

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
POST OFFICE BOX 944209
SACRAMENTO, CA 94244-2090



**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-038-R5**

Project: Santa Clara River Restoration
Location: Ventura County
Lead Agency: Ventura County Resource Conservation District (VCRCD)
Lead Agency Contact: Jamie Whiteford; Jamie.Whiteford@vcrd.org

Background

Project Location: The Santa Clara River Restoration project (Project) is located within the floodplain of the lower Santa Clara River, spanning from the City of Fillmore down to the Santa Clara River estuary. The Project encompasses approximately 8,500 acres along the Santa Clara River, in Ventura County, with an approximate center of coordinates 34.368879, -118.978522.

Project Description: The VCRCD (Lead Agency), in partnership with The Nature Conservancy (TNC), 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 restore riparian habitat that supports multiple listed and native species, including but not limited to: least Bell's vireo (*Vireo bellii pusillus*; federal Endangered Species Act (ESA) endangered; California Endangered Species Act (CESA) endangered); western yellow-billed cuckoo (*Coccyzus americanus occidentalis*; ESA threatened; CESA endangered); southwestern willow flycatcher (*Empidonax traillii extimus*; ESA endangered; CESA endangered), steelhead – southern California DPS (*Oncorhynchus mykiss*; ESA endangered; CESA candidate); and southwestern pond turtle (*Actinemys pallida*; proposed ESA threatened; California Species of Special Concern).

The Project will restore up to approximately 8,500 acres and up to 32 river miles. This restoration effort will repair hydraulic function and habitat connectivity in the Santa Clara River, and will result in long-term habitat integrity, support endangered species recovery, and provide climate resiliency to the Santa Clara River ecosystem.

Project activities include invasive vegetation removal, trash and debris removal, native plant revegetation, enhancement of wetland features, and maintenance and monitoring of habitat restoration. Invasive vegetation removal will primarily target *Arundo* (*Arundo donax*) and Salt Ceder (*Tamarix ramosissima*) but also include other invasive species found on the California

Invasive Plant Council Inventory, which lists invasive plants that threaten California's natural areas. Removal will be conducted with hand tools, hand weeding, and herbicide treatment (including cut-and-daub and hand spraying, following permit conditions). Mechanical mastication will be used on large dense stands of Arundo. Removal methods will be selected based on time of year, severity of infestation, presence of native plants, wildlife and sensitive species, proximity to water, budgetary constraints, and permit requirements. Disposal will include drying, incineration, and landfill disposal. Chipping may be used as a disposal method for species other than Arundo. Initial vegetation removal will only be conducted during the Project implementation timeframe, from October 1 to February 14 each year, to avoid impacts to nesting birds. Re-treatment of invasive vegetation may occur from February 15 to September 30 each year, with biological monitors present and following biological surveys as allowed under permit conditions. Herbicide use will be minimized whenever possible, and no herbicide use will be used in sensitive habitats during periods of forecasted or actual precipitation or when wind speed exceeds 5 miles per hour. Herbicide use will follow permit conditions. Impacts to native plants will generally be avoided, but some minor trimming may be necessary to prevent impacts from herbicide use. No native plants will be removed.

Revegetation of native species will be implemented where natural recruitment is not expected to be sufficient to restore vegetation cover. Revegetation will be conducted using hand tools and seeding may occur in upland areas using a small tractor with a seed drill or seed imprinter. Utility terrain vehicles and a small gas-powered herbicide spray rig may also be used to support restoration activities. Cuttings of native vegetation, taken during invasive species control, may also be used for planting so that the material is not wasted.

Tribal Engagement: TNC sent letters to Tribal Governments related to the planning of the Project in Spring 2021, and the Barbareno/Ventureno Band of Mission Indians responded. On July 31, 2021, TNC hosted leadership council members of the Barbareno/Ventureno Band of Mission Indians to visit the Project site and discuss the project. TNC has engaged with newly elected Tribal leaders of the Barbareno/Ventureno Band of Mission Indians exchanging letters and project updates.

Interested Party Coordination: TNC has conducted public outreach and coordination with interested parties over the past decade through community workshops, surveys, field trips, and regional working groups. TNC also published and publicly shared its plan for the Project in June 2020. This plan was developed with input from regional proponents, agencies, and research partners. The Central Coast Alliance United for a Sustainable Economy (CAUSE) was contacted in 2016. Outreach to local Spanish speaking and frontline communities living near the Santa Clara River resulted in 206 completed surveys and spoke to perceptions of restoration and access to outdoor recreation in the region. Additionally, TNC hosted a community field trip in August 2021.

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

Lead Agency Request for CDFW Concurrence: On October 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 I (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's

determination on October 23, 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 focus on continued efforts of habitat restoration that will increase resilience of riparian habitats in the face of climate change, groundwater declines, and threats to listed species. The Project will restore habitat in critical ecosystems that support 18 listed species, including riparian birds, terrestrial wildlife, anadromous fish, and rare plants. Through the removal of Arundo, salt cedar, and other invasive plant species, and complemented by revegetation efforts, habitat for native species will be enhanced. The recovery of listed riparian species such as least Bell's vireo, western yellow-billed cuckoo, southwestern willow flycatcher, California red-legged frog,

unarmored three-spine stickleback (*Gasterosteus aculeatus*), and steelhead (southern California DPS) will be supported.

- 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 will have incidental public benefits including public access and education. This includes public access to previously established trails or dirt maintenance roads that will be used as primary access routes to conduct project restoration activities. Managed public access will be expanded along with a comprehensive monitoring and adaptive management plan for wildlife. The monitoring plan includes point count stations, camera traps, and acoustic monitors deployed to track wildlife presence before, and in response to, increased public access. To assure lasting benefits for fish and wildlife, public access will be controlled via prescriptions such as being restricted to daylight hours, during periods of inundation, and during the nesting season where listed species are present in proximity to trails. Educational opportunities such as community/school-based restoration and guided bird walks in English and Spanish will be offered.

- 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 have benefits to climate resiliency through the improvement of ecosystem functionality in response to changing climate. This will be achieved by restoring riparian vegetation, wetland features, and upland habitats. By removal and control of invasive vegetation, the Project will improve these groundwater dependent ecosystems and increase soil moisture, improve habitat utilization by native species, and decrease the risk of wildfire.

Restoration of these groundwater dependent ecosystems is expected to help improve native vegetation cover and native riparian species such as least Bell's vireo and southern California steelhead. The Project will maintain floodplain features and restore hydrologic function to these habitats, which will support native species during drought and encourage groundwater infiltration.

Long-term Net Benefits to Biodiversity: The Project will improve floodplain, riparian forest, wetland, and upland habitats in the Santa Clara River. These improvements will support higher biodiversity through removal of invasive vegetation and revegetation with native plants. These native plant communities support native species through expanded and enhanced habitat opportunities.

The Santa Clara River serves as a migratory corridor for native species. Through the maintaining of contiguous riparian habitat, more native species have the opportunity and potential to use this restored habitat.

Long-term Net Benefits to Sensitive Species Recovery: The Project will benefit the recovery of listed species in the Santa Clara River. Through the restoration of riparian habitat there will be increased nesting habitat available for least Bell's vireo, western yellow-billed cuckoo, and southwestern willow flycatcher.

The Project will also benefit the recovery of sensitive aquatic species through increased instream flow and riparian habitat. The restoration will increase habitat availability for aquatic species, and the restored habitat will likely be utilized for foraging, shelter (i.e., cover), and rearing. These species include but are not limited to unarmored three-spine stickleback, tidewater goby (*Eucyclogobius newberryi*), steelhead – southern California DPS, Santa Ana sucker (*Catostomus santaanae*), and California red-legged frog.

Procedures for the Protection of the Environment: The Project includes avoidance and minimization measures for the protection of the environment, including those in CDFW Lake and Streambed Alteration Agreement (LSAA) Number VEN-113439-R5 and the United States Fish and Wildlife Service's Programmatic Biological and Conference Opinion (FWS 2022-0005149-S7). These measures include but are not limited to: pre-work biological surveys, biological monitoring, project area demarcation, noise minimization, seasonal work windows, work area buffers, herbicide use, sedimentation, spread of invasive species, decontamination, and access and staging.

Invasive vegetation removal activities will take place outside of the general bird breeding season (February 15 – September 30), except in very limited circumstances where retreatment of re-sprouting vegetation is allowed under permit conditions.

Ongoing Management for the Protection of the Environment: The Project includes lands that are owned and managed by TNC. The properties will be protected in perpetuity and conserved for the primary benefit of native California species and their habitat. TNC has committed to this through grant agreements, conservation easements, and an irrevocable offer to dedicate title to the State of California that may be exercised if TNC does not fulfill its obligations.

TNC will continue monitoring efforts for at least 20 years for project maintenance and impacts to wildlife. Adaptive management will be employed as needed to minimize and avoid impacts to wildlife and habitat. Staff will be employed to manage activities on their lands, and security staff will manage trespass, encroachment, and security concerns.

- 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 only includes construction activities solely related to habitat restoration. Project activities include trash and debris removal, invasive vegetation removal, revegetation, minor grading. Access and staging areas will be located on existing roads, trails, or previously disturbed areas. Upon completion, all equipment, irrigation,

and temporarily installed structures will be removed. Trails that are required for project maintenance and emergency access will be maintained.

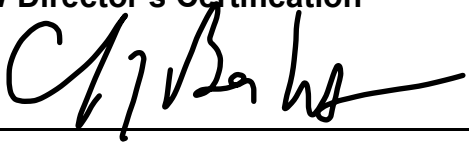
Scope and Reservation of Concurrence

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: 11/21/23

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