

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2023-019-R5**

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**Project:** Los Angeles River Ecosystem Restoration and Recreation Reach 8A Project  
**Location:** Los Angeles County  
**Lead Agency:** City of Los Angeles Bureau of Engineering  
**Lead Agency Contact:** Dr. Jan Green Rebstock, Environmental Affairs Officer;  
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**Background**

Project Location: The Los Angeles River Ecosystem Restoration and Recreation (LARERR) Reach 8A Project (Reach 8A Project) is located within the Los Angeles River (LA River) from the downstream side of the N Main Street crossing to 1,300 feet downstream of the N Main Street crossing (approximately one quarter mile). The coordinates for the most upstream location are approximately 34.067471, -118.224523 and coordinates for the downstream extent are approximately 34.063516, -118.226110.

Project Description: The City of Los Angeles Bureau of Engineering proposes to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend and restore or provide habitat for California native fish and wildlife. The Project is designed to benefit southern California steelhead (*Oncorhynchus mykiss*), which is a candidate for listing as endangered under the California Endangered Species Act (CESA) and is listed as an endangered Distinct Population Segment (DPS, *O. mykiss irideous pop. 10*) under the federal Endangered Species Act (ESA). The Reach 8A Project will benefit southern California steelhead by improving fish passage within a quarter mile section of the LA River. Currently, this section of the LA River is concrete-lined and no vegetation is present. This Reach 8A Project includes restoration elements of reintroduction of ecological and natural physical processes for a more natural hydrologic and hydraulic regime that reconnects historic floodplains and tributaries and reduces flow velocities.

The LA River watershed historically supported a population of southern California steelhead. Due to extensive urbanization upstream and downstream migration has been prevented. southern California steelhead are no longer present in the lower reaches of the watershed. Suitable spawning and rearing habitat still exist in some upper mountain tributaries of the

watershed. This Reach 8A Project is intended to initiate the linkage and restoration of fish passage for southern California steelhead migration to the upper tributaries of the LA River watershed spawning grounds. To accomplish this, the Reach 8A Project is designed to create a fish passage corridor and habitat structures, including an inset channel adjacent to the existing low-flow channel, anchored boulders in the existing low-flow channel, resting pockets for velocity and depth refuge, and vegetation features. The Reach 8A Project will also address watershed-wide data gaps, opportunities to promote future projects, and other limiting factors to southern California steelhead recovery.

The Reach 8A Project will serve as the first fish passage project within the larger LARERR Project. The larger LARERR Project includes restoring 11 miles of the LA River where proposed restoration measures include creation and reestablishment of historic riparian strand and freshwater marsh habitat to support increased populations of wildlife and enhance habitat connectivity, as well as to provide opportunities for connectivity to ecological zones, such as the Santa Monica Mountains, Verdugo Hills, Elysian Hills, and San Gabriel Mountains. Moreover, this would include the reintroduction of ecological and physical processes, such as a more natural hydrologic and hydraulic regime that reconnects the LA River to historic floodplains and tributaries, reduced flow velocities, increased infiltration, improved natural sediment processes, and improved water quality. Within the larger LARERR Project context, the Reach 8A Project would implement different river features within a quarter-mile reach to demonstrate effectiveness in supporting fish migration passage and habitat features.

The Reach 8A Project will include the following restoration measures:

- An inset channel will be constructed adjacent to the existing low flow channel. The inset channel will be lined with concreted rock to add roughness and variability to the streambed, with a meandering thalweg to provide diverse hydraulic conditions for fish passage at a range of design flows.
- Anchored boulder clusters will be installed in the existing low flow channel, sufficient for adult southern California steelhead passage during migration windows. These boulders will provide recommended water velocities and migration paths without the need for an inset channel.
- Resting pockets for southern California steelhead will be placed approximately every 100 feet to provide in-channel hydraulic diversity, low velocity zones, and cover that would occur in a natural system. The resting pockets are designed to provide low-velocity refuge where southern California steelhead can rest and recover during migration.
- Vegetated habitat features to allow for vegetation establishment within the channel will be installed, including planter boxes and weepholes/penetrations through the channel lining. The vegetation will enhance cover for multiple species, provide hydraulic diversity and promote biodiversity throughout the Reach 8A Project site.

Interested Party and Tribal Coordination:

Interested party engagement and participation has been conducted as part of the planning and design phases of the Reach 8A Project, resulting in 25 meetings from 2019-2022, with

involvement from over 200 agencies including non-profit organizations, and community members from local, regional, state, and national level. These interested parties are inclusive of but not limited to: U.S. Army Corp of Engineers (USACE), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS), Southern California Coastal Water Research Project (SCCWRP), Los Angeles Rod and Reel Club, Los Angeles County Metropolitan Transportation Authority, Mountains Recreation Conservation Authority (MRCA), Los Angeles County Department of Public Works, Heal the Bay, Friends of the Los Angeles River, Arroyo Seco Foundation, Council for Watershed Health, Wildlife Conservation Board (WCB), and California Department of Fish and Wildlife (CDFW).

The Reach 8A Project proponents met with a representative of the Fernandeano Tataviam Band of Mission Indians in February and October of 2022. The representative provided input on the Reach 8A Project and expressed the need for continued outreach to tribal leaders for the restoration of the Los Angeles River.

Furthermore, as part of the LARERR EIS/EIR in 2012 the USACE contacted the California Native American Heritage Commission for a search of the Sacred Lands Inventory file. The USACE sent letters to the Tribal Governments on the list, provided by the California Native American Heritage Commission, requesting information about traditional cultural properties within the area of potential effect, but received no response. The USACE began re-engaging with Tribal Governments in November 2022 and continues to invite Tribal Governments to bring forward concerns about cultural resources.

Anticipated Project Implementation Timeframes:

Start date: April 2024

Completion date: October 2025

Lead Agency Request for CDFW Concurrence: On February 7, 2023, the Director of CDFW (CDFW Director) received a concurrence request from the City of Los Angeles Bureau of Engineering (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 February 6, 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 Reach 8A Project is a first step in creating a southern California steelhead migratory corridor to the upper tributaries in the LA River Watershed through fish passage, barrier removal, stream naturalization, and fish habitat improvements. The Reach 8A Project will also benefit other native species including Santa Ana sucker (*Catostomus santaanae*), arroyo chub (*Gila orcuttii*), unarmored threespine stickleback (*Gasterosteus aculeatus microcephalus*), Santa Ana speckled dace (*Rhinichthys osculus ssp. 8*), and Pacific lamprey (*Entosphenus tridentatus*).

- 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 Reach 8A Project does not have any incidental public benefits. No new access ramps or roadways are proposed as part of the Reach 8A Project, and all Reach 8A Project activities support southern California steelhead habitat improvements.

- 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 Reach 8A Project will result in climate resiliency for upstream passage of southern California steelhead by providing a migration corridor across a range of hydrologic and hydraulic conditions. This increased opportunity will build confidence that fish passage will be successful in an altered watershed subject to disturbances resulting from climate change. Plant species that will be used in the Reach 8A Project in habitat features will be comprised of local native species that are appropriate for the inundation regime at the Reach 8A Project site. These species did historically occur within the LA River watershed and are naturally adapted to seasonal conditions.

Long-term Net Benefits to Biodiversity:

The Reach 8A Project will contribute toward regional biodiversity by supporting restoration of upstream passage for southern California steelhead and other anadromous species through a range of hydrologic and hydraulic conditions. The Reach 8A Project will also contribute toward increased biodiversity and connectivity of habitats for birds, insects, and other terrestrial species. Plant species selected for the Reach 8A Project vegetation features are based on plants previously documented in the watershed. Vegetation components of the Reach 8A Project will provide habitat value for fish and other species. The goals of the vegetation features include (1) providing cover, shade, and promoting cooler temperatures for aquatic species; (2) providing refugia for juvenile and adult southern California steelhead; and (3) increasing species biodiversity. The Reach 8A Project will introduce a suite of plant species in a segment of the LA River that is currently devoid of vegetation. Implementation of the proposed habitat enhancement features and vegetation will also demonstrate an increase in biodiversity metrics scores for the City of Los Angeles Biodiversity Index (LA Sanitation & Environment, 2020).

Recovery of a southern California steelhead population in the LA River watershed will contribute toward regional biodiversity of the species by expanding its population size and spawning habitat opportunities across the region. Habitat conditions across watersheds used by southern California steelhead are naturally variable and subject to temporary disturbances impacting habitat including wildfire and drought. Increasing accessible spawning areas will improve regional resiliency and ability of southern California steelhead to utilize additional spawning habitats in response to temporary watershed disturbances that are predicted to increase with climate change. Finally, current and future habitat fragmentation within the LA River watershed makes each individual habitat unit more valuable and the need to connect these areas more critical. Creating a migration corridor within the LA River for southern California steelhead under a range of conditions will connect fragmented habitat, such as headwater spawning areas or migration holding areas, and increase the chance for recovery and resilience of the species within the watershed.

Long-term Net Benefits to Sensitive Species Recovery:

The Reach 8A Project will benefit and contribute to the recovery of southern California steelhead, a candidate for CESA listing as endangered and listed as an endangered DPS under the federal Endangered Species Act, by expanding the accessible habitat for multiple life stages and life history strategies within the watershed.

Access to the upper tributaries will expand genetic opportunities for southern California steelhead, which could act as a reservoir of population genetics. Connection of the fragmented habitat throughout the watershed will lead to opportunities for spawning, drought resiliency and refuge, and migration and migratory holding areas.

The Reach 8A Project may also provide benefits for other sensitive fish species populations native to the watershed, including the Santa Ana sucker, arroyo chub, unarmored threespine stickleback, Santa Ana speckled dace, and Pacific lamprey through providing passage to high quality habitat.

Procedures for the Protection of the Environment:

During the implementation phase the Reach 8A Project will include procedures for the protection of the environment. These include avoidance, minimization, and conservation measures that will be implemented during Reach 8A Project activities to avoid and minimize impacts to sensitive species, natural resources, and protect the environment to the greatest extent feasible.

- Measures to minimize impacts to air quality will include: emissions and maintenance/operation for haul trucks and construction equipment, mobile emissions attenuation, and fugitive dust attenuation.
- Measures to minimize impacts to water quality will include: equipment maintenance, staging and fueling, stormwater pollution prevention plan, visual monitoring, natural resource permitting, hydrologic connectivity, exclusion of pets, control of chemical use (including use of rodenticide, herbicide, and insecticides), construction equipment cleaning, erosion control, materials storage, construction material and spoils, site washout, prevention of off-site tracking of materials, and disposal of trash.
- Measures to minimize impacts to biological resources will include: pre-construction surveys in the Reach 8A Project site in coordination with the USFWS and CDFW and that the Reach 8A Project work window will be limited to the summer dry season period from April-October.
- Measures to minimize impacts to cultural resources will include: halting of work upon encountering cultural resources and contact of proper entities, halting work upon finding human remains, inventories and evaluations of cultural resources for avoidance in the Reach 8A Project site, and adherence to the terms and conditions of the Programmatic Agreement between the U.S. Army Corp of Engineers and State Historic Preservation Office and any amendments to this agreement.
- Measures to minimize impacts of noise on the Reach 8A Project site will include: implementation of a Reach 8A Project noise control plan, regulation of noise from equipment use and maintenance, and vehicle and equipment route limitations.

Ongoing Management for the Protection of the Environment:

Following the implementation phase, the Reach 8A Project will include ongoing management measures for the protection of the environment. Operation and maintenance responsibilities of the Reach 8A Project would be determined by responsibilities outlined in the Los Angeles River Ecosystem Restoration Project Integrated Feasibility Report (IFR). Consistent with the IFR, operation and

maintenance responsibilities of the Reach 8A Project's restoration measures will be maintained by the City of Los Angeles, including maintenance of the fish passage, habitat features, and invasive plant management. The City of Los Angeles would also maintain, when necessary, the other Reach 8A Project restoration features.

- Habitat structures have been designed to flush sediment and debris during high flows and would incorporate vector control through a design and maintenance program. Removal of sediment and trash would need to occur annually or following extreme flow events to ensure continuous function of the fish passage features.
- Vegetation features would require maintenance to ensure continued function of providing shading, cover, and habitat for native aquatic and terrestrial species. During the first six months, the plantings should be monitored on a monthly basis to assess health and vigor of the species and determine if any replacement plantings are necessary. Replacement plantings will be reinstalled so that the established performance criteria can be achieved. If the plants look drought stressed at any point, hand watering should be initiated on a weekly basis. The water for hand watering would be supplied from a water truck entering the channel.
- Removal of invasive species may be required to limit negative effects on native species. For example, non-native, predatory fish species such as largemouth bass could occupy pool habitat that serves as resting habitat within the Reach 8A Project. Removal of non-native predator species from these habitats would reduce the potential for predation on native species that could occupy the same habitats such as southern California steelhead smolts, arroyo chub, and others. Removal could occur when non-natives are captured during routine fish surveys at the site or through additional targeted removal efforts. In either case, efforts to remove non-natives would have to occur periodically over time because non-natives would continually recolonize habitat.
- Weed management would be performed to remove target species as necessary (e.g., monthly) so that the established project performance criteria can be achieved. A list of target plant species would be developed focusing on species detrimental to the successful establishment of plantings including those that have a California Invasive Plant Council (Cal-IPC) rating of "high," or any other species deemed appropriate by a qualified biologist in consideration of the site. During periodic (e.g., monthly) monitoring events the presence of these species would be assessed. Methods for weed management may include mechanical and chemical alternatives.
- Human activities such as graffiti, introduction of trash, and establishment of homeless camps could create safety issues as well as impact the function and aesthetics within the Reach 8A Project. In addition to trash removal described above, additional maintenance may be required to remove graffiti and waste or relocate homeless encampments. The addition of signage and repair of existing fencing (and associated maintenance) may also be required within the Reach 8A Project.

D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration. The Project-

related construction activities described are all related to the overall goal of the Project to restore or enhance habitat in the Project site.

All Reach 8A Project construction activities are related to the protection, restoration, or enhancement of habitat in the Reach 8A Project site. Construction activities will include the following:

- Mobilization. There will be Reach 8A Project meetings, materials procurement, and hauling of these materials to site.
- Access and staging for the Project site including a traffic management plan for materials haul routes both in and out of the Reach 8A Project site.
- Inset channel and other Reach 8A Project improvements will include excavation and grading of the concrete channel and water control (either dewatering or surface water diversion) depending on the depth of excavation and groundwater levels. It is expected that deep excavations for the inset channel, resting pockets, and scour pools will require dewatering. Elements that do not require deep excavations, such as anchoring boulders or coring weepholes would likely require surface water diversion of the baseflow only. Groundwater control will likely require pumping, and potentially a cutoff and collection system or shallow well points and settling of diverted groundwater to control turbidity in settling tanks and/or filtration before being returned to the channel downstream of the Reach 8A Project site. Surface water diversions will be achieved with a bypass channel in the flood control channel by gravity. Diverting the dry-weather flows during construction will avoid in-stream impacts and disturbances.
- Planting will follow in accordance with planting sheets. Vegetation will be locally sourced from native plant nurseries using local genotypes. The planting includes creating structures such as planter boxes and weep holes or penetrations through the flood control channel lining.
- Demobilization. Upon completion of work all materials and equipment will be removed from the Reach 8A Project site.

### **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: 3/14/23 \_\_\_\_\_