

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2024-059-R4**

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**Project:** El Puente Floodplain Reconnection Project  
**Location:** Stanislaus County  
**Lead Agency:** Reclamation District 2092  
**Lead Agency Contact:** Maggie Blankinship; [RD2092CA@outlook.com](mailto:RD2092CA@outlook.com)

### **Background**

Project Location: The El Puente Floodplain Reconnection Project (Project) is located within the floodplain of the Tuolumne River, in the City of Modesto, Stanislaus County, California; centered at coordinates 37.60205, -121.13323; Sections 00 and 07, Township 4 South, Range 8 East; U.S. Geological Map Westley; Assessor's Parcel Number 017-027-034-000.

Project Description: River Partners 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 includes the conversion of approximately 16 acres of farmed almond orchard into native riparian forest habitat. Migrant and resident birds, amongst other wildlife species, will benefit from the Project.

Restoration site preparation activities include removal of non-native invasive plant species, removal and chipping of almond trees, discing of topsoil, grading of berms, and field-fitting of an existing irrigation system. Following site preparation, approximately 3,000 native trees and shrubs will be planted by hand within graded berms. A tractor-pull seed drill and seed broadcaster will be used to seed native grasses, sedges, and forbs. Plant material for revegetation, including cuttings and seed, will be collected from local sources and propagated, or bought from nurseries. Cardboard plant protection cages may be installed around seedlings and cuttings. After initial restoration activities conclude, the Project site will be monitored and adaptively managed for three years. Adaptive management actions may include, but may not be limited to, mowing, replanting, and invasive vegetation treatment with chemical and mechanical control methods.

After the three-year management and monitoring period, River Partners intends to transfer the property to a state agency, federal agency, or tribal government to serve as a land steward for long-term Project management.



## 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 the 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 restore the structural and functional integrity of 16 acres of riparian habitat, which thereby supports climate resiliency, biodiversity, and sensitive species recovery within the local ecosystem, and assists in the recovery of fish and wildlife native to the San Joaquin Valley.

- 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 cessation of agricultural practices, such as almond orchard irrigation and frequent pesticide application, will minimize potential pollutant inputs to the Tuolumne River. The restored riparian zone will be ecologically more adaptable to fluvial events, improving flood control properties at the Project site. The public may also benefit from

enhanced aesthetic value produced by the Project, in addition to other potential benefits.

- 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 Dos Rios Ranch State Park, San Joaquin National Wildlife Refuge, and other River Partners-owned parcels along the Tuolumne River and San Joaquin region (including the Project site) comprise one of the largest contiguous habitat corridors in the Central Valley. Conserving contiguous parcels of land is a nature-based solution to improve climate resiliency.

At a community level, dense riparian canopies produced by the Project will provide favorable refuge for wildlife from hot, dry climates. The Project site will offer complex, drought-tolerant habitat and abundant resources to aid survival in the face of worsening climate change conditions. Additionally, by removing invasive species from the Project site and adaptively treating invasive germination, planted native species will be more likely to thrive from reduced competition. Native plants aid in groundwater infiltration and carbon sequestration.

Long-term Net Benefits to Biodiversity: Existing riparian vegetation within the Project site is minimal, as farming has historically been the primary purpose of the property. With implementation of the Project, approximately 16 acres of diverse riparian forest will be restored. The revegetation palette includes native tree species, including, but not limited to, arroyo willow (*Salix lasiolepis*), Fremont cottonwood (*Populus fremontii*), and valley oak (*Quercus lobata*). Native shrubs, such as blackberry (*Rubus ursinus*), buttonbush (*Cephalanthus occidentalis*), and California rose (*Rosa californica*) have been included. Understory herbaceous species will include creeping wildrye (*Elymus triticoides*), gumplant (*Grindelia camporum*), and mugwort (*Artemisia douglasiana*), amongst others. Once established, these native plants are expected to outcompete perennial non-natives such as pepperweed (*Lepidium latifolium*) and Johnson grass (*Sorghum halepense*). The wide variety of native vegetation will promote utilization of the site by a plethora of wildlife, including birds, mammals, reptiles, and amphibians.

Long-term Net Benefits to Sensitive Species Recovery: Given the proximity of the Project site to Dos Rios Ranch State Park and San Luis National Wildlife Refuge (Refuge), special status species known to occur within the park and the Refuge may migrate into the Project site to utilize the restored riparian forest. The Project will establish dense riparian canopies favorable to nesting least Bells' vireo (*Vireo bellii pusillus*), a species listed as endangered under the California Endangered Species Act (CESA) and the federal Endangered Species Act (ESA), and western, yellow-billed cuckoo (*Coccyzus americanus occidentalis*), a species listed as threatened under ESA and endangered under CESA. Additionally, the Project will provide foraging habitat for the riparian woodrat (*Neotoma fuscipes riparia*), listed as endangered under ESA, and riparian brush rabbit (*Sylvilagus bachmani riparius*), listed as endangered under both CESA and ESA.

Procedures for the Protection of the Environment: River Partners has conducted surveys for sensitive plants and wildlife within the Project site, with no positive detections. River Partners will perform surveys again prior to conducting the work. River Partners has also deployed wildlife cameras and autonomous recording units (ARUs) to identify any species that may occupy the Project site. Survey, camera, and ARU findings will inform the development of site-specific avoidance and minimization measures. Because the Project site consists of existing agricultural areas or facilities including the orchard field, existing access roads, and site berms with no native habitat, the potential for sensitive species occurrence is low.

River Partners will notify CDFW pursuant to Fish and Game Code section 1602. If a Streambed Alteration Agreement is issued, River Partners will complete the Project in accordance with the agreement, including implementation of protective measures. River Partners is also coordinating with the Central Valley Flood Protection Board to acquire an encroachment permit pursuant to California Code of Regulations, Title 23, Division 1, Chapter 1, Article 3, Section 6. The encroachment permit will include additional measures for the protection of the environment.

Ongoing Management for the Protection of the Environment: For a period of three years after initial restoration activities are completed, the Project site will be adaptively managed and monitored by River Partners.

Supplemental water will be provided to plantings using existing flood irrigation infrastructure, to support their success in establishment. Invasive, non-native plant species will be treated, as needed, using herbicide and mechanical removal methods to minimize competition for resources. Existing property infrastructure, including river pumps, access roads, and gates will be functionally maintained as necessary.

Monitoring efforts will include an assessment of vegetative performance, species presence surveys, photo-point surveys, and may also include wildlife camera analyses. Vegetative performance will be evaluated using multiple parameters, including percent survivorship, success of germination, and an assessment of the presence of invasive, non-native plant species. To support Project success, adaptive management activities may be implemented in addition to planned management actions, including replanting and reseeding.

After the three-year management and monitoring period, River Partners intends to transfer the property to a land steward for long-term management. The future land steward will be responsible for any ongoing management efforts for the protection of the environment.

- 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 does not include any construction activities. All Project activities, including those which may involve the use of equipment and machinery, are solely related to

habitat restoration. Mature orchard trees will be removed and replaced with native riparian species. The ground surface will be disced to prepare topsoil for planting. Berms will be constructed to provide topographic 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: Sept. 26, 2024