CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2024-052-R3

Project:	Russian River Floodplain Restoration Project
Location:	Sonoma County
Lead Agency:	Sonoma County Permit Resource Management Department
Lead Agency Contact:	Robert Pennington; Robert.Pennington@sonoma-county.org

Background

Project Location: The Russian River Floodplain Restoration Project (Project) is located on approximately 358 acres of privately-owned property along the middle reach of the Russian River, west of the Town of Windsor in Sonoma County, approximately centered at coordinates 38.54402, -122.85365. The Project site is located on the eastern side of the Russian River between the confluence of Dry Creek and Mark West Creek, on a former gravel quarry which is comprised of four remnant gravel mining pits ranging in size from 18 to 83 acres and an 18-acre area formerly used for gravel processing, as well as 96 acres of developing riparian forest, and the adjacent Russian River channel. Before the restoration efforts are initiated the property will be transferred from the private landowner to Endangered Habitats Conservancy (EHC). Following restoration, the property is expected to be transferred from EHC to Sonoma County Regional Parks.

Project Description: Sonoma County Permit Resource Management Department (Permit Sonoma) 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 middle reach of the Russian River is currently incised and has steep banks that separate the river from the floodplain. At the Project site, former gravel mining operations included construction of unreinforced levees and riparian berms separating the river channel from the gravel pits and resulting in further channelization of the riverbed, bank erosion, and a denuded riparian forest. Since gravel mining operations have ceased, the gravel pits (ponds) have partially filled and created warm-water habitat for nonnative predatory fish species and conditions that reduce water quality resulting in harmful algal blooms, increased water temperature, and a sink for methylated mercury resulting from past mining practices. In addition, the Project site has become subject to illegal public access, unsanctioned camping, off-road vehicle use, and poaching of riparian trees. Together, these illicit activities, which have contributed to past localized wildfires, pose a risk to public health and safety, and degrade natural resources on site.

To address these issues, the Project will restore connectivity between the Russian River and its floodplain. This will benefit native aquatic and terrestrial species, including Central California Coast (CCC) coho salmon *(Oncorhynchus kisutch*), listed as endangered under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA); CCC steelhead (*O. mykiss irideus*), listed as threatened under the federal ESA; and California Coastal (CC) Chinook salmon *(O. tshawytscha*). The Project is designed to restore a broad low-elevation floodplain by grading gradual slopes that merge naturally with upstream and downstream existing terrain and to lower the existing riparian bank terrace at the upstream and downstream extents of the Project site to improve floodplain connectivity and river hydraulics. The constructed interconnected floodplain will be restored to a riparian forest and seasonal wet meadow habitat. Two large floodplain channels will be constructed within the new floodplain and will be inundated by upstream hyporheic flow and groundwater inputs as well as have a direct downstream connection to the river at base flow levels. These large floodplain channels are intended to concentrate floodplain flow conveyance and provide backwater alcove habitat that can maintain connectivity to existing deep river pools in the mainstem of the Russian River. Large wood habitat structures will be installed within the floodplain channels to enhance habitat complexity and ecological function. Riparian vegetation within the new floodplain will establish naturally, and transitional and upland habitat will be replanted with nursery-grown plant stocks to enhance terrestrial wildlife habitat and structural diversity. Restoration of the seasonal wet meadow will include reseeding with native annual and perennial forbs and may include translocation of vegetative propagules from existing native perennial ground cover on site.

An approximately 45-acre-foot pond will remain on the Project site for an adjacent landowner's existing water right and point of diversion for agricultural purposes. Additionally, to address the existing public health and safety issues, approximately 11 acres will support improved public access, while also allowing for long-term monitoring and maintenance of the Project. Public access amenities include formal seasonal and multi-use trails, two day-use parking areas, a boat-in campground, flood-proof restrooms, and a boat access route intended to curtail existing illicit use of the Project site.

The Project will also remove approximately 135 acres of open water gravel ponds and will restore approximately 4,800 feet of off-channel habitat, 10 acres of backwater habitat, five acres of connected freshwater marsh, 22 acres of riparian forest habitat, and 146 acres of wet meadow. Project activities include filling and regrading of the four existing gravel ponds; constructing and restoring the Russian River floodplain, side channels, and connected perennial alcoves to deep river pools; installing large wood habitat structures; replacing existing illegal trails and use areas with public access amenities; reconfiguring the existing five-acre pond and water diversion, but not including any new diversion infrastructure; revegetating of the site to restore riparian habitat; and monitoring and maintenance of the Project site. Although the Project has been designed to balance cut and fill, a small amount of offsite material may be imported.

Tribal Engagement: On September 6, 2023, Permit Sonoma sent consultation letters to 11 tribes, describing the Project and requesting tribal input. Further outreach to all 11 tribes occurred on October 17, 2023, through an email sent including a link to the Project's cultural resources study. Permit Sonoma corresponded via email and phone with representatives of

one interested tribe regarding procedures associated with County permit conditions. Permit Sonoma corresponded with representatives from two other tribes, who indicated they would be reviewing Project materials and communicate further if questions or concerns arise. Additionally, two other tribes responded to Permit Sonoma stating the Project site was outside their area of concern. Permit Sonoma will continue pursuing engagement with the six remaining tribes to ensure the Project addresses any tribal interests.

Interested Party Coordination: During development of the Project Feasibility Study (initiated in 2012), a Feasibility Study Partners Planning Group formed and included representatives from interested parties such as Town of Windsor, Redwood Empire Trout Unlimited, Westside Association to Save Agriculture, Sonoma County Agricultural Preservation and Open Space District, Sonoma County Regional Parks, Sonoma Resource Conservation District, Sonoma County Water Agency, Hanson Aggregates Mid-Pacific, Inc. (now owned by Martin Marrietta Materials), Russian Riverkeeper, California Department of Fish and Wildlife (CDFW), NOAA Fisheries, EHC, and Russian River Wild Steelhead Society. The intent of the Feasibility Study Partners Planning Group was to bring all interested parties together to inform them of the Project development, solicit input and guidance, and assist with Project-related outreach. Several meetings were held with the group to help develop a description of the Project; develop the feasibility study; receive input on the approach, methodology, goals and objectives of the Project, and outreach plan; along with providing periodic Project updates.

On August 28, 2023, Project materials were sent to public agencies, interested parties, and private property owners within 300 feet of the Project site. Russian Riverkeepers continues to provide ongoing communication and outreach to the public, adjacent property owners, interested parties, and public officials. Additionally, a public meeting was announced via social media, press release and public flyers, and was held on January 18, 2024, to share information about the Project and address any public comments or questions.

Anticipated Project Implementation Timeframes: Start date: January 2025
Completion date: December 2030

Lead Agency Request for CDFW Concurrence: On February 28, 2024, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from Permit Sonoma (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 February 28, 2024, 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 purpose of the Project is to reestablish functional riparian floodplain, thereby enhancing the Russian River ecosystem and contributing to the recovery of three federally- and/or state-listed (and once abundant) salmonids which include CCC coho salmon, CC Chinook salmon, and CCC steelhead. The Project is also designed to improve the hydrologic function and habitat quality of the Russian River, improve ecosystem diversity, remove habitat for nonnative predatory fish species, improve groundwater infiltration and retention and attenuate flooding. By restoring floodplain and riparian habitat, the Project will promote habitat-forming fluvial processes and improve sediment deposition and sorting needed for salmonids, and it will increase floodplain complexity to benefit a variety of aquatic and terrestrial wildlife species including native salmonid populations.

   More specifically, the restoration of seasonal hydraulic connections within the river and floodplain will provide natural ingress and egress for freshwater migration for salmonids at multiple life stages. The integration of complex off-channel habitat, seasonal wetlands, and riparian forest will improve critical ecosystem function within the watershed as these habitats are known to increase the density and growth rates of salmonids species, further supporting fish populations present in the Russian River Basin.

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.

While the exclusive purpose of the Project is habitat restoration, the Project will include incidental public health, safety, access, and recreation benefits. These incidental benefits are necessary to restore the Project site. Following Project implementation, the Project site is expected to be transferred to Sonoma County Regional Parks. As a result, the planning of the Project was developed in coordination with Sonoma County Regional Parks to ensure consistency with Sonoma County's General Plan. As part of the Project's planning effort, it was necessary that the Project include and/or address existing and future public access, recreation, health, and safety considerations.

Furthermore, re-directing existing illicit and uncontrolled public use to defined areas will maximize attainment of habitat restoration objectives, while also providing access to support the Project's ongoing and future monitoring and maintenance needs. The existing perimeter access and staging route will be kept in place to be used as a multi-use public access trail and existing informal trails will be decommissioned or repurposed into a seasonal access trail network to optimize public health, access, and recreation and focus foot traffic away from sensitive habitat areas. Existing vehicle access areas will serve as staging areas during the implementation of the restoration measures and will be re-purposed into day-use parking areas after restoration activities are completed. The former gravel processing area at the northern edge of the Project site, which is currently used as an informal camping area, will be converted into a two-acre seasonal boat-in campground with a flood-proof restroom.

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: With climate change, more frequent and severe drought conditions are expected in the Russian River, further imperiling sensitive special status species, including federally- and state-listed anadromous salmonids. As a result, streamflow may be reduced during critical life stages. The Project is designed to increase habitat diversity, quantity, quality, ecosystem function, and refugia habitat for these imperiled species by improving and maintaining low flow habitat critical for salmonids, particularly in years of drought. Additionally, the increased prevalence of drought conditions will affect groundwater recharge. The Project will lower the floodplain and fill the existing ponds below the summer water table with porous sand and gravel, which will increase groundwater recharge for a minimum of 100 acres for a minimum of 100 days under average hydrologic conditions and 100 acres for a minimum of 50 days under drier hydrologic conditions.

The Russian River is also expected to experience more frequent and extreme flooding events. The floodplain will create high flow refuge habitat for salmonids during high flow conditions, helping to improve ecosystem resiliency in flood conditions. Likewise,

the floodplain within the Project will improve and regulate surface and groundwater flows throughout the year, making the hydrograph more stable and less flashy. The floodplain restoration will also serve to increase floodplain connectivity and thereby attenuate high flows and mitigate flood hazards adjacent to and downstream of communities.

Additionally, conversion of the existing open water gravel ponds to vegetated riparian floodplain will sequester carbon, increase onsite carbon storage, and reduce greenhouse gas emissions from pond environments. The Project will regulate public use by creating focused public access amenities helping to reduce wildfires that emit carbon dioxide and pose a risk to wildlife and sensitive riparian habitat.

Long-term Net Benefits to Biodiversity: Establishing a natural seasonal connection between the river and its floodplain facilitates the establishment of habitats that meet the life history requirements and promotes the genetic diversity of federally listed anadromous fish species such as native CCC coho salmon, CC Chinook salmon, and steelhead. The restored floodplain will facilitate primary and secondary production of food needed for salmonids and other wildlife species and the newly created large riparian corridor will benefit terrestrial and aquatic wildlife by increasing habitat area. Approximately 150 acres of seasonal wet meadow will be restored on the floodplain. Ephemeral winter flooding, spring drawdown, and a stable summer groundwater table within the floodplain will improve juvenile salmonid productivity and carrying capacity at the Project site. The Project will also benefit native species and biodiversity by reducing non-native and invasive species through the removal of warm-water open-water habitat in which non-native predatory fish and invasive water primrose thrive. Other sensitive species such as Townsend's big-eared bat (*Corynorhinus townsendii*), hoary bat (*Lasiurus cinereus*), fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus),* western red bat (*Lasiurus blossevillii*), American badger (*Taxidea taxus*), double-crested cormorant (*Phalacrocorax auritus*), great egret (*Ardea alba*), great blue heron (*Ardea Herodias*), snowy egret (*Egretta thula*), black-crowned night heron (*Nycticorax nycticorax),* osprey (*Pandion haliaetus*), Cooper's hawk (*Accipiter cooperii),* sharp-shinned hawk (*Accipiter striatus*), golden eagle (*Aquila chrysaetos*), Swainson's hawk (*Buteo swainsoni*), white-tailed kite (*Elanus leucurus*), bald eagle (*Haliaeetus leucocephalus*), American peregrine falcon (*Falco peregrinus anatum*), California gull (*Larus californicus),* Vaux's swift (*Chaetura vauxi*), olive-sided flycatcher (*Contopus cooperi*), willow flycatcher (*Empidonax trailii*), loggerhead shrike (*Lanius ludovicianus*), purple martin (*Progne subis*), oak titmouse (*Baeolophus inornatus*), grasshopper sparrow (*Ammodramus savanarum*), yellow-breated chat (*Icteria virens*), yellow warbler (*Setophaga petechial*), western pond turtle (*Emys marmorata*)*,* foothill yellow-legged frog (*Rana boylii)*, California red-legged frog (*Rana Draytonii*), red-bellied newts (*Taricha rivularis*), California giant salamander (*Dicamptodon ensatus*), California Tiger Salamander (*Ambystoma californiense*), California fairy shrimp (*Linderiella occidentalis*), California freshwater shrimp (*Syncaris pacifica*), and endemic Russian River tule perch (*Hysterocarpus traskii pomo*), will likely benefit from the conversion of existing low quality habitat to high-quality floodplain habitat, seasonal wet meadow, and riparian forest.

Long-term Net Benefits to Sensitive Species Recovery: The Project will directly benefit recovery of sensitive species including anadromous salmonids, Russian River tule perch, western pond turtle, California red-legged frog, and foothill yellow-legged frog by establishing natural seasonal connection between the river and floodplain, creating transitional ecotone habitat, and expanding the riparian corridor. The Project is consistent with multiple recovery actions identified in the Final Coastal Multispecies Recovery Plan for CC Chinook salmon, Northern California steelhead, and CCC steelhead (NOAA, 2016), including actions (RR-CCCh-2.1) to improve floodplain connectivity, enhance velocity refuge, and to reestablish hydrologic connection to floodplain habitat for salmonids. Additionally, actions (RR-CCCh-20.1.1.3 and 20.1.2.2) include removal of dikes/levees that separate the river channel from off-channel habitat in former terrace gravel mining locations, and development off-channel habitats such as alcoves, seasonal wetlands, ponds, and secondary channels promoting pre-smolt rearing. Multiple actions in the Recovery Plan for the Evolutionary Significant Unit of Central California Coast Coho Salmon (NOAA, 2012) also support the need for this Project and include actions (RR-CCC-3.1.1) to increase habitat complexity by increasing large wood frequency within the river and actions (RR-CCC-11.1.1 and 11.1.2) to improve stream water quality and temperature conditions as they relate to salmonid suitable habitat conditions. Other plans such as the Recovery Strategy for California Coho Salmon (CDFW, 2004), the State Wildlife Action Plan (CDFW, 2005), and the Nonpoint Source Pollution Control Program Plan (State Water Resource Control Board, 2000) have actions identified to restore and improve sensitive species habitat and to re-establish hydrology, wetland, and riparian structure characteristics within the Russian River.

Procedures for the Protection of the Environment: Prior to and during implementation of the Project, best management practices (BMPs) and avoidance and minimization measures will be implemented and include but are not limited to:

- Special-status plants protection measures including pre-construction surveys, and avoidance, if feasible. Seed collection or relocation may be conducted for special-status plants that cannot be avoided.
- Special-status amphibians and reptiles protection measures including pre-construction surveys and if species are encountered, relocation of special-status amphibians and reptiles to suitable habitat as directed by CDFW.
- Special-status birds, raptors, and bats protection measures including pre-construction surveys for special-status birds, raptors, and bats. Active bird nests or bat colonies/roosts will be buffered in coordination with qualified biologists and CDFW staff. Removal of vegetation during the non-nesting season will be completed to the greatest extent practical.
- Special-status American badgers protection measure including pre-construction and if active burrows are identified habitat buffers will be put in place in coordination with qualified biologists and CDFW.
- Special-status salmonid protection measures include riverine in-channel work limitations for the in-water work period (June 15-October 15). While unlikely, salmonids could be assumed present in the ponds. Measures to protect salmonids will be further refined through project permitting and consultation with National Marine Fisheries Service (NMFS) and CDFW.

- Erosion Control BMPs include seeding, straw mulching, geotextiles, plastic covering (during temporary material storage only), erosion control blankets and mats, precipitation-related stop-work conditions, and wood mulching.
- Sediment Control BMPs include silt fencing, fiber rolls, sediment basins, silt curtains, and check dams.
- Additional BMPs include solid waste facilities, sanitary facilities for workers, and designated fueling and maintenance areas away from the channel.

Anticipated permits include a U.S. Army Corps of Engineers Clean Water Act Section 404 permit, Clean Water Act Section 401 and Porter Cologne Water Quality Control Act water quality permit, CDFW Lake and Streambed Alteration Agreement, federal Endangered Species Act compliance through Section 7 consultation with NMFS and U.S. Fish and Wildlife Service (USFWS), and Permit Sonoma Conditional Use and Grading permits. All permit conditions will be implemented during construction of the Project.

Ongoing Management for the Protection of the Environment: A five-year vegetation monitoring and maintenance program will be implemented and is a condition of approval of the County Conditional Use Permit. A Revegetation Monitoring Plan and associated performance criteria will be developed in coordination with CDFW for each revegetation zone (e.g. wet meadow, riparian scrub, etc.). Performance criteria will include percent cover and species richness/diversity. Terrestrial invasives will be controlled through direct removal, herbicide application, and/or other methods. Aquatic invasives, such as water primrose, are difficult to eradicate and will be minimized by early establishment of native vegetation. On a longer timescale, maintenance and removal of invasive species would occur to the extent practicable and subject to available funding as a component of long-term site management by Sonoma County Regional Parks. The Project does not anticipate adaptive management or maintenance of post-implementation ground elevations unless critical infrastructure is threatened. The river is expected to meander and shape the floodplain within the footprint of the restoration Project, supporting natural floodplain evolution through fluvial processes into the future.

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 floodplain and habitat restoration, which will occur in three phases over an approximate four-year period. Phases will involve clearing and grubbing of trees; soil segregation and stockpiling of topsoil; fill placement, hauling and grading of the floodplain and other habitat features; installation of large wood habitat structures; invasive plant removal; revegetation; and Project site management. Staging areas will be converted to recreation and public use areas which will also be used to support long-term conservation, protection, management, and maintenance of the site.

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: 05/28/24

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