

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2024-061-R3**

Project: Sunol Valley Fish Passage Project
Location: Alameda County
Lead Agency: San Francisco Planning Department
Lead Agency Contact: Joy Navarrete; joy.navarrete@sfgov.org

Background

Project Location: The Sunol Valley Fish Passage Project (Project) footprint is approximately 35 acres and is located along a 2,000 linear foot section of Alameda Creek between the San Antonio Creek confluence and Calaveras Dam, upstream of Highway 680, south of Sunol, in an unincorporated part of Alameda County; latitude 37.569014, longitude -121.872864.

Project Description: San Francisco Planning Department (Lead Agency), in partnership with California Trout (CalTrout) and Pacific, Gas & Electric (PG&E), 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 native anadromous fish species, including Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*) and Chinook salmon (*Oncorhynchus tshawytscha*). The Project activities include the removal of a 200-foot wide by 70-foot-long concrete erosion control mat (Er-Con mat), the removal and relocation of a PG&E gas pipeline, and regrading and restoration within the Project's footprint.

Currently, the Er-Con mat is a passage barrier for native fish species utilizing Alameda Creek, creating a seven-foot drop. This drop is impassable for adult salmonids at low flows and is impassable to juvenile salmonids at all flows. The Er-Con mat currently protects a PG&E gas pipeline. The Er-Con mat and gas pipeline will be removed to provide fish passage at their current location, and the gas pipeline will be relocated to a new location approximately 114 feet downstream of its current location. The new pipeline will be buried 18 feet below the existing Alameda Creek grade to eliminate any need for any structures in the creek bed. Excess soils will be placed against existing berms along Alameda Creek, and no spoils will be trucked off-site.

Once the Er-Con mat has been removed and the pipeline has been relocated, a 2,000 linear foot section of Alameda Creek, which includes the old and new pipeline locations, will be restored. This restoration will include regrading several hundred linear feet of Alameda

Creek, approximately 0.5 acres, both upstream and downstream of the current pipeline crossing. Additionally, new pools and meanders will be created, improving channel diversity, and a low flow channel will be formed to allow passage opportunities during low flows. Once the creek channel has been regraded, approximately six acres of the Project site will be revegetated with native plant species including sycamore, buckeye, and shrubs from approximately 3,000 cuttings, acorns, nuts, and seeds.

Following these initial restoration activities, the Project site will be monitored for 10 years to ensure revegetation cover and fish passage success and will be adaptively managed as necessary based on the Project's monitoring results.

Once complete, the Project will restore fish passage and provide access to more than 20 miles of high-quality habitat for migratory fish, including CCC steelhead, Chinook salmon, and lamprey species. Additionally, ecological function in this reach of Alameda Creek will be restored, including the ability to flush sediment, woody debris, and nutrients downstream.

The Project is one of the last components of a multi-decade program to improve fish passage in Alameda Creek as part of the Alameda Creek Fisheries Workgroup partnership. The Workgroup is composed of numerous community groups, local water management and flood control agencies, and state and federal resource agencies. The Er-Con mat is the last major fish passage barrier remaining on mainstream Alameda Creek downstream of the major water storage reservoirs on Calaveras and San Antonio Creeks.

Tribal Engagement: The Project is subject to Section 106 of the National Historic Preservation Act, and the National Oceanic and Atmospheric Administration (NOAA) is the federal lead agency for the Project. NOAA issued a consultation initiation letter to 11 tribes on August 7, 2024. Eight of the tribes have responded to the letter and federal consultation efforts are still in progress. Additionally, the Lead Agency requested a Sacred Land File search and Tribal Consultation List for the Project area from the Native American Heritage Commission. The Lead Agency will issue letters to the eight tribes that previously responded to the federal consultation letter.

Interested Party Coordination: The Lead Agency, in coordination with CalTrout, has conducted outreach with interested parties and public agencies. The Project has been developed in close collaboration with San Francisco Public Utilities Commission, PG&E, the Alameda Creek Alliance, and the nearby DeSilva gravel quarry. To coordinate permitting for the Project, the Lead Agency and CalTrout met with the California Department of Fish and Wildlife (CDFW), National Marine Fisheries Service (NMFS), United States Fish and Wildlife Service (USFWS), and the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB). Additionally, the Project was presented to the Alameda Creek Watershed Forum, a voluntary, non-regulatory stakeholder group that includes the Alameda County Flood Control and Water Conservation District, Zone 7 Water Agency, Alameda County Resource Conservation District, Alameda County Water District, City of Fremont, City of Livermore, Living Arroyos, East Bay Regional Park District, Friends of the Arroyos, Livermore Area Recreation and Park District, and SFBRWQCB. CalTrout has also included articles about the Project on their website, which is available to the public.

Anticipated Project Implementation Timeframes:

Start date: May 2025

Completion date: December 2035

Lead Agency Request for CDFW Concurrence: On November 7, 2024, 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 (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on November 6, 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's exclusive purpose is to provide volitional fish passage and restore a 2,000 linear foot section of Alameda Creek. By removing the Er-Con mat, the Project will restore access to an additional 20 miles of high-quality habitat for migratory fish, including CCC steelhead, Chinook salmon, and lamprey species. Currently, the Er-Con mat creates an approximate 7-foot drop in the thalweg of Alameda Creek and has been identified as a priority fish passage barrier. After removal of the Er-Con mat and relocation of the gas pipeline, the channel and its banks will be recontoured to instead have a natural slope, with riffles, runs and pools to allow fish passage. Additionally, the Project will restore approximately 6 acres of upland with native vegetation. Because the existing gas pipeline provides essential public services, the Project includes relocating the pipeline corridor to a better location and burying the pipeline under Alameda Creek where it will no longer impact fish passage or riparian habitat.

- 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 result in incidental public safety benefits, through reduction in flood risk. The Project is anticipated to reduce water surface elevations at 9,000 CFS for approximately 1,860 linear feet of Alameda Creek and may reduce 100-year flood elevation of a few tenths of a foot downstream of the current location of the Er-Con Mat.

- 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 result in long-term net benefits to climate resiliency by removing a fish passage barrier and providing access to a greater range of habitats for native fish species, including CCC steelhead and California roach (*Hesperoleucus symmetricus*). Allowing for a broader range of habitats will provide individuals a higher likelihood of finding their specific habitat requirements under future climate change scenarios, either upstream or downstream of the Project site. This unimpeded movement is critical for recovery of CCC steelhead in a changing climate where cool perennial streamflow will be located at higher elevations upstream.

The Project will also benefit stream water temperature and channel structure. The Project is designed to increase riparian vegetation, which will enhance shade availability. The Project will also increase channel sinuosity, which may help deeper pools form over time.

Furthermore, restoring the Project site to a natural channel will increase habitat resiliency by removing restrictions on natural, physical, and biological processes including sediment transport, vegetation recruitment, and erosion. Restoration of these natural processes is expected to improve ecosystem function, improving Alameda Creek's resiliency to expected future hydrological changes resulting from climate change.

Long-term Net Benefits to Biodiversity: The Project will result in long-term net benefits to biodiversity by restoring the site's natural ecological functions. Removing the fish passage barrier will open up an additional 20 miles of upstream spawning and rearing habitat for native fish species, including CCC steelhead, Chinook salmon, pacific lamprey (*Entosphenus tridentatus*), river lamprey (*Lampetra ayresii*), western brook lamprey (*Lampetra richardsoni*), Sacramento sucker (*Catostomus occidentalis*), California roach, Sacramento pikeminnow (*Ptychocheilus grandis*), and prickly sculpin (*Cottus asper*). Greater habitat connectivity and improved access to diverse habitat is expected to result in population increases and improved survival rates.

The Project will also result in long-term net benefits to native plant species through the removal of invasives and replanting of native vegetation. Native vegetation and tree cover will enhance Alameda Creek as a wildlife corridor, which will create suitable habitat for terrestrial species such as Crotch's bumble bee (*Bombus crotchii*), loggerhead shrike (*Lanius ludovicianus*), green heron (*Butorides virescens*), Anna's hummingbird (*Calypete anna*), common yellowthroat (*Geothlypis trichas*), and other native nesting birds.

Long-term Net Benefits to Sensitive Species Recovery: The Project will result in long-term benefits to sensitive species recovery. Removal of the fish passage barrier and restoration of Alameda Creek to a natural channel will restore sediment transport processes. Restoring passage to upper Alameda Creek will allow CCC steelhead to express diverse life histories, which is expected to increase sustainability and abundance of the species in Alameda Creek. Specifically, CCC steelhead will more readily be able to access the headwaters to spend more time in freshwater to grow before emigrating to the ocean at larger sizes or to grow larger before spawning as resident fish, and access more habitat during varying water years. Adult CCC steelhead will be able to use newly created pools at the Project site as staging pools while they move upstream to spawn.

The Project addresses multiple recovery actions outlined in NOAA Fisheries Multispecies Recovery Plan for Central California Coast steelhead, designed to benefit CCC steelhead in the region. These actions include AIC-CCCS-5.1.5.2, "Remove or modify the PG&E gas line crossing in the Sunol Valley", AIC-CCCS-6.1.3.1, "Identify and evaluate adult staging pool in Niles Canyon, Arroyo de la Laguna, Arroyo Mocho, Sunol Valley, and Upper Alameda Creek and ensure that all have an adequate shelter for migrating adults", and AIC-CCS-7.1.1, "Improve canopy cover".

Crotch's bumble bee and other native non-aquatic species will benefit from the Project through native plantings, which will provide a food source for these species in the

Project area. Additionally, native plantings should help provide a long-term seed source, increasing native plant species diversity and abundance in Alameda Creek in the long-term.

Procedures for the Protection of the Environment: CalTrout will implement avoidance and minimization measures, as well as best management practices (BMPs) for the protection of the environment for the duration of the Project. To protect fish species, the Project will include installation of fish exclusion fencing, relocation of fish, and installation of a dewatering pipeline to route the flow of Alameda Creek around the Project site. Protection measures for other special-status species such as California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), and Alameda whip snake (*Masticophis lateralis euryxanthus*) will be implemented to minimize effects from Project's restoration activities. Existing riparian vegetation will be protected by implementing a grading plan, which will be designed to avoid removal of the few existing mature trees left at the Project site, with each tree being flagged and protected with fencing to prevent accidental damage. Additionally, the Project will implement BMPs to prevent the spread of invasive species and soil pathogens through the use of proper decontamination protocols and sourcing of native species plantings. Lastly, the Project will implement all relevant measures from the Project's permits, including measures from SFBRWQCB, CDFW, NMFS, and USFWS issued permits.

Ongoing Management for the Protection of the Environment: CalTrout will monitor the Project site for 10 years. Water quality will be monitored for the first year following initial restoration. Over the long-term, adult salmonid and native plant establishment will be monitored for success. The Project site will also include seasonal irrigation and weeding to ensure proper establishment of plantings. Depending on need, additional grading may be carried out to address the Project's fish passage improvements.

- 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 activities for the Project are solely related to habitat restoration and fish passage. Heavy machinery may be utilized for the Project's restoration activities, including grading and/or excavating, associated with the Project's removal of the Er-Con mat and relocation of the PG&E gas pipeline. The gas pipeline is only being relocated to allow the removal of the Er-Con mat, a fish passage barrier.

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: 12/11/2024

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