CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-018-R2

Project: Wright Wetland Preserve Restoration Project

Location: Lake County

Lead Agency: Lake County Community Development Department

Lead Agency Contact: Laura L. Hall; laura.hall@lakecountyca.gov

Background

Project Location: The Wright Wetland Preserve Restoration Project (Project) is located within the 201-acre Wright Preserve (Preserve), which is positioned on the southern shoreline of Clear Lake in the Big Valley region. The Preserve was purchased by the Lake County Land Trust (LCLT) in 2020. The Project area is southeast of the City of Lakeport in Lake County, centering on 982 Soda Bay Road (39.0212, -122.9030). The Preserve is comprised of four parcels with Assessor Parcel Numbers 008-001-220-000, 008-001-230-000, 008-002-020-000, and 008-003-160-000.

Project Description: LCLT proposes to conserve, restore, protect, or enhance and assist in the recovery of California native fish and wildlife and the habitat upon which they depend . The Project is designed to benefit water quality and freshwater wetland species, including Clear Lake hitch (*Lavinia exilicauda chi*). The Project will enhance 32 acres of isolated wetlands and hydrologically reconnect those 32 acres to 120 existing acres of functional wetlands by breaching an obsolete levee, grading a road to the south of the Project area that will allow overland flow through a historic channel, reducing the erodibility of other sections of access road, removing legacy water infrastructure and fencing, and planting emergent vegetation such as tule (*Schoenoplectus acutus*). In order to protect sensitive wetland and wildlife habitats, a foot path will bisect the grassland area and follow the abandoned levee along the north side of the Project area.

Despite centuries of agricultural land modifications and their impacts, the Project area represents a unique transition zone between the riparian Manning Creek, upland grassland and valley oak woodland, 5,700 linear feet of shoreline marshes, and Clear Lake. The 32 acres of isolated wetlands were disconnected 50 years ago by construction of a levee and inhibited by decades by cattle grazing. Since the cessation of grazing activities, much of this area has been passively revegetated by wet meadow and emergent wetland vegetation. However, separation from Clear Lake prevents access by fish and other aquatic species and also prevents filtering abilities of the vegetation from improving water quality in Clear Lake. This Project will reconnect these acres to Clear Lake and enhance the function of the mosaic of habitats across the entire Project area.

Interested Party and Tribal Coordination: The Lake County Community Development Department (Lead Agency) requested that 29 entities review the Project, including: thirteen tribes and a tribal consortium; two neighboring landowners; eight County departments, districts, and agencies; the City of Lakeport; three State of California agencies; one federal agency; and three other entities. Three entities commented on the Project and two nonprofits expressed support for the Project.

Representatives of the Big Valley Band of Pomo Indians visited the Project area with LCLT on January 21, 2023, and agreed on measures to be adopted during the implementation phase of the Project, which were later confirmed by the Lead Agency.

Anticipated Project Implementation Timeframes: Start date: April 2023
Completion date: March 2027

Lead Agency Request for CDFW Concurrence: On February 6, 2023, the Director of CDFW (CDFW Director) received a concurrence request from the Lead Agency pursuant to Public Resources Code section 21080.56, subdivision (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on January 31, 2023, that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

Concurrence Determination

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, the CDFW Director concurs with the Lead Agency that the Project meets all of the following conditions: (1) the Project is exclusively to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (2) the Project may have public benefits incidental to the Project's fundamental purpose; (3) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (4) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: https://wildlife.ca.gov/Notices/CEQA.

This Concurrence is based on best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

Discussion

A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

   The Project will enhance and restore freshwater emergent wetland habitat that supports numerous native fish and wildlife species including the State-threatened Clear Lake hitch and a suite of migratory and resident species. Modification and removal of legacy levees, equipment, and structures will reconnect more of the Project area to Clear Lake. Increased wetted habitat will enhance breeding, shelter, rearing habitat, and add resilience to the landscape during droughts.

B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

   The Project's exclusive purpose is to increase the quantity and quality of wetland habitat in the Project area for the benefit of California native fish and wildlife, but it may also include incidental public access and recreation benefits by enhancing the Preserve's existing opportunities of hiking, fishing, birdwatching, and boating with human-powered watercraft. As a result, the Project may result in incidental improvements to access, aesthetics, and wildlife-viewing recreational opportunities at the Preserve.

   At the regional level, the Project may also include other marginal incidental public health and safety benefits, which include improved water quality, increased floodwater capacity, and carbon sequestration. The Project will increase coverage of tule and other wetland plant species that increase localized carbon sequestration and improve water quality function by settling, filtering, and retaining sediment from upland sources. In addition, the Project will repair erosion sources in modified watercourses, existing roads, and existing parking areas. Improvements to Clear Lake's water quality will serve to reduce incidents of excessive blue-green algae blooms and improve existing public use conditions. The Project may also incrementally increase flood capacity by removing obstructions that currently prevent flood water from reaching the historic floodplain. Increased flood capacity in the natural shoreline may reduce risk of flood damage to built infrastructure elsewhere on the Clear Lake shoreline.

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.

   <u>Long-term Net Benefits to Climate Resiliency</u>:
   Strategic levee breaches will reestablish hydrological connectivity between Clear Lake and the Project area. A renewed hydrological connection will allow for natural

processes to do much of the work in creating the physical conditions necessary for emergent wetland vegetation to thrive. Wet conditions will add resiliency in varying precipitation years by providing floodplain access in wet years and thermal refuge in dry years. Wetted habitat reduces wildfire severity and risk. Additionally, these conditions enable emergent wetland vegetation to sequester carbon in living and decaying organic matter at a rate higher than other vegetation types.

Long-term Net Benefits to Biodiversity:
Clear Lake is a uniquely large natural aquatic lake in the Coast Range that supports a high degree of biodiversity. Over 70 percent of Clear Lake's historic wetlands have been lost to agricultural and urban modifications. The Project will directly benefit local and migratory biodiversity that relies on Clear Lake wetlands. Improved connectivity to Clear Lake and increased acreage of emergent wetland vegetation, the interface between terrestrial systems and aquatic ecosystems, will increase habitat complexity and food web linkages that support a diverse assemblage of species. Local biodiversity will benefit by increasing year-round access to emergent wetland habitat, and by providing critical habitat for sensitive life stages, such as nursery and rearing.

Clear Lake is designated by the National Audubon Society as an Important Bird Area, with over 200 species recorded on the Big Valley shoreline. Many birds rely on Clear Lake during migration season. From a regional and Pacific Flyway perspective, restoration of the Project area may benefit tricolored blackbird (*Agelaius tricolor*), bald eagle (*Haliaeetus leucocephalus*), western grebe (*Aechmophorus occidentalis*), Clark's grebe (*Aechmophorus clarkii*), and white pelican (*Pelecanus erythrorhynchos*).

Long-term Net Benefits to Sensitive Species Recovery:
Clear Lake hitch, a threatened species under the California Endangered Species Act, will have access to a historic section of shoreline and backwater habitat, both of which are important for juvenile rearing and predator avoidance. Big Valley, south of Clear Lake and the Project area, contains spawning streams vital to the persistence of the sensitive species. Improvement of the wetland areas adjacent to Manning Creek will shelter adult hitch as they prepare to migrate to spawning habitat in Big Valley and juveniles prior to their descent into deeper water.

In addition to hitch, the Project area will also serve to maintain long-term benefits to approximately 30 other sensitive species including Clear Lake tule perch (*Hysterocarpus traskii lagunae*), Clear Lake roach (*Hesperoleucus venustus x H. symmetricus),* Clear Lake prickly sculpin (*Cottus asper ssp.*), western pond turtle (*Emys marmorata*), willow flycatcher (*Empidonax traillii*), western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), monarch butterfly (*Danaus plexippus plexippus*), western bumblebee (*Bombus occidentalis*), Mayacamas popcorn-flower (*Plagiobothrys lithocaryus*), and Napa bluecurls (*Trichostema ruygtii*). The Project planting plan includes Lake County native plants that benefit pollinators including bumblebees, such as salvias (e.g., *Salvia sonomensis*), penstemons (e.g., *Penstemon heterophyllus*), yarrows (e.g., *Achillea millefolium*), monkeyflowers (e.g., *Diplacus aurantiacus*), and broad leaf lupines (e.g., *Lupinus latifolius var. latifolius*).

Procedures for the Protection of the Environment:
To avoid the major bird nesting season, the western bumblebee hibernation period, and to minimize potential impacts to aquatic species, the heavy equipment operation period will be between September 15 and October 15. This work period will minimize water quality impacts because the levee material and other soils will be at or near the driest period of the year. Other Project activities will be restricted to June through October to further reduce erosion.

Best management practices (BMPs) for reducing impacts of the Project activities will be developed for a Lake County grading permit, a Storm Water Pollution Prevention Plan, and a Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements permit pursuant to the Statewide Restoration General Order. BMPs include but are not limited to restricting vehicle travel to periods of dry soil, limiting pedestrian access to paths, and revegetating bare soil with appropriate vegetation based on elevation. Where bare soil remains, native mulch, jute netting, and/or weed-free straw will be used to cover the soil. Areas where levee breaches will exist will have a 3:1 slope to minimize erosion potential.

Ongoing Management for the Protection of the Environment
The Project area is managed as part of the Preserve. The land title includes a public trust easement on the land between ordinary high and low water. This easement states that public access cannot be restricted to this zone. Public access will be managed by LCLT and will prohibit certain activities such as smoking.

Furthermore, the Preserve is also part of the overall Big Valley Wetlands Project (BVWP). The BVWP was developed between 2010 and 2014 to protect and restore approximately 710 acres of wetlands on the Big Valley shoreline between Clear Lake State Park and Lakeport. The Project is covered by the BVWP's Conceptual Area Project Plan and Management Plan. The Management Plan requires documentation of baseline conditions and monthly and annual winter monitoring with photo points. Management activities include nonnative invasive species abatement, grassland grazing or mowing to reduce wildfire risk, native vegetation plantings and protection of oak saplings, removal of trash and debris, and monitoring for any illicit activities.

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 implementation activities are solely related to habitat restoration. Heavy equipment is necessary for grading to improve hydrological connectivity. Any improvements to existing roads and foot trails are designed for maintenance and monitoring of the Project area and to reduce erosion and disturbance from existing and future recreational users of the Preserve. The Project components are:

- Three levee breaches are proposed in the eastern section of levee adjacent to the dredged channel. Breaches are at or below elevation of the ground on the "landside" of the levee to maximize connectivity and ensure fish will not be

trapped in the wetland. Native tule will be secured in the bottom of the breaches and native vegetation appropriate for elevation will be planted along the slopes.

- The roadbed will be breached where the road has historically overtopped during flood events. This location corresponds to a historic channel identified in the biological assessment, indicating it is a location likely to maximize the restoration benefits of the Project while also capturing flood flows through the area. The breach will be designed for vehicular traffic during dry seasons to access the existing pole barn.
- Material removed from the breaches and roadbed excavations will be placed along the access road to improve year-round access to the property for monitoring the Project.

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: 3/14/23

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