CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-033-R3

Project: Sulphur Creek Fish Passage Restoration Project

Location: Napa County

Lead Agency: Napa County Resource Conservation District

Lead Agency Contact: Frances Knapczyk; frances@naparcd.org

Background

Project Location: The Sulphur Creek Fish Passage Restoration Project (Project) is located at the western limits of the City of St. Helena in Napa County, approximately 1.8 miles west of State Route 29 where Spring Street becomes White Sulphur Springs Road, along a private road that crosses over Sulphur Creek. The Project site is approximately 2.4 stream miles upstream of the confluence of Sulphur Creek with the Napa River, centered at coordinates 38.487755, -122.481469.

Project Description: Through implementation of the Project, Napa County Resource Conservation District (Lead Agency), in partnership with California Trout (CalTrout), 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. Sulphur Creek is a major tributary in the Napa River watershed that drains the eastern slope of the Mayacamas Mountains near St. Helena. The Project site is located at the transition between the headwaters of Sulphur Creek and historically has served as a corridor for fish migration from upstream spawning habitats to downstream estuarine and oceanic habitats via the Napa River. Upstream of the site, the stream contains year-round flow and 3.2 miles of high-quality steelhead (*Oncorhynchus mykiss*) spawning and rearing habitat. Access to this spawning and rearing habitat is currently limited by an ill-designed bridge (Thorsen Bridge) and fish ladder.

As proposed, the Project will restore the site by replacing the existing bridge with a larger channel spanning bridge, removing the existing fish ladder, and reestablishing the stream channel and surrounding embankments to natural conditions. This approach represents the most sustainable long-term fish passage solution because it removes unnatural constriction and break in stream profile. Design alternatives that left the existing bridge in place were considered but were determined to offer minimal passage gains. The Project includes the following activities:

- Bridge Replacement: To provide fish passage, the Project will remove the existing bridge and abutments from the stream and replace it with a clear span bridge. The private road will also be realigned to meet the new bridge configuration.
- Fish Ladder Removal and Channel Restoration: The Project will remove the existing fishway, including the ladder, all concrete, and all other associated man-made materials, and will restore a natural channel through the Project reach.
- Project Reach Restoration: The portions of the Project reach upstream and downstream of the new bridge will be layered in engineered streambed material (ESM). Rock will be placed along the banks on either side of the bridge and live willow (*Salix* ssp.) stakes will be planted. Channel boulder clusters and large wood structures with rootwads will be placed across the floodplain in a scattered pattern and partially buried in the engineered streambed material. The large rock in the existing cabled rock weir will be retained in place but the cables will be cut.
- Tree Removal and Revegetation: The Project will include the removal of 27 trees (19 live, 8 dead) for site access and construction. Some of the removed trees will be used for large wood structures and rootwads in the Project reach. Non-native vegetation will be treated and removed from the site throughout the revegetation monitoring period using mechanical methods and herbicides, in accordance with appropriate standards and conservation measures.

  After construction, a project revegetation plan will be implemented. Revegetation consisting of individual tree/shrub plantings, installation of live willow stakes along the stream bank, and broadcast seeding within the limits of disturbance following completion of all grading activities. Overall, the Project will have approximately 0.25 acres of revegetated native grassland and approximately 0.48 acres of revegetated riparian area along Sulphur Creek.
- Post-construction Monitoring: Monitoring of the Project site will continue for five years to examine both the impact of the Project on the stream channel and fish habitat and the success of site revegetation, primarily in the areas disturbed during construction. Plantings will be monitored and managed for a five-year period in accordance with the Project habitat mitigation and monitoring plan to ensure vegetation is established. Hydrogeomorphic process goals will be monitored at Year One, Year Five, and following significant precipitation events.

Tribal Engagement: As part of the evaluation of alternative Project options, the Lead Agency contacted the Native American Heritage Commission (NAHC) to search the Sacred Lands File (SLF) for any resources present within the Project area and to request the contact information for California Native American tribes traditionally or culturally affiliated with the Project area. Consultation letters were sent to two tribes that previously requested Assembly Bill 52 notification on February 18, 2021, and May 2, 2021. The Lead Agency received one response on March 10, 2021. The Lead Agency also sent tribal outreach letters to other tribes for which the NAHC had provided contact information but that had not requested Assembly Bill 52 notification. The Lead Agency and CalTrout also met with a tribal representative at the Project site on May 3, 2023. A cultural resources survey report was also prepared for the Project in April 2023.

Interested Party Coordination: The Lead Agency has held multiple meetings since 2018 to discuss and evaluate options for addressing the existing fish passage limitations. Meetings included many interested parties including the property owner, local residents, the California Department of Fish and Wildlife (CDFW), National Oceanic and Atmospheric Administration, State Coastal Conservancy, and local tribal representatives. At these meetings, the Lead Agency discussed design criteria, restoration concepts, channel and bridge alternatives, interested party concerns, schedule, and Project costs. The Lead Agency has also met with the Napa County Historical Society to discuss mitigation steps related to the bridge removal.

Anticipated Project Implementation Timeframes: Start date: June 2024
Completion date: November 2029

Lead Agency Request for CDFW Concurrence: On June 27, 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 13, 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.

   Under existing conditions, fish passage is severely constrained by the existing bridge abutments, flat concrete bed, and the presence of the fish ladder, which creates both extreme velocity peaks at high flows and shallow, disconnected water at low flows. The Project will replace the existing bridge to resolve the adverse hydraulic effects; remove the fish ladder, all concrete, and all other associated man-made materials to resolve fish barrier issues; and create a more natural channel through the Project reach. As a result, the Project will restore salmonid access to 3.2 stream miles of high-quality spawning and rearing habitat upstream on Sulphur Creek and will improve the opportunities for juvenile fish movement in both upstream and downstream directions.

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 new bridge and private roadway intersection with the public White Sulphur Springs Road may have incidental benefits to public safety by providing an improved geometric design, representing less of a risk to public safety than the existing intersection. The existing intersection is a Y-shaped junction that offers limited sight distance to drivers on both the private road and White Sulphur Springs Road, resulting in a higher potential for accidents. The proposed intersection will be T-shaped and will offer greater sight distances to drivers on each roadway.

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: Climate change presents a challenge to salmon and steelhead populations, which are already imperiled from loss of habitat and other limiting factors. Warmer water temperatures, lower summer flows, and other impacts are predicted to become increasingly severe due to climate change during this century. Restoring the fish habitat and removing barriers to fish

passage will offset at least some of the negative effects of climate change in this stream that native fish use during their juvenile and adult life stages. Stream segments higher in the watershed may have lower water temperatures and higher summer flows. The Project is designed to improve fish passage over a wide range of migration flows providing resiliency within the existing and potential future streamflow regimes.

The proposed channel is sized for sustainability and for long-term stability. After construction, the channel will safely convey flows through the new bridge crossing and reduce the risk of instability. The channel will allow higher flood flows to pass through this reach without excessive localized velocity and shear stress increases. The more natural channel and improved bridge conveyance and configuration will be pivotal in creating flood resiliency during extreme weather and runoff events. The natural channel will have improved ability to respond to variations in sediment and large wood delivery from the upper watershed resulting from recent or future wildfires.

Long-term Net Benefits to Biodiversity: A principal Project goal is to provide fish access to 3.2 stream miles of high-quality spawning and rearing habitat upstream of the Project site. Improving fish habitat and re-establishing natural channel processes through the Project reach will improve habitat conditions for salmonids and other special-status and non-listed wildlife species such as black-tailed deer (*Odocoileus hemionus californicus*), California quail (*Callipepla californica*), northern flicker (*Colaptes auratus*), other nesting bird species, Pacific lamprey (*Entosphenus tridentatus*), bats, Western pond turtle (*Actinemys marmorata*), and foothill yellow-legged frog (*Rana boylii*). In addition, the Project will implement a revegetation plan after construction, through which non-native invasive species will be treated and removed from the site. Post-construction monitoring will continue for 5 years to examine both the impact of the Project on the stream channel and fish habitat and the success of site revegetation. The Project will provide both improved and additional natural habitat to all species that rely on the stream and upland habitat for a portion of their lifecycle.

Long-term Net Benefits to Sensitive Species Recovery: The Sulphur Creek watershed supports Central California Coast steelhead, which are listed as threatened under the federal Endangered Species Act. Two other native migratory fish species are known to occur in the systems: Chinook salmon (*Oncorhynchus tshawytscha*), and Pacific lamprey. The Project reach is located close to where Sulphur Creek transitions between the headwaters and lower alluvial fan section. The segment of Sulphur Creek within the Project area does not provide adequate year-round stream flow for summer rearing but functions primarily as a migration corridor for steelhead.

Once implemented, the Project will restore salmonid access to 3.2 stream miles of high-quality spawning and rearing habitat upstream of the Project area on Sulphur

Creek. The restoration effort is designed to benefit steelhead and other native migratory fish species that rely on these habitats for their lifecycle. Implementation of the Project will provide long-term benefits for species recovery by ensuring consistent access to/from these critical habitats across flow conditions. The Project will also include a revegetation plan that will improve upland habitat in the areas of the site that are disturbed during construction. This improved habitat will provide long-term benefits to special-status wildlife species (e.g., pallid bat (*Antrozous pallidus*), foothill yellow-legged frog, and yellow warbler (*Setophaga petechia*)) as well as greater foraging, roosting, and nesting opportunities for these species by removing invasive species and planting native vegetation.

Procedures for the Protection of the Environment: Protection and conservation measures will be implemented during construction to avoid and minimize impacts to sensitive resources and to protect the environment. Avoidance and minimization measures and best management practices, outlined in the Project's Biological Resources Reconnaissance Survey Report (2023), will be implemented, including erosion control, tree protections, noise control, and water quality protections. The Project also includes species- or species group-specific avoidance and minimization measures, to ensure the protection of the environment, including measures for the following species: fish species, roosting bats, foothill yellow-legged frog, western pond turtle, northern spotted owl (*Strix occidentalis caurina*), native nesting birds, and special-status plants. Protection measures for sensitive natural communities are also included in the Project description.

All work below the creek top of bank will occur during the dry season (typically from June 1 to October 31) when the creek has low flow to prevent impacts to aquatic species. During and following construction, the site will be stabilized and erosion control measures will be implemented. Revegetation will be implemented as per the revegetation plan and will include native plant salvage and replanting, reseeding of disturbed areas, and restoring access and staging areas to pre-construction conditions.

Ongoing Management for the Protection of the Environment: After Project completion, the Project area will be monitored by landowners in coordination with the Lead Agency for a minimum of 5 years. Post-construction monitoring of the Project site in accordance with regulatory permit conditions will continue for 5 years to examine both the impact of the Project on the stream channel and fish habitat and the success of site revegetation, primarily in the areas disturbed during construction. Plantings will be monitored and managed for a 5-year period in accordance with the Project habitat mitigation and the monitoring plan to ensure vegetation is established. Hydrogeomorphic process goals will be monitored at year 1 (post-project), year 5, and following significant precipitation events. The need for adaptive management will be evaluated during vegetation monitoring. If performance standards are not being met, additional native trees and shrubs will be planted.

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-related construction activities are planned to be implemented for the purpose of habitat restoration. Therefore, the Project does not include any construction activities except for those that are solely related to habitat restoration. To accomplish restoration construction activities will include:

   - Site Preparation: installation of environmental protections and clearing and grubbing
   - Earthwork: regrade stream channel to designed slope upstream and downstream of bridge and fish ladder.
   - New Bridge Construction: new roadway alignment and bridge installation
   - Removal of Existing Bridge and Fish Ladder: demolition and removal of structures and regrading of stream under bridge.
   - Channel Restoration: installation of channel and floodplain features, including boulders, large wood including rootwads, and boulder clusters.
   - Revegetation and Restoration: hydroseeding, plug planting, and transplanting, as well as natural recruitment.

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: 8/7/23

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