

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DIRECTOR'S OFFICE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2023-043-R2**

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**Project:** Big Chico Creek Iron Canyon Fish Passage Project  
**Location:** Butte County  
**Lead Agency:** City of Chico  
**Lead Agency Contact:** Linda Herman; linda.herman@chicoca.gov

**Background**

Project Location: The Big Chico Creek Iron Canyon Fish Passage Project (Project) is located at Upper Bidwell Park (Park) in a bedrock gorge called Iron Canyon, approximately 13 stream miles upstream from the confluence of the main stem of Big Chico Creek and the Sacramento River. The Project site spans from 39.77207, -121.77829 to 39.78787, -121.73880, encompassing approximately 24.4 acres.

Project Description: California Trout (CalTrout) in cooperation with the City of Chico (Lead Agency) and the Iron Canyon Working Group 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 Chinook salmon - Central Valley spring-run ESU (*Oncorhynchus tshawytscha pop. 11*), steelhead - Central Valley DPS (*Oncorhynchus mykiss irideus pop. 11*), and a suite of native fish species in Big Chico Creek.

Salmonid migration is currently blocked by boulders that fell in the early 1900s and a non-functional fish ladder that was built in the 1950s to remedy the passage problem. As a result, approximately nine miles of holding, spawning, and rearing habitat is inaccessible to native fish species. Furthermore, legacy fisheries management practices, which included control of native non-salmonid fish species previously believed to negatively affect salmonid populations, have resulted in reduced native fish assemblages today. Most of the remaining species in this area were very slow to recover or have not re-colonized Big Chico Creek. The goals of the Project are to provide access to optimal habitat upstream, reduce channel velocity and vertical drops, enhance existing pools, create new holding pools, and re-establish the native fish community.

The Project's restoration measures include modifying the existing instream boulder configuration, regrading the stream channel, removing of a set of obsolete concrete weirs, and translocating native fishes. Boulders and bedrock will be split in order to be hoisted from the stream channel with a 350-ton crane on the north rim of Iron Canyon. Concrete and smaller pieces of rock will be removed and/or reused to form five channel-spanning rock structures that will be placed to improve fish passage and control channel grade. Each rock

structure is designed with multiple flow paths with defined vertical relationships to accommodate passage of several salmonid size classes. In total, approximately 130 linear feet of stream (0.1 acres) will be modified. The channel modification implementation includes minor improvements to Park Road, development of a temporary access road and staging area, dewatering, and minor tree removal to enable access to the restoration area.

After channel modification, native fishes will be translocated to at least four miles of Big Chico Creek in partnership with CDFW's Native Fish Program and North Central Region. Fish species to be reintroduced include hardhead (*Mylopharodon conocephalus*), riffle sculpin (*Cottus gulosus*), western brook lamprey (*Lampetra richardsoni*), Sacramento sucker (*Catostomus occidentalis*), and Sacramento pikeminnow (*Ptychocheilus grandis*).

Tribal Engagement: The Mechoopda Indian Tribe of Chico Rancheria (Mechoopda Tribe) is a supportive member of the Project's Iron Canyon Working Group, which collectively designed the Project. Additional tribal consultation will take place as part of the National Environmental Protection Act process per section 106 of the National Historic Preservation Act.

Interested Party Coordination: The Project was designed by the Iron Canyon Working Group, which is an engaged team including the Mechoopda Tribe; City of Chico; US Fish and Wildlife Service; National Oceanic and Atmospheric Administration; CDFW; California State University Chico; Big Chico Creek Ecological Reserve; and hired private consulting, construction, and engineering firms. Additional public outreach efforts have returned letters of support from the community including from citizens.

Anticipated Project Implementation Timeframes: Start date: October 2025  
Completion date: December 2027

Lead Agency Request for CDFW Concurrence: On November 13, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from City of Chico 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 November 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.

The Project is exclusively a project to restore and enhance critical habitat for native Chinook salmon, steelhead, and other native fishes. The Project is designed to modify a fish passage barrier by removing large boulders and derelict weirs, enabling fish to access critical habitat needed for spawning, rearing, and foraging. Remediation of the fish passage barrier and reintroduction of fish native to Big Chico Creek will restore the local fish community and contribute to the recovery of the aquatic ecosystem.

- 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 cultural, education, recreation, and public access benefits. The Project will provide improved fish passage and habitat, which will incidentally improve the natural aesthetic values and enhance wildlife viewing for all who visit the Park. Likewise, the Park's proximity to California State University, Chico makes it a frequent research site. The Project may be an opportunity for additional study in programs such as the Interdisciplinary Wildland Management Master's Program. The Park is also used for K-12 outdoor education which may benefit from the lessons learned during the Project for their programming. Additionally, the Project's restoration work necessitates improvements to the Park's main access road, including re-grading, widening, and application of new road gravel. Public access will be incidentally benefitted by improved road conditions.

- 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 contribute to climate resiliency of native fishes by providing habitat diversity and redundancy in the region. Removal of the fish passage barrier will open up approximately nine miles of upstream habitat, encompassing 208 distinct habitats including 51 pools, 55 riffles, 73 runs, and 29 cascades. In particular, deep pools will improve access to critical cold-water refugia necessary for summer holding areas that are becoming increasingly scarce due to climate change and human modification of streams. Cold-water refugia are critical for the survival of spring-run Chinook salmon that migrate into rivers during spring months and hold through the summer before spawning in the fall.

Long-term Net Benefits to Biodiversity: The return of fishes to the upper reaches of Big Chico Creek via fish passage barrier removal and native fish reintroduction will increase biodiversity by restoring complex ecological interactions. The full native fish community in Big Chico Creek historically held populations of suckers, Sacramento pikeminnow, hardheads, salmonids, riffle sculpin, California roach (*Hesperoleucus symmetricus*), and lamprey (western brook lamprey and Pacific lamprey, *Lampetra tridentata*). Annual returns of salmonid biomass and year-round presence of a diverse native fish assemblage will benefit predatory birds and mammals and food web stability, conferring benefits to amphibians, invertebrates, and the overall ecosystem. Removal of the obstruction will also enhance stream gradients and flows, which will support invertebrate species, thus providing foraging opportunities for fish, amphibians, reptiles, birds, and bats. A restored food web will contribute resilience to future perturbations in the long term.

Long-term Net Benefits to Sensitive Species Recovery: The Project is designed primarily for the recovery of salmonids and native fishes. Central Valley steelhead is listed as threatened under the federal Endangered Species Act (ESA) and Central Valley spring-run Chinook salmon is listed as threatened under the ESA and the California Endangered Species Act. Big Chico Creek is described as Anadromous Fish Critical Habitat under the Endangered Species Act for both Central Valley steelhead and spring-run Chinook salmon. The nine-mile reach of Big Chico Creek above the Iron Canyon fish passage obstruction will directly support the recovery of these salmonids. Reintroduction of several native fish species will benefit California species of special concern hardhead, riffle sculpin, and western brook lamprey.

The Project may also benefit other sensitive species identified by nearby observation or estimated suitable habitat, including but not limited to foothill yellow-legged frog (*Rana boylei*), western pond turtle (*Emys marmorata*), peregrine falcon (*Falco peregrinus anatum*), bald eagle (*Haliaeetus leucocephalus*), pallid bat (*Antrozous pallidus*), and western mastiff bat (*Eumops perotis californicus*).

Procedures for the Protection of the Environment: The Project will protect the environment by implementing standard avoidance and minimization measures and Project-specific precautions. Protective procedure categories include timing and

scheduling, air quality, biological resources, erosion, water quality and pollution, cultural resources, hazardous materials, and noise.

Ongoing Management for the Protection of the Environment: The Project is designed to need little intervention to provide lasting benefits. The reconfiguration of hard barrier structures will provide immediate and durable improvement to stream flow regulation and species migration. The new channel configuration created from on-site basalt boulders will be stable and not need additional maintenance. Additionally, the Project is sited in a managed Park that is protected from future commercial or residential development. Following implementation of the Project restoration measures, three years of post-construction monitoring of fish populations and migration will evaluate the success of the Project and the return of temporary work areas to pre-project conditions. This Project-specific monitoring will be incorporated into regional management of fish in Big Chico Creek and the Butte Creek watershed.

- 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 restoring habitat for California native fish and wildlife.

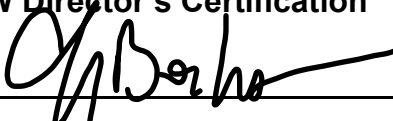
**Scope and Reservation of Concurrence**

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: 1/9/2024