

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DIRECTOR'S OFFICE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2022-010-R4**

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**Project:** Basso/La Grange Reach Floodplain and Spawning Habitat Restoration Project  
**Location:** Stanislaus County  
**Lead Agency:** Stanislaus County Parks and Recreation  
**Lead Agency Contact:** Tera Chumley, Interim Director; tchumley@parksrec.org

**Background**

Project Location: The Basso/La Grange Reach Floodplain and Spawning Habitat Restoration Project (Project) is located along the Tuolumne River, upstream from the confluence with the San Joaquin River, adjacent to the community of La Grange, in Stanislaus County, California. Project activities will occur within areas owned by Stanislaus County, Tuolumne River Conservancy, Turlock Irrigation District, Modesto Irrigation District, and private landowners, centered on 37.664534 N and 120.471656 W. The Project area encompasses approximately 303 acres of in-channel, riparian, and upland habitat.

Project Description: The Tuolumne River has been extensively modified by land use practices (agriculture, ranching, urbanization, and upriver dams) and resource extraction (water for irrigation and municipal use and gold mining) since the 19<sup>th</sup> century, which together have caused alterations in the geomorphology, riparian vegetation, and riverine ecology of the Project area. Excavation of the channel involved the deposition of dredger tailings onto the floodplain, which armored the floodplain surfaces so the river could no longer inundate the floodplain effectively. The construction of Wheaton Dam, La Grange Dam, and Don Pedro Dam resulted in a loss of coarse sediment supply, dramatic reduction in high flows, and inhibited geomorphic changes. The culmination of these land use practices and resource extraction activities has ultimately caused decreased and less variable baseflows, diminished flood magnitude and frequency, as well as alterations to the geomorphology and riverine ecosystem within the Project area. This has had the effect of reducing floodplain and riparian habitat for native fish and wildlife, particularly impacting salmonids that have historically used the Project area as habitat for rearing and spawning.

Tuolumne River Trust, Tuolumne River Conservancy, and Turlock Irrigation District (Project Proponents) propose to conserve, restore, protect, and enhance the Basso/La Grange Reach of the Tuolumne River to assist in the recovery of California native fish and wildlife, and the

habitat upon which they depend, with the implementation of this Project. The Project is designed to primarily benefit Chinook Salmon (*Oncorhynchus tshawytscha*) and Steelhead (*Oncorhynchus mykiss*) via the restoration of in-channel, riparian, and floodplain habitat. The Project includes the restoration of channel morphology from lake-cascade to natural pool-riffle sequences, conducive to the preferred spawning habitat of salmonids. Additionally, the Project will reverse historical geomorphic damage by restoring the abandoned floodplain, expanding wetland habitat, and performing revegetation within riparian and upland systems.

The following are proposed restoration activities associated with the Project:

- The establishment of approximately 71 acres of high and low floodplain with oxbow lakes to create salmonid rearing habitat and perennially inundated turtle and amphibian habitat;
- Creation of a side channel and a new mainstem meander, increasing potential spawning habitat for salmonids;
- Filling in 2 dredger ponds to reduce habitat associated with non-native predatory fish species;
- Construction of alternating riffles, gravel bars, and pools to increase velocity, provide cover, aid in sediment transport, and provide feeding opportunities for all life stages of salmonids;
- Planting corridors of wetland, emergent, and riparian vegetation with a more variable ecotone to increase available upland habitat for terrestrial species and reverse confinement caused by historical urban and agricultural practices;
- Addition of boulders downstream to create local cover and velocity refuge for salmonid juveniles;
- Installation of large woody debris elements to create habitat features within the floodplains and side channels;
- Removal of a remnant haul road to enhance wetland connection to the channel;
- Creation of a non-motorized boat access path to facilitate recreational access and protect the riverine ecosystem from degradation by frequent visitor use; and
- Removal of remnant haul road debris associated with the former presence of a bridge to return the river characteristics to a natural state.

Interested Party and Tribal Coordination:

Stanislaus County Parks and Recreation attempted to communicate about the Project with a list of tribal contacts in April of 2022. These attempts included mailed letters, email, meetings, and follow-up phone calls.

Anticipated Project Implementation Timeframes:

Start date: June 2023

Completion date: December 2028

Lead Agency Request for CDFW Concurrence: On September 8, 2022, the Director of CDFW (CDFW Director) received a concurrence request from Stanislaus County Parks and Recreation (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 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 (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.

Implementation of this Project will enhance aquatic and riparian systems that support California native fish and wildlife within the Project area, thereby assisting in their recovery. Restoration efforts will create valuable floodplain and wetland habitat, improve salmonid rearing and spawning habitat, restore geomorphic function and sediment transport, and augment riparian and upland microhabitats. With

implementation of a revegetation plan, the Project will create, maintain, and restore the structural and functional integrity of aquatic, riparian, and associated upland systems necessary for supporting populations of native fish and wildlife at both Project area and landscape levels.

- 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 Tuolumne River is a popular destination for recreational kayaking, floating, and fishing. There are several places within the Project area that are informally used for water vehicle access, which has contributed to erosion and destruction of riparian habitat. In order to protect the bank and riparian corridor from further detriment, this Project includes installation of a non-motorized boat access path (i.e., for kayaks and canoes) upstream of Old La Grange Bridge, located on river left. The path will be designed at-grade with the floodplain such that it will not affect high flow hydraulics. While the non-motorized boat access path generates a recreational benefit, the intention is to provide ecological benefits by focusing public access at a single controlled location, which would therefore minimize dispersed disturbance to riparian habitat, river geomorphology, and aquatic species.

- 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:

This Project will establish conditions that may result in long-term net benefits to climate resiliency within the Project area.

- Habitat complexity and connectivity established by this Project will allow for species to find more favorable conditions in the landscape, an important capability given climate change conditions.
- By creating diverse floodplain habitats that provide more complexity in terms of water temperature, turbidity, and velocities, the Project will expand the types and complexity of habitat available to juvenile salmonids and amphibious species.
- The Project design includes benefits for aquatic species at a range of flow levels to account for exacerbated drought conditions and shifts in annual precipitation.
- Newly established side channels and floodplain habitat with connectivity to the mainstem river will increase connectivity between all of the complex habitats associated with the Project area.
- By creating riparian corridors with a variable ecotone, the Project will provide opportunities for climate adaptation. The increased diversity of vegetation will allow habitat to become more resilient to climate change, therefore providing lasting climate buffers for vegetation-reliant species. Resilient plant species

would offer cooler temperatures from shade, transpired moisture, and serve as food and shelter sources for wildlife.

Long-term net benefits to biodiversity:

Historical land use practices and modified river hydrology associated with dams and water diversions within the Project area have caused alterations in the natural riverine ecosystem, which has in turn reduced biodiversity. The Project will replace simple and disconnected juvenile rearing habitat with complex, connected, and diverse rearing habitats. Suitable spawning habitat would be available at a greater range of flows than under current conditions, allowing for more divergence as to when and where salmon may spawn. The addition of side channels, complex floodplains, and wetland marsh areas will provide off-channel rearing habitat for salmonid fry and juveniles, as well as benefit other wildlife species, such as reproductive habitat for amphibians and foraging habitat for avian species. The Project will result in increased groundwater distribution throughout the site and additional areas of velocity refugia and cover. The revegetation approach will recreate larger patches of vertically heterogeneous riparian vegetation while leaving some ground surfaces exposed for natural plant recruitment from seed, thereby creating a complex, diverse, and self-sustaining dynamic riparian system that is directly linked to the functional integrity of channel and floodplain dynamics. All of these actions will lead to more habitat diversity in-stream and on the floodplain, creating conditions for more and varied species to use the site, thereby increasing biodiversity.

Long-term net benefits to sensitive species recovery:

Project implementation would provide a net benefit to multiple special-status species, therefore aiding in their recovery. Populations of Chinook Salmon and Steelhead have declined significantly since the 1960s. Current conditions in the lower Tuolumne River provide less salmonid rearing and spawning habitat than historical conditions. Implementation of this Project will serve to create floodplain rearing habitat, as well as enhance and create salmonid spawning habitat.

Additionally, the creation of side channels, inclusion of large woody debris elements and boulders, improvement of wetland connection to the river, and preservation of existing amphibian and reptile habitat within the Project area will ultimately increase diversity and connectivity of aquatic habitats favored by the Western pond turtle (*Actinemys marmorata*).

Moreover, the habitat improvements that will be created by this Project may have long-term net benefits to numerous avian sensitive species that rely on the habitat the Project will create during parts of their lifecycle. These sensitive species include the Bald Eagle (*Haliaeetus leucocephalus*), Swainson's hawk (*Buteo swainsoni*), and tricolored blackbird (*Agelaius tricolor*).

### Procedures and Ongoing Management for the Protection of the Environment:

The Project will have specific measures in place to ensure protection of the environment. Construction impacts to sensitive resources and the environment will be avoided and minimized to the greatest extent feasible with the implementation of protective measures established in the Project's Mitigation Monitoring and Reporting Program (MMRP). Procedures outlined in the MMRP include but are not limited to specified work windows, pre-construction special-status species surveys, worker environmental awareness training, and protective flagging of environmentally sensitive areas.

A Monitoring and Maintenance Plan (MMP) has been developed for this project to characterize the performance objectives, methods of monitoring Project performance, and the monitoring frequency and duration for described activities. The Project is designed to be self-sustaining in regard to management and maintenance as much as possible. While there is no planned long-term maintenance, monitoring of the Project performance objectives for five years following implementation may determine the need for corrective activities or adaptive management strategies to ensure success of the Project. Project findings and outcomes will be compiled in annual reports and published for interested parties, the public, and tribes to consider. In the event annual monitoring reports identify problems with achieving performance standards, proposed corrective measures approved by the Regional Water Quality Control Board will be included.

- 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 in the Project area.

All Project construction activities are related to the protection, restoration, or enhancement of habitat along the Tuolumne River. In order to implement the Project, temporary access roads will be created or improved upon so that large equipment may access the site. The equipment will be staged in designated staging areas created by the removal and compaction of topsoil. Temporary perimeter fencing will be installed to define the Project area boundary and composite mats will be installed across wetland areas. Existing remnant haul road debris will be removed from the channel and banks and revegetated with transitional and riparian plant species. Former dredger mine tailings will be excavated and sorted to provide gravel resources for the creation of in-channel riffles. Additionally, while construction of a non-motorized boat access ramp serves a recreational purpose, it will ultimately aid in the long-term preservation of native vegetation and channel characteristics by encouraging public access at a single location. Therefore, implementation of this Project activity will be advantageous in serving the overall Project goal of protecting and assisting in the recovery of California native fish and wildlife species. At the end of construction, equipment will be removed, and the temporary access routes will be restored through decompaction, replacement of topsoil to original grade, native seeding, and mulching.

## 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: 

Date: 10.28.22

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