

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2023-029-R3**

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**Project:** Lagunitas Creek Watershed Enhancement Plan  
**Location:** Marin County  
**Lead Agency:** Marin Municipal Water District  
**Lead Agency Contact:** Jonathan Koehler, [jkoehler@marinwater.org](mailto:jkoehler@marinwater.org)

### **Background**

Project Location: The Lagunitas Creek Watershed Enhancement Plan (Project) encompasses approximately 8 miles of Lagunitas Creek, from 200 feet downstream of Devil's Gulch confluence upstream to Peters Dam in Lagunitas Creek. The Project area is located on property owned by Marin Municipal Water District and on property in the adjacent Samuel P. Taylor State Park, owned and managed by the California Department of Parks and Recreation (State Parks), centered at coordinates 38.016287, -122.722152 in the County of Marin, California.

Project Description: Through implementation of the Project, Marin Municipal Water District (Lead Agency) 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 Lagunitas Creek watershed supports and provides habitat for California Central Coast coho salmon (*Oncorhynchus kisutch*) and California Coastal steelhead (*Oncorhynchus mykiss*). The quantity and quality of coho salmon and steelhead spawning and rearing habitat in Lagunitas Creek have been reduced due to the operations of the Seeger and Peters dams. These dams have cut off historically available habitat and have arrested the transport of coarse sediment and large wood into downstream habitat where the Project area is located, with Peters Dam alone estimated to trap 1,700 tons of coarse bed sediment per year. Lagunitas Creek also has less than a third of the level of instream large wood expected for a stream in this region. With a high density of spawning occurring within the Project area, this Project will provide benefits for salmonid rearing and spawning, as well as other life stages and species.

The Project includes 13 in-channel habitat restoration sites along approximately 4,450 cumulative linear feet of stream channel that are designed to improve the quality of rearing and spawning habitat. A total of approximately 278 logs and approximately 12,282 tons of

gravel will be installed to create approximately 10 riffle-pool-wood structures (RPWS), one tributary confluence modification incorporating RPWS, and two gravel augmentation sites (as described below).

Approximately 10 sites with homogenous glides will be treated with RPWS to encourage pool formation, provide more habitat complexity, to sort and store spawning gravels, and to provide a direct source of nutrients to the aquatic food web. Riffle gravel will be placed upstream of RPWS to encourage riffle formation over time. Typically, RPWS will include a combination of 1) riffle forcing structures that trap coarse bed materials and form riffle features; 2) riffle gravel placement upstream of the large wood structures; and 3) pool habitat wood structures intended to provide cover, promote scour, and sort and store gravels. The Lead Agency will conduct gravel augmentation by placing gravel at two sites at the upstream end of the Project area to allow gravel to mobilize over time into downstream habitat, where RPWS have been installed. Gravel augmentation may be recurring in future years based off winter stream flows and substrate mobilization.

The Project will also modify the Wildcat Canyon Creek tributary confluence with Lagunitas Creek. The Wildcat Canyon Creek confluence with Lagunitas Creek is located in Samuel P. Taylor State Park and has been disconnected from Lagunitas as a result of the Cross Marin Trail and the Lead Agency's Transmission Pipeline crossing. Wildcat Canyon surface water flows through a perched culvert at this site and has no capacity to convey coarse sediment from upstream. The confluence of Wildcat Canyon will be modified to allow coarse streambed sediment to mobilize through the culvert into downstream habitat. RPWS may also be placed at this site to enhance habitat and trap sediments transported from Wildcat Canyon and upstream in Lagunitas Creek. To access each restoration site, access roads will be constructed and will implement appropriate avoidance and minimization measures.

Monitoring and ongoing future management of the Project area and associated features will be necessary to maintain the habitat benefits provided by this Project and are expected to continue to 2035. The Project area will be monitored regularly, consistent with monitoring and maintenance practices described by the Lagunitas Creek Stewardship Plan, which includes: annual site inspections; annual salmonid surveys; California freshwater shrimp (*Syncaris pacifica*) surveys; habitat typing surveys every five years; biannual sediment and streambed monitoring; continuous monitoring and recording of stream flow at two gages; and sediment control and stabilization repairs as needed.

Tribal Engagement: On behalf of the Lead Agency, on December 14, 2022, ESA cultural resources professionals sent certified letters to the California Native American Tribe contacts listed on the Native American Heritage Commission's list of tribes who may have knowledge of cultural resources in Marin County. To date, Federated Indians of Graton Rancheria have requested consultation on the Project and have met with the Lead Agency's cultural resource consultant and agency staff to survey the Project area. Similarly, State Parks has provided informal updates to Native American representatives at technical meetings hosted throughout the development of the Project. The Lead Agency will conduct formal tribal consultation under Section 106 of the National Historic Preservation Act.

Interested Party Coordination: The Lead Agency has conducted outreach and consultation with multiple interested parties. The Lead Agency is a member of the Lagunitas Creek Technical Advisory Committee (Lagunitas TAC), where they have engaged with other members such as State Parks, California Department of Fish and Wildlife (CDFW), the San Francisco Bay Regional Water Quality Control Board, as well as members of the public in planning restoration in the watershed. The Lagunitas TAC has also provided review and input on the current design plans of the Project. A biologist and a cultural resource specialist from State Parks have also reviewed and provided input to all selected sites, access routes, and staging areas for the Project.

Anticipated Project Implementation Timeframes:

Start date: June 2024

Completion date: December 2035

Lead Agency Request for CDFW Concurrence: On June 23, 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 June 22, 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's goal is to improve adult spawning and juvenile rearing habitat for coho salmon and steelhead in Lagunitas Creek. Currently, coho salmon and steelhead spawning and rearing in Lagunitas Creek are constrained by multiple dams, which cut off habitat upstream and block the transport of coarse sediment and large wood downstream. This reduces both the quantity and quality of salmonid habitat compared with pre-dam conditions, with most spawning occurring in the Project area. To address this, the Project aims to improve adult spawning and juvenile rearing habitat. The Project will install RPWS, which will provide spawning habitat and cover, as well as create gravel augmentation sites, which will provide an immediate local benefit to inputs of coarse sediment, and a longer-term benefit as gravel is transported downstream to other spawning and rearing areas. By restoring and enhancing adult spawning and juvenile rearing habitat for coho salmon, the Project will assist in the recovery of California Central Coast coho salmon and steelhead in Lagunitas Creek.

- 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 Lead Agency did not identify any public benefits associated with the Project. The sole purpose of the Project is to restore coho salmon and steelhead spawning and rearing habitat in Lagunitas Creek.

- 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 result in long-term net benefits to climate resiliency by enhancing and restoring important coho salmon and steelhead spawning and rearing habitat. Due to climate change, California is projected to continue to warm, heat waves will increase in intensity and duration, sea level will rise, and extreme storms and droughts are expected to become more frequent. A limiting factors analysis prepared for Lagunitas Creek determined that coho salmon are limited by a lack of suitable winter rearing

habitat, as well as general lack of high velocity refugia. Limiting factors for coho salmon spawning can vary from year to year, and there is value in developing restoration actions that benefit multiple life stages to increase species and stream resiliency across a range of conditions. The Project will address these limiting factors by restoring sediment transport and wood loading, which will help emulate natural conditions prior to the installation of the Seeger and Peters dams. More specifically, channel incision and confinement, the lack of large wood for cover, lack of channel complexity, and the high ratio of fine to coarse sediment will be addressed by the Project.

Long-term Net Benefits to Biodiversity:

The Project will result in long-term net benefits to biodiversity through the restoration of rearing and spawning habitat for coho salmon and steelhead. Coho salmon and steelhead are both considered keystone species in the Lagunitas Creek watershed, and recovery of the two species would provide benefits to other species in the watershed. Through the restoration/creation of complex stream habitat and by improving the status of anadromous fish species, which are important vectors of marine nutrients in coastal streams, the Project will also have direct and indirect benefits to other native species in the area, including California freshwater shrimp (*Syncaris pacifica*), Pacific lamprey (*Entosphenus tridentatus*), California giant salamander (*Dicamptodon ensatus*), California red-legged frog (*Rana draytonii*), and other native fish species.

Long-term Net Benefits to Sensitive Species Recovery:

The Project will create restored creek habitat that has the potential to benefit several sensitive species including coho salmon, steelhead, Pacific lamprey, California freshwater shrimp, California giant salamander, California red-legged frog, and other native fish species. Through the installation of large wood structures, specific benefits include inundation of floodplains at lower flows, improving floodplain connectivity, providing in-stream cover, deepening pools, creating opportunities for backwater refugia, creating high velocity refugia, creating summer thermal refugia, creating micro habitats that benefit salmonids and other sensitive aquatic species, and providing a direct source of nutrients into the aquatic food web.

Procedures for the Protection of the Environment:

The Lead Agency will implement avoidance and minimization measures, as well as best management practices for the protection of the environment during the Project. These avoidance and minimization measures include the use of two large staging areas to store construction equipment and materials to confine potential impacts, selecting construction access locations to Lagunitas Creek, and controlling water in Lagunitas Creek through full or partial dewatering to reduce the impact of in-channel work on aquatic organisms. Other specific avoidance and minimization measures include limiting import and export of graded material, restoring all graded access routes to their original condition, using only native seed and planting materials, removal and temporary stockpiling of surface detritus, protecting existing stands of mature coastal redwoods by maintaining buffer, and cleaning of construction equipment to avoid the spread of Japanese knotweed (*Fallopia japonica*).

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

The Project will include ongoing management for the protection of the environment. The Project area will be monitored regularly consistent with monitoring and maintenance practices described by the Lagunitas Creek Stewardship Plan. These management practices include:

- Annual site inspections of all Project implementation sites
- Annual Lagunitas Creek salmonid surveys including spawner surveys, juvenile abundance and distribution surveys, and smolt trapping.
- Annual California freshwater shrimp surveys throughout Lagunitas Creek and select tributary sites.
- Habitat typing surveys every five years.
- Biannual sediment and streambed monitoring in Lagunitas Creek, San Geronimo Creek, and Devil's Gulch.
- Continuous monitoring and recording of stream flow at two gages: Point Reyes Station on Lagunitas Creek, and at Lagunitas Road on San Geronimo Creek.
- Installing a third stream gage at Samuel P. Taylor State Park that monitors stream flow and water temperature.
- Sediment control and stabilization repairs as needed along Lagunitas Creek, using a biotechnical approach which utilizes native riparian vegetation logs, woody debris, and/or native soils.

- 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 solely related to the overall goal of the Project to restore and protect habitat for coho salmon and steelhead.

### **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: 7/6/23 \_\_\_\_\_

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