

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-035-R6**

Project: Santa Ana River Riparian Restoration, Recreation and Protection Project
Location: Riverside and San Bernardino Counties
Lead Agency: Riverside County Regional Park and Open-Space District
Lead Agency Contact: Dustin McLain; dmclain@rivco.org

Background

Project Location: The Santa Ana River Riparian Restoration, Recreation and Protection Project (Project) is located within the bankfull channel of the Santa Ana River from Interstate 15 to the west and extending upstream to the east and ending 1.5 miles past the Riverside County border into San Bernardino County. The center point of the project is 33.969071, -117.44301.

Project Description: The Riverside County Regional Park and Open-Space District (Lead Agency) 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 Director of the California Department of Fish and Wildlife (CDFW Director) issued a concurrence pursuant to Public Resources Code section 21080.56 on January 20, 2023 (Concurrence No. 21080.56-2022-015-R6), for a previous version of this project which at the time did not include the use of prescribed fire. Following issuance of the previous concurrence, the Lead Agency amended the project description to include the use of prescribed fire as discussed below. The Project, as amended by the Lead Agency, is designed to benefit riparian habitat in the Santa Ana River bottom, associated native plant communities, and sensitive species native to the area. These sensitive species include yellow warbler (*Setophaga petechia*), yellow-breasted chat (*Icteria virens*), least Bells' Vireo (*Vireo bellii pusillus*), Santa Ana sucker (*Catostomus santaanae*), Santa Ana speckled dace (*Rhinichthys osculus ssp*), and arroyo chub (*Gila orcutti*).

The Project's primary restoration goal is the removal of approximately 200 acres of Giant Arundo (*Arundo donax*) and reintroduction of native vegetation. Arundo is a non-native invasive grass that grows up to 25 feet tall along the edges of waterways. It restricts shoreline access, consumes larger quantities of water than native vegetation, obstructs stream and river channels, creates fire hazards, displaces native plants, and generally does not provide nesting or foraging habitat for wildlife.

To accomplish the restoration goal the Project will include two phases. The first phase will involve using hand tools, heavy machinery, and/or prescribed burning methodologies to remove, treat, and mulch Arundo. Large-scale Arundo removal, including prescribed burns, will be conducted outside of nesting bird season. Other restoration activities will include removal and clean-up of trash and debris associated with unauthorized uses, and hand-planting native vegetation including Mule fat (*Baccharis salicifolia*), Willows (*Salix spp.*), and California sycamores (*Platanus racemosa*). Other non-native/invasive species targeted for removal include Salt cedar (*Tamarisk spp.*), Blue gum eucalyptus (*Eucalyptus globulus*), Castor bean (*Rincinus communis*), and Mexican fan palm (*Washingtonia robusta*).

The second phase will involve ongoing maintenance and monitoring to ensure that the restoration benefits on the Project area are lasting and enduring. This phase will involve periodic Arundo removal measures and may also include ongoing clean-up and trash removal.

The Project is anticipated to include multiple environmental benefits, including: increased area and fire-resistance of riparian habitat; decreased environmental degradation resulting from unauthorized dumping in the river bottom; decreased direct and non-direct disturbances from unregulated human activity; decreased fire frequency and related effects on vegetation communities; and improved water quality and aquatic habitat conditions by reducing ash from fires, trash, and pathogens from anthropogenic sources.

Tribal Engagement: Within the Project area, the Lead Agency has consulted with local tribal liaisons, completed a cultural and historical records search with Eastern Information Center – University of California Riverside, and completed a Phase 1 Cultural Resources Assessment Report for a portion of the Project area.

Interested Party Coordination: The Lead Agency has been in close communication and coordination with partners with interests in improving water quality conditions, reducing nonnative vegetation, reducing fuel loads/fire frequency, and improving habitat within the Santa Ana River bottom and other areas within western Riverside County. Those partners include County of Riverside, Riverside County Flood Control District, City of Riverside, San Bernadino Valley Water District, Orange County Water District, Santa Ana Watershed Association, CDFW, Army Corps of Engineers, Western Riverside County Regional Conservation Authority, and Santa Ana Watershed Project Authority.

The Lead Agency currently has management agreements, operating agreements and/or memorandum of understanding agreements with San Bernardino Valley Water District, Santa Ana Watershed Association, CDFW, Army Corps of Engineers, Western Riverside County Regional Conservation Authority, and Santa Ana Watershed Project Authority.

Anticipated Project Implementation Timeframes: Start date: August 2023
Completion date: March 2037

Lead Agency Request for CDFW Concurrence: On August 15, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request

from the from the Lead Agency pursuant to Public Resources Code section 21080.56, subdivision (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on August 7, 2023, that the Project, as amended by the Lead Agency, meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section 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, the CDFW Director 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>.

This 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.

This Concurrence 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

- A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

The Project's implementation of non-native vegetation removal, follow-up vegetation maintenance, active and/or passive revegetation methodologies, and refuse removal will directly restore, enhance, and protect riparian and riverine habitat by improving habitat quality and quantity. Increasing riparian habitat quality will provide immediate

benefits to local and migratory species that utilize riparian and riverine habitat types, increasing their long-term reproductive success, recruitment, and survivorship. The Project will also result in increased water quality by reducing the number of anthropogenic related sources of pollution and the frequency of wildfires resulting from the existing Arundo stands, which generally consist of dense, flashy fuel. Together, these activities are expected to improve nesting, foraging, and refugia habitat for resident and migratory terrestrial species, including the least Bell's vireo, while indirectly improving water quality and habitat quality for aquatic species such as Santa Ana sucker and Santa Ana Speckled dace.

- B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

The Lead Agency has determined that the Project may have incidental public benefits. The clean-up and removal of trash and debris that are necessary to implement the Project will provide incidental public safety benefits. The public safety benefits include increased public health and sanitary conditions for the users of the Project area and adjacent lands, increased safety and cleanliness of a pre-existing trail system, decreased risk of human-induced wildfire, and reduced risk of poor air quality due to wildfire.

- C. 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 recovery, and includes procedures and ongoing management for the protection of the environment.

Long-term Net Benefits to Climate Resiliency: Through increasing native vegetation within the Santa Ana River bottom and decreasing wildfire frequency, the Project will increase carbon sequestration by restoring and improving plant health quality and reduce carbon and other greenhouse gas (GHG) emissions. Increased carbon sequestration and decreased GHG emissions will allow the Lead Agency to address climate change on a local level, while also improving habitat for sensitive species. Improved habitat connectivity, water quality, and restoration of native riparian habitats promote species and habitat persistence in response to climate change.

Long-term Net Benefits to Biodiversity: By improving native habitat, reducing direct and indirect effects from negative anthropogenic activities, and reducing the frequency of catastrophic wildfire events, the Project will better support and improve biodiversity for local and migratory species. Specific native habitat improvement measures of the Project include implementing active restoration methodologies, removing non-native/invasive species, and hand-planting native plants, such as mule fat, willows, and California sycamores. Long term, by removing and restoring non-native invasive habitat to native habitat, the Project will directly improve the chances of increased species abundance and biodiversity. The Project area also serves as an established linkage between two Core Habitat Areas under the Western Riverside County Multi-Species Habitat Conservation Plan, which will help protect biodiversity in the region.

Native-dominated plant communities that would benefit long term include arrow weed thickets, arroyo willow thickets, California buckwheat scrub (Riversidean alluvial fan sage scrub), Fremont cottonwood forest and woodland, Goodding's willow – red willow riparian, mule fat thickets, Southern California arroyo chub/Santa Ana sucker stream, and quail bush scrub.

Long-term Net Benefits to Sensitive Species Recovery: The Project plans to increase overall refuge, foraging, and breeding habitat by improving and restoring native habitat for sensitive species. These species include yellow warbler, yellow-breasted chat, least Bells' vireo, Santa Ana sucker, Santa Ana speckled dace, and arroyo chub. These species have experienced a decline in riparian habitat due to habitat type conversions or from other development-related impacts. Although anecdotal, past management of the Santa Ana River bottom may have contributed to year over year increases in Least Bell's vireo abundance. Nearby Arundo-free riparian habitats support much higher nest densities than areas infested by Arundo.

Procedures for the Protection of the Environment: Best management practices and avoidance and minimization measures will be implemented to protect the environment during the active portion of the Project. The avoidance and minimization measures will be in effect through the duration of the restoration activities and will be applied throughout the Project. These measures include but are not limited to native vegetation protection, Project boundaries and staging areas restrictions, pre-activity surveys for special status species and nesting birds, biological monitoring of restoration activities, nesting bird protections, general avoidance and minimization to protect wildlife, best management practices, and aquatic species avoidance and minimization measures.

In circumstances where prescribed burning is necessary, existing roads and trails will be used and where necessary, minimal strategically placed control lines will be created to ensure holding forces are able to prevent fire escapement. Mop-up and patrol operations will be enforced to ensure further risk of fire escapement. Additionally, erosion controls will be implemented to reduce erosion after prescribed fire events to prevent erosion run-off during a subsequent rain event.

Ongoing Management for the Protection of the Environment: Environmental protection will be ensured as part of the ongoing maintenance and management of the Project area following the initial Arundo removal phase. The Lead Agency and/or the Project partners will maintain and manage the Project area through March 2037.

The County of Riverside and City of Riverside have committed eight new positions directly dealing with current and long-term management of the Santa Ana River. These new positions will lead to increased and consistent patrols by Ranger and Police Officers, which will deter any new re-establishment of unauthorized human encampments and will actively educate people on the negative impacts of warming/cooking fires within the river bottom.

The Lead Agency will implement general vegetation and species monitoring along with long-term and ongoing adaptive management of the Project.

- D. 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.

All construction activities are solely related to restoration. Use of mechanized equipment is necessary to remove Arundo rhizomes and to reduce the potential for regrowth.

Scope and Reservation of Concurrence

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, 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. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

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

Date: 9/13/23