

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-028-R1**

Project: Wood Creek Phase III - Felt Ranch Off-Channel Rearing Habitat Project
Location: Humboldt County
Lead Agency: Humboldt County Department of Public Works
Lead Agency Contact: Andrew Bundschuh; abundschuh@co.humboldt.ca.us

Background

Project Location: The Wood Creek Phase III - Felt Ranch Off-Channel Rearing Habitat Project (Project) is located east of the City of Eureka at approximately 40.782393, -124.090846 in Humboldt County, California. Wood Creek is a tributary of Freshwater Creek in Humboldt Bay and is within the upper stream-estuary ecotone of the watershed. The Project area encompasses 45 acres and is bordered by Freshwater Creek, Felt Road, and previous restoration phases in Wood Creek located north of Myrtle Avenue.

Project Description: The Humboldt County Department of Public Works (County), in partnership with the Northcoast Regional Land Trust (NRLT), 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 coho salmon (*Oncorhynchus kisutch*), tidewater goby (*Eucyclogobius newberryi*), and other fish and wildlife species. The Project includes rerouting and reconfiguring Wood Creek, creating and connecting off-channel habitat, installing large wood features, and planting native species.

The Project will build on previous restoration efforts located immediately downstream in Wood Creek and will improve overall ecological function and restore natural processes throughout roughly 45 acres in the Project Area. Historically, the aquatic habitat in the Project area consisted of multiple channels and expansive wetlands. The Project area is currently disconnected from tidal processes and is dominated by a mixture of cattle pasture and broadleaf cattail (*Typha latifolia*) marsh. The Project will greatly enhance ecosystem function by restoring connectivity and tidal processes to the Project area, which will significantly enlarge the existing stream-estuary ecotone of Freshwater Creek.

The Project will reroute Wood Creek from its current alignment under Wood Gulch Road to a new alignment under Felt Road (via a newly constructed culvert). Once realigned, Wood Creek will drain into the newly constructed Felt Slough, which will then flow into a previous phase of restoration (Wood Creek Phase II). The current configuration of Wood Creek in the Project area has been simplified and is contained in a roadside ditch. The newly created channel will have significantly more habitat complexity, with increased sinuosity, large wood features, and an on-channel pond that will provide high quality rearing habitat for salmonids.

In addition to Wood Creek, restoration actions also include the construction of a new channel network in the Project area that will be named Felt Slough. The Felt Slough network will consist of one main channel and four smaller secondary channels. Multiple alcoves will be constructed to capture water flowing from perennial freshwater seeps. Wood features will also be incorporated into the channel and upland areas, and riparian planting hummocks will be revegetated with native species including conifers that will provide future sources of shade and large wood for fish and wildlife habitat. Portions of the existing Felt Ranch Ditch, which is a straight and relatively deep drainage feature, will be filled. Additionally, five shallow ponds will be graded into the existing Felt Ranch Ditch footprint to create seasonal habitat for herpetofauna.

Tribal Engagement: Engagement efforts have involved direct communication with multiple tribal entities through email and a site visit. Additionally, a cultural resource investigation was prepared for the Project.

Interested Party Coordination: There have been numerous interested party coordination and outreach efforts with individuals from federal and state agencies, academia, restoration practitioners, and members of the public. A technical team was formed to identify potential salmonid restoration sites in Humboldt Bay and ranked the Project as having the second highest priority for restoring non-natal juvenile salmonid rearing habitat. Additionally, the County has participated in outreach with landowners, the NRLT, and National Resource Conservation Service. A Technical Advisory Committee (TAC), consisting of representatives from various public resource agencies, was also established to have meetings to discuss Project planning and design. The TAC also attended a site visit to the Project area. Finally, a virtual public meeting was attended by members of the public. The public did not have any feedback during the virtual meeting, but they thanked the Project team for the presentation. Project planning has been funded by the California Department of Fish and Wildlife (CDFW) Fisheries Restoration Grant Program and a State Coastal Conservancy Proposition 1 grant.

Anticipated Project Implementation Timeframes: The implementation year will be determined upon receipt of future grant funding.

Lead Agency Request for CDFW Concurrence: On May 9, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from the County (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 14, 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 restore a large amount of aquatic habitat and connectivity within the stream-estuary ecotone of Humboldt Bay, including roughly 6,700 feet of new stream and slough channels, 4,500 square feet of freshwater ponds, and multiple freshwater alcoves. Additionally, large wood enhancement features will be constructed, and native riparian vegetation will be planted to restore long-term ecosystem function to the Project area.

- 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 may have incidental public safety benefits. The Project is designed to realign Wood Creek from a ditch, with a series of confined culverts, along Felt Road into a more open and natural network of channel systems on Felt Ranch and into the NRLT Freshwater Farms Reserve. Incidentally, this multi-channel network may increase flow capacity and reduce the risk of flooding on adjacent agricultural fields, as well as along Felt Road.

- 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 is designed to increase habitat connectivity and tidal function, which will create a gradient in salinity conditions that will allow wetland species to move upstream in response to rising sea levels. Furthermore, the newly connected wetlands in the Project area will enhance flood storage and conveyance of the creek during extreme rainfall events, which are expected to increase as a result of climate change.

Long-term Net Benefits to Biodiversity: Restored tidal function, increased connectivity, and newly created habitat features in the stream-estuary ecotone are expected to provide year-round long-term habitat and a gradient of high-quality rearing opportunities for juvenile fish. Overall, the Project is expected to provide long-term benefits for coho salmon, Chinook salmon (*O. tsawytscha*), coastal cutthroat trout (*O. clarkii clarkii*), steelhead trout (*O. mykiss*), tidewater goby, and other fish species.

The Project will also provide long-term benefits for multiple herpetofauna and avian species through enhancement of existing wetlands. The seasonal ponds in the Felt Ranch Ditch could provide breeding habitat for native amphibians, such as the northern red-legged frog (*Rana aurora*). Additionally, the ephemeral nature of the ponds will create unsuitable conditions for the invasive American bullfrog (*Lithobates catesbeianus*). Terrestrial wood features placed vertically and horizontally on the banks will provide cover for mammals and perching and cavity habitat for birds. Furthermore, the riparian planting component will ensure that there will be future sources of vegetation and large wood that are essential in creating habitat for terrestrial and aquatic species.

Long-term Net Benefits to Sensitive Species Recovery: It is anticipated the project will provide long-term net benefits to sensitive species recovery. Coho salmon, Chinook salmon, coastal cutthroat trout, steelhead trout, tidewater goby, and other fish species utilize estuaries as transition zones between fresh and salt water. Previous research has documented high rates of growth of salmonids in estuaries, which can result in larger size during ocean entry, and thereby increase marine survival rates. Additionally, increasing connectivity in the Project area and restoring tidal function will increase capacity for estuarine species and promote resiliency with the onset of sea level rise. Prior restoration efforts adjacent to the Project that utilized similar techniques have resulted in immediate and significant use by salmonids in the newly

restored habitat. Finally, the Project goals are consistent with numerous federal, state, and local plans and policies relating to species recovery.

Procedures for the Protection of the Environment: The Project includes measures to protect sensitive species and the environment. The general in-water construction season will be limited to June through October to minimize potential effects of runoff during the rainy season. All materials placed over streams will be nontoxic and water containing mud or silt will be treated to avoid discharging sediment-laden water into the stream. Additionally, fish will be captured and relocated to suitable habitat prior to dewatering events, and fish screens will be installed on all water withdrawal structures. Nesting bird surveys will also be conducted if construction occurs during the nesting season. Disturbed areas will be revegetated with native species to reduce short-term impacts associated with construction.

Ongoing Management for the Protection of the Environment: Following construction, ongoing management actions will be implemented to ensure protection of the environment. There is an existing easement on the Felt Ranch portion of the Project area that will promote enduring environmental benefits and will remain in effect in perpetuity. Furthermore, pre- and post-project fisheries monitoring will be conducted to evaluate project success and inform future management actions. Following Project implementation, invasive species, vegetation, and wetland monitoring will also be conducted. Additionally, the County will monitor, manage, and maintain the new culvert on the Felt Road Crossing of Wood Creek. Furthermore, the County's General Plan includes policies that will be implemented to further maintain, protect, and restore fish and wildlife habitats.

- 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.

All Project construction activities are related to the overall goal of the Project to restore habitat in the stream-estuary ecotone of Freshwater Creek and Humboldt Bay. Construction activities will include the following:

- clearing, grubbing, and vegetation removal to clear channel alignments and construction access
- grading/excavation throughout the Project area to achieve grade and dimensions and replace excavated sediments
- hauling and transport of material and equipment to, from, and within the Project area
- fence construction to maintain grazing and habitat areas consistent with the Project design and existing easements

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: 6/13/23
Charlton H. Bonham, Director
California Department of Fish and Wildlife