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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2022-003-R5

Project:	Big Canyon Coastal Habitat Restoration and Resiliency Project – Phase 3
Location:	Orange County
Lead Agency:	City of Newport Beach
Lead Agency Contact:	Makana Nova, Senior Planner, mnova@newportbeachca.gov

Background

Project Location: The Big Canyon Coastal Habitat Restoration and Resiliency Project – Phase 3 (Project) is located within the Big Canyon Nature Park in the City of Newport Beach, situated in United States Geological Survey (USGS) 7.5' series Newport Beach Quadrangle, Orange County, Township 6 South, Range 10 West, Section 24, at Latitude/Longitude 33.630890, -117.880724. The Project site has the physical address of 1950 Back Bay Dr., Newport Beach, CA 92660. The Project site is a moderately-sloped floodplain with elevations ranging from below sea level to approximately 75 feet above mean sea level.

The Project will be carried out by several nonprofit and agency partners, led by the Newport Bay Conservancy (NBC), a nonprofit with a history of implementing restoration projects in Big Canyon. The other Project partners include the California Department of Fish and Wildlife (CDFW) and the City of Newport Beach. The Project site is situated within a 29-acre portion of the larger 60-acre Big Canyon Nature Park (the Park). Part of the Project site is owned by the City of Newport Beach. The remaining part of the Project site is owned by the State of California, managed by CDFW, and part of CDFW's Upper Newport Bay Ecological Reserve (UNBER).

The Park is at the downstream end of the Big Canyon Watershed. Big Canyon Creek drains a 1,300-acre watershed in the City of Newport Beach, discharging directly into the Upper Newport Bay State Marine Conservation Area (SMCA) and UNBER. Over the years, the Park has experienced water quality degradation from upstream development and selenium-laden groundwater seepage, historical land disturbance from grazing and agricultural activities, increased peak-flows during storm events, year-round dry weather flows due to watershed urbanization, increased habitat degradation from invasive plants and insects, and the placement of dredge and fill materials within the lower canyon marsh plain and riparian areas. The Park is used by both residents and visitors for passive recreation.

Project Description: The Project will restore approximately 14.3 acres of salt marsh and transitional wetlands and will include additional measures to benefit California native fish and wildlife (Restoration Area). The Project will create a diverse mosaic of coastal habitats in areas that are currently dominated by monotypic stand of emergent freshwater vegetation on the southern portion of the Restoration Area and thick groves of invasive vegetation on the northern portion of the Restoration Area. These two areas are separated by a human-made berm that will be removed to create an integrated and diverse assemblage of habitats that transitions from a restored riparian corridor and alkaline marsh to an intertidal salt marsh habitat. Within these areas, the invasive plants and native plants impacted by an infestation of polyphagous shot hole borer (PSHB[1]) will be removed and replaced with native vegetation appropriate for the planned natural habitat types.

The main components of the Project will restore and enhance wetland, transitional, riparian, and upland habitats. Specific Project activities will include:

- *Historic Salt Marsh Restoration*: The Project will restore historical salt marsh. A berm will be removed to establish salt marsh habitat and berm soils will be used to fill and level out elevations in an existing freshwater pond after the emergent vegetation has been removed. Focused dredging of a tidal channel in UNBER will increase tidal inundation of the Project's restored salt marsh. This focused dredging will be within the existing tidal channel and will eliminate existing sediment sills to improve drainage and increase tidal range in the Restoration Area.

- *Create Transitional Habitat for Sea Level Rise Adaptation*: The Project will establish transitional habitat zones that will allow for adaptation to long-term sea level rise. Transitional ecotones are critical spaces where marine, terrestrial, or freshwater ecological communities intermix. In natural settings, this often results in populations of unique vegetation species that can only be found in these transition zones. Four of these species are currently found sporadically throughout the Project site, but these populations are slowly reducing in distribution and robustness. This Project will create extensive areas for native species to thrive, especially during extreme high tide events.

- *Restore and Enhance Alkaline and Riparian Corridor*: The freshwater channel re-alignment will establish a riparian corridor that integrates with the upstream corridor that was previously restored in Phases 1 and 2. The freshwater channel will also convey dry weather flows away from the planned salt marsh wetland to maintain the required salinity levels to establish the salt marsh vegetation. This system will periodically be estuarine as storm flows will still inundate the full marsh plain to maintain the full extent of the existing wetlands. Periodic freshwater inundation of the salt marsh during storm events provides natural hydrologic processes supporting these systems.

[1] PSHB is an invasive beetle that introduces fungal infections into its host plants, destroying the food and water conducting tissues, causing stress, dieback, and mortality.

- The Project will enhance and improve the native riparian habitat through select removal of invasive vegetation. The invasive plants will be replaced with native woody vegetation less desirable to PSHB. Existing mature woody vegetation that includes willows that have been infested with PSHB will be heavily pruned or removed.

- *Coastal Sage Scrub Habitat Enhancement*: Additional resiliency will be provided with the restoration and enhancement of upland coastal sage scrub (CSS) habitat at higher elevations. Healthy adjacent upland buffer habitat will reduce impacts for urban edge effects from light, noise, and erosion. CSS enhancement will take place along the northern perimeter and the area south of the current freshwater pond between the existing access roads. Additional soils resulting from the excavation of the salt marsh will be placed in the coastal sage scrub enhancement area. After soils have been placed the soil will be amended for establishment of CSS habitat followed by revegetation with native plants.

- *Reduce Accumulation and Bioavailability of Selenium*: Efforts to extend the saltwater influence into the edge of the Restoration Area will result in the restoration of tidal marsh, which also further reduces selenium bioavailability found naturally within marine deposits in the watershed. The Project also includes the realignment of Big Canyon Creek to maintain positive drainage during low flows to reduce the accumulation of selenium in the soil and vegetation and address mosquito breeding habitat.

- *Access Roads*: To support restoration maintenance/monitoring, the Project will include renovating the existing access road system within the Project site. Existing access roads and trails that are not impacted by the planned grading efforts will remain. On the eastern side of the site, a construction and long-term operations and maintenance access road will be graded outside of the designated wetland to connect with existing access roads. An access road will also be constructed along the western side of the Project site to connect Back Bay Drive to the existing berm. The berm will be removed, and the remaining access road will remain for operations and maintenance access.

By implementing these activities, the Project will restore approximately 14.3 acres of historical salt marsh, establish transitional wetlands, and restore and enhance other habitats to improve the Restoration Area's overall biological productivity and ecological function.

Stakeholder Coordination: The Project has been planned according to the Big Canyon Resource and Recreation Plan (RRMP). The RRMP provides a framework for recreational improvements and community outreach and education in the Park.

As part of the tribal outreach effort for the Project, the cultural resource consultant for the Project (ESA) contacted the California Native American Heritage Commission (NAHC) on March 18, 2018 and contacted the Gabrieleño Band of Mission Indians – Kizh Nation; the Juaneño Band of Mission Indians, Acjachemen Nation; and the San Gabriel Band of Mission Indians. The Gabrieleño Band of Mission Indians – Kizh Nation responded and requested consultation, indicating that the Project occurs within the tribe's ancestral territory. The

Gabrieleño Band of Mission Indians – Kizh Nation requested a field visit to the Project site. On May 17, 2018, the City of Newport Beach, the Gabrieleño Band of Mission Indians – Kizh Nation, and representatives from ESA conducted a walkover of the Project site. Tribal outreach is ongoing, and NBC will continue to coordinate with involved tribal representatives. The Gabrieleño Band of Mission Indians – Kizh Nation has requested review of the cultural resources report. Meetings are being planned to review the report and any tribal comments and recommendations will be incorporated.

The following stakeholders, who serve on the Project's Technical Advisory Committee, also support this Project: U.S. Fish and Wildlife Service, State Coastal Conservancy, OPC, Wildlife Conservation Board, Orange County Vector Control, U.S. Army Corps of Engineers, the Irvine Ranch Conservancy, the University of California at Irvine, Orange County California Native Plant Society, Sea & Sage Audubon, and the Santa Ana Regional Water Quality Control Board.

Anticipated Project Implementation Timeframes: Start date: September 2023
Completion date: December 2024

Lead Agency Request for CDFW Concurrence: On March 24, 2022, the Director of CDFW received a concurrence request from the City of Newport Beach (Lead Agency) pursuant to Public Resources Code section 21080.56, subdivision (e). The request seeks the CDFW Director's concurrence with the Lead Agency's Determination on March 24, 2022, that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code. 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, 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

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; and restore or provide habitat for California native fish and wildlife.

   The Project will replace existing degraded habitat by restoring historic salt marsh and freshwater/riparian habitat. The Project will achieve this by restoring and enhancing approximately 14.3 acres of habitat by removing non-native vegetation and allowing tidal influence and inundation within the Project site, benefitting listed and special status species. Furthermore, the Project will create transitional habitat for sea level rise adaptation, improve resiliency of restored and enhanced riparian habitat, create wet alkaline marsh habitat, enhance coastal sage scrub habitat, remove mosquito breeding habitat, reduce the accumulation and bioavailability of selenium from ponded dry weather flow events, provide educational opportunities, and maintain existing maintenance and recreational function.

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.

   The Project will provide incidental public access, educational, and recreational benefits resulting from the need to establish access for Project construction, operation, maintenance, and monitoring. These access routes will be kept in place for ongoing Project maintenance but will also be open to the public as walking trails around the perimeter of the Restoration Area. Existing public access roads and trails in the area that are not needed for Project access will remain.

   The Project will also provide educational benefits to students from nearby disadvantaged communities. The restoration is designed to be an important educational resource for teachers bringing students to Upper Newport Bay. NBC fosters relationships with multiple southern California schools to provide ongoing educational and stewardship opportunities for over 3,000 students annually in Orange County. Upper Newport Bay, and the trails in Big Canyon are a regular destination for Early College High School and Back Bay High School students to provide ongoing monitoring and maintenance of the Restoration Area through hands on learning. Two

programs offered by NBC, in partnership with the Orange County Department of Education and the City of Newport Beach, include Inside the Outdoors for 4th grade students and the Fostering interest in Nature (FiiN) program for 5th grade students. Both programs serve Title 1 schools in Orange County and include educational hikes, experiments, and exploring Big Canyon.

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: Restored coastal wetlands sequester carbon while also reducing coastal erosion and protecting against storm surges, thus, reducing the risks from sea level rise and extreme weather (IPCC, 2022). The Project will provide for long-term benefits to climate resiliency by establishing a more naturally resilient and beneficial ecosystem in response to sea level rise increasing the extent and inundation of tidal flows in Upper Newport Bay. The Project establishes transitional habitat to allow for migration of salt marsh habitat and species that utilize these habitats.

A priority of the Project is to incorporate resiliency into restoration design and implementation. Wetland resiliency was evaluated in the Phase 3 Feasibility Study by comparing restored and future wetland acreages considering sea-level rise amounts of 3.2 ft and 6.7 feet. The results of the wetland resiliency to sea level rise indicated an increase in salt marsh wetland area by 35% under the 3.2 ft scenario and 15% increase under the 6.7 ft. scenario. These results demonstrate sea level rise resiliency by providing for transitional zones that will become future salt marsh.

Upper Newport Bay currently supports a large acreage of subtidal, mudflat, and vegetated salt marsh habitat. Vegetated salt marsh habitat in Upper Newport Bay will likely increasingly convert to mudflat and subtidal habitat with sea level rise given the lack of large areas available for transgression of salt marsh into low-elevation upland areas. The Project provides an opportunity to support salt marsh areas with future sea-level rise to improve the overall resiliency of salt marsh in Upper Newport Bay.

Marine habitats and zones will include mud flat; low, mid, and high salt marsh; and transitional zones for future sea level rise. Numerous special status species currently found in UNBER require extensive high marsh habitat to maintain their populations. Due to the steep bluffs that flank most of Upper Newport Bay, there are very few areas where the current salt marsh vegetation can migrate upslope to keep up with future sea level rise. Therefore, this Project will not only provide resiliency to sea level rise but will also provide high tide refugia for a wide variety of wildlife during current extreme high tide events.

Long-term net benefits to biodiversity: Currently large portions of the habitats in the Project site have either been invaded by non-native plant species or are dominated by monotypic stand of native vegetation. Where non-native species like Brazilian pepper

trees (*Schinis terebinthifolia*) or swamp saltbush (*Atriplex amnicola*) have invaded, the biodiversity of native plant and animal populations has been negatively affected. The Project will target these non-native plant populations and control them as part of the grading plan to create a hydrological setting that will support a more balanced assemblage of native vegetation that is resilient to dominance by non-native plant species. These diverse plant communities will then support a greater diversity of native wildlife species across trophic levels.

Specifically, much of the downstream area dominated by Brazilian pepper trees will be converted to intertidal salt marsh which is well known to be a highly biologically productive ecosystem that supports a diversity of marine communities. The upstream portions of the site dominated by Brazilian pepper trees will be restored to a riparian woodland characterized by a mosaic of native tree species that will include several species of willow (*Salix* spp.), western sycamore (*Platanus racemosa*), Fremont's cottonwood (*Populus fremontii*), Mexican elderberry (*Sambucus nigra* ssp*. caerulea*), white alder (*Alnus rhombifolia*), and coast live oak (*Quercus agrifolia*). This woodland will be supported by an understory of mulefat (*Baccharis salicifolia*) and an herbaceous native vegetation stratum composed of rushes, grasses, and sedges. This layering of canopies does not currently exist in the Brazilian pepper tree groves and therefore the site does not support bird species like the least Bell's vireo (*Vireo bellii pusillus*) that thrive in these layered canopy conditions.

Upland areas that have become invaded by swamp saltbush will be selectively recontoured in order to eliminate the non-native plant infestation and promote the establishment of a diverse assemblage of Diegan coastal sage scrub which will expand potential breeding habitat for the federally Threatened and California Species of Special Concern coastal California gnatcatcher (*Polioptila californica californica*).

The same approach to creating a long-term net benefit to biodiversity will be taken in areas that are currently dominated by monotypic stands of emergent vegetation. For example, the existing freshwater marsh is composed almost exclusively of dense stands of cattails (*Typha* spp.). This restoration Project will recontour the stream so that water is focused through a narrower channel that will not pond. This will create intermittently saturated wetland soils that can support a diverse willow woodland habitat in areas currently dominated by cattails. This will also create riparian benches that can support alkali and brackish marsh habitat which can support certain sensitive species like southwestern spiny rush (*Juncus acutus*) which in turn provides potential breeding habitat for the state and federally Endangered and state Fully Protected light-footed Ridgway's rail (*Rallus obsoletus levipes*).

Long-term net benefits to sensitive species recovery: The Project will fulfill multiple objectives that include restoring approximately 14.3 acres of historical salt marsh, establishment of transitional wetlands, and additional habitat restoration and enhancement to improve the site's biological productivity and ecological function. Collectively, these activities will contribute to long-term net benefits for seven observed special status wildlife species and six observed special status plant species. In addition, the Project is expected to benefit and contribute to recovery for up to 17 other

common and special status wildlife species with high to moderate potential to occur in the vicinity of the Project and three other special status plant species with a moderate potential to occur.

The following sensitive wildlife species were observed within the Project site:

- Coastal California gnatcatcher: The coastal California gnatcatcher (CAGN) is a federally Threatened species and a California Species of Special Concern.
- Yellow warbler (*Setophaga petechia*): Yellow warbler, a California Species of Special Concern and a federal Bird of Conservation Concern.
- Least Bell's vireo: Least Bell's vireo (LBV) is a federally and state listed species and is a covered species under the Orange County NCCP.
- Western mastiff bat (*Eumops perotis californicus*): The western mastiff bat is a California Species of Special Concern.
- Western red bat (*Lasiurus blossevillii*): Western red bat is a California Species of Special Concern.
- Light-footed Ridgway's rail: Light-footed Ridgeway's rail is listed as Endangered by both the federal Endangered Species Act and the California Endangered Species Act.

Other documented common and special-status wildlife species that may have the moderate to high potential to use the Project site as suitable habitat include: sharp-shinned hawk (*Accipiter striatus*); Cooper's hawk (*Accipiter cooperii*); great blue heron (*Ardea herodias*); red-shouldered hawk (*Buteo lineatus*); Swainson's hawk (*Buteo swainsoni*); Osprey (*Pandion haliaetus*); northern harrier (*Circus hudsonius*); southwestern willow flycatcher (*Empidonax traillii extimus*); merlin (*Falco columbarius*); American peregrine falcon (*Falco peregrinus anatum*); yellow-breasted chat (*Icteria virens*); least bittern (*Ixobrychus exilis*); loggerhead shrike (*Lanius ludovicianus);* Belding's savannah sparrow (*Passerculus sandwichensis beldingi*); pallid bat (*Antrozous pallidus*); San Diego desert woodrat (*Neotoma lepida intermedia*); and southern California saltmarsh shrew (*Sorex ornatus salicornicus*).

The following sensitive plant species were observed within or adjacent to the Project site:

- Salt marsh bird's beak (*Chloropyron maritimum* ssp. *maritimum*): is a hemiparasitic annual herb listed as federally- and state-Endangered and designated as a California Rare Plant Rank (CRPR) list 1B.2 species.
- Southern tarplant (*Centromadia parryi* ssp. *australis*): Southern tarplant is an annual herb designated as CRPR 1B.1.
- California boxthorn (*Lycium californicum*): California boxthorn is a perennial shrub designated as CRPR 4.2.
- Estuary seablite: Estuary seablite is a perennial shrub designated as CRPR 1B.2.
- Southwestern spiny rush: Southwestern spiny rush is a perennial grass-like herb designated as CRPR 4.2.

- Woolly seablite (*Suaeda taxifolia*): is a perennial shrub designated as CRPR 4.2.

Three additional special-status plant species were not observed within or immediately adjacent to the Project site, but have a moderate potential to occur based on a presence of suitable habitat: aphanisma (*Aphanisma blitodes*); south coast saltscale (*Atriplex pacifica*); and lucky morning-glory (*Calystegia felix*)

Procedures and Ongoing Management for the Protection of the Environment: A Habitat Restoration Plan (HRP) will be prepared as part of the final design package, which will govern restoration measures and the collection of monitoring data to assess the effectiveness toward the various goals and objectives of the program. The habitat monitoring program, to be described in more detail in the HRP, will provide an implementation plan to ensure the successful restoration of wetlands. The program will include a restoration work plan with recommended methodologies for site preparation, seeding/planting, irrigation, etc.; a maintenance plan; specific monitoring and reporting requirements, including site performance standards; and a description of long-term management of the restoration areas described in the Biological Technical Report. This document will also be used to inform potential future adaptive management decisions and actions. The post-construction monitoring phase will identify a post implementation timeframe that focuses on meeting restoration permit conditions and/or success criteria. Once those criteria are met, monitoring and management will shift over to the long-term program focused on adaptive management discussed below.

Biologically sensitive area protection will be established prior to construction and periodically monitored. Water quality protection during construction will be monitored based on a pre-construction Quality Assurance Project Plan (QAPP) and Sampling and Analysis Plan (SAP), to be developed prior to construction. The following Avoidance & Mitigation Measures/Design Features, when applied, would avoid/mitigate potential negative impacts to biological resources resulting from implementation of the project.

- Contractor Education: A pre-project training session conducted by the Project Biologist will be performed with all personnel involved working in the field prior to any removal efforts. The Project Biologist will discuss the limitation associated with the project including breeding season limitations, avoidance areas, access routes, and removal techniques.

- Biological Monitoring: The Project Biologist, who must meet certain qualifications criteria, shall be onsite during initial ground disturbing activities, including but not limited to, vegetation removal, tree removal or trimming, and restoration planting as well as during construction.

- Nesting Birds: Impacts to nesting birds would be avoided by conducting all clearing and grubbing activities outside of the bird breeding season (February 15 to August 31; January 15 to August 31 for raptors). If breeding season cannot be avoided, additional measures will be implemented.

- Equipment: Contractor equipment will be checked for leaks prior to operation and repaired as necessary. The changing of oil, refueling, and other actions that could result in a release of a hazardous substance will be restricted to designated areas that are a minimum of 100 feet from the creek channel, waterways, special-status plants, or sensitive habitats. Any designated fueling areas, including for refueling of chain saws or other handheld equipment shall be demarcated in the field by berms, sandbags, or other artificial barriers designed to further prevent accidental spills. Accidental spills of hazardous substances will be immediately contained, cleaned up, and properly disposed.

- Approved Chemicals: Only California Certified contractors (QAC, Qualified Applicators Certification) shall be permitted to apply herbicide. The Restoration Contractor shall follow guidelines outlined in the Habitat Restoration Plan prepared for the project.

- Coastal California Gnatcatcher (CAGN): For construction activities taking place between February 15 and August 15 the Project Biologist shall oversee installation of noise reduction measures.

- As described in the Project's Biological Technical Report, a long-term vegetation maintenance strategy will be implemented. PSHB control measures will also be implemented.

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-related construction activities described are all related to the overall goal of the Project to restore or enhance habitat within the Project site. No building structures are proposed as part of this Project.

   Restoration activities will begin with the installation of construction stormwater pollution prevention best management practices (BMPs) in accordance with the Project's Stormwater Pollution Prevention Plan (SWPPP). Following the installation of stormwater BMPs, Project restoration work will occur in phases for a duration of five to six months. The following schedule presents the implementation phases, the activities to be completed under each phase, and the duration of the activities. Several activities will run concurrently to achieve the overall implementation schedule of approximately five months. All grading will take place outside of nesting season (September 1 - January 31).

Phase	Activity	Duration
Mobilization, Access, Road Construction & Invasive Plant Removal	Site preparation – Erosion and Sediment Control & Access Road Construction	1-3 weeks
	Clearing and Grubbing	2-6 weeks
Salt Marsh Grading, Tidal Channel Focused Dredging, Soil Placement on Upland Area	Excavation & Grading	10-12 weeks
	On-site Filling in Upland Areas	2-4 weeks
	Fine Site Grading	2-3 weeks
Site Replanting for Restoration and Enhancement	Temporary Irrigation	2-4 weeks
	Soil Amendments	2-3 weeks
	Plantings for Salt Marsh, Riparian, Alkaline Marsh & Upland Habitats	6-8 weeks

Clearing and grubbing activities with the construction of the access roads will initiate the construction after the erosion and sediment controls are installed. Grading will then occur to establish the salt marsh and transitional habitats within the Restoration Area. Focus dredging of the tidal channel will occur during site grading. Placement of soil from the salt marsh grading to the upland area will be conducted during the grading activities. The total earthwork cut volume is anticipated to be approximately 37,000 cubic yards. Earthwork fill will be placed in the marsh pond area once the vegetation has been removed. Additional placement areas are anticipated in upland areas. No material is anticipated for off-haul.

Scope and Reservation of Concurrence

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the request for concurrence submitted to CDFW on March 24, 2022. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency's Determination on March 24, 2022, 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.

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 March 24, 2022, 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: May 16, 2022

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