

# Notice of Exemption

## Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk

County of: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific:

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Lead Agency

Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

Signature: Parker Thaler      Date: \_\_\_\_\_      Title: \_\_\_\_\_

Signed by Lead Agency      Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

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. 21080.56-2023-031-R1**

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**Project:** Inskip Diversion Dam Removal and Stream Restoration Project  
**Location:** Tehama County  
**Lead Agency:** State Water Resources Control Board  
**Lead Agency Contact:** Savannah Downey; [Savannah.Downey@waterboards.ca.gov](mailto:Savannah.Downey@waterboards.ca.gov)  
**Project Proponent:** Pacific Gas and Electric Company

## **Background**

Project Location: The Inskip Diversion Dam Removal and Stream Restoration Project (Project) is located on South Fork Battle Creek (Creek) and approximately eight miles upstream of the confluence with Battle Creek, which is a major tributary to the Sacramento River. The Project is located south of the unincorporated community of Manton in Tehama County, and centered at approximately 40.395575, -121.883637. The Project area is located on land owned by Pacific Gas and Electric Company (PG&E). The total Project size is approximately 5.6 acres that includes 1,500 feet of South Fork Battle Creek.

Project Description: PG&E 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. The purpose of the Project is to remove the Inskip Diversion Dam (Dam) and directly restore and improve 700 feet of aquatic habitat in South Fork Battle Creek between the Dam and South Powerhouse. The Dam adversely impacts river flow, geomorphic processes, fish passage, and habitat for aquatic resources. Removing the Dam will provide more natural riverine conditions. The Project is designed to benefit the Sacramento River winter-run Evolutionarily Significant Unit (ESU) of chinook salmon, the Central Valley spring-run ESU of chinook salmon, and the Central Valley fall/late-fall-run ESU of chinook salmon (*Oncorhynchus tshawytscha*); Central Valley steelhead trout (*O. mykiss*); foothill yellow-legged frog (*Rana boylei*); western pond turtle (*Emys marmorata*); and riparian plant communities.

The Project includes the removal of the Dam, associated fish ladder, and appurtenant facilities and the restoration of approximately 700 feet of South Fork Battle Creek. The Dam's removal includes the dredging of 30,000 to 56,000 cubic yards of sediment from behind the Dam; Dam breach and removal; and removal of the radial gate, fish ladder, and steel cladding. Other restoration actions include bank and soil stabilization, revegetation, and

channel alteration to create a series of pools, riffles, steps, and cascades over the 700 feet of Creek that will be reestablished following the Dam's removal. For this work to be completed the Creek will be fully dewatered from the upstream extent of the proposed stream restoration to downstream of the Dam and will be temporarily rerouted via pumps and piping (with fish screens) to go around the entire work area and discharge just downstream of the Dam. Primary and secondary bladder dams will be temporarily placed in the Creek between the dewatering pump intake location and a backup dewatering pump, which will collect any seepage that travels beyond the primary bladder dam. Additional pumps will also be located to evacuate any water that ponds at the face of the Dam.

Restoring the channel and sediment removal will require dredging, which will include mechanical excavation. The design proposes excavation of approximately 30 feet of depth at some locations, and there is likely chance that bedrock will be encountered. Bedrock will inform the depth of dredge in most areas, with the streambed being reconstructed above this depth. The cut volume and overall work extents will vary and will depend on the materials encountered and on the side slopes necessary for stability. Excavated sediment will be removed and transported to an approved offsite disposal area.

Tribal Engagement: Engagement has been conducted with the following tribes: Estom Yumeka Maidu Tribe of the Enterprise Rancheria, Greenville Rancheria of Maidu Indians, Mechoopda Indian Tribe, Mooretown Rancheria of Maidu Indians, Nor-Rel-Muk Nation, Paskenta Band of Nomlaki Indians, Pit River Tribe of California, Redding Rancheria, Shasta Indian Nation, Shasta Nation, Winnemem Wintu Tribe, and Wintu Tribe of Northern California.

Interested Party Coordination: PG&E has had continuous communication with numerous interested parties regarding dam removals on South Fork Battle Creek for over 20 years. Discussions specific to this Project have been ongoing since 2019. Interested parties have included the United States Bureau of Reclamation, United States Environmental Protection Agency, Federal Energy Regulatory Commission, National Marine Fisheries Service, United States Fish and Wildlife Service (USFWS), California Bay-Delta Authority, California Department of Fish and Wildlife (CDFW), Wildlife Conservation Board, State Water Resources Control Board (Lead Agency), Battle Creek Watershed Conservancy, Greater Battle Creek Watershed Working Group, and The Nature Conservancy.

Anticipated Project Implementation Timeframes: Start date: July 2023  
Completion date: October 2023 or 20 weeks after start date

Lead Agency Request for CDFW Concurrence: On June 5, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request 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 May 31, 2023, that the Project 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 purpose of the Project is to restore native fish and wildlife species by removing the Dam as a barrier for native aquatic species. By removing the Dam and restoring 700 feet of in-stream habitat, the Project will reconnect a section of the Creek that fish and other aquatic species had been prevented from accessing from downstream of the Dam. As a result, the Project is expected to contribute to enhancing breeding, rearing, and foraging habitat for native fish and wildlife.

- 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 Project may have incidental public recreation benefits. Located adjacent to the Project area is a flyfishing lodge. The lodge provides guest access to South Fork Battle Creek and its tributaries for fishing and hiking. The Project will include restoring and enhancing rainbow trout (*Oncorhynchus mykiss*) habitat, which could improve fishing for lodge guests. Additionally, the Project will restore the reach to a free-flowing stream, which may enhance the area's aesthetics. However, these benefits are not the purpose of the Project and are therefore incidental benefits only.

- 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:

As California faces longer and more severe periods of drought, fish will need more cold-water habitat for refuge. The Project will provide climate resiliency by increasing access to suitable habitat during droughts. Battle Creek is a cold-water spring-fed system that does not rely entirely on precipitation and has relatively consistent baseflows year-round, making it reliable habitat for temperature sensitive species during climate change.

The Project will allow resident fish to move uninhibited between Coleman Diversion Dam and South Diversion Dam. Increased habitat connectivity will give fish access to diverse stream reaches, both across elevations and between habitat types that will provide refuge from changing micro-climates.

Long-term Net Benefits to Biodiversity:

The Project will increase biodiversity by benefitting fish (anadromous and resident species), amphibians, reptiles, benthic macroinvertebrates, and riparian plant communities by allowing for sediment that would otherwise be trapped behind the Dam to move and provide spawning habitat for downstream reaches; and lateral migration of the stream channel, which can increase habitat complexity and connect the stream to the floodplain. Further, by removing the Dam and restoring 700 feet of upstream habitat, the Project will reconnect fish habitat and increase habitat quality for various chinook runs and Central Valley steelhead trout. This will create more breeding, rearing, and foraging habitat for fish and will likely reduce competition within populations and increase viability.

The increase in sediment transport and deposition will also create breeding habitat for foothill yellow-legged frog (FYLF). Stream restoration will create gravel bars and low-velocity shallow water habitat ideal for FYLF tadpoles and juvenile western pond turtle rearing.

The Project will also provide more food and habitat for benthic macroinvertebrates, which can increase taxa richness. Dam removal and stream restoration can increase taxa richness and abundance due to benthic habitat improvements.

The Project will benefit riparian wetlands and live oak woodlands, both of which occur in the primary work area. The Project will reconnect the stream to the floodplain, and geomorphic changes due to increased sediment deposition can increase native plant diversity in floodplains by providing new habitat. The Project will also provide additional riparian habitat. This habitat is likely to establish a more diverse riparian community, more similar to the species composition present before the Dam was built.

Long-term Net Benefits to Sensitive Species Recovery:

Currently anadromous salmonids are extirpated from South Fork Battle Creek, the Project is being designed to restore and enhance critical habit to allow for recovery. The Project area will provide critical habitat for Central Valley spring-run chinook salmon (listed as threatened under both the federal Endangered Species Act (ESA) and California Endangered Species Act (CESA)) and Central Valley steelhead trout (listed as threatened under the federal ESA). The Project area also contains essential fish habitat for Sacramento winter-run chinook salmon (listed as endangered under both the federal ESA and CESA) and Central Valley spring-run chinook salmon. Once the larger Battle Creek Restoration Project is complete, anadromous salmonids will have unimpeded access to these habitats, which will support spawning and juvenile rearing.

Furthermore, the Project area contains suitable habitat for FYLF (California Species of Special Concern, United States Forest Service Sensitive Species, and United States Bureau of Land Management Sensitive Species) and western pond turtles (California Species of Special Concern, United States Forest Service Sensitive Species, and United States Bureau of Land Management Sensitive Species). The Project will create breeding habitat for FYLF and is expected to create open river gravel bars and low-velocity shallow water habitat ideal for FYLF tadpoles and juvenile western pond turtle rearing.

Procedures for the Protection of the Environment:

The Project includes procedures for the protection of the environment. Vegetation removal will be scheduled between September 1 and February 14 to avoid the nesting bird season. If this is not feasible, a preconstruction nesting bird survey will be conducted by a qualified biologist within two weeks prior to starting work, and if an active bird nest is observed within or near the Project area, additional measures shall apply.

Aquatic species rescue and relocation will be implemented prior to and during dewatering activities. USFWS and CDFW will be consulted regarding a fish rescue for non-listed fish species. A pre-construction survey for FYLF and western pond turtle will be conducted by a qualified biologist during daylight hours within 24 hours prior to the start of work. If a FYLF or western pond turtle is encountered, additional measures shall apply.

Surveys for special-status plants will be conducted and the Project area will be mapped prior to construction activities. A biological monitor will be present during

construction in areas within a 10-foot buffer of special-status plants to ensure impacts are avoided. All areas where vegetation, including non-native communities, disturbed from construction activities or areas newly created by dam removal will be re-vegetated with a combination of native seed mixtures, live stakes, seedlings, or bare root plantings appropriate for the habitat types present in the Project area.

Bank stabilization, including revegetation, will be implemented to ensure bare soil is not left exposed. Silt fence, fiber rolls, erosion control blankets, and other Storm Water Best Management Practices (BMPs) will be established as necessary along work area boundaries and streams prior to initiating activity, and BMPs will be maintained through the duration of the Project. No fill, including vegetation trimmings, debris, or runoff will be allowed to enter wetland areas or waterways. PG&E has included a comprehensive suite of BMPs covering spills, chemical storage and use, and refueling precautions.

While restoration work is conducted within the stream channel, all streamflow will be diverted around the Project area to minimize fine sediment mobilization and downstream turbidity.

Ongoing Management for the Protection of the Environment:

The Lead Agency's water quality certification will include conditions for the protection of water quality and beneficial uses. These conditions will include protection measures during construction and adaptive management to ensure that, once complete, the Project will function as expected.

Furthermore, the Project includes a comprehensive post-construction revegetation and erosion control plan that addresses ongoing management. PG&E will contract out the implementation of this plan. Provisions in the plan include obligations the contractor agrees to meet as part of the contract, including meeting minimum survival rates for new plantings after one calendar year as outlined below. The plan includes a native plant palette that has been tailored for the area, including: grasses for immediate soil stabilization, wetland grasses and sedges for soil colonization immediately adjacent to the water, riparian shrubs and trees, upland shrubs and trees, and a supplemental mix of grasses and forbs known to be utilized by pollinators. The plan includes provisions for plant installation and care, with a provision stating that 85% survival among all trees and shrubs and 80% survival among all stake plantings (willow Spp.) will be achieved for one calendar year after date-of-acceptance of the post-construction site by PG&E. Failure to meet the 85% and 80% survival, respectively, will trigger plant replacement and additional monitoring until these survival metrics are achieved.

- 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.

The Project's use of heavy equipment is exclusively for habitat restoration activities, including Dam removal and channel excavation. The Project includes the complete removal of the Dam, adjacent infrastructure, fish ladder, and will result in a substantial

reduction in the amount of sediment stored behind the Dam. A constructed channel is proposed upstream of the existing Dam, containing a series of pools and riffles/steps/cascades to allow for a more natural stream channel and provide stability of the channel to minimize channel degradation and sediment deposition downstream after the Dam is removed. To accomplish this the sequence of work is planned to include:

- Mobilization/site preparation
- Install water bypass system
- Upstream channel excavation
- Spoil haul and disposal
- Demo Dam appurtenances: includes removal of radial gate, fish ladder, steel cladding, intake gates/screens, and buttress
- Constructed Dam breach and removal
- Stream restoration and planting
- Removal of wet water crossing
- Site and laydown restoration
- Demobilization/cleanup

### **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: 7/12/23