

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2022-006-R2**

Project: Riparian Area 1 Restoration Project at River Garden Farms
Location: Yolo County
Lead Agency: Sacramento–San Joaquin Delta Conservancy
Lead Agency Contact: Dr. Rachel Wigginton, Senior Environmental Scientist,
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Background

The Riparian Area 1 Restoration Project at River Garden Farms (Project) is a habitat enhancement project located within the River Garden Farms property (Farm) that will improve ecosystem function and habitat connectivity within an area of intensive agriculture activity. The 15,000-acre Farm is privately owned and actively farmed. In cooperation with the Farm's private ownership, the Project will be carried out by several nonprofit and agency partners led by Audubon California and American Rivers. The other Project partners include Point Blue Conservation Science, River Partners, Yolo County Resource Conservation District, the Center for Land-Based Learning, and the Sacramento–San Joaquin Delta Conservancy.

This Project is the first of seven Farm restoration projects that were developed in a comprehensive Farm Restoration Plan. The plan will include designs for seven different restoration sites totaling 550 acres that will enhance conservation practices and contribute to habitat enhancements on the Farm. Together, the suite of projects aims to establish riparian forest and floodplain habitat in some of the most degraded sections of the Sacramento River.

To date, American Rivers has been awarded more than \$660,000 from the Sacramento–San Joaquin Delta Conservancy to complete the planning phase for the seven Farm restoration projects, and federal, local, and private sources have provided more than \$130,000 in matching/in-kind contributions. Recently, Audubon California applied for \$612,877 in implementation funding from the Wildlife Conservation Board's Pacific Flyway Conservation Grant Program. The proposal in that application included more than \$100,000 in matching and/or in-kind contributions.

Project Location: The Project site on the Farm is located on the western side of the Sacramento River in Yolo County, near river mile 99. The Project site is approximately 20 miles northwest of Sacramento and five miles northwest of Knights Landing, centering on 38.836707°N, 121.793532°W. The Farm has the physical address of 41758 County Road 112, Knights Landing, CA 95645.

The Farm is adjacent to a section of the Sacramento River that is constrained by a narrow floodway bordered by agricultural land, levees, and farmer berms for much of its length, and largely separated from its historic floodplains. The Project site, within the Farm, is located on a levee that borders the 14A irrigation canal, which is connected to the Sacramento River via the RD 108 pump station. The 14A irrigation canal retains water year-round and pumping from the Sacramento River only occurs in the summer months. The levee is dominated by non-native grasses, with limited native woody vegetation planted in past enhancement efforts. Existing aquatic vegetation habitat in the canal is perennial with seasonally varying water depths of 1-10 feet. There are occasional patches of canal-side emergent vegetation and very sparse, mature riparian vegetation. The Project is not designed to enhance fish habitat¹, nor will it alter canal operations or hydrology.

Project Description: The implementation activities of the Project will involve planting locally occurring native vegetation on 19 acres of the Farm along a levee bordering the 14A irrigation canal to enhance habitat. The plantings will establish a network of dense riparian vegetation for cover, breeding sites, and dispersal corridors for riparian birds, pollinators, and other wildlife of conservation concern.

Site preparation activities prior to planting and seeding will include clearing debris, weeds and thatch, discing soils, and laying temporary irrigation lines to aid in plant establishment. After site preparation, container plants will be hand-installed, and grasses and forbs will be drill- and broadcast-seeded. The Project's planting activities include approximately 3.2 acres of willow scrub plantings on the canal side of the levee; and approximately 15.8 acres of mixed riparian forest, mixed riparian thicket, and grassland and forb understory plantings on the opposite side of the levee.

Additionally, the Project will include a monitoring task that will measure effectiveness and success; a maintenance task that will include mowing and weed control; and an outreach task that will engage with local high school students.

Stakeholder Coordination: The Project has support from the owners of the Farm; environmental nonprofits; Reclamation District 108; and the Central Valley Joint Venture, a public-private partnership. Audubon California, the implementation partner, received letters of support for the Project from Ducks Unlimited, Reclamation District 108, and the Central Valley Joint Venture.

Regarding cultural resources, values, and Tribal engagement, American Rivers met with a representative of the Yocha Dehe Wintun Nation on March 15, 2022. American Rivers staff provided information specific to the Project to Laverne Bill, the Yocha Dehe Wintun Nation's cultural and natural resources manager.

Project Implementation Timeframes: Start date: July 2022
Completion date: June 2025

Lead Agency Request for CDFW Concurrence: On April 19, 2022, the Director of the California Department of Fish and Wildlife (CDFW) received a concurrence request from the Sacramento–San Joaquin Delta Conservancy (Lead Agency) pursuant to Public Resources Code section 21080.56, subdivision (e). The request seeks the CDFW Director's concurrence

¹ Fish access to the 14A irrigation canal may be possible via the unscreened intake of the El Dorado Bend Pumping Plant. Fish access to and presence in the canal is unknown.

with the Lead Agency's determination on April 19, 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 (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, 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 CDFW Director's 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; and restore or provide habitat for California native fish and wildlife.

The Project intends to enhance degraded habitat for migratory and resident birds and other sensitive species and create a wildlife movement corridor through achieving the following objectives: (1) establishing healthy riparian habitat that provides immediate (< 3 years) habitat benefits and has a high probability of long-term survivorship; (2) maximizing the habitat benefits to birds and other wildlife by incorporating understory plant species with structural diversity to produce cover, breeding sites, food sources, and safe dispersal options; (3) providing rapid cover for a wide range of bird species, including neo-tropical migrants and other focal species; (4) enhancing riparian habitat connectivity; and (5) sequestering carbon in soil and tree biomass.

- 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 site is located on private land that will not be open to public access and/or recreation. Furthermore, the Project will not involve any activities except activities to 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 Lead Agency has determined the Project may have incidental public benefits that include increased carbon storage, improvements to water quality, and improved climate resiliency. These described benefits would be indirect incidental public benefits to the surrounding environment. Outside of the planting activities, no additional land disturbance associated with the Project will be necessary to realize these benefits.

- 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: The Project will contribute to climate resiliency through restoration of wildlife habitat linkages, providing habitat complexity and redundancy, and buffering against environmental conditions. Ecosystems and populations with greater connectivity, complexity, redundancy, and size have greater resilience to the impacts of rapid climate change.

Improved habitat connectivity promotes species persistence in response to climate change. The Project will create a canopied habitat corridor with a dense understory to accommodate wildlife movement between the Sacramento River and Roosevelt Ranch's wetlands, a neighboring wetland to the south of the Project. Riparian corridors are utilized by resident species and those moving between patches of other habitat types or migrating among elevations. This value of a habitat corridor in the highly modified agricultural landscape of the Sacramento Valley will increase as climate change continues to intensify high temperatures.

The Project's design includes a diverse range of vegetation species with variability in structure, height, and light availability, creating a microclimate that will buffer against high temperatures for a diversity of species. The suite of native species will provide shade, transpire moisture from the ground into the air, and maintain a higher water content compared to the existing non-native vegetation, creating cooler local temperatures during periods of extreme heat.

Additionally, the Project will sequester atmospheric carbon in woody biomass and soil, contributing to the state's Natural and Working Lands Climate Implementation Plan. The biomass inputs to soil organic matter will have a higher percentage of carbon when derived from these woody plants relative to the current land use.

Long-term net benefits to biodiversity: The Project will replace invasive grasses that currently have little habitat, food provisioning, and refugia value with complex native riparian habitat. The Project will establish habitat for the hundreds of native bird, mammal, reptile, and amphibian species that have suffered major habitat loss in the

Sacramento Valley. According to the CDFW California Wildlife Habitat Relationships database, 198 bird species have ranges known to overlap with the Farm; 107 of these have been detected on the Farm through monitoring efforts including floodplain forest bird surveys, winter waterbird surveys of flooded rice fields, California Department of Food and Agriculture Healthy Soils Program cover crop surveys, and alfalfa field surveys. Additionally, the California Wildlife Habitat Relationships database indicates that 41 species of mammals have ranges that overlap with the Farm, as well as 18 species of amphibians and reptiles.

Furthermore, riparian restoration in the Sacramento Valley supports diverse natural communities immediately and reaches full function in ten years (Ecosystem Restoration Program Conservation Strategy for Restoration of the Sacramento–San Joaquin Delta, Sacramento Valley, and San Joaquin Valley Regions). Riparian vegetation provides habitat for many of the 100 special-status species in the Sacramento Valley and supports non-target species such as insect pollinators, which in turn can benefit neighboring farmland. The Project intends to provide immediate cover for resident and migratory birds, insects, and mammals.

Plans for vegetation plantings are based on a site-specific planting design and utilize a variety of locally occurring species to promote quick growth of an herbaceous floodplain community along with several varying types of riparian forest that will increase the biodiversity benefits of the Project. The willow scrub community on the canal-side of the levee, characterized by black willow (*Salix nigra*), shrubs, and Santa Barbara sedge (*Carex barbarae*), will benefit species that may consume aquatic invertebrates. On the opposite side of the levee, native grassland (e.g., wildrye *Elymus* sp.) and forb (e.g., mugwort *Artemisia douglasiana*) understories will outcompete opportunistic invasive grasses and provide a suite of benefits that will include providing open grassland habitat for sensitive and common species, foraging habitat for raptors, a mosaic of vegetation for nesting substrate for riparian focal bird species, and breeding habitat for monarch butterfly. The mixed riparian forest, dominated by box elder (*Acer negundo*) and four other native riparian tree species, will provide quick structure and habitat for focal riparian species, and mature habitat will provide perch trees for hunting raptors. Mixed riparian thicket, a dense assemblage of shrub species such as California wild rose (*Rosa californica*) and California blackberry (*Rubus ursinus*), will produce a dense structure for migrating songbirds that require cover for nesting and can cover and outcompete invasive plants.

Additionally, the 2014 Ecosystem Restoration Program Conservation Strategy cites the Central Valley as the Pacific Flyway's most important waterfowl wintering area, supporting up to 60 percent of the Flyway bird population in some years. A 2021 Audubon Society study estimates that 107 million migratory land birds use the Central Valley in the spring and 147 million in the fall.

Long-term net benefits to sensitive species: The Project is designed to enhance degraded habitat by planting native vegetation on a levee that borders a perennially wet conveyance canal. This action will support six special-status bird species and may provide habitat for seven other special-status non-bird wildlife species.

A total of three bird species designated as California Species of Special Concern (SSC) and one bird listed as Threatened pursuant to the California Endangered Species Act (ST) may benefit from Project implementation:

- Song Sparrow (*Melospiza melodia*) (SSC): A resident riparian songbird that nests in herbs and shrubs; habitat consists of dense understory.
- Yellow Warbler (*Setophaga petechia*): (SSC): A resident at-risk riparian songbird that nests in shrubs in riparian thickets, especially willows.
- Loggerhead Shrike (*Lanius ludovicianus*) (SSC): A resident oak woodland bird that nests in shrubs and trees. Its foraging habitat consists of grassland, oak savannah, and open shrubland.
- Swainson's Hawk (*Buteo swainsoni*) (ST): A migrant at-risk bird that forages in riparian, grassland/rangeland habitats, and other row/field crops; less frequently grain crops and oak woodland/savannah.

The Project may benefit seven other special-status wildlife species: giant garter snake (*Thamnophis gigas*), California tiger salamander (*Ambystoma californiense*), western pond turtle (*Emys marmorata*), western red bat (*Lasiurus blossevillii*), crotch bumble bee (*Bombus crotchii*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), and monarch butterfly (*Danaus plexippus*).

Procedures and Ongoing Management for the Protection of the Environment: During implementation, the Project will use best management practices such as low-impact site preparation and planting activities. The low-impact preparation and construction activities are described below in part D of this Discussion section.

The Project will include monitoring and reporting during the term of implementation funding (2022–2025). Monitoring will assess the effectiveness of the Project using clear objectives and performance measures. Monitoring will measure vegetation health, bird community assemblage, and carbon sequestration. Vegetation metrics include cover, vigor, survivorship (to monitor plant health), structure, and diversity (to monitor habitat values). Bird community metrics include abundance and diversity. Carbon storage metrics include organic soil carbon, soil bulk density, tree density, and tree biomass. It is reasonably assumed that monitoring would continue as other projects on the Farm are completed, despite no secured funding beyond 2025.

Monitoring will be conducted by Audubon California, Point Blue Conservation Science, and River Partners. Audubon California will manage the Project and coordinate monitoring activities. Audubon will also collect the vegetation habitat value (structure and diversity), bird, connectivity, and carbon storage data under the guidance of Point Blue. Point Blue will assist Audubon with monitoring design, data management, and analyses. River Partners will monitor vegetation cover, vigor, and survival.

The Project also has a Long-Term Management Plan, which states that River Garden Farms will be responsible for visual plant health surveys, weed control, pest management, plant replacement, and irrigation water supply.

- 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. There are no construction activities associated with the Project.

The Project will only implement enhancement-related activities that involve site preparation and planting. Site preparation activities will include clearing debris, weeds,

and thatch; discing soils; and installing a temporary irrigation system. Once plants have become established, the irrigation system will be removed, and vegetation will utilize seepage from the adjacent irrigation canal. Container plants will be installed via hand digging. Grass and forb understories will be drill-seeded when possible and mechanically broadcast seeded when drill-seeding is infeasible. Following broadcast seeding, or attached to the seeder, a light-duty ring roller, a flexible tine harrow, or similar device will be used to ensure light soil coverage of broadcasted seed.

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 April 19, 2022. 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.

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 April 19, 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: 6/24/22 _____

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