CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
POST OFFICE BOX 944209
SACRAMENTO, CA 94244-2090

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2021-001-R1

Project:	Garcia River Estuary Enhancement Project
Location:	Mendocino County
Lead Agency:	North Coast Regional Water Quality Control Board
Lead Agency Contact:	Mattias St. John, Executive Officer
	Jacob Shannon, Senior Environmental Scientist

Background:

Project Location: The Garcia River Estuary Enhancement Project (Project) is located within the Garcia River watershed, a tributary to the Pacific Ocean in southwest Mendocino County, California. The Project is 40 miles south of Fort Bragg and three miles northwest of the town of Point Arena, between Highway 1 and the Pacific Ocean. The Project includes a half-mile reach of the Garcia River mainstem, from river mile 0.58 to 1.1, and the adjacent upper and lower floodplains on the south side of the river. The restoration work will be located on federal land managed by the Bureau of Land Management (BLM) as part of the Point Arena-Stornetta Unit of the California Coastal National Monument (National Monument). Some access and staging will be located on adjacent private land. The center of the Project is mapped at 38.946074° N and 123.726887° W.

Project Description: The Nature Conservancy (TNC) proposes to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, and restore or provide habitat for California native fish and wildlife. The Project is designed to benefit estuarine habitat by restoring and enhancing juvenile salmonid habitat for coho salmon, Chinook salmon, and steelhead. The Project will provide complex salmonid rearing habitat in the 0.5-mile-long middle estuary zone of the Garcia River. The interface between fresh water and saline tidal inflows in the middle estuary provides the food-rich environment and water quality conditions that salmonid smolts need during their biophysical transition to the ocean. The goal of the Project is to create sufficient winter and spring rearing habitat in the middle estuary to support juvenile coho and provide winter rearing habitat commensurate with the watershed's summer rearing capacity.

Specifically, the Project is designed to restore complex rearing habitat by: 1) re-connecting and re-creating approximately two acres of seasonally flooded accessible wetlands on the floodplains in the National Monument to provide long-duration inundated habitat for high flow refugia and floodplain feeding opportunities; 2) installing 10 engineered log jams (ELJs) and

six habitat structures to provide complex low-flow shelter elements that juvenile salmon need during their estuary rearing period; and 3) installing two additional ELJs to guide the river and create complex flow paths and connectivity to the enhanced floodplains. The Garcia River Watershed is a focal watershed for the California Department of Fish and Wildlife's (CDFW) North Coast Salmon Project (NCSP) Initiative. The NCSP is a CDFW geographically focused effort to expedite and enhance efforts to recover endangered coho in California.

Stakeholder Coordination: The Project archaeological consultant evaluated known cultural resource sites in the Project area to determine if Project access routes could be designed to avoid or reduce impacts to cultural resources. To avoid impacts to cultural resources on BLM land, TNC obtained permission to use alternative access routes via an adjacent private ranch in an area not known to support cultural resource sites.

In February 2020, BLM requested consultation with the Cahto Tribe, the Coyote Valley Band of Pomo, the Guidiville Indian Rancheria, the Hopland Band of Pomo, the Kashia Band of Pomo, the Manchester-Point Arena Band of Pomo Indians, the Pinoleville Pomo Nation, and the Potter Valley Tribe. BLM sent additional written requests for consultation to the Manchester-Point Arena Band of Pomo Indians Tribal Historic Preservation Officer between February 2020 and January 2021. CDFW also discussed the Project with the Manchester-Point Arena Band of Pomo Indians Tribal Administrator on December 23, 2021, and provided the Basis of Design Report prepared for the Project. During the conversation, the Tribal Administrator expressed general support for the Project and for restoration of the Garcia River generally. The Tribal Administrator did not express any specific concerns to CDFW about the Project. CDFW will continue to work with the Manchester-Point Arena Band of Pomo Indians and the Lead Agency as the Project is implemented, including to address any future concerns, should they arise.

Project Implementation Timeframes: Start date: June 2022
Completion date: October 2022

Lead Agency Request for CDFW Concurrence: The Executive Officer of the North Coast Regional Water Quality Control Board (Lead Agency) submitted a request for concurrence to the CDFW Director pursuant to Public Resources Code section 21080.56, subdivision (e), on December 20, 2021. The Lead Agency request seeks concurrence from the CDFW Director that the Project meets the qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code. The CDFW Director's concurrence with the Lead Agency determination is required for the Lead Agency to approve the Project as statutorily exempt pursuant to Section 21080.56 of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

Concurrence Determination

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, CDFW concurs with the Lead Agency that the Project meets all of the following conditions: (1) the Project is exclusively to conserve, restore, protect, or enhance, and assist

in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (2) the Project may have public benefits incidental to the Project's fundamental purpose; (3) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (4) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: https://wildlife.ca.gov/Notices/CEQA.

The CDFW Director's concurrence is based on best available science and supported as described below by substantial evidence in CDFW's administrative record of proceedings for the Project.

The Director's determination is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

Discussion

1. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will restore and enhance habitat for coho and other salmon species and will contribute to the recovery of the California Central Coast evolutionarily significant unit of coho salmon. The goal of the Project is to create sufficient winter and spring rearing habitat in the middle estuary to support juvenile coho and provide winter rearing habitat commensurate with the watershed's summer rearing capacity. The Project will achieve this goal with the restoration of complex salmonid rearing habitat in the approximately 0.5-mile middle estuary zone of the Garcia River by providing fish access to long-duration inundated floodplain habitat for high flow refugia and feeding opportunities, providing complex low-flow shelter elements that juvenile salmon need during their estuary rearing period, and by creating complex flow paths and connectivity to adjacent floodplains and constructed in-river habitat structures.

   Ultimately, the Project is estimated to potentially provide winter/spring habitat for approximately 68,000 coho juveniles. Once implemented, the Project will contribute to the recovery of endangered coho and other salmonids in the Garcia River watershed by substantially enhancing the quality and quantity of winter and spring rearing habitat in the Estuary. The engineered wood structures will create over 32,800 square feet of high-quality, spatially distributed, instream shelter habitat. These wood structures will be adjacent to the two acres of newly accessible, seasonally inundated floodplain rearing habitat that the project will also create. The combination of these habitat elements will provide connected, low-predation risk, high-forage opportunity habitats over the estuary's full range of flow conditions to maximize juvenile salmonid growth and survival.

2. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the sole purpose of the Project is to enhance habitat for coho salmon in the Garcia River estuary. The Project is not expected to have incidental public benefits beyond restoration generally. The Project is located on federal land administered by the Bureau of Land Management that is open to public access. Access and staging areas that will be used to construct the Project are on private land are currently closed to public access and will remain closed upon completion of the Project. These actions will effectuate the goal of the Project to create sufficient winter and spring rearing habitat in the Garcia River middle estuary to provide winter rearing habitat commensurate with the watershed's summer rearing capacity, and all construction activities support achieving the Project's salmonid habitat restoration and enhancement goals.

3. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species, and includes procedures and ongoing management for the protection of the environment.

   Climate Resiliency. The Project's off-channel floodplain enhancements and associated ELJs are designed to be stable and functional over time and under a wide range of site conditions; they will work with the natural fluctuations in tide and streamflow dynamics of the estuary and will function through climate change driven shifts in sea level, flooding, and temperature. The floodplain features should experience minimal sedimentation because of extensive restoration work previously completed in the upper watershed to reduce downstream erosion, including entering the Project site. Additionally, sea level rise will only serve to increase the duration of inundation and accessibility of the Project's floodplain features. The Project will provide climate resiliency for salmonids and their habitat in the Garcia estuary by constructing instream and floodplain habitat features that function across a wide range of potential tides and sea levels, thereby providing critical refugia and feeding habitat for salmonids that will persist even in the presence of rising sea levels and increased frequency of extreme weather events.

   Biodiversity. The enhanced floodplain features restored by the Project will benefit biodiversity by providing transitional habitat that ranges across elevations, from upland to river, and is adaptive to changes in inundation patterns. Increased frequency and duration of inundation of the floodplains will also benefit wetland species biodiversity and will likely benefit a range of other species that are not explicitly targeted by the restoration Project, including special-status plants, insects, reptiles, amphibians, and resident and migratory birds as described in the draft Biological Resources Assessment and Rare Plant Protection and Mitigation Plan prepared for the Project and submitted to CDFW by the Lead Agency. The Project overall will restore and contribute to the broader conservation of a diverse suite of terrestrial and wetland plant species and vegetation communities in the Project area.

   Sensitive Species. The Project is expected to significantly enhance the availability of instream and floodplain habitat for critically endangered coho salmon in the Garcia River Estuary. The Project is anticipated to provide winter and spring rearing habitat

for approximately 68,000 coho juveniles, restoring winter rearing habitat to a level commensurate with the watershed's summer rearing capacity and thereby furthering efforts to recover coho populations in Central California Coast evolutionarily significant unit. Chapter 5 of the Biological Resources Assessment for the Project that the Lead Agency provided to CDFW provides detailed information about a number of other special-status species and habitats that may occur in the Project area and that will benefit from the Project. The Project is designed to maximize positive effects to sensitive species and to avoid and minimize potential negative Project-related impacts.

Procedures and Ongoing Management for the Protection of the Environment. Protection procedures, including avoidance, minimization, and conservation measures will be implemented during construction of the Project to avoid and minimize impacts to sensitive resources and to protect the environment to the greatest extent feasible. The construction work window for the Project will be limited to the summer low-flow period from June 15 to October 15. The Project will require only limited dewatering and temporary aquatic species relocation during Project construction and implementation generally. Additional protection measures designed to specifically avoid and minimize impacts to federally listed Point Arena mountain beaver, California red-legged frog, and other wildlife species and their habitats, as well as to protect native plants and plant communities, insects, pond turtles, native fish and aquatic species, nesting birds, and water quality will also be implemented.

Avoidance and minimization measures for the Project are described in detail in the draft Biological Resources Assessment, the draft Biological Assessment prepared pursuant to Section 7 (a)(2) of the Endangered Species Act (ESA), and the Rare Plant Protection and Mitigation Plan, all of which the Lead Agency provided to CDFW.

Following construction, the site will be stabilized, and erosion control measures will be implemented. Revegetation will include native plant salvage and replanting, wetland plug planting, willow staking, re-seeding of disturbed uplands, and restoring access and staging areas to pre-construction conditions. The Project monitoring plan will ensure that the plantings are successful, the habitat elements are stable, and the overall Project meets identified success criteria. Revegetation success will be monitored through annual assessments of plant survival and establishment of wetland species cover, and if revegetation metrics are below targets, maintenance measures or remedial actions will be identified, which may include invasive species removal, replanting, improved herbivory protection, supplemental irrigation, or other measures. The proposed habitat enhancement elements are designed to not require long-term maintenance or management. The floodplain excavations and large wood placement are designed to maintain long-term connectivity between the floodplain and river through natural geomorphic processes and, while minor sedimentation is expected on the reconnected floodplain areas and in the off-channel ponds, the rate of sedimentation is not expected to exceed natural background rates. The floodplains will continue to maintain connectivity and provide improved habitat conditions for salmonids over time. The ELJs are designed to remain stable for the lifespan of the wood (approximately 25 years) and are anticipated to recruit additional woody debris over time, grow, and evolve while continuing to provide habitat value over a broad range of flows and channel bed conditions.

Ongoing management and protection of the Project site will be facilitated because the Project is a federal land administered and managed by BLM, including the Point Arena-Stornetta Unit of the National Monument, or under conservation easement to benefit and provide long-term protection of specific natural resources and the environment generally.

4. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration. The Project-related construction activities described are all related to the overall goal of the Project to restore or enhance habitat in the Project area.

    - Mobilization/Demobilization. The Project construction contractor will coordinate construction access, schedule, timing, and safety protocols. Project start-up meetings and general construction materials procurement will occur. Equipment and materials will be hauled to the site. At the end of the Project all remaining materials and equipment will be removed from the Project site. Invasive species decontamination and spread-prevention measures will be performed.

    - Access and Staging. The Project construction contractor will prepare the access and staging areas for construction by prepping staging areas (remove and store topsoil), improving access routes sufficient to handle construction traffic, installing temporary boundary fencing, installing temporary bridges/crossings across the Garcia River estuary, grubbing access routes through riparian zones, and installing composite mats for driving across wetland areas. At the end of the construction period, the contractor will remove temporary access materials and restore the access routes on the floodplains through decompaction, seeding, and mulching. Repairs to the access routes will be made as needed to restore to pre-project conditions.

    - Floodplain Excavations. The Project construction contractor will excavate and grade the flooded wetland inlets and floodplain areas as described in the 100 percent design plans. Care will be taken to minimize impacts to surrounding wetlands and riparian zones. Excess excavated floodplain soils will be used to build-up existing gravel bars and provide enhanced in-stream habitat, as shown on the construction plans. Any groundwater encountered during site excavations will be pumped to an approved floodplain area where it will infiltrate and not deliver turbid water to the channel. Coir fabric and coir logs will be installed to provide erosion control until plants are established.

    - ELJ and Large Wood Habitat Structure Installation. The Project construction contractor will construct ELJs and multi-log habitat structures. Installation of the structures will occur “in the wet”, and will require fish exclusion measures, as well as turbidity control approaches. The structures include both vertical log anchors and boulders for ballast. Installation and access will be affected by daily tidal fluctuations. On two of the structures (Upper Bar Apex ELJ and the Battleship ELJ), adjacent gravel bar material will be excavated to form a

channel and the material placed behind the structures along with the excess floodplain soils.

- Revegetation. The Project construction contractor will salvage select plant species and set up an on-site nursery for maintenance of these plants during construction. These species will be replanted following construction in accordance with the revegetation sheets in the construction plans. California Conservation Corps work crews or the contractor will revegetate the excavated flooded wetlands using plug plantings of wetland species. Willow sprigging around ELJs and habitat structures will also occur, as shown on plans.

Scope and Reservation of Concurrence

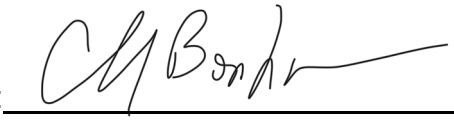
This Concurrence is based on the proposed Project as described by the Lead Agency in its request for concurrence submitted to CDFW on December 20, 2021. If there is any subsequent change to the Project that affect or otherwise changes the Lead Agency's Determination as submitted to CDFW on December 20, 2021, the Lead Agency, or any other public agency that proposes to carry out or approve the Project shall submit a new Lead Agency Determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56, subdivision (e).

Any other public agency that proposes to carry out or approve the Project, including CDFW, shall exercise their independent judgment as required by law and determine whether Public Resources Code section 21080.56 applies. If any public agency determines in an exercise of its independent judgment the statutory exemption applies, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required if that public agency determination is based on the proposed Project as described by the Lead Agency Determination and the request for concurrence submitted to CDFW on December 20, 2021, and no Project changes or changes in condition could affect that Lead Agency Determination.

Other Legal Obligations

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

CDFW Director's Certification

By:  Date: 12/28/2021

Charlton H. Bonham, Director
California Department of Fish and Wildlife