

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2024-056-R4**

Project: Capinero Creek Restoration Project
Location: Tulare County
Lead Agency: Pixley Irrigation District
Lead Agency Contact: Allison Tristao; atristao@ltrid.org

Background

Project Location: The Capinero Creek Restoration Project (Project) is located within the San Joaquin Valley on previously farmed land adjacent to the Pixley National Wildlife Refuge, in Tulare County, California; centered at coordinates 35.93344, -119.40623; Sections 08 and 17, Township 23 South, Range 24 East; U.S. Geological Survey Map Alpaugh; Assessor's Parcel Numbers 313-080-015-000, 313-080-010-000, 313-080-009-000, 313-080-008-000, and 313-110-008-000.

Project Description: Natural habitats within the San Joaquin Valley have been displaced by agricultural and urban development. Historically, the Project site consisted of upland and alkali desert scrub habitat. By the 1990s, the entire Project site was converted into lands managed for dairy farming and crop cultivation. The conversion of the Project site into agriculture has degraded habitat suitability, availability, and connectivity for native wildlife.

The Tule Basin Land and Water Conservation Trust (Tule Trust) 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 549-acre Project includes the implementation of varying restoration techniques to determine strategies most successful in restoring degraded alkali desert scrub vegetative communities while potentially improving groundwater sustainability. The Project will consist of three phases, divided into six blocks within the Project site.

- Phase 1 includes Blocks 4 and 5: this 169-acre portion of the Project site will involve the establishment of six test plots and control areas, with variances in seed density and irrigation methods. Blocks 4 and 5 will be revegetated with native alkali desert scrub seed and transplants. Approximately one year later, Blocks 4 and 5 will be evaluated to determine which test plot depicted the most successful seed germination and growth rate.
- Phase 2 includes Blocks 1, 2, and 3: the most successful seed density and irrigation

method as determined by the evaluation in Phase 1 will be duplicated in this 240-acre area.

- Phase 3 includes Block 6: this 140-acre area may consist of a duplication of efforts in Phase 2 or revegetation with culturally important species as discussed with tribal contacts. Alternatively, restoration of Block 6 may not occur, and thus the area would remain undisturbed.

Within each phase, additional Project activities may occur, including:

- Modifications to or creation of hummocks throughout each block to increase habitat diversity. Hummocks will be approximately 100-foot long and crescent-shaped, with depressions graded into the inner curve.
- Installation of wildlife friendly fencing along the perimeters of each block to facilitate ongoing habitat management via rotational grazing.
- Rotational grazing with cattle or sheep to suppress non-native plant communities, as prescribed by the Capinero Creek Restoration, Monitoring, and Management Plan.
- Repurposing of existing water infrastructure to create watering facilities for grazing animals and temporary drip irrigation lines for the establishment of native vegetation.
- Monitoring of parameters such as plant sustainability, special status species utilization, carbon sequestration, and groundwater recharge.

The Project is cost-share funded by the U.S. Bureau of Reclamation, Pixley Irrigation District, The Nature Conservancy, and in-kind support from Tule Trust.

Tribal Engagement: The Project team has engaged with the Santa Rosa Rancheria Tachi Yokut Tribe, the Tule River Indian Tribe, and the North Valley Yokuts Tribe to notify them of the Project and enable opportunity for tribal comment and collaboration. Coordination thus far has consisted of letters, email exchanges, meetings, and a site visit. Engagement will continue throughout Project development and implementation.

Interested Party Coordination: An outreach and engagement team has been developed for the Project, with entities including, but not limited to, Pixley Irrigation District, Sequoia Riverlands Trust, and The Nature Conservancy. Engagement efforts have occurred with disadvantaged communities, local farmers, landowners, and other stakeholders in the Tule subbasin. Presentations about the Project have been shared at community meetings and agricultural advisory meetings. A site visit occurred on January 17, 2024. Attendees included members of disadvantaged communities, the Santa Rosa Rancheria Yokuts Tachi Tribe, staff from the California Department of Conservation, and members of agricultural advisory groups.

Anticipated Project Implementation Timeframes:

Start date: July 1, 2024

Completion date: December 31, 2028

Lead Agency Request for CDFW Concurrence: On June 17, 2024, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from Pixley Irrigation District (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 12, 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 Project will assist in the recovery of native wildlife species associated with the San Joaquin Valley by restoring a minimum of 409 acres of alkali desert scrub habitat. The Project will improve wildlife connectivity and provide vegetative resources to assist in the recovery of special status species. Ongoing monitoring and adaptive management efforts will be performed by Tule Trust to protect habitat quality.

- B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may not have incidental public benefits, such as public access and recreation.

The Project site is privately owned, and the public will be restricted from access. All Project activities pertain to the propagation of alkali scrub habitat, for the purpose of climate resiliency, increased biodiversity, and sensitive species recovery.

- 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: Native alkali desert scrub vegetation communities are drought tolerant and water efficient. The revegetation plan for the Project incorporates a diverse list of alkali desert scrub species, which will provide favorable cover and refuge for terrestrial species from worsening climate change conditions. Wildlife will be more likely to utilize the Project site as it will offer complex habitat and abundant resources to aid survival. By controlling non-native grasses and establishing a more open landscape, species will experience an enhanced wildlife corridor with improved linkage to suitable habitat. The Project will also minimize fire risk by limiting the non-native annual grass population and establishing a more open native landscape.

Long-term Net Benefits to Biodiversity: Alkali desert scrub habitat can be characterized by herbaceous open habitat with sparse shrubs. The Project site currently contains marginal habitat due to the overabundance of annual non-native grasses. These non-native grasses outcompete native species for space and resources and serve as an impediment to biodiversity. The Project will remove non-native species and revegetate the Project site with diverse alkali desert scrub herbs and shrubs, including goldenbush (*Isocoma acradenia*) and iodinebush (*Allenrolfea occidentalis*). Hummocks present will offer microtopography, which in turn supports species abundance and richness. The Project will also incorporate long-term management of non-native vegetation to support the success of native vegetation establishment and recruitment, and to better meet the habitat requirements of species endemic to the San Joaquin Valley.

Long-term Net Benefits to Sensitive Species Recovery: Given the proximity of the Project site to the Pixley National Wildlife Refuge, it is expected that special status species within the refuge may migrate into the Project site to utilize restored habitat. Special status species with the potential to benefit from the Project include, but are not limited to, blunt-nosed leopard lizard (*Gambelia sila*), which is a California fully protected species and listed as endangered under the California Endangered Species Act (CESA) and federal Endangered Species Act (ESA); San Joaquin kit fox (*Vulpes macrotis mutica*), which is listed as threatened under CESA and endangered under the federal ESA; and burrowing owl (*Athene cunicularia*), a CDFW Species of Special Concern. Special status nesting birds, including Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), which are designated as threatened under

CESA, may also benefit from the improvement to foraging habitat. The revegetation plan includes species which produce seed suitable for native kangaroo rats, including Tipton kangaroo rat (*Dipodomys nitratoides nitratoides*), which are listed as endangered under CESA and the federal ESA.

Procedures for the Protection of the Environment: Conservation measures for the protection of the environment have been outlined within the National Environmental Policy Act Categorical Exclusion Checklist, completed by the U.S. Bureau of Reclamation, Interior Region 10 (CGB-CEC-23-02). Measures include, but are not limited to, pre-restoration surveys, restricted vehicle speeds, restoration work monitoring by a qualified biologist, and flagging and avoidance of burrows. A Restoration, Monitoring, and Management Plan has been developed for the Project, which includes additional measures such as the use of approved staging areas and the careful bagging and disposal of reproductive plant parts after mechanical treatments to prevent non-native vegetation infestation. Tule Trust will obtain any necessary regulatory permits before Project activities begin.

Ongoing Management for the Protection of the Environment: The Restoration, Monitoring, and Management Plan outlines Project goals and objectives, describes Project activities, and outlines monitoring procedures and parameters. Reconnaissance surveys will be conducted annually to assess habitat conditions and inform management practices. Ongoing management activities include, but are not limited to, rotational livestock grazing, mechanical removal of nonnative grass infestations, and herbicide application on invasive plants. Fencing and water resources will be checked regularly to ensure functionality is maintained. Ongoing management activities will address persistent nonnative grassland species, which are a significant threat to the restoration of alkali desert scrub habitat. Grazing will support the maintenance of an open vegetative community structure. Monitoring activities will include an assessment of percent survival, percent absolute cover, hummock condition, and will also include observations of wildlife use and non-native plant infestations. Monitoring will evaluate the success of restored areas and will include a determination as to whether adaptive management activities should be implemented.

- 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 construction activities associated with the Project are solely related to habitat restoration. Modifications to existing water infrastructure will support supplemental watering of restored areas and will fulfill watering needs for animals used to rotationally graze the Project site. Fencing will be constructed to delineate the boundaries of each block, and to facilitate managed grazing of the Project site. Hummocks will provide topographic and hydrologic diversity.

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: 
