

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-025-R2**

Project: Rooney 2 Preserve
Location: Sacramento County
Lead Agency: Sacramento County
Lead Agency Contact: Joelle Inman; inmanj@saccounty.gov

Background

Project Location: The Rooney 2 Preserve (Project) is located east of the intersection of Grant Line Road and Sunrise Boulevard in eastern Sacramento County, centering on latitude 38.48247 and longitude -121.22465. The Project is 1.5 miles north of the Cosumnes River and is located within the Mather Core Recovery Area (MCRA) of the U.S. Fish & Wildlife Service's (USFWS) Vernal Pool Recovery Plan.

Project Description: The South Sacramento Conservation Agency (SSCA) 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 107-acre Project is designed to benefit northern hardpan vernal pool and valley grassland habitats. The Project includes the creation of approximately 117 vernal pool complexes and 0.3 acres of swale habitats within existing valley grassland. Each vernal pool will be created by removing the topsoil and excavating pools specific to localized soil conditions and slope. Habitat heterogeneity will be developed at the small scale (e.g., undulating bottoms of pools, variable elevation contours) and large scale (e.g., pool density, swales that connect pools within a complex). Approximately 70 swales will connect pools within a complex. Native plant seeds, invertebrates, fungi, and bacteria will be introduced with transport of inoculum (topsoil containing seed) from vernal pools in the neighboring Rooney 1 Preserve and other close sites in the MCRA. The inoculum contains native vernal pool species such as slender popcorn flower (*Plagiobothrys stipitatus*), vernal pool fairy shrimp (*Branchinecta lynchi*), and vernal pool tadpole shrimp (*Lepidurus packardii*).

The Project is being implemented as part of the South Sacramento Habitat Conservation Plan (SSHCP) and will satisfy approximately 21% of vernal pool restoration and preservation requirements described in the SSHCP's Biological Goals and Measurable Objectives and support 25 of the 28 SSHCP Covered Species. The Project will result in a contiguous 249 acres when combined with the 142-acre Rooney 1 Preserve.

As part of the Project, the SSCA will manage, monitor, and maintain the Rooney 2 Preserve to ensure the initial restoration measures function as planned, primarily during a 10-year interim maintenance period. Maintenance during this period is expected to be minor and

could include mowing or grazing, invasive plant removal (weeding), and minor adjustments to site grading in the event that the initial construction efforts are not able to meet the required performance criteria of wetland creation on-site.

Tribal Engagement: Engagement efforts for the Project included coordinating with the Shingle Springs Band of Miwok Indians, Wilton Rancheria, and Colfax-Todds Valley Consolidated Tribe in September 2020. These efforts resulted in direct correspondence via email responses and/or phone calls.

Interested Party Coordination: SSCA coordinated with other agencies in developing the Project, including Sacramento County (Lead Agency), local agency SSHCP partners (City of Galt, City of Rancho Cordova, Southeast Connector, and Regional San), California Department of Fish and Wildlife (CDFW), U.S. Army Corps of Engineers, USFWS, Central Valley Regional Water Quality Control Board, and the U.S. Environmental Protection Agency, as well as public representatives, agricultural representatives, and environmental group representatives as a part of the SSHCP's Technical Advisory Committee.

Anticipated Project Implementation Timeframes: Start date: May 2023
Completion date: November 2033

Lead Agency Request for CDFW Concurrence: On April 5, 2023, the Director of the California Department of Fish and Wildlife (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 April 3, 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 is exclusively a project to protect and establish northern hardpan vernal pools, which are depressional temporary wetlands that support a high diversity of obligate, endemic, and migratory species. Many specially adapted plants, crustaceans, amphibians, and insects occur only in vernal pools. Life supported by these unique ecosystems provides important food resources for many species of birds, and vernal pools are important parts of wetland habitat along the Pacific Flyway. Vernal pools support several species of invertebrates and plants listed under the California Endangered Species Act and federal Endangered Species Act.

- 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.

Access to the Project area will be prohibited. However, nonprofits have led field trips to other MCRA vernal pools in the vicinity of the Project for educational, research, and recreational purposes. As a consequence, it is possible that this type of activity may also occur near the Project area and result in incidental education and recreation public benefits for any members of the public who participate in these field trips.

- 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 re-establish vernal pools, a wetland type adapted to California's alternating mild, wet and hot, dry conditions. Vernal pool communities respond to annual climate variations with seed (plants) and egg (invertebrates) dormancy, which allow organisms to wait until conditions are optimal for growth. Climate change will exacerbate this whiplash effect and is likely to result in increased rainfall in the precipitation season and increased air temperatures in spring and summer. Over

longer periods of time, climate change is likely to result in species composition changes. For example, Fremont's goldfields (*Lasthenia fremontii*) may increase in abundance with reduced rainfall, and common spikerush (*Eleocharis macrostachya*) may become more common under longer inundation periods in the future. Additionally, the importance of surface water retained in vernal pools to terrestrial and migratory species may increase as spring air temperatures become hotter with climate change.

Long-term Net Benefits to Biodiversity:

The SSHCP, the impetus for the Project, is designed to benefit long-term biodiversity. The SSCHP Biological Goals and Measurable Objectives include the following: preserve and link intact landscapes that include high quality habitat; maintain or improve physical, chemical, and biological functions of aquatic resources; preserve, re-establish, and establish natural land covers that provide habitat for Covered Species; maintain or improve habitat value of natural land covers that are preserved within the Plan Area; and maintain and expand the existing distribution of each Covered Species within the Plan Area.

Long-term Net Benefits to Sensitive Species Recovery:

The Project is designed to support 25 of 28 SSHCP Covered Species, most of which are considered sensitive. Animal species include invertebrates such as vernal pool tadpole and fairy shrimps, amphibians such as the western spadefoot toad (*Spea hammondi*), birds such as western burrowing owl (*Athene cunicularia hypugaea*), and mammals like the American badger (*Taxidea taxus*). Covered plant species include dwarf downingia (*Downingia pusilla*), Boggs Lake hedge-hyssop (*Gratiola heterosepala*), and Sacramento Orcutt grass (*Orcuttia viscida*). The Project will protect and provide in perpetuity necessary breeding, foraging, and/or sheltering habitat for the SSHCP Covered Species as well as common non-protected species. Additionally, the Project will serve as a corridor between and redundancy for other vernal pool and valley grasslands in the MCRA and the Cosumnes/Ranch Seco Core Recovery Area, minimizing the effect of fragmentation on species ranges, animal movement, genetic diversity, and reproductive success.

Procedures for the Protection of the Environment:

The Project is designed to minimize the impact of the created vernal pools on the watershed and aquatic resources. Additionally, the Project Mitigation Plan and a forthcoming Sacramento County grading permit include several measures to ensure that the existing biological resources on-site will be protected during the creation of new habitat. These measures include deployment of best management practices (BMPs) such as use of straw wattles and silt fencing, use of weed-free materials, presence of a biological construction monitor, and use of native grass species in upland revegetation.

Ongoing Management for the Protection of the Environment:

Ongoing management includes interim (10-year) and in perpetuity management pursuant to the Final Wetland Mitigation Monitoring and Reporting Plan and the Long-Term Management Plan. Interim management will include measures to ensure performance criteria are met within the initial 10-year period and are held for three consecutive years. These interim maintenance tasks include weed removal, seed

dispersal, or minor adjustments to site conditions. Following the completion of the interim period, monitoring and maintenance will occur in perpetuity in accordance with the strategies outlined in the Long-term Management Plan and as managed by SSCA.

- 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 is exclusively a project to restore habitats that support the SSHCP Covered Species. All activities described are related to habitat restoration.

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: 5/2/23