to their original condition so as to maintain burrowing owl foraging habitat. **3.** No disturbance activities should occur within 50 meters (164 feet) of occupied burrows.	• Project Construction Manager • Qualified Biologist	Preconstruction: Burrowing owl surveys will be conducted within 30 days prior to ground disturbing activities and prior to issuance of grading permits.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm selection of qualified biologist • Confirm burrowing owl surveys are conducted no more than 30 days prior to the start of construction activities.	Prior to issuance of grading permit and throughout construction as needed.		
C. Swainson's Hawk Specific Measures. If work must occur during bird breeding season for Swainson's hawk (February 1st through August 31st), to ensure that no indirect impacts to active nests occur due construction activities, a qualified biologist will conduct a pre-construction survey for Swainson's hawk nests per the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (CDFG 2000). The area to be surveyed will include a 0.5 mile-radius including and surrounding the project site between April 5 to April 20 from sunrise to 1200 and 1630 to sunset (CDFG 2000). One survey shall be conducted during this time because activity at the nest site increases significantly and active nests are more easily identified. If active nests are found, the City will be notified. No construction will occur until appropriate buffers are established, based upon recommendation by the City.	• Project Construction Manager • Qualified Biologist	Prior to construction pursuant if work is scheduled to occur between February 1st and August 31st.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm selection of qualified biologist • Confirm Swainson's hawk surveys have occurred	Prior to issuance of grading permit and throughout construction as needed.		
D. Open Pipes Restriction. All pipes, culverts, or similar structures that are stored at the construction site (either vertically or horizontally) for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation by a Qualified Biologist.	• Project Construction Manager • Qualified Biologist	During construction	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm selection of qualified biologist • Confirm biologist is inspecting pipes, culverts, or similar structures			

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
			through submittal of monitoring records.			
E. Fence and Sign Post Restriction. Any fencing posts or signs installed, temporarily or permanently, throughout the course of the project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey.	• Project Construction Manager	During construction	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm inclusion of requirement to be noted on construction contracts as a condition of approval			
F. Water Pollution. Permittee and all contractors shall be subject to the water pollution regulations found in Fish and Game Code Sections 5650 and'l20l5.	• Project Construction Manager	During construction	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm inclusion of requirement to be noted on construction contracts as a condition of approval			
G. Spill Contingency Plan. The permittee shall submit for approval an oil/toxic material spill contingency plan to CDFW prior to commencement of operations. The plan shall identify the location of containment and abatement materials on-site and the notification and cleanup procedures to be followed by Permittee in the event of a spill.	• Project Construction Manager	During construction	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm inclusion of requirement to be noted on construction contracts as a condition of approval			
H. Spill Cleanup. The permittee shall begin the cleanup of all spills immediately. CDFW shall be notified immediately by the Permittee of any spills and shall be consulted regarding cleanup procedures. The Permittee shall have all spill clean-up equipment on-site during construction.	• Project Construction Manager	During construction	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm inclusion of requirement to be noted on construction contracts as a condition of approval			
Section 3.5: Cultural Resources						

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
MM CUL-1 Cultural Materials Discovered During Construction. If any cultural resource is encountered during ground disturbance or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified potential historical resource shall cease until an archaeologist who meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history evaluates the resource for its potential significance and determines whether the resource requires further study. Tribal cultural resources are discussed in Section 3.18. If the qualified archaeologist determines that the cultural resource does not appear to be eligible for inclusion on the CRHR, it will be appropriately documented on Department of Parks and Recreation (DPR) 523 series forms and project activity may resume. If the qualified archaeologist determines that the cultural resource appears eligible for inclusion on the CRHR the archaeologist shall make recommendations to the City of Antioch on the measures to be implemented to protect the discovered resources. The measures may include avoidance, preservation in place, data recovery excavation, or other appropriate measures outlined in PRC Section 21083.2. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate DPR forms and evaluated for significance in terms of CEQA criteria. The applicant shall be responsible for the costs of retaining a qualified archaeologist and the recording of resources on DPR forms. No further grading shall occur within a 50-foot radius of the discovery until the City of Antioch approves the measures to protect these resources. Any archaeological artifacts recovered because of mitigation shall be donated to a qualified scientific institution approved by the City where they would be afforded long-term preservation to allow future scientific study.	• Project Construction Manager • Qualified Archaeologist	During construction: During all ground disturbing activities.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities. • Confirm a qualified archaeologist is onsite monitoring ground disturbing activities • If cultural resources are discovered during construction confirm activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout construction as needed.		
MM CUL-2 Worker Awareness Training. Prior to the start of any ground disturbance, all field personnel shall receive worker's environmental awareness training on cultural resources. The training, which may be conducted with other environmental or safety trainings, will provide a description of cultural resources that may be encountered during construction and outline the steps to follow in the event that a discovery is made.	• Project Construction Manager • Qualified Archaeologist	Pre-construction: Prior to ground disturbing activities.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities. • Confirm a qualified archaeologist provides worker awareness training prior to start of any ground disturbing activities.	Prior to issuance of grading permit and throughout construction as needed.		

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
MM CUL-3 Human Remains Discovered During Construction. If ground-disturbing activities uncover previously unknown human remains, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed: There shall be no further excavation or disturbance of the area where the human remains were found or within 50 feet of the find until the Contra Costa County Coroner and the appropriate City representative are contacted. Duly authorized representatives of the Coroner and the City shall be permitted onto the project site and shall take all actions consistent with Health and Safety Code Section 7050.5 and Government Code Sections 27460, et seq. Excavation or disturbance of the area where the human remains were found or within 50 feet of the find shall not be permitted to re-commence until the Coroner determines that the remains are not subject to the provisions of law concerning investigation of the circumstances, manner, and cause of any death. If the Coroner determines the remains are Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the MLD's recommendations, the owner or the MLD may request mediation by NAHC.	• Project Construction Manager • Qualified Archaeologist	During construction: During all ground disturbing activities.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm a qualified archaeologist is under contract prior to the start of any ground disturbing activities. • Confirm a qualified archaeologist is onsite monitoring ground disturbing activities • If human remains are discovered during construction confirm activities are halted until appropriate treatment measures are implemented.	Prior to issuance of grading permit and throughout construction as needed.		
Section 3.6: Geology and Soils						
MM GEO-1 Implement Geotechnical Report Design Measures. Prior to issuance of grading permits, the applicant shall incorporate all design specifications and recommendations contained within the site-specific soils report into relevant project plans and specifications. These specifications shall pertain to, but are not limited to, building foundations, backfill of excavations, and grading activities. The project site plans shall be submitted to the City and shall be reviewed during the building permit process.	• Applicant	Prior to issuance of grading permits and during construction.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm specifications of the geotechnical report are implemented into the project and conform to the City's requirements.	Once during the City's review of site plans.		
MM GEO-2 Procedures for Paleontological Resources Discovered During Construction. If any paleontological resources are encountered during ground disturbing or subsurface construction activities (e.g., trenching, grading), all construction activities within a 50-foot radius of the identified resource shall cease and the City shall immediately be notified. The applicant shall retain a qualified paleontologist (as approved by the City) to evaluate the find and recommend appropriate treatment of the inadvertently discovered paleontological resource. The appropriate treatment of an inadvertently discovered paleontological resource shall be implemented to ensure that impacts to the resource are avoided.	• Project Construction Manager • Qualified Paleontologist	During construction: During all ground disturbing activities.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • If paleontological resources are uncovered, confirm construction activities are halted until	Prior to issuance of grading permit and throughout construction as needed.		

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
			paleontological monitor is retained.			
Section 3.9: Hydrology and Water Quality						
MM HYD-1 Prepare a SWPPP. Prior to the issuance of any construction-related permit, the applicant shall prepare and submit a Notice of Intent to the SWRCB and prepare a SWPPP in compliance with the NPDES General Construction Permit requirements. The SWPPP shall include a detailed, site-specific listing of the potential sources of stormwater pollution; pollution prevention measures (erosion and sediment control measures and measures to control non-stormwater discharges and hazardous spills); a description of the type and location of erosion and sediment control BMPs to be implemented at the project site; and a BMP monitoring and maintenance schedule to determine the amount of pollutants leaving the project site. A copy of the SWPPP must be current and remain on the project site. Control measures are required prior to and throughout the rainy season. Water quality BMPs identified in the SWPPP could include, but are not limited to, the following: • Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. • Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion. • Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out. Store, cover, and isolate construction materials, including topsoil and chemicals, to prevent runoff losses and contamination of groundwater. • Topsoil removed during construction shall be carefully stored and treated as an important resource. Berms shall be placed around topsoil stockpiles to prevent runoff during storm events. • Fuel and vehicle maintenance areas shall be established away from all drainage courses and these areas shall be designed to control runoff. • Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas. No disturbed surfaces will be left without erosion control measures in place during the winter and spring months. • A spill prevention and countermeasure plan shall be developed, which will identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site. The plan would also require the proper storage, handling, use, and disposal of petroleum products. • Construction activities shall be scheduled to minimize land disturbance to the immediate area required for construction during peak runoff periods. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff.	• Applicant • Project Construction Manager	Prior to issuance of grading permits and during construction.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm requirements of the approved SWPPP are included in project specifications and implemented throughout the construction phase.	Once at the time of contractor specifications review and throughout the construction phase as needed.		

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
Existing vegetation will be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.						
Section 3.12: Noise						
MM NOI-1 Noise Attenuation. The noise from all mechanical equipment associated with the proposed project shall comply with Paragraph 11.6.1 "Noise Objective" in the City of Antioch General Plan and Article 19 "Noise Attenuation Requirements" in the Antioch Municipal Code.	• Applicant	Post construction: Prior to issuance of final certificate of occupancy.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm the project's mechanical equipment conforms to the City's requirements.	Once as part of the City's site plan review and prior to issuance of final certificate of occupancy.		

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
MM NOI-2 Construction Noise Reduction. Implementation of the following multi-part mitigation plan is required to reduce the potential construction period noise impacts. • Follow all construction noise requirements listed in the City of Antioch General Plan. • Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. • Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area. • Utilize "quiet" air compressors and other stationary noise sources where technology exists. • Construction activities shall be limited to daylight hours between 7 a.m. and dusk. Limit hours of operation of outdoor noise sources through conditions of approval. • If construction activities are required outside of the daytime working hours allowed within the conditions of approval, the City would notify residents 48 hours in advance. If after-hours construction is required due to an emergency, the City would notify nearby residents immediately. • The construction contractor would prohibit unnecessary idling of internal combustion engines. • Where necessary noise-reducing enclosures or temporary barriers would be used around noise-generating equipment. Where feasible existing barrier features (terrain, structures) would be used to block sound transmission especially where sensitive receptors are located less than 50 feet from construction activities and construction noise levels are expected to exceed the maximum exterior noise standard. • Post a construction site notice that includes the following information: job site address, permit number, name and phone number of the contractor and owner or owner's agent, hours of construction allowed by code or any discretionary approval for the Site, and City telephone numbers where violations can be reported. The notice shall be posted and maintained at the construction site prior to the start of construction and displayed in a location that is readily visible to the public and approved by the City.	• Project Construction Manager	Prior to issuance of grading permits and during construction.	**Monitoring Party:** • City of Antioch Community Development Department **Monitoring Action:** • Confirm noise reduction measures are included in project specifications and implemented throughout the construction phase.	Once during the City's site plan review and throughout the construction phase as needed.		
Section 3.17: Traffic and Transportation						
MM TRANS-1 Traffic Signal. Prior to issuing a certificate of occupancy for any business park use obtaining access from Drive-In Way, the project applicant shall construct or shall pay the City of Antioch to construct a traffic signal at the intersection of Holub Lane/Drive-In Way and East 18th Street. The traffic signal shall be installed when minimum traffic signal warrant criteria is met as determined by the City Traffic Engineer.	• Applicant • City of Antioch	Post construction: Prior to issuance of final certificate of occupancy.	**Monitoring Party:** • City of Antioch Public Works Department **Monitoring Action:** • Confirm payment of fair share or completion of improvements.	Once as part of the City's site plan review and prior to issuance of final certificate of occupancy.		

Mitigation Measure	Implementation Party	Timing of Implementation	Monitoring Party and Monitoring Action	Monitoring Frequency	Verification of Implementation	
					Action	Date completed with Signature
MM TRANS-2 East 18th Street Modifications. To accommodate a right-in/right-out driveway into the self-storage and to minimize potential vehicle conflicts, the following modifications to East 18th Street along the project site should be provided: • Remove the existing merge arrows and striping • Install right turn pockets at the westernmost and middle project driveways • Stripe a dashed centerline on East 18th Street to denote two travel lanes • Stripe a buffer between the driveways and right turn pockets along the Project frontage, and after the westernmost driveway, to direct vehicles to the two travel lanes. • Install a bike lane between the two travel lanes and the right turn pockets • Provide skip striping for the bike lanes in the transition area between the striped buffer and right turn pockets • If access is provided from the eastern most driveway, the intersection of East 18th Street and Drive in Way/Holub Lane shall be signalized prior to the opening of the self-storage uses.	• Applicant	Prior to issuance of grading permits.	**Monitoring Party:** • City of Antioch Public Works Department **Monitoring Action:** • Confirm the project site plans reflect relocation of the driveway on East 18th Street, or access to the project site is provided through a shared driveway from the commercial/retail parcel.	Once as part of the City's site plan review.		
Section 3.18: Tribal Cultural Resources						
Refer to Mitigation Measures CUL-1, CUL-2, and CUL-3 above.						

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Appendix B LETTERS TO TRIBES CULTURALLY AND TRADITIONALLY AFFILIATED WITH THE PROJECT SITE

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October 25, 2018

Rosemary Cambra, Chairperson
The Muwekma Ohlone Indian Tribe of the SF Bay Area
P.O. Box 360791
Milpitas, CA 95036

Subject: Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)

Dear Ms. Cambra:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the Muwekma Ohlone Indian Tribe of the SF Bay Area has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the Muwekma Ohlone Indian Tribe of the SF Bay Area wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

Work Location

0 3 6
Miles
1:300,000 (At original document size of 8.5x11)

Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-1

Title
Regional Location Map

Work Location

0 1,500 3,000
Feet
1:24,000 (At original document size of 8.5x11)

Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-2

Title
Local Vicinity Map

October 25, 2018

Andrew Galvan
The Ohlone Indian Tribe
P.O. Box 3388
Fremont, CA 94539

Subject: Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)

Dear Mr. Galvan:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the Ohlone Indian Tribe has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the Ohlone Indian Tribe wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

Work Location

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Miles
1:300,000 (At original document size of 8.5x11)

Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
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Figure No.
1.0-1

Title
Regional Location Map

Work Location

0 1,500 3,000
Feet
1:24,000 (At original document size of 8.5x11)

Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-2

Title
Local Vicinity Map

October 25, 2018

Raymond Hitchcock, Chairperson
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Subject: Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)

Dear Chairperson Hitchcock:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the Wilton Rancheria has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the Wilton Rancheria wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

Work Location

0 3 6
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Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-1

Title
Regional Location Map

Work Location

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Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
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Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-2

Title
Local Vicinity Map

October 25, 2018

Katherine Erolinda Perez, Chairperson
North Valley Yokuts Tribe
P.O. Box 717
Linden, CA 95236

Subject: Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)

Dear Chairperson Perez:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the North Valley Yokuts Tribe has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the North Valley Yokuts Tribe wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

Work Location

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Miles
1:300,000 (At original document size of 8.5x11)

Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
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Figure No.
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Regional Location Map

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Stantec

Project Location
T. 02N R.02E Section 21
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Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-2

Title
Local Vicinity Map

October 25, 2018

Antonio Ruiz, Jr.
Wilton Rancheria
9728 Kent Street
Elk Grove, CA 95624

Subject: **Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)**

Dear Mr. Ruiz:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the Wilton Rancheria has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the Wilton Rancheria wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

Work Location

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Miles
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Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-1

Title
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Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-2

Title
Local Vicinity Map

October 25, 2018

Ann Marie Sayers, Chairperson
Indian Canyon Mutsun Band of Costanoan
P.O. Box 28
Hollister, CA 95024

Subject: Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)

Dear Chairperson Sayers:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the Indian Canyon Mutsun Band of Costanoan has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the Indian Canyon Mutsun Band of Costanoan wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

October 25, 2018

Randy Yonamura
Ione Band of Miwok Indians
9252 Bush Street
Plymouth, CA 95669

Subject: Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)

Dear Mr. Yonamura:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the Ione Band of Miwok Indians has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the Ione Band of Miwok Indians wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

Work Location

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Miles
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Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-1

Title
Regional Location Map

Work Location

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Stantec

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T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-2

Title
Local Vicinity Map

October 25, 2018

Irenne Zwierlein, Chairperson
Amah Mutsun Tribal Band of Mission San Juan Bautista
789 Canada Road
Woodside, CA 94062

Subject: Notification of Proposed Acorn Business Park Project in the City of Antioch Pursuant to Public Resources Code Section 20180.3.1 and 21080.3.2 (AB52)

Dear Chairperson Zwierlein:

This letter is formal notification of the City of Antioch's proposal to develop the Acorn Business Park in the City of Antioch, Contra Costa County, CA which is subject to compliance with the California Environmental Quality Act (CEQA). The City of Antioch is the lead CEQA agency responsible for consulting with California Native American Tribes pursuant to Public Resources Code Section 21080.3.1 and 21080.3.2 (a.k.a. AB52). Accordingly, this letter provides a brief description of the proposed project, its location, and lead agency contact information. Pursuant to AB52, the Amah Mutsun Tribal Band of Mission San Juan Bautista has 30 days to request in writing its desire to consult on this particular project. The request to consult must be received on or before December 3, 2018 and shall provide the name of the tribe's designated lead contact person.

Project Description
The project site is located in the City of Antioch, Contra Costa County, California. The proposed project is located at the northwest corner of East 18th Street and North Drive-In Way on currently undeveloped land. The project consists of the development of a business park which could include a range of uses: hotel, commercial/retail, office, and self-storage facilities. The 19.75-acre project site would be subdivided into 12 lots from the existing two parcels.

Research Status
A CEQA Tribal Consultation List was requested of the Native American Heritage Commission (NAHC) on October 9, 2018. The list included the names and contact information of six tribal representatives, including you, that may be interested in consulting on the project pursuant to AB-52.

Contact Information
The City of Antioch lead contact for AB52 Consultation on this project is:

Kevin Scudero, Associate Planner
City of Antioch, Community Development Department
200 H Street
Antioch, CA 94509
(925) 779-7035

If the Amah Mutsun Tribal Band of Mission San Juan Bautista wishes to consult with the City regarding the Acorn Business Park Project please indicate in writing via letter or email addressed to the lead contact provided above within 30 days (on or before December 3, 2018) and provide the name of the tribe's designated lead contact person.

Sincerely,

Kevin Scudero
Associate Planner

Enclosures: Project Boundary Map

Work Location

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Stantec

Project Location
T. 02N R.02E Section 21
USGS 7.5-minute Quadrangle:
Antioch North

Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
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Regional Location Map

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Client/Project
City of Antioch
Acorn Business Park Project, Antioch, California
Initial Study/Mitigated Negative Declaration

Prepared by WDC on 2018-10-04
Technical Review by EN on 2018-10-04
Independent Review by JDM on 2018-10-04

Figure No.
1.0-2

Title
Local Vicinity Map

Appendix C REVISED BIOLOGICAL RESOURCES ASSESSMENT REPORT

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Biological Resources Assessment
Acorn Business Park Property
City of Antioch, Contra County, California

Antioch North, California, USGS 7.5-Minute Topographic Quadrangle Map Section 21, Township 2N, Range 2E

PREPARED FOR:
ACORN SELF STORAGE
J.M.I. PROPERTIES CORPORATION
8117 Marsh Creek Road
Clayton, California 94517
(925) 788-9571
Contact: Jim Moita, Owner

Prepared by:

Touré Environmental Engineering

1485 Bayshore Blvd, Suite 427 MS 158
San Francisco, CA 94124
(415) 209-5631

Contact: T'Shaka Touré, Project Biologist

October 15, 2018
(revised April 12, 2019)

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Exhibit 3: Site Plan Topographic

Exhibit 4: Site Plan Aerial

Exhibit 5: Site Plan Aerial

Exhibit 6: CNDDB Plant Species

Exhibit 7: CNDDB Wildlife Species

A biological resource assessment survey was conducted by Touré Environmental Engineering within the 19.75-acre Acorn Business Park Property (Project) on June 10, 2018 and April 12, 2019. The location of the project site corresponds to Antioch, California U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle. This report contains results of the reconnaissance and focused surveys conducted for special-status wildlife and plant species by ***Touré Environmental Engineering*** biologist, T'Shaka Toure.

SECTION 2: INTRODUCTION

On behalf of Acorn Self Storage, Touré Environmental Engineering conducted a biological resources assessment to document existing biological conditions within the 19.75-acre property located in the City of Antioch, Contra Costa County, California. The field survey results presented in this report provides information regarding the potential impacts to biological resources associated with the project site. The environmental policies and regulations pertinent to the project site are also discussed in this report.
The purpose of the biological resources assessment survey is listed below:

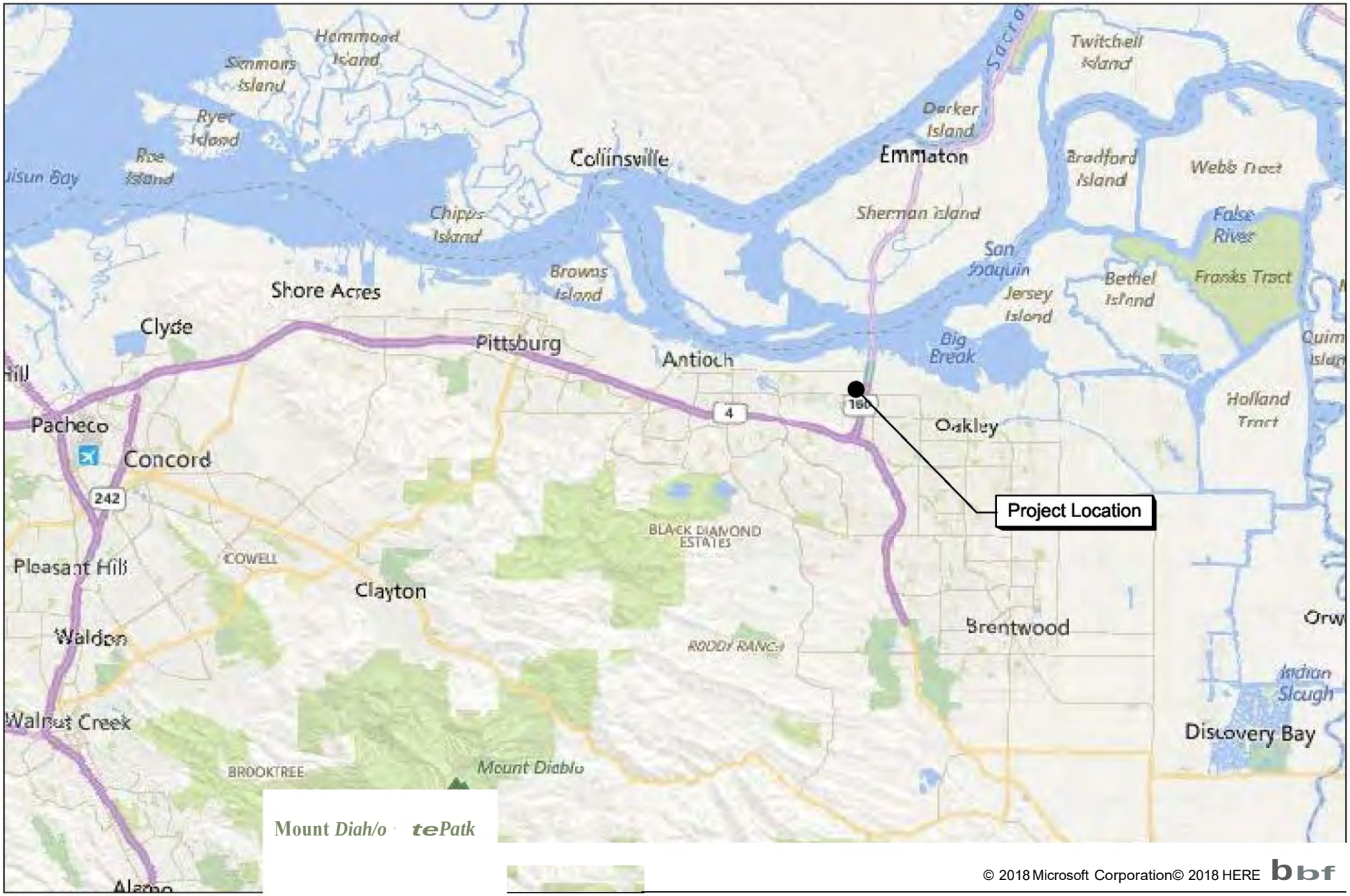
- Generally, characterize all habitat types within the project site.
- Determine the presence or absence of habitat suitable for special-status plant and wildlife species.
- Determine the presence or absence of waters of the U.S. and waters of the State, including wetlands.
- Determine the presence or absence of other sensitive resources within the project site.
- Provide compliance with the California Environmental Quality Act (CEQA).

2.1 - Project Site Location

The location of the project site corresponds to Section 21, Township 2N, Range 2E Antioch North, *California* USGS 7.5-minute topographic quadrangle [Exhibits 1-3]. The project site is specifically located north of Eighteenth Street and east of Drive-In Way in the City of Antioch. The approximate center of the project site has a latitude/longitude corresponding to 38°00' 24.30"N and 121°45' 28.70"W. The project site occurs west of State Route (SR-4). The project site is undeveloped ruderal flat land with non-native low-lying vegetation. The project site is frequently used by local residents for off-highway vehicle (OHV) recreational activities. Motorcycle and quad recreational activities were observed during the field site visit. The surrounding area consists of residential, commercial, major roadways, and a homeless encampment located adjacent the sidewalk along Eighteenth Street.

2.2 - Project Description

The project proposes to construct a self-storage facility for residents within the vicinity of the property. Construction activities will occur on the approximately 19.75-acres of undeveloped ruderal flat land. There are no building structures, trees, native vegetation, wetlands, riparian, drainage features, or wildlife movement corridors on the property.



Touré Associates

Specializing in Biological & regulatory services

Exhibit 1
Regional Location Map

Acorn III Site Development Project
City of Antioch, Contra Costa County

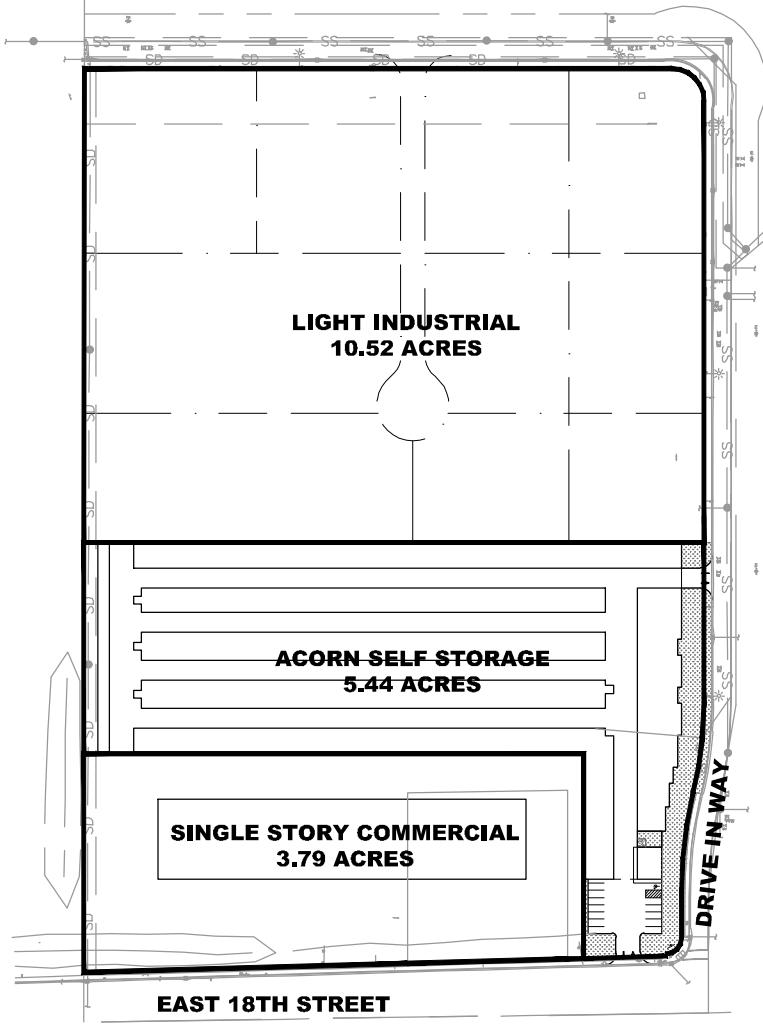
0 2000 4000 Feet

Toure Associates

Specializing in Biological & regulatory services

Exhibit 2
Vicinity Map

Acoin m Sile Development PJoject
City of Alrtiocb, Conua Costa County



Touré Associates

Specializing in biological & regulatory services

0 240 480 Feet

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Exhibit 3
Site Plan Map (Topographic)

Acorn III Site Development Project
City of Antioch, Contra Costa County

Toure Associates
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0 240 480 Feet

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Exhibit 4
Site Plan (Aerial)

Acorn III Site Development Project
City of Antioch, Contra Costa County

SECTION 3: METHODOLOGY

Analysis of the biological resources associated with the project site consisted of a review of previous literature recorded for the project area, relevant literature research, and a field site survey. The objective of the biological resources assessment were to (1) evaluate the 19.75-acre project site, (2) conduct reconnaissance and focused plant surveys for special-status species, and (3) conduct presence/absence surveys for wildlife special-status species on the project site. The entire project site was canvassed on foot by qualified Touré Environmental Engineering biologist, T'Shaka Touré. Prior to conducting the field study on the project site, the following information sources were reviewed:

- The Antioch, California USGS 7.5-minute topographic quadrangle, see Exhibits 1 and 2.
- Aerial photography of the project site (Google Earth 2018 and 2019), see Exhibit 4.
- Natural Resource Conservation Service (NRCS) soils map of the project site, see Exhibit 5.
- California Natural Diversity Data Base (CNDDB) records for Antioch South, Contra Costa County, California and the surrounding eight quadrangles (Antioch North, Clayton, Honker Bay, Denverton, Birds Landing, Rio Vista, Jersey Island, and Brentwood), see Exhibit 6 and 7.
- The California Native Plant Society (CNPS) online Inventory of Rare and Endangered Vascular Plants of California.

Pertinent literature review included the *Jepson Manual, Higher Plants of California* (Hickman 1993), *Amphibian and Reptile Species of Special Concern in California* (Jennings and Hayes 1994), *California Birds: Their Status and Distribution* (Small 1994), *Bird Species of Special Concern in California* (Remsen 1978), and *Mammalian Species of Special Concern in California* (Williams 1986).

3.1 - Literature Review

Sensitive biological resources present, or potentially present, were identified through a literature review and the CNDDB to include the reference material listed above, see Section 3. Evaluation of the property included a review of plant and wildlife species and their habitat preferences as it relates to the project site.

3.1.1 - Existing Environmental Documentation

As part of the literature reviews, Touré Environmental Engineering biologists examined existing environmental documentation for the project site and local vicinity. This documentation included previous biological studies conducted within the vicinity of the project site, literature pertaining to habitat requirements of special-status species potentially occurring in the vicinity, federal register listings, protocols, and species data provided by USFWS and CDFW.

3.1.2 - Topographic Maps and Aerial Photographs

Touré Environmental Engineering biologist reviewed current USGS 7.5-minute topographic quadrangle map(s) and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity. Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations. Aerial photographs provide a view of the most current site conditions related to onsite and offsite land-use, plant community locations, and potential wildlife movement corridors.

3.1.3 - Soil Surveys

Many sensitive plant species have a limited distribution based exclusively on soil type. The United States Department of Agriculture (USDA) has published soil surveys that describe the soil series that occur within a particular area. A soil series is a group of soils with similar profiles. These profiles include major horizons with similar thickness, arrangement, and other important characteristics. These series are further subdivided into soil mapping units, which provide specific information regarding soil characteristics. Pertinent USDA soil survey maps were reviewed to determine the existing soil mapping units within the project site and to establish if soil conditions onsite are suitable for any sensitive plant species. See Exhibit 5 for the USDA Soils Map reviewed for this project site.

3.2 - Field Surveys

During June 10th, 2018 and April 12th, 2019 wildlife and plant surveys were conducted on the project site by Touré Environmental Engineering biologist, T'Shaka Toure. The site visits consisted of conducting the following surveys; migratory nesting bird, Swainson's hawk, burrowing owl, general biological, and presence/absence surveys for special-status species plant and wildlife species known to occur within the vicinity of the project site based on CNDDB records, see Exhibits 6 and 7. The entire 19.75-acre property site was surveyed on foot with the aid of binoculars, a GPS unit, and field notebook. The biologist walked at a slow pace carefully around suitable habitat to detect the presence/absence of the special-status plant and wildlife species. All wildlife and plant species observed during the surveys were recorded and a compendium of observed species in provided in Appendix A.

3.2.1 - Plant Community

The documentation of plant species consisted of conducting linear transects, presence/absence surveys, visual encounters and other diagnostic signs to identify plant species presence/absence. Field notations were recorded regarding suitable habitat for those sensitive species determined to potentially occur within the project site. Appropriate field guides were used to assist with species identification. Common plant species observed during the surveys were identified in the field and recorded in a field book. A list of all plant species observed on the project site is provided in Appendix A and representative photographs of the project site in Appendix B. In this report, scientific names are provided immediately following common names of plant species for the first reference only.

3.2.2 - Wildlife Community

The documentation of wildlife species consisted of conducting presence/absence surveys, visual encounters, patch sampling, wildlife tracks, scat, and other diagnostic signs to identify wildlife species. Field notations were recorded regarding suitable habitat for those sensitive species determined to potentially occur within the project site. Appropriate field guides were used to assist with species identification. Common wildlife species observed during the survey were identified in the field and recorded in a field book. A list of all wildlife species observed on the project site is provided in Appendix A and representative photographs of the project site in Appendix B. In this report, scientific names are provided immediately following common names of wildlife species for the first reference only.

SECTION 4: EXISTING CONDITIONS

4.1 - Environmental Setting

The project site consists of approximately 19.75-acres of undeveloped ruderal land with the surrounding area consisting of residential and commercial property to the south, southwest, north and northeast. The property is surrounded by major roadways to the south (Eighteen Street), and east (Drive-In Way and State Route 4). Additionally, there was a homeless encampment and OHV recreational motorcycling occurring on the project site during the field survey. The property does not have any blue-line features, drainages, riparian, wetlands, waterbodies, trees or native vegetation. As such, the property does not require a jurisdictional delineation. The soil substrate consists of sandy loam and low-lying non- native vegetation. The project site has an average elevation of approximately 46 feet above mean sea level (msl).

4.1.1 - Topographic Features

Topographically, the property occurs on relatively flat undeveloped land. The property is undeveloped and disturbed ruderal habitat with an average elevation of 46 feet above mean sea level (msl). There are no drainage features on the property.

4.1.2 - Soils

The NRCS Web Soil Survey shows one soil series mapped within the project site (Exhibit 5). Detailed information about the soil and its location is provided. Delhi sand (DaC) soils are brown and yellowish-brown sand throughout. Slopes are 2 to 9 percent with elevations ranging 10 feet to 150 feet. This sandy soil is widespread throughout the project site. There are no classified hydric soils as described in the USDA-NRCS Official Soils Series Description (OSD) http://soils.usda.gov/technical/classification/osd/index.html, present on the property.
Although, the property has Delhi sands which provide suitable habitat for Antioch Dunes evening-primrose and Contra Costa wildflower these plant species were not detected onsite.

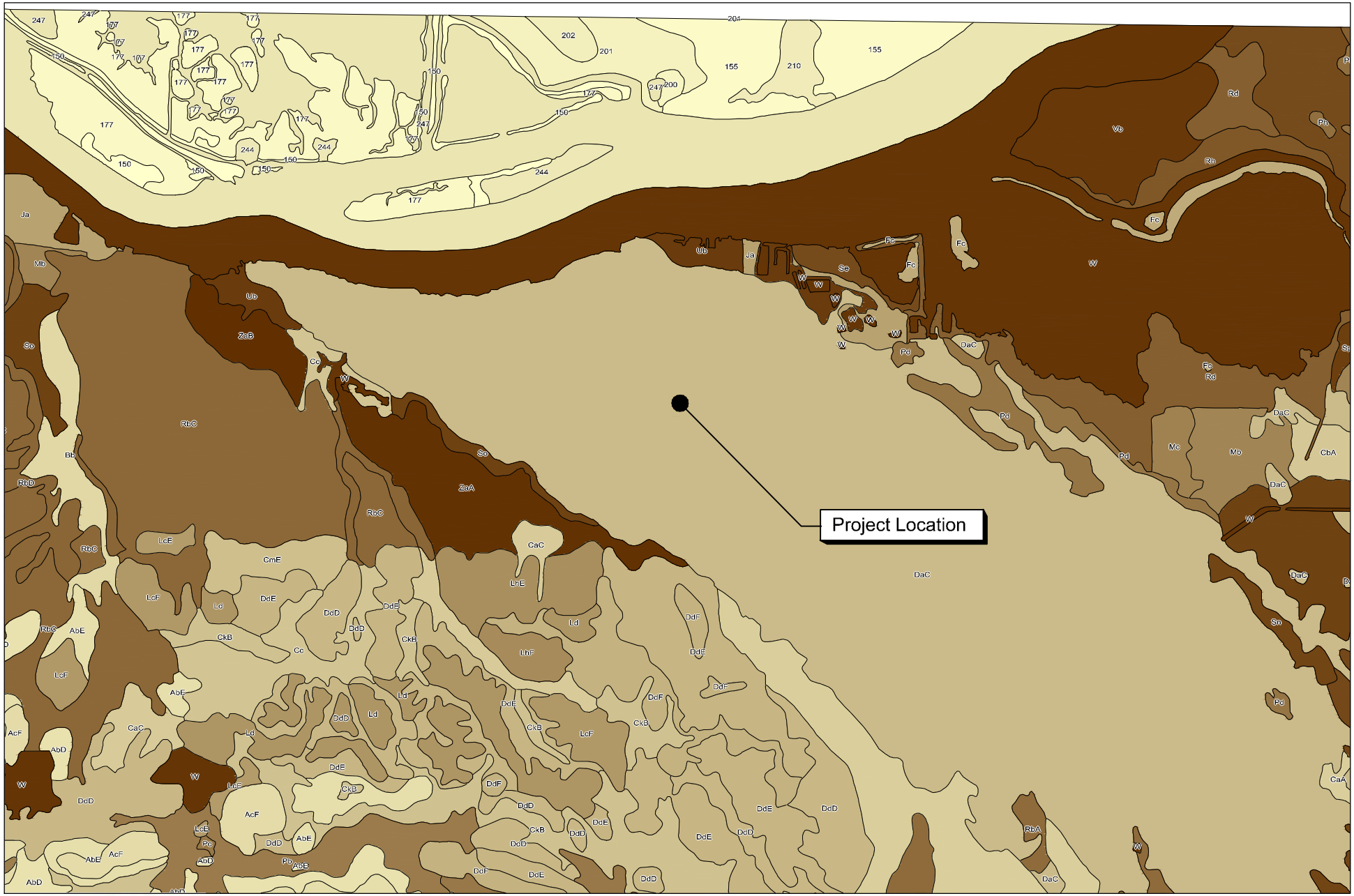

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Exhibit 5
Soils Map

Acorn III Site Development Project
City of Antioch, Contra Costa County

4.2 - Plant Communities

The project site is surrounded by residential and commercial properties with no natural habitat communities. Based on habitat requirements provided by online databases including CDFW California Native Diversity Database (CNDDB) and California native plant society (CNPS), suitable habitat for Antioch Dunes evening primrose is described as "remnant river bluffs and sand dunes east of Antioch and interior dunes." CNDDB indicates suitable habitat as "stabilized dunes of sand and clay near Antioch along the San Joaquin River and interior dunes."

Although, the project site has alluvia fan soils which also occur within the designated critical habitat for Antioch Dunes evening-primose (*Oenothera deltoids ssp. howelli*) and Contra Costa wallflower (*Erysimum capitatum*) these special-status plant species were not detected during the April 12, 2019 focused survey for special-status plant species. During the June 10, 2018 site visit the project area had dense to sparse non-native grass and herb plant cover that was approximately 1.5 feet high. During the April 12, 2019 site visit the project area exhibited disturbed area with discing activity. Focused survey were conducted for special-status plant species by walking transects across the project site to detect signs of native flowering plants. There were no special-status plant species detected within the property. Seaside heliotrope (*Heliotropium heliotrope*) was the only species observed that occurs within dune habitat, while all other species consisted of non-native and invasive vegetation typically associated with annual grassland habitat.

Based on review of available online resources, historical aerial imagery and existing conditions, the project site does not support Antioch Dune evening-primrose, Contra Costa wallflower or any other special-status species associated with Antioch Dune habitat. Although soil types in the project site are associated with suitable habitat, frequent historical and recent disturbances have likely contributed to the absence of these species. It's possible if the site were not disturbed overtime, special-status species could populate the area.

The project site includes the following non-native plants species, wild oats (*Avena fatua*), ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceaus*), Hare barley (*Horduem murinum*), and Perennial ryegrass (*Lolium perenne*). A native plant Seaside heliotrope was detected during the site visit; however, the Antioch Dunes evening-primose and Contra Costa wallflower were not detected during focused surveys for special-status plant species. Representative photos of the project site are depicted in Appendix B.

4.2.1 - Ruderal

The entire project site (19.75 acres) consists of ruderal and sandy substrate with disturbed and non-native vegetation. During the June 10, 2018 site visit the project area had dense to sparse non-

native grass and herb plant cover that was approximately 1.5 feet high. During the April 12, 2019 site visit the project area exhibited disturbed area with discing activity. The ruderal and non-native annual grassland include wild oats, ripgut brome, soft chess, Italian ryegrass (*Lolium multiflorum*), filaree (*Erodium botrys and E. cicutarium*), and small fescue (*Vulpia microstachys*).

4.3 - Wildlife Community

The property does not provide suitable habitat for special status wildlife species. Species observed on the property included cottontail rabbit (*Sylvilagus auduboni*), American crow (*Corvus brachyrhynchos*), and northern mockingbird (*Mimus polyglottos*). During the June 10th, 2018 field season, a Swainson's hawk (*Buteo swainsoni*) was observed flying overhead within the vicinity of the project site. The Swainson's hawk was not observed circling directly above the project site. The hawk was only observed flying overhead within the vicinity of the project site. During the April 12th, 2019 site visit, a pair of Swainson's hawks were observed actively foraging on the project site and within the vicinity of the project site. A complete list of wildlife species observed during the field survey is provided in Appendix A.

4.3.1 - Amphibians

There were no amphibians observed on the property.

4.3.2 - Reptiles

Although no snakes were observed the golpher snake (*Pituophis catenifer*) would be expected to occur within the project site.

4.3.3 - Birds

The project site does not have trees only low-lying non-native vegetation. Bird species commonly observed flying immediately overhead the property included common crow, mocking bird, and a Swainson's hawk was detected circling overhead within the vicinity of the property. There were no suitable Swainson's hawk nesting ground detected within the immediate vicinity of the project site. Swainson's hawks are known to travel up to three miles away from their nesting sites to forage

4.3.4 - Mammals

California ground squirrel burrow and a cottontail rabbit were the only small mammals detected on the property. Additionally, feral cats and domestic dogs were common within the project area.

SECTION 5: SENSITIVE BIOLOGICAL RESOURCES

5.1.1 - Sensitive Species Database Search

The CNDDB (2018 and 2019) databases were used to determine the distance between known recorded occurrences of sensitive species and the project site. Based on the results of the literature review and field site survey conducted on June 10, 2018 and April 12, 2019, ***Touré Environmental Engineers,*** biologist documented the existing site conditions to determine if sensitive biological species occur on the project site. Although there were 144 species listed throughout the nine quadrangles reviewed, only 31 were special-status species. Of the 31 special-status species, only two species (Swainson's hawk and Prairie falcon) have a moderate potential of occurring (foraging only) on the project site. See Exhibits 6 and 7.

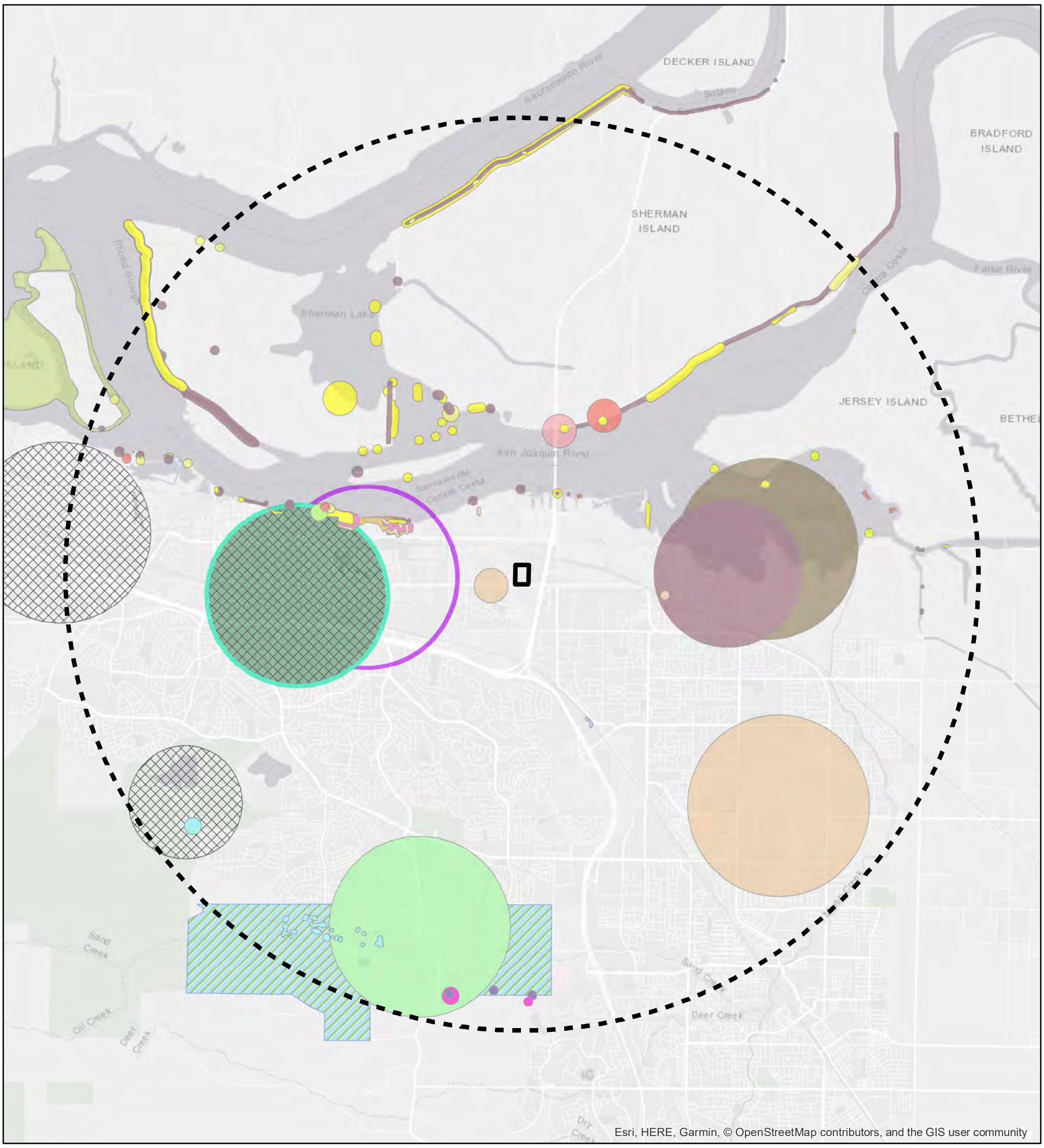
5.2 - Sensitive Plant Communities

Although suitable soils occur onsite for the Antioch Dunes evening-primrose and Contra Costa wallflower. These special-status species were not detected within the existing onsite plant community.

5.3 - Sensitive Plant Species

The CNDDB (2018 and 2019) database, East Contra Costa County covered and no-take plants, and ArcGIS software, was used to determine the distance between known recorded occurrences of sensitive species and the project site, see Exhibit 6. Based on suitable site conditions and historical occurrences in proximity to the project site. A review of the online databases including CNDDB and CNPS was performed to determine the likelihood of occurrences for Antioch Dunes evening-primrose and Contra Costa wallflower. Although soil types in the project site are associated with suitable habitat for the Antioch Dunes evening-primrose and Contra Costa wallflower these plant species were not detected during the focused survey for special-status plant species. The focused survey was conducted within the blooming season. Frequent disturbances both historical and recent have likely contributed to the absence of these special-status plant species. Additionally, the use of recreational off-road vehicles on the property has negatively impacted the existing onsite habitat.

Based on the CNDDB records indicating the close proximity of Antioch Dunes evening-primrose, Contra Costa wallflower, and Hoover's cryptantha focused surveys were conducted on April 12, 2019 to determine the presence or absence of these plant species on the project site. Focused surveys consisted of walking linear transects at 50 feet apart across the entire project site and conducting patch sampling at all suitable locations within the project site. There were no special-status plant species detected on the project site. As such, the presence of sensitive plants onsite is unlikely.



Legend

- Project Boundary
- 5 Mile Buffer
- Antioch Dunes buckwheat
- Antioch Dunes evening-primrose
- Bolander's water-hemlock
- Brewer's western flax
- Coastal Brackish Marsh
- Contra Costa goldfields
- Contra Costa wallflower
- Delta mudwort
- Delta tule pea
- Hoover's cryptantha
- Mason's lilaeopsis
- Mt. Diablo buckwheat
- San Joaquin spearscale
- Stabilized Interior Dunes
- Suisun Marsh aster
- big tarplant
- brittlescale
- diamond-petaled California poppy
- shining navarretia
- showy golden madia
- soft salty bird's-beak
- stinkbells

Touré Associates
Environmental Engineering

0 3,000 6,000 12,000 Feet

Exhibit 6
CNDDB Map - Plant Species
Antioch Business Park, Contra Costa County, CA

Antioch Dunes buckwheat

Antioch Dunes buckwheat (*Eriogonum nudum var. psychicola)* is a CNPS List 1B.1 species. Primarily occurs in sand dunes habitat with a blooming period from June through October. The elevation range is from 3-20 m above sea level. Although suitable soils for this plant species occur on the project site it was not detected during the reconnaissance and focused surveys conducted within its blooming season. Based on lack of detection during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to occur on the project site. Although not detected the species has a known occurrence to the immediate southwest of the project site. Due to the unauthorized recreational off-road vehicle usage occurring on the property the presence of the species may have been hindered. Based on lack of detection and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Antioch Dunes evening-primose

Antioch dunes evening primrose **(***Oenothera deltoids ssp. howelli***)** is federally-listed endangered and CNPS List 1B.1 species. The plant is primarily associated with sand dune habitat with a blooming period from March to July. Although suitable soils for this plant species occur on the project site it was not detected during the reconnaissance and focused surveys conducted within its blooming season. Based on lack of detection during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to occur on the project site. Although not detected the species has a known occurrence to the immediate southwest of the project site. Due to the unauthorized recreational off-road vehicle usage occurring on the property the presence of the species may have been hindered. Although designated critical habitat for this species occurs in close proximity, the critical habitat is located along the confluence of the San Joaquin River and Suisan Bay.

The Project site is located approximately one-mile inland, with no habitat connectivity for Antioch Dunes evening-primrose. Based on habitat requirements provided by online databases including CNDDB and CNPS, suitable habitat for Antioch Dunes evening primrose is described as “remnant river bluffs and sand dunes east of Antioch and interior dunes.” CNDDB indicates suitable habitat as “stabilized dunes of sand and clay near Antioch along the San Joaquin River and interior dunes.” Historical and recent observations for Antioch Dunes evening primrose occur within the vicinity of the project. Historical records indicate occurrences that are located inland and prior to 1990. According to CNDDB, the nearest occurrence record (Occurrence No. 3) was initially reported in 1978 as one plant being observed and was updated in 2011 with no plants being observed. Recent occurrences have all been recorded within the Antioch Dunes National Wildlife Refuge and Antioch/Oakley Regional Shoreline (Calflora 2019). Based on lack of detection and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Bolander's water-hemlock

Bolanders water hemlock (*Cicuta maculata var. bolanderi*) is a CNPS List 2B.1 species. Occurs primarily in coastal salt marsh, wetland, and riparian habitats with a blooming period from July through September. There is no suitable habitat occurs for the species on the project site. As such, the species was not detected during the surveys conducted. Based on lack of suitable habitat and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Brewer's western flax

Brewer's western flax (*Hesperolinon breweri*) is a CNPS List 1B.2 species. The species occurs primarily in serpentine soils and chaparral habitat with a blooming period from May through July. The species was not detected during the reconnaissance and focused surveys conducted within its blooming season. Based on lack of detection during the field site visit and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Contra Costa goldfields

Contra Costa goldenfields (*Lasthenia conjugens*) is a CNPS List 1B.1 species. Occurs primarily in valley grassland, freshwater bodies, wetland, vernal pool, and riparian habitats with a blooming period from March through June. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Contra Costa wallflower

Contra Costa wallflower (*Erysimum capitatum*) is federally-listed endangered (FE) and CNPS List 1B.1 species. The plant is primarily associated with sand dune habitat with a blooming period from March to July. Although suitable soils for the Contra Costa wallflower occur on the project site the species was not detected during the reconnaissance and focused surveys within its blooming season. CNDDB records does not show any occurrence records beyond the shoreline of the San Joaquin River. CNPS indicates two occurrences for Contra Costa wallflower located further inland recorded in 1933 and 1935. Similar to Antioch Dunes evening-primrose, historical and existing site conditions do not support populations of Contra Costa wallflower, even if the soil type is consistent with suitable habitat. Based on lack of detection during the field site visit and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to occur on the project site.

Delta mudwort

Delta mudwort (*Limosella subulata*) is a CNPS List 1B.2 species. Occurs primarily in freshwater-marsh, wetland, and riparian habitats with a blooming period from May through August. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Delta tule pea

Delta tule pea (*Lathryrus jepsoni*) is a CNPS List 1B.2 species. Occurs primarily in wetlands, freshwater marshes, brackish-marsh, wetland and riparian habitats with a blooming period from May through July. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Hoover's cryptantha

Hoover's cryptantha *(Hoover's cryptantha*) is a CNPS List 1A species. Occurs primarily in coarse sandy soils in valley grassland habitats with a blooming period from April through May. Although suitable soils for the species occur on the project site the species was not detected during the reconnaissance and focused survey within its blooming season. Based on lack of detection during the field site visit and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to occur on the project site.

Mason's lilaeopsis

Mason's lilaeopsis **(***Lilaeopsis masonii*) is a CNPS List 1B.1 species. Occurs primarily in brackish-marshes, wetlands, and riparian habitats with a blooming period from April through November. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Mt. Diablo buckwheat

Mount Diablo buckwheat *(Eriogonum truncatum*) a CNPS List 1B.1 species. Occurs primarily in chaparral habitat with a blooming period from April through November. The project provides marginally habitat for this species. Based on lack of detection during reconnaissance and focused surveys within its blooming season to include occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

San Joaquin spearscale

San Joaquin spearscale (*Extriplex joaquinana)* is an annual plant CNP List 1B.2 species. Occurs primarily in meadows, scrubs, and valley grasslands with a blooming period from April through September. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable

habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Suisun Marsh aster

Suisun Marsh aster (*Atriplex depressa*) is a CNPS List 1B.2 species. Primarily occurring in freshwater-marsh, brackish-marsh, wetland and riparian habitats to include non-wetlands with a blooming period from May through November. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Big tarplant

The big tarplant (*Blepharizonia plumosa*), is a CNPS List 1B species. Primarily occurring in valley grassland, foothill woodland and chaparral habitats with a blooming period from July through October. The project site has marginal habitat for this species on the project site. However, based the heavily disturbed nature of the property due to human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Brittescale

Brittlescale (*Atriplex depressa*) is a CNPS List 1B.2 species. Occurs primarily in playas scrub, valley grassland, alkali ink and wetland and riparian habitats with a blooming period from April through October. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Diamond-petaled California poppy

Diamond-petaled California poppy (*Eschscholzia rhombipetala*) is a CNPS List 1B.1 species. Primarily occurs in valley and foothill grassland (alkaline, clay) with a blooming period from March through April. The habitat required for this species is marginal on the project site. Based on lack of detection and marginal habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Shining navarretia

Shining navarretia (*Naverretia nigelilgornia spp radian*a) is a CNP List 1B.2 species. Occurs primarily in valley grasslands, meadows, scrubs, wetland and non-wetland habitat with a blooming period from April through July. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Showy golden madia

Showy golden madia (*Madia radiata)* is CNPS 1B.1 species. Primarily occurs in valley grassland and foothill woodland habitat with a blooming period from March through May. The project site provides marginal habitat for this species. Based on lack of detection and marginal habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Soft salty bird's-beak

Soft salty bird's-beak **(***Chloropyron molle ssp.molle)* is a CNPS List 1B.2 species. Occurs primarily in coastal salt marshes, marsh and upland transition zone with seasonal flooding habitats (CDWR 1996). The species has a hydrologic connection to tidal slough systems as an important habitat requirement for this species with a blooming period from July through November. The habitat required for this species does not occur on the project site. Based on lack of detection and suitable habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Stinkbells

Stink bells (*Fritillaria agrestis*) is a CNPS List 4.2 species. Primarily occurs in heavy soils, particularly with clay depressions, chaparral, cismontane woodland, pinyon and juniper woodland, valley and foothill grassland with a blooming period from March through June. The project site provides marginal habitat for this species. Based on lack of detection and marginal habitat during the field surveys and occurrence of human intrusion (i.e., recreational off-road vehicle use) the species is not likely to be impacted by the proposed project.

Coastal Brackish Marsh

Brackish marsh vegetation develops in shallow, standing or slow-moving waters in coastal bays, estuaries, and coastal lagoons, where fresh water meets salt water in a tidal area. Salinity may vary daily and seasonally depending on the tide and the level of freshwater input. Brackish marsh usually intergrades with saltmarsh farther toward the saline water source, and with freshwater marsh at the mouths of rivers. Brackish marsh generally has species in common with both coastal saltmarsh and freshwater marsh and is typically dominated by perennial, emergent, herbaceous plants up to six feet in height. The most common species are cattails (*Typha spp*.) and bulrush (*Scirpus spp*.), especially alkali bulrush (*Scirpus robustus*). Depending on the salinity, species of sedge (*Carex spp*.), rush (*Juncus spp*.), pickleweed, and others may be present. Coastal brackish marsh habitat does not occur on the project site. As such, the proposed project will not impact vernal pool, marsh, wetland, and riparian plant species.

Stabilized Interior Dunes

Sand dunes are common features of shoreline and desert environments. Dunes provide habitat for highly specialized plants and animals, including rare and endangered species. They can protect beaches from

erosion and recruit sand to eroded beaches. Dunes are threatened by human activity, both intentional and unintentional. Stabilizing dunes involves multiple actions. Planting vegetation reduces the impact of wind and water. Wooden sand fences can help retain sand and other material needed for a healthy sand dune ecosystem. Footpaths protect dunes from damage from foot traffic. They can also protect beaches from erosion and recruit sand to eroded beaches.

5.3.1 - Threatened or Endangered Species

There were no threatened or endangered plant species documented on the project site.

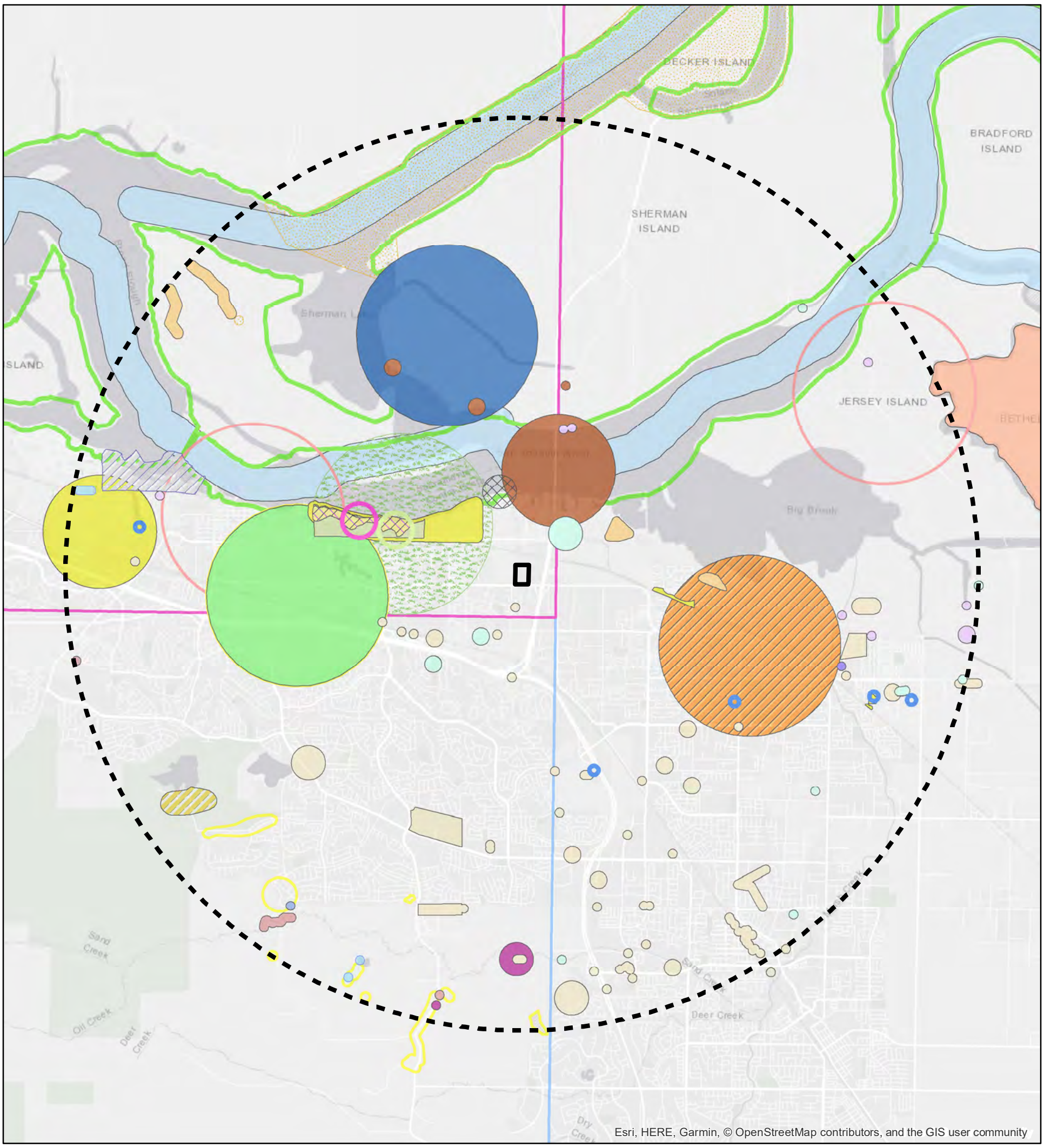
5.4 - Sensitive Wildlife Species

Sensitive wildlife species were documented within a five-mile radius of the project site, see Exhibit 7. Based on project site location and historical occurrences in proximity to the project site. A review of the online databases including CNDDB was performed to determine the likelihood of occurrences for Lange's metalmark butterfly and other special-status wildlife species. Based on lack of vernal pools, ponds, and suitable habitat no sensitive wildlife species are expected to occur on the project site. A discussion of these sensitive wildlife species is provided below. There were no additional sensitive wildlife species observed on or within the vicinity of property site during the 2018 and 2019 field surveys.

Lange's metalmark butterfly

Lange's metalmark butterfly (*Apodemis mormo langei*) is a federally-listed endangered species which is brightly colored with an adult wingspan from 1 to 1.5 inches in length. The species life stages are associated with their host plant and larval food source, naked stemmed buckwheat (*Eriogonum nudum var. auriculatum*). The naked stemmed buckwheat has an elevation range of 60 - 1,585 meters while the project site has an average elevation of 14 meters. Additionally, Lange's metalmark butterfly inhabits stabilized dunes along the San Joaquin River and its primary host plant is naked buckwheat (*Eriogonum nudum* var. *auriculatum*) but is also known to feed on nectar of other wildflowers. Based on existing conditions of the site and observed vegetation, the site does not support the host plant (naked buckwheat) and contains minimal wildflowers (observed species consisted primarily of non-native grasses).

The USFWS Recovery Plan for this species indicates dispersal for males is less than 30 meters from perches, while females may travel up to 400 meters and both male and female prefer buckwheat flowers as perches and as a nectar source. Based on CNPS occurrence records for naked buckwheat, the project site is approximately two miles from the nearest recorded observations of naked buckwheat (occurrence dated 2015). Based on available resources and information, Lange's metalmark butterfly only occurs within its designated USFWS critical habitat and will not be impacted by the proposed project site. As such, no impact to the Lange's metalmark butterfly is likely to occur.



Legend

- Project Boundary
- 5 Mile Buffer
- Alameda whipsnake
- American badger
- Antioch Dunes anthicid beetle
- Antioch Dunes halcitid bee
- Antioch andrenid bee
- Antioch efferian robberfly
- Antioch multilid wasp
- Antioch specid wasp
- California black rail
- California glossy snake
- California linderiella
- California red-legged frog
- California tiger salamander
- Crotch bumble bee
- Delta smelt
- Hurd's metapogon robberfly
- Lange's metalmark butterfly
- Middlekauff's shieldback katydid
- Sacramento perch
- San Joaquin dune beetle
- San Joaquin kit fox
- Suisun song sparrow
- Swainson's hawk
- burrowing owl
- curved-foot hygrotus diving beetle
- double-crested cormorant
- giant gartersnake
- loggerhead shrike
- longfin smelt
- northern California legless lizard
- redheaded sphecid wasp
- salt-marsh harvest mouse
- saltmarsh common yellowthroat
- song sparrow ("Modesto" population)
- steelhead - Central Valley DPS
- vernal pool fairy shrimp
- vernal pool tadpole shrimp
- western bumble bee
- western pond turtle
- western red bat
- white-tailed kite

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0 3,000 6,000 12,000 Feet

Exhibit 7
CNDDB Map - Wildlife Species

Antioch Business Park, Contra Costa County, CA

San Bruno elfin butterfly

San Bruno elfin butterfly (*Callophrys mossii bayensis*) is a federally-listed endangered species. The species is endemic to foggy cliff edges and rocky outcrops on steep, north-facing slopes. The butterfly's host plant is stonecrop (*Sedum spathulifolium*), a species endemic to coastal scrub communities. Adults emerge from pupae from late February to mid-April, with a peak in late March. In June, the larvae have matured, and they descend to the ground and pupate in leaf litter. They lie dormant until the following February or March. At the end of this stage, new adults emerge, starting the cycle of life over again. During the field site survey, the host plant was not detected. Based on lack of detection for the host plant, *Sedum spathulifolium*, the San Bruno elfin butterfly is not expected to occur on the project site. Additionally, the project site is below the elevation range for the host plant. The host plant (i.e., *S. spathulifolium)* has an elevation range of 50 - 2,500 meters while the project site has an average elevation of 14 meters. As such, no impact to the San Bruno elfin butterfly is likely to occur.

Alameda whipsnake

Alameda whipsnake (*Masticophis lateralis*) is a federally-listed threatened species that occurs in chaparral and scrub plant communities. The species preys upon a variety of live animals including insects, lizards, snakes, birds, and small mammals. This species commonly moves over and through brush and trees in order to avoid predation and to capture prey. The project site does not provide suitable habitat for the species and it was not observed during field survey. Additionally, due to the frequent use of recreational motorcycle activity detected and observed while onsite the likelihood for this species to occur on the project site is unlikely. The project site is used by the local residents for recreational activities (i.e., motorcycles and quad motor vehicles). As such, no impact to the species is likely to occur.

Berkeley kangaroo rat

Berkeley kangaroo rat (*Dipodomys heermanni berkeleyensis*) are adapted to arid conditions, have nocturnal foraging habits and other physiological adaptations to conserve water. Little is known about the favored habitat of the Berkeley kangaroo rat, they have been found on ridges near rocky outcrops and on thin soils with scattered chaparral and annual grasses. Due to the lack of suitable habitat the species is not likely to occur. As such, no impact to the species is likely to occur.

Burrowing owl

Burrowing owl (*Athene cunicularia*) is a California species of special concern and typical associated with short-grass prairies, grasslands, lowland scrub, agricultural lands, coastal dunes, and desert floors. There were no California ground squirrels observed onsite. Although, two small burrows were observed along the eastern boundary of the property there were no indication the burrows were utilized by

burrowing owls. The burrows were located immediately adjacent the cemented sidewalk along Drive In Way which is not a suitable burrowing location for the species. Additionally, there were no wildlife signs that indicated borrowing owl activity (i.e., white wash, prey items, berm slopes). Moreover, due to the frequent use of OHV recreational activity (i.e., motorcycles and quad vehicles) observed while onsite the likelihood for this species to occur on the project site is unlikely. The project site is frequently used by the local residents for recreational activities (i.e., motorcycles and quad vehicles). As such, no impact to the species is likely to occur.

Blennosperma vernal pool andrenid bee

Blennosperma vernal pool andrenid bee (*Andrena blennospermatis*) is a solitary, ground-nesting bee. Adults emerge early in the spring, with males emerging slightly earlier and dying off sooner than females. After emergence, the female mate, and then begin excavating nests in the upland areas near vernal pools. The flight period for females ranges from late February to late April. There are no vernal pools located on the uplands of the project site. As such, no impact to the species is likely to occur.

Bridge's coast range shoulderband

Bridge's coast range shoulderband (*Helminthoglypta nickliniana bridgesii*) is typically found in moist, often riparian areas under rocks, logs, woody debris, or accumulations of leaf mold. Habitat for this species does not occur on the project site. There are no moist areas with riparian, rocks, logs, woody debris, and leaf mold habitats within the project site. As such, no impact to the species is likely to occur.

California red-legged frog

California red-legged frog (*Rana aurora draytonii*) is a federally-listed endangered and state-listed threatened species. Usually found near ponds or other permanent water with extensive vegetation. The species is also observed during rain events traveling over land between ponds or other water bodies. Breeding occurs from December to March with egg masses laid in permanent bodies of water. Due to the lack of drainage features and suitable habitat the species is not likely to occur. As such, no impact to the species is likely to occur.

California tiger salamander

California tiger salamander (*Ambystoma californiense*) is both a federally-listed threatened and state-listed endangered species. The species depends on vernal pools for reproduction; its habitat is limited to the vicinity of large, fishless vernal pools or similar water bodies. Adults migrate at night from upland habitats to aquatic breeding sites during major rainfall events of fall and early winter and return to upland habitats after breeding. Based on lack of drainage features, standing water, and vernal pool habitat the species is not expected to occur on the site. As such, no impact to the species is likely to occur.

Coast horned lizard

Coast horned lizard (*Phrynosoma coronatum*) is a California species of special concern. This species inhabits open country, especially sandy areas, washes, flood plains and wind-blown deposits in a wide variety of habitats. Found chiefly below 2,000 feet in the north and 3,000 feet in the south. Although, sandy soils exist on the project site there are no anthills, sandy washes, and flood plain habitat. The lack of an adequate prey item (i.e., native ants) would also hinder the ability for the species to exist within the sandy soil substrate that occurs on the project site. The project site consists of ruderal vegetation, disturbed land, urban surroundings, domestic pets, and frequent OHV activity. Although, sandy soil substrate occurs the existing site conditions (i.e., domestic dogs, feral cats, OHV activity, urban surroundings, etc) are not suitable for the horned lizard and the species would not be expected to occur. As such, no impact to the species is likely to occur.

San Bruno elfin butterfly

San Bruno elfin butterfly (*Callophrys mossii bayensis*) is a federally-listed endangered species. The species is endemic to foggy cliff edges and rocky outcrops on steep, north-facing slopes. The butterfly's host plant is stonecrop (*Sedum spathulifolium*), a species endemic to coastal scrub communities. Adults emerge from pupae from late February to mid-April, with a peak in late March. In June, the larvae have matured, and they descend to the ground and pupate in leaf litter. They lie dormant until the following February or March. At the end of this stage, new adults emerge, starting the cycle of life over again. During the field site survey the host plant was not detected. Based on lack of detection for the host plant, *Sedum spathulifolium*, the San Bruno elfin butterfly is not expected to occur on the project site. Additionally, the project site is below the elevation range for the host plant. The host plant (i.e., *S. spathulifolium)* has an elevation range of 50 - 2,500 meters while the project site has an average elevation of 14 meters. As such, no impact to the San Bruno elfin butterfly is likely to occur.

San Joaquin kit fox

San Joaquin kit fox (*Vulpes macrotis mutica*) is federally-listed endangered and state-listed threatened species and the smallest species of the Canidae family in North America. They have large ears that help the fox lower its body temperature and give it exceptional hearing. The species populations rise and fall with the amount of annual rainfall: more rain means more kit foxes. Reproductive females clean and enlarge natal or pupping dens in September and October. Mating occurs in late December or early January. Litters of three to five are born in late February or early March. Typical SJKF dens have several chambers and entrance ways with the main entrance being large and shaped like a keyhole. Active dens may be littered with prey remains, scat, matted vegetation, and fresh paw prints. Although, two burrows were located on the project site there were no SJKF wildlife signs indicating the presence of the species

(i.e., small bone fragments from prey items, vegetation mats, and scat). Additionally, there is no wildlife movement corridor onsite. The burrows detected onsite were located near the cemented sidewalk adjacent Drive In Way and not within the low-lying vegetation. Additionally, there were no SJKF foot prints detected at the entrance way of the burrows. The small burrows detected onsite were not burrows used by SJKF. Moreover, due to the frequent use of OHV recreational activity (i.e., motorcycles and quad vehicles) observed while onsite the likelihood for this species to occur on the project site is unlikely. The project site is frequently used by the local residents for recreational activities (i.e., motorcycles and quad vehicles). As such, no impact to the species is likely to occur.

San Joaquin pocket mouse

San Joaquin pocket mouse (*Perognathus inornatus*) lives in arid habitats. The foraging habits of the pocket mouse tend to occur under the cover of shrubs and even above the ground within shrubs. The species range elevation is from 350 to 600 meters. They generally do not travel far to forage and stay out of relatively open areas. The breeding season for the species is from March to July and the females have at least two litters of four to six young per litter. The only small burrows detected onsite were located near the cemented sidewalk adjacent Drive In Way and not within the low-lying vegetation. Based on the project site being outside of the species elevation range the species is unlikely to occur on the project site. The species is nocturnal; however, there were no nocturnal surveys conducted during the site visit because the project site is outside of the species elevation range. The project site has an elevation of approximately 14 meters which is well below the average range for this species. As such, no impact to the species is likely to occur.

Golden eagle

The Golden eagle (*Aquila chrysaetos*) is a fully protected species. Golden eagles build nests on cliffs or in the largest trees of forested stands that often afford an unobstructed view of the surrounding habitat. The species avoids nesting near urban habitat and does not generally nest in densely forested habitat. Individuals will occasionally nest near semi-urban areas where housing density is low and in farmland habitat. Based on the lack of detection and suitable habitat to include the urbanized surrounding area this species is unlikely to occur on the project site.

Swainson's hawk

Swainson's hawk (*Buteo swainsoni*) is a state-listed threatened (ST) species and breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, agricultural, ranch land, and fallow fields. This species requires suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations. The project site consists of an open field with low-lying dense ruderal vegetation that provides marginal foraging habitat for the species. The species was observed flying

overhead within the vicinity of the project site during June 10, 2018. Then again during the April 12, 2019 field site survey, the species were observed foraging overhead within the vicinity of the project site. However the species was not observed foraging within or directly above the project site. Based on absence of trees, riparian corridor, and marginal foraging habitat (i.e., fallow field and lack of prey items) no direct impact to the species is likely to occur.

Pallid bat

Pallid bat (*Antrozous pallidus*) is a California species of special concern. The species relies heavily on trees for roosts and occurs in a variety of habitats from desert to coniferous forest; most closely associated with oak, yellow pine, redwood, and giant sequoia habitats in northern California and oak woodland, grassland, and desert scrub in southern California. During the day time, the species typically roost in cracks and crevices, which may include tile roofs, exfoliating bark of trees, or rocky outcrops. The project site does not exhibit any habitat type utilized by this species. The surrounding area consists of residential development, commercial buildings and major roadways. Although, the species could utilize commercial or residential building, highway bridge structures and tree cavities within the vicinity of the project, there was no suitable roosting or foraging habitat on the project site. Sources of water are often found in their habitat type. There are no waterbodies on the project site. As such, the likelihood for the species to forage on the property is low. Based on the absence of trees, roosting locations, onsite building structures, and water sources the species is not likely to occur on the project site and no nocturnal bat survey was conducted. The project site and immediately surrounding area does not provide suitable foraging habitat. As such, no impact to the species is likely to occur.

Prairie falcon

Prairie falcon (*Agelaius tricolor*) is a California species of special concern. These falcons prey chiefly on small birds and mammals, and on a variety of reptiles and insects. Prairie falcons hunt using low, rapid, searching flight, usually capturing prey on or near the ground. Nesting occurs in mid-April through July. Their nests are often found in rock crevices and sometimes in vacated stick nests left by other birds. An uncommon permanent resident distributed from annual grasslands to alpine meadows, but associated primarily with perennial grasslands, savannahs, rangeland, some agricultural fields, and desert scrub areas. Based on lack of trees, suitable nesting location and marginal foraging habitat no impact to the species is likely to occur.

Western pond turtle

Western pond turtle (*Emys marmorata*) is a California species of special concern. This species is aquatic and often seen basking above the water, but will quickly slide into the water when it feels threatened. Found in ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches, with abundant

vegetation, and either rocky or muddy bottoms, in woodland, forest, and grassland. In streams, prefers pools to shallower areas. Logs, rocks, cattail mats, and exposed banks are required for basking. It hibernates underwater, often in the muddy bottom of a pool and estivates during summer droughts by burying itself in soft bottom mud. Breeding occurs primarily from February through November and warm periods during winter months. Based on the absence of drainage features the species is not expected to occur onsite. As such, no impact to the species is likely to occur and no further action for these species is required.

Threatened or Endangered Species

There were no threatened or endangered species detected on the project site.

Table 3: Sensitive Plant Species

Species		Status			Preferred Habitat	Potential to Occur/ Known
Scientific Name	**Common Name**	**ESA**	**CESA**	**CNP**		
Eriogonum nudum var. psychicola	Antioch Dunes buckwheat	—	—	1B.1	The plant is primarily associated with sand dune habitat with a blooming period from June to October.	**Moderate Potential to Occur-** Moderate potential to occur however unlikely due to the frequent recreational motorcycle activity. Site has been highly disturbed.
Oenothera deltoids ssp. howelli	Antioch dunes evening primrose	FE	—	1B.1	The plant is primarily associated with sand dune habitat with a blooming period from March to September.	**Moderate Potential to Occur –** Moderate potential to occur however unlikely due to the frequent recreational motorcycle activity. Site has been highly disturbed.
Cicuta maculata var. bolanderi	Bolander's water-hemlock	—	—	2B.1	The plant is primarily associated with marshes with a blooming period from July to September.	**No Potential to Occur-** Habitat for this species does not occur on site.
Hesperolinon breweri	Brewer's western flax	—	—	1B.2	The plant is primarily associated with chaparral habitat with a blooming period from May to July.	**No Potential to Occur-** Habitat for this species does not occur on site.
Lasthenia conjugens	Contra costa goldfields	—	—	1B.1	The plant is primarily associated with valley grasslands, wetlands and non-wetlands. Blooming period from March to June.	**No Potential to Occur-** No suitable habitat occurs onsite.
Erysimu capitatum	Contra Costa wallflower	FE	—	1B.1	The plant is primarily associated with sand dune habitat with a blooming period from March to July.	**Moderate Potential to Occur –** Moderate potential to occur however unlikely due to the frequent recreational motorcycle activity.

Table 3: Sensitive Plant Species (continued)

Species		Status			Preferred Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	**Common Name**	**ESA**	**CESA**	**CNPS**		
Limosella subulata	Delta mudwort	—	—	1B.2	The plant is primarily associated with freshwater bodies with a blooming period from May to August.	**No Potential to Occur-** Habitat for this species does not occur on site.
Lathryrus jepsoni	Delta tule pea	—	—	1B.2	The plant is primarily associated with freshwater bodies with a blooming period from May to July.	**No Potential to Occur-** Habitat for this species does not occur on site.
Hoover's cryptantha	Hoover's cryptantha	—	—	1A	The plant is primarily associated with course sandy soils with a blooming period from April to May.	**Moderate Potential to Occur-** Moderate potential to occur however unlikely due to the frequent recreational motorcycle activity.
Lilaeopsis masonii	Mason's lilaeopsis	—	—	1B.1	The plant is associated with brackish-marsh, wetlands, and riparian habitat with a blooming period April to November.	**No Potential to Occur-** Habitat for this species does not occur on site.
Eriogonum truncatum	Mt. Diablo buckwheat	—	—	1B.1	The plant is primarily associated with chaparral habitat with a blooming period from April to November.	**Low Potential to Occur-** Low potential to occur however unlikely due to the frequent recreational motorcycle activity.
Extriplex joaquinana	San Joaquin spearscale	—	—	1B.2	The plant is primarily associated with meadows, wetlands, scrub, valley grasslands, and non-wetland habitats with a blooming period from April through September.	**No Potential to Occur-** Habitat for this species does not occur on site.
Atriplex depressa	Suisun marsh aster	—	—	1B.2	The plant is associated with brackish-marshes, wetland, and riparian habitats with a blooming period from May to November.	**No Potential to Occur-** Habitat for this species does not occur on site.

Table 3: Sensitive Plant Species (continued)

Species		Status			Preferred Habitat	Potential to Occur/ Known Occurrence/ Suitable Habitat
Scientific Name	**Common Name**	**ESA**	**CESA**	**CNP**		
Blepharizonia plumosa	Big tarplant	—	—	1B	The plant is associated with grassland on clay to clay-loam soils with a blooming period from August and October.	**Low Potential to Occur-** Low potential to occur however unlikely due to the frequent residential OHV recreational motorcycle activity.
Dipodomys heermanni berkeleynsis	Brittlescale	—	—	1B.2	The plant is primarily associated with wetlands, playas scrub, valley grassland, riparian, and non-wetland habitats with a blooming period from April to October.	**No Potential to Occur-** Habitat for this species does not occur on the project site.
Eschscholzia rhombipetala	Diamond-petaled California poppy	—	—	1B.2	The plant is primarily associated with valley and foothill grassland with a blooming period from March to April.	**Low Potential to Occur-** Low potential to occur however unlikely due to the frequent residential OHV recreational motorcycle activity.
Naverretia nigelilgornia spp radiana	Shining navarretia	—	—	1B.2	The plant is primarily associated with valley grassland, scrubs, meadows, wetland, and non-wetland habitats with a blooming period April to July.	**No Potential to Occur-** Habitat for this species does not occur on the project site.
Madia radiata	Showy golden madia	—	—	1B.2	The plant is primarily associated with valley and foothill grasslands with a blooming period from March to May.	**Low Potential to Occur-** Low potential to occur however unlikely due to the frequent residential OHV recreational motorcycle activity.
Chloropyron molle ssp. molle	Soft salty bird's-beak	—	—	1B.2	The plant is primarily associated with marshes and seasonal flooding habitats with a blooming period from July to November.	**No Potential to Occur-** Habitat for this species does not occur on the project site.
Fritillaria agrrestris	Stinkbells	—	—	4.2	The plant is primarily associated with heavy soils having clay depressions to include chaparral, cismontane, pinyon and juniper woodlands, and valley and foothill grassland. Blooming period March to June.	**Low Potential to Occur-** Low potential to occur however unlikely due to the frequent residential OHV recreational motorcycle activity.

	Coast brackish marsh	—	—	—	Associated with moist, often riparian areas under rocks, logs, woody debris and accumulations of leaf cold.	**No Potential to Occur-** Habitat does not occur onsite.
	Stabilized Interior Dunes	—	—	1B.2	Associated with a variety of habitats from desert to coniferous forest; usually found in vicinity of oak, yellow pine, redwood and giant sequoia habitats in northern California.	**Moderate Potential to Occur-** Sandy substrate occurs onsite.

5.5 - Nesting Birds

There are no trees on the property however the low-lying vegetation may provide potential nesting habitat for ground-dwelling avian species protected by the Migratory Bird Treaty Act (MBTA). The project site was surveyed for burrowing owl and ground nesting birds. Based on the results of the avian survey there were no burrowing owls or ground-dwelling nesting bird species detected on the property.

5.6 - Wildlife Movement Corridor

Non-native grasslands with undeveloped flatland characterize the overall property. There are no trees, native vegetation, and drainage features (vernal pool, wetland, waterbodies) within the property. The project site is situated in a heavily urbanized area and does not provide a suitable corridor for wildlife movement. The property, in its current state, does not provide wildlife movement locally and regionally. Although, wildlife species were not frequently detected, domestic dogs and feral cats were frequently observed. Commonly observed wildlife movement on the property consisted of cottontail rabbit, ground squirrel, domestic dogs and feral cats. The general area does not provide a contiguous wildlife corridor beneficial for wildlife species.

5.7 - Jurisdictional Waters and Wetlands

Based on the site assessment conducted June 10th, 2018 there is no U.S. Army Corps of Engineers (USACE) jurisdiction associated with the property. The property does not include USACE or CDFW jurisdictional features. There are no wetlands, riparian, waters of the U.S., waters of the State, or other waters on the property. The property does not require the following: CDFW 1602 Streambed Alteration Agreement, USACE, and Regional Water Quality Control Board (RWQCB) permit authorizations for jurisdictional features within or in the vicinity of the property.

SECTION 6: RECOMMENDATIONS

This report was prepared to document the biological resources within the project site and for compliance with the California Environmental Quality Act (CEQA) guidelines. The proposed project impacts are not likely to have a significant impact on the biological resources that exist on the project site.

6.1 - Special-Status Wildlife Species

Western pond turtle

The project site does not contain suitable habitat for the western pond turtle. There are no waterbodies on the project site to support habitat for the species. No further action for the species is required.

Burrowing owl

Although the burrowing owl was not detected during the site visit, prior to ground-disturbing activities, a qualified biologist may be required to conduct a pre-construction survey pursuant the Migratory Bird Treaty Act (MBTA) for migratory nesting birds. CDFW routinely require and recommend pre-construction surveys prior to ground disturbing activity on project sites that have any potential to provide burrowing owl and avian species activity during the nesting bird season (i.e., February through August, general nesting season). However, the frequent OHV recreational activities on the property reduce the likelihood of the occurrence of the species.

Prairie falcon

There are no trees or potential nesting locations for the species on the project site. Although potential foraging habitat occurs on the undeveloped ruderal land this species is unlikely to be impacted by the project. The frequent OHV recreational activities on the property reduce the likelihood of the occurrence of the species and utilization for foraging activity.

Swainson's hawk

There are no trees or potential nesting locations for the species on the project site. During the field site surveys this species was observed foraging overhead within the vicinity of the project site. Swainson's hawks prefer fallow fields, alfalfa, irrigated pastures, beet, tomato, and other agricultural field crops (Bradbury 2014). Based on the absence of trees, riparian corridor, and marginal habitat this species is not likely to occur on the project site.

6.2 - Nesting Birds

Although there are no trees or building structures on the property this project site has low-lying vegetation that could potential provide coverage and nesting habitat for ground-dwelling birds. During the nesting bird season (i.e., February through August, in general), CDFW routinely require and recommend pre-construction surveys prior to ground disturbing construction activities when potential habitat exists for nesting birds, pursuant the Migratory Bird Treaty Act (MBTA). Although, there were no ground-dwelling birds detected during the site visit the potential for nesting within the low-lying vegetation is possible. As such, if construction activities were to occur during the nesting bird season (i.e., February through August), a pre-construction survey for ground-dwelling nesting birds may be required up to 14-days prior to ground disturbing activities.

If you have further questions concerning this Biological Resources Assessment report, please contact me at (559) 470-5586 or email: tshaka@toureassociates.com.

TOURE ENVIRONMENTAL ENGINEERING

Sincerely,
T'Shaka Touré, Senior Biologist

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Appendix A: Floral and Faunal Compendia

FLORAL COMPENDIUM

Asteraceae	**Sunflower Family**
* *Centaurea solstitialis*	Yellow star thistle
Conyza Canadensis	Horseweed
Brassicaceae	**Mustard Family**
Brassica sp.	Mustard
**Hirschfeldia incana*	Short pod mustard
Boraginaceae	**Borge Family**
Heliotropium heliotrope	Seaside heliotrope
Convolvulaceae	**Morning Glory Family**
* *Convolvulus arvensis*	Field bindweed
Poaceae	**Grass Family**
**Avena fatua*	Wild oat
**Bromus diandrus*	Ripgut grass
**Bromus hordeaceus*	Soft chess
**Cynodon dactylon*	Bermuda grass
**Hordeum murinum*	Hare barley
* *Lolium perenne*	Perennial ryegrass

* Indicates non-native species

FAUNAL COMPENDIUM

Birds and Raptors	
Corvus brachyrhynchos	American crow
Euphagus cyanocephalus	Brewer's blackbird
Mimus polyglottos	Northern mockingbird
Buteo swainsoni	Swainson's hawk (foraging in vicinity)
Mammals	
Spermophilus beecheyi	California ground squirrel (burrow only)
Sylvilagus auduboni	Cottontail rabbit

Appendix B: Site Photographs

PHOTOGRAPHS 1-2

Photograph 1. View of property facing southeast direction. Non-native grasses and sandy substrate soil depicted in this photograph.

Photograph 2. View of property facing northwest direction with commercial building and non-native grasses depicted in the photograph.

PHOTOGRAPHS 3-4

Photograph 3. View of property facing westward direction. Non-native grassland, residential, and commercial property depicted in this photograph.

Photograph 4. View of property facing in the northeast direction. The unpaved dirt trail and project site is frequently driven on by recreational motorcyclists.

PHOTOGRAPHS 5-6

Photograph 5. Typical view of project site looking northwest across property, April 12, 2019.

Photograph 6. Typical view of project site looking southwest were Swainson's hawk was observed foraging directly above, April 12, 2019.

Appendix C: CNDDB 9-Quadrangle Query

Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database

Query Criteria: Quad IS (Antioch North (3812117) OR Antioch South (3712187) OR Clayton (3712188) OR Honker Bay (3812118) OR Denverton (3812128) OR Birds Landing (3812127) OR Rio Vista (3812126) OR Jersey Island (3812116) OR Brentwood (3712186))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Agelaius tricolor tricolored blackbird	ABPBXB0020	None	Candidate Endangered	G2G3	S1S2	SSC
Alkali Meadow Alkali Meadow	CTT45310CA	None	None	G3	S2.1	
Alkali Seep Alkali Seep	CTT45320CA	None	None	G3	S2.1	
Ambystoma californiense California tiger salamander	AAAAA01180	Threatened	Threatened	G2G3	S2S3	WL
Amsinckia grandiflora large-flowered fiddleneck	PDBOR01050	Endangered	Endangered	G1	S1	1B.1
Andrena blennospermatis Blennosperma vernal pool andrenid bee	IIHYM35030	None	None	G2	S2	
Anniella pulchra northern California legless lizard	ARACC01020	None	None	G3	S3	SSC
Anomobryum julaceum slender silver moss	NBMUS80010	None	None	G5?	S2	4.2
Anthicus antiochensis Antioch Dunes anthicid beetle	IICOL49020	None	None	G1	S1	
Anthicus sacramento Sacramento anthicid beetle	IICOL49010	None	None	G1	S1	
Antrozous pallidus pallid bat	AMACC10010	None	None	G5	S3	SSC
Apodemia mormo langei Lange's metalmark butterfly	IILEPH7012	Endangered	None	G5T1	S1	
Aquila chrysaetos golden eagle	ABNKC22010	None	None	G5	S3	FP
Archoplites interruptus Sacramento perch	AFCQB07010	None	None	G2G3	S1	SSC
Arctostaphylos auriculata Mt. Diablo manzanita	PDERI04040	None	None	G2	S2	1B.3
Arctostaphylos manzanita ssp. laevigata Contra Costa manzanita	PDERI04273	None	None	G5T2	S2	1B.2
Ardea herodias great blue heron	ABNGA04010	None	None	G5	S4	
Arizona elegans occidentalis California glossy snake	ARADB01017	None	None	G5T2	S2	SSC
Asio flammeus short-eared owl	ABNSB13040	None	None	G5	S3	SSC

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Astragalus tener var. tener alkali milk-vetch	PDFAB0F8R1	None	None	G2T2	S2	1B.2
Athene cunicularia burrowing owl	ABNSB10010	None	None	G4	S3	SSC
Atriplex cordulata var. cordulata heartscale	PDCHE040B0	None	None	G3T2	S2	1B.2
Atriplex depressa brittlescale	PDCHE042L0	None	None	G2	S2	1B.2
Blepharizonia plumosa big tarplant	PDAST1C011	None	None	G1G2	S1S2	1B.1
Bombus caliginosus obscure bumble bee	IIHYM24380	None	None	G4?	S1S2	
Bombus crotchii Crotch bumble bee	IIHYM24480	None	None	G3G4	S1S2	
Bombus occidentalis western bumble bee	IIHYM24250	None	None	G2G3	S1	
Branchinecta conservatio Conservancy fairy shrimp	ICBRA03010	Endangered	None	G2	S2	
Branchinecta lynchi vernal pool fairy shrimp	ICBRA03030	Threatened	None	G3	S3	
Branchinecta mesovallensis midvalley fairy shrimp	ICBRA03150	None	None	G2	S2S3	
Buteo regalis ferruginous hawk	ABNKC19120	None	None	G4	S3S4	WL
Buteo swainsoni Swainson's hawk	ABNKC19070	None	Threatened	G5	S3	
Callophrys mossii bayensis San Bruno elfin butterfly	IILEPE2202	Endangered	None	G4T1	S1	
Calochortus pulchellus Mt. Diablo fairy-lantern	PMLIL0D160	None	None	G2	S2	1B.2
Campanula exigua chaparral harebell	PDCAM020A0	None	None	G2	S2	1B.2
Centromadia parryi ssp. congdonii Congdon's tarplant	PDAST4R0P1	None	None	G3T2	S2	1B.1
Centromadia parryi ssp. parryi pappose tarplant	PDAST4R0P2	None	None	G3T2	S2	1B.2
Charadrius montanus mountain plover	ABNNB03100	None	None	G3	S2S3	SSC
Chloropyron molle ssp. hispidum hispid salty bird's-beak	PDSCR0J0D1	None	None	G2T1	S1	1B.1
Chloropyron molle ssp. molle soft salty bird's-beak	PDSCR0J0D2	Endangered	Rare	G2T1	S1	1B.2

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Cicuta maculata var. bolanderi Bolander's water-hemlock	PDAPI0M051	None	None	G5T4	S2	2B.1
Cirsium hydrophilum var. hydrophilum Suisun thistle	PDAST2E1G1	Endangered	None	G2T1	S1	1B.1
Cismontane Alkali Marsh Cismontane Alkali Marsh	CTT52310CA	None	None	G1	S1.1	
Coastal and Valley Freshwater Marsh Coastal and Valley Freshwater Marsh	CTT52410CA	None	None	G3	S2.1	
Coastal Brackish Marsh Coastal Brackish Marsh	CTT52200CA	None	None	G2	S2.1	
Coelus gracilis San Joaquin dune beetle	IICOL4A020	None	None	G1	S1	
Cordylanthus nidularius Mt. Diablo bird's-beak	PDSCR0J0F0	None	Rare	G1	S1	1B.1
Corynorhinus townsendii Townsend's big-eared bat	AMACC08010	None	None	G3G4	S2	SSC
Coturnicops noveboracensis yellow rail	ABNME01010	None	None	G4	S1S2	SSC
Cryptantha hooveri Hoover's cryptantha	PDBOR0A190	None	None	GH	SH	1A
Delphinium californicum ssp. interius Hospital Canyon larkspur	PDRAN0B0A2	None	None	G3T3	S3	1B.2
Dipodomys heermanni berkeleyensis Berkeley kangaroo rat	AMAFD03061	None	None	G3G4T1	S1	
Downingia pusilla dwarf downingia	PDCAM060C0	None	None	GU	S2	2B.2
Dumontia oregonensis hairy water flea	ICBRA23010	None	None	G1G3	S1	
Efferia antiochi Antioch efferian robberfly	IIDIP07010	None	None	G1G2	S1S2	
Elanus leucurus white-tailed kite	ABNKC06010	None	None	G5	S3S4	FP
Elaphrus viridis Delta green ground beetle	IICOL36010	Threatened	None	G1	S1	
Emys marmorata western pond turtle	ARAAD02030	None	None	G3G4	S3	SSC
Eriastrum ertterae Lime Ridge eriastrum	PDPLM030F0	None	None	G1	S1	1B.1
Eriogonum nudum var. psychicola Antioch Dunes buckwheat	PDPGN0849Q	None	None	G5T1	S1	1B.1
Eriogonum truncatum Mt. Diablo buckwheat	PDPGN085Z0	None	None	G1	S1	1B.1

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Eryngium jepsonii Jepson's coyote-thistle	PDAPI0Z130	None	None	G2	S2	1B.2
Erysimum capitatum var. angustatum Contra Costa wallflower	PDBRA16052	Endangered	Endangered	G5T1	S1	1B.1
Eschscholzia rhombipetala diamond-petaled California poppy	PDPAP0A0D0	None	None	G1	S1	1B.1
Eucerceris ruficeps redheaded sphecid wasp	IIHYM18010	None	None	G1G3	S1S2	
Extriplex joaquinana San Joaquin spearscale	PDCHE041F3	None	None	G2	S2	1B.2
Falco peregrinus anatum American peregrine falcon	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
Fritillaria agrestis stinkbells	PMLIL0V010	None	None	G3	S3	4.2
Fritillaria liliacea fragrant fritillary	PMLIL0V0C0	None	None	G2	S2	1B.2
Geothlypis trichas sinuosa saltmarsh common yellowthroat	ABPBX1201A	None	None	G5T3	S3	SSC
Grimmia torenii Toren's grimmia	NBMUS32330	None	None	G2	S2	1B.3
Helianthella castanea Diablo helianthella	PDAST4M020	None	None	G2	S2	1B.2
Helminthoglypta nickliniana bridgesi Bridges' coast range shoulderband	IMGASC2362	None	None	G3T1	S1S2	
Hesperolinon breweri Brewer's western flax	PDLIN01030	None	None	G2	S2	1B.2
Hibiscus lasiocarpos var. occidentalis woolly rose-mallow	PDMAL0H0R3	None	None	G5T3	S3	1B.2
Hygrotus curvipes curved-foot hygrotus diving beetle	IICOL38030	None	None	G1	S1	
Hypomesus transpacificus Delta smelt	AFCHB01040	Threatened	Endangered	G1	S1	
Idiostatus middlekauffi Middlekauff's shieldback katydid	IIORT31010	None	None	G1G2	S1	
Isocoma arguta Carquinez goldenbush	PDAST57050	None	None	G1	S1	1B.1
Juglans hindsii Northern California black walnut	PDJUG02040	None	None	G1	S1	1B.1
Lanius ludovicianus loggerhead shrike	ABPBR01030	None	None	G4	S4	SSC
Lasiurus blossevillii western red bat	AMACC05060	None	None	G5	S3	SSC

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Lasiurus cinereus hoary bat	AMACC05030	None	None	G5	S4	
Lasthenia conjugens Contra Costa goldfields	PDAST5L040	Endangered	None	G1	S1	1B.1
Laterallus jamaicensis coturniculus California black rail	ABNME03041	None	Threatened	G3G4T1	S1	FP
Lathyrus jepsonii var. jepsonii Delta tule pea	PDFAB250D2	None	None	G5T2	S2	1B.2
Legenere limosa legenere	PDCAM0C010	None	None	G2	S2	1B.1
Lepidurus packardi vernal pool tadpole shrimp	ICBRA10010	Endangered	None	G4	S3S4	
Lilaeopsis masonii Mason's lilaeopsis	PDAPI19030	None	Rare	G2	S2	1B.1
Limosella australis Delta mudwort	PDSCR10030	None	None	G4G5	S2	2B.1
Linderiella occidentalis California linderiella	ICBRA06010	None	None	G2G3	S2S3	
Lytta molesta molestan blister beetle	IICOL4C030	None	None	G2	S2	
Madia radiata showy golden madia	PDAST650E0	None	None	G3	S3	1B.1
Malacothamnus hallii Hall's bush-mallow	PDMAL0Q0F0	None	None	G2	S2	1B.2
Masticophis lateralis euryxanthus Alameda whipsnake	ARADB21031	Threatened	Threatened	G4T2	S2	
Melospiza melodia song sparrow ("Modesto" population)	ABPBXA3010	None	None	G5	S3?	SSC
Melospiza melodia maxillaris Suisun song sparrow	ABPBXA301K	None	None	G5T3	S3	SSC
Metapogon hurdi Hurd's metapogon robberfly	IIDIP08010	None	None	G1G2	S1S2	
Microseris paludosa marsh microseris	PDAST6E0D0	None	None	G2	S2	1B.2
Monolopia gracilens woodland woollythreads	PDAST6G010	None	None	G3	S3	1B.2
Myrmosula pacifica Antioch multilid wasp	IIHYM15010	None	None	GH	SH	
Navarretia gowenii Lime Ridge navarretia	PDPLM0C120	None	None	G1	S1	1B.1
Navarretia leucocephala ssp. bakeri Baker's navarretia	PDPLM0C0E1	None	None	G4T2	S2	1B.1

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Navarretia nigelliformis ssp. radians shining navarretia	PDPLM0C0J2	None	None	G4T2	S2	1B.2
Neotoma fuscipes annectens San Francisco dusky-footed woodrat	AMAFF08082	None	None	G5T2T3	S2S3	SSC
Northern Claypan Vernal Pool Northern Claypan Vernal Pool	CTT44120CA	None	None	G1	S1.1	
Oenothera deltoides ssp. howellii Antioch Dunes evening-primrose	PDONA0C0B4	Endangered	Endangered	G5T1	S1	1B.1
Oncorhynchus mykiss irideus pop. 11 steelhead - Central Valley DPS	AFCHA0209K	Threatened	None	G5T2Q	S2	
Perdita scitula antiochensis Antioch andrenid bee	IIHYM01031	None	None	G1T1	S1	
Perognathus inornatus San Joaquin Pocket Mouse	AMAFD01060	None	None	G2G3	S2S3	
Phacelia phacelioides Mt. Diablo phacelia	PDHYD0C3Q0	None	None	G2	S2	1B.2
Phalacrocorax auritus double-crested cormorant	ABNFD01020	None	None	G5	S4	WL
Philanthus nasalis Antioch specid wasp	IIHYM20010	None	None	G1	S1	
Phrynosoma blainvillii coast horned lizard	ARACF12100	None	None	G3G4	S3S4	SSC
Plagiobothrys hystriculus bearded popcornflower	PDBOR0V0H0	None	None	G2	S2	1B.1
Pogonichthys macrolepidotus Sacramento splittail	AFCJB34020	None	None	GNR	S3	SSC
Potamogeton zosteriformis eel-grass pondweed	PMPOT03160	None	None	G5	S3	2B.2
Puccinellia simplex California alkali grass	PMPOA53110	None	None	G3	S2	1B.2
Rallus obsoletus obsoletus California Ridgway's rail	ABNME05016	Endangered	Endangered	G5T1	S1	FP
Rana boylii foothill yellow-legged frog	AAABH01050	None	Candidate Threatened	G3	S3	SSC
Rana draytonii California red-legged frog	AAABH01022	Threatened	None	G2G3	S2S3	SSC
Reithrodontomys raviventris salt-marsh harvest mouse	AMAFF02040	Endangered	Endangered	G1G2	S1S2	FP
Riparia riparia bank swallow	ABPAU08010	None	Threatened	G5	S2	
Sagittaria sanfordii Sanford's arrowhead	PMALI040Q0	None	None	G3	S3	1B.2

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Sanicula saxatilis rock sanicle	PDAPI1Z0H0	None	Rare	G2	S2	1B.2
Senecio aphanactis chaparral ragwort	PDAST8H060	None	None	G3	S2	2B.2
Serpentine Bunchgrass Serpentine Bunchgrass	CTT42130CA	None	None	G2	S2.2	
Sidalcea keckii Keck's checkerbloom	PDMAL110D0	Endangered	None	G2	S2	1B.1
Sorex ornatus sinuosus Suisun shrew	AMABA01103	None	None	G5T1T2Q	S1S2	SSC
Sphecodogastra antiochensis Antioch Dunes halcitid bee	IIHYM78010	None	None	G1	S1	
Spirinchus thaleichthys longfin smelt	AFCHB03010	Candidate	Threatened	G5	S1	SSC
Stabilized Interior Dunes Stabilized Interior Dunes	CTT23100CA	None	None	G1	S1.1	
Sternula antillarum browni California least tern	ABNNM08103	Endangered	Endangered	G4T2T3Q	S2	FP
Streptanthus albidus ssp. peramoenus most beautiful jewelflower	PDBRA2G012	None	None	G2T2	S2	1B.2
Streptanthus hispidus Mt. Diablo jewelflower	PDBRA2G0M0	None	None	G2	S2	1B.3
Stuckenia filiformis ssp. alpina slender-leaved pondweed	PMPOT03091	None	None	G5T5	S2S3	2B.2
Symphyotrichum lentum Suisun Marsh aster	PDASTE8470	None	None	G2	S2	1B.2
Taxidea taxus American badger	AMAJF04010	None	None	G5	S3	SSC
Thamnophis gigas giant gartersnake	ARADB36150	Threatened	Threatened	G2	S2	
Triquetrella californica coastal triquetrella	NBMUS7S010	None	None	G2	S2	1B.2
Tropidocarpum capparideum caper-fruited tropidocarpum	PDBRA2R010	None	None	G1	S1	1B.1
Valley Needlegrass Grassland Valley Needlegrass Grassland	CTT42110CA	None	None	G3	S3.1	
Viburnum ellipticum oval-leaved viburnum	PDCPR07080	None	None	G4G5	S3?	2B.3
Vulpes macrotis mutica San Joaquin kit fox	AMAJA03041	Endangered	Threatened	G4T2	S2	

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