CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2025-068-R1

Project:	Deer Creek Meadows / North Fork Deer Creek Bridges Restoration Project
Location:	Tehama County
Lead Agency:	Resource Conservation District of Tehama County
Lead Agency Contact:	Jon Barrett; jbarrett@tehamacountyrcd.org

Background

Project Location: The Deer Creek Meadows / North Fork Deer Creek Bridges Restoration Project (Project) is located in the eastern portion of Tehama County within the Deer Creek watershed, just east of the unincorporated town of Mill Creek. The Project includes meadow restoration and the removal of two dilapidated bridges and part of an obsolete road. The meadow restoration portion of the Project is located at the confluence of Deer Creek and North Fork Deer Creek (also known as Gurnsey Creek), south of State Highway 32. Both bridge removal components of the Project are located on North Fork Deer Creek. The downstream bridge is located adjacent to the meadow restoration, just south of State Highway 32. The upstream bridge is located approximately 1.4 miles upstream of the downstream bridge, north of State Highway 32 and west of State Highway 36.

Project Description: The Resource Conservation District of Tehama County (RCDTC) (Lead Agency) 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. The Project includes the removal of two dilapidated bridges as well the removal of a section of a road grade that was built over Deer Creek Meadows. The Project also includes the restoration of 293 acres of wet meadow habitat in Deer Creek Meadows. Currently, stream channels within Deer Creek Meadows are in degraded condition due to past land management practices. The Project will restore the meadow using a number of treatments, including riffle augmentation, post-assisted log structures (PALS), beaver dam analogs (BDAs), channel fill (mechanical/ hand fill), ditch filling (mechanical/ hand fill), large tree placement, cross vanes, J-hooks, road grade removal, as well as cattle exclusion fencing and riparian planting. These activities will facilitate the re-establishment of native vegetation along the riparian corridor, improving habitat conditions for wildlife and increasing biodiversity in the area. The restoration will also stabilize the streambanks, reducing erosion and sedimentation downstream. Overall, the Project will promote ecological function and long-term resilience for the Deer Creek watershed.

The bridge removals portion of the Project will focus on dismantling of two deteriorated bridges spanning North Fork Deer Creek. Both bridges have altered natural stream processes through the construction of piers and buttresses and the loss of riparian vegetation. In addition, some of the treated wood is considered hazardous materials due to creosote that enters the stream channel and banks through melting and dripping from the structures and leaching from in-channel piers. By removing the bridges, the Project aims to restore the creek's natural hydrology, improve water quality, and enhance habitat connectivity for aquatic and terrestrial species.

The last component of the Project is the removal of a section of a road grade that was historically built across the north end of the meadow over wet meadow habitat. The road grade fill materials will be removed down to an elevation where it can be restored and the former road grade will be restored as wetland habitat. This Project is expected to restore a total of 293 acres of meadow habitat and approximately 25,000 linear feet of streamside riparian habitat.

Tribal Engagement: The Lead Agency has an existing Memorandum of Understanding (MOU) with the Paskenta Band of Nomlaki Indians of California tribe. The MOU establishes that the Lead Agency work directly with the Paskenta Band of Nomlaki Indians to perform tribal monitoring and consultation services. The Lead Agency has engaged with the Paskenta Band of Nomlaki Indians about Cultural Monitoring for the Project and will continue to actively engage with the tribes about Project planning and implementation.

Interested Party Coordination: The Lead Agency assembled interested parties and public agencies to form a Technical Advisory Committee (TAC) whose purpose is to guide the planning, design, permitting, implementation, and monitoring of the Project. The TAC has been meeting since 2021 and includes Collins (the landowner), David Garst (grazing rights owner), Wendy Boes (botanist), Forest Creek Restoration, Lawerence and Associates, Guzzi West, Tehama Environmental Solutions, Point Blue Conservation Science, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife (CDFW), California Department of Water Resources, Natural Resources Conservation Service, and the Lead Agency. The Lead Agency has also notified the Tehama County Planning Department of the Project.

Anticipated Project Implementation Timeframes: Start date: January 2026
Completion date: December 2029

Lead Agency Request for CDFW Concurrence: On January 14, 2025, 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 January 14, 2025, 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 Lead Agency has determined the Project will exclusively conserve, restore, protect, enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.

   The removal of the dilapidated bridges and road grade, as well as the meadow restoration, will reestablish natural water flow in Deer and Gurnsey Creeks, vital for maintaining healthy aquatic ecosystem by allowing for improved water circulation and the replenishment of oxygen levels necessary for fish and other aquatic organisms. The bridge removal portion of the Project will also allow for uninterrupted passage for fish and wildlife, including species that rely on upstream habitats for spawning, feeding, and shelter. Water quality will also improve by reducing sedimentation caused by the bridges as well as eliminating the leaching of identified pollutants entering the

streams from the bridge structures. The meadow restoration portion of the Project will also improve water quality by helping to filter stormwater runoff before it enters the creek and by stabilizing the soil to reduce erosion, therefore enhancing habitat for both aquatic and terrestrial species. The meadow restoration will also improve riparian habitat which will provide shade, food, and shelter for both aquatic and terrestrial species.

The Project indirectly supports the recovery of native fish species, such as Chinook salmon (*Oncorhynchus tshawytscha*) and rainbow trout/steelhead (*Oncorhynchus mykiss*), by reducing sedimentation and pollution while increasing base flows, enhancing essential downstream spawning, holding, and rearing habitats.

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 Lead Agency has determined that the Project will not have incidental public benefits. The Project will not result in any new public access or recreation 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 Project will result in long-term net benefits to climate resiliency by restoring the meadow system. Restoring the meadow will help buffer the effects of climate change and droughts on vulnerable fish populations as well as listed and special-status wildlife species that are vulnerable to the effects of climate change.

   Deer Creek Meadows is projected to have high exposure to climate change because of its elevational and latitudinal position. Rising temperatures will drive hydrological changes in the Deer Creek watershed, with implications for the persistence of wet meadow and riparian systems and associated species. Deer Creek has been identified as critical to the recovery of the federally and state listed Central Valley spring-run Chinook salmon and the federally listed Central Valley steelhead. The Project site is located upstream of spawning, holding, and rearing habitat for these two species. Restoring the meadow system will help buffer the effects of climate change and droughts on these vulnerable fish populations.

   The Project will also increase floodplain connectivity in oversized and incised meadow channels. This will allow for the meadow to stay wetter longer and act as refugia, buffering the effects of climate change and droughts on vulnerable species that rely on wet habitat. The increased connectivity can also buffer the effects of extreme events (droughts, flooding, and high severity fire) by allowing the meadow to stay wetter longer and by allowing excess water to fill the floodplain.

Long-term Net Benefits to Biodiversity: This Project is designed to restore mountain meadow and stream riparian habitat, but Project activities will also result in significant benefits to several other habitats, including wet meadow, non-forested fen wetland, forested fen wetland, montane riparian, and riverine.

These benefits include:

- increasing floodplain connectivity in oversized and incised meadow channels,
- decreasing stream power in the meadow system by the reactivating of historic remnant channels,
- increasing channel and floodplain complexity by promoting the growth of riparian and emergent wetland vegetation and abundance of large woody debris, and
- improved water quality and stream function by removing hazardous materials, and recontouring and revegetating the streambanks as a result of removing the two bridges

The restoration activities are expected to result in reduced erosion, lower turbidity, increased groundwater recharge, cooler water temperatures, and higher base flows. These restored habitats are expected to increase the biodiversity of plants and animals that utilize this habitat.

Long-term Net Benefits to Sensitive Species Recovery: The Project will have long-term net benefits to sensitive species recovery by restoring habitat used by sensitive species. Meadows provide habitat for hundreds of terrestrial and aquatic species and have been in decline. Increasing the area of fluvial activities, the length and complexity of the channel, and stabilizing eroding banks will benefit common and sensitive aquatic and riparian plant and animal species. Restoring mountain meadow and stream ecosystems is expected to benefit sensitive species of animals and plants.

Special-status species expected to potentially benefit from the Project include:

- southern long-toed salamander (*Ambystoma macrodactylum sigillatum*),
- Cascades frog (*Rana cascadae*),
- Central Valley spring-run Chinook salmon,
- Central Valley steelhead,
- willow flycatcher (*Empidonax traillii*),
- yellow warbler (*Setophaga petechia*),
- bald eagle (*Haliaeetus leucocephalus*),
- olive-sized flycatcher (*Contopus cooperi*)
- greater sandhill crane (*Grus canadensis tabida*)
- Pacific fisher (*Martes pennanti pacifica*)
- Sierra Nevada red fox (*Vulpes vulpes necator*)
- western bumblebee (*Bombus occidentalis occidentalis*),
- resin birch (*Betula glandulosa*),
- English long leaved sundew (*Drosera anglica*),
- slender cottongrass (*Eriophorum gracile*),
- three-ranked hump-moss (*Meesia triquetra*),

- swamp thread moss (*Meesia uliginosa*)
- bladder woart (*Ultricularia intermedia and U. minor*)

Procedures for the Protection of the Environment: Avoidance and minimization measures include but are not limited to the following:

Survey and Protection Requirements for the Cascade Frog
Suitable Cascades frog habitat in areas identified for restoration activities shall be surveyed immediately prior to commencement of impactful Project work. If frogs are observed during these surveys, all operations within 23 meters of the observation shall halt, and CDFW shall be contacted for site-specific protection measures.

Measures to Protect Migratory Bird Treaty Act Species
No Project work of any kind shall occur between March 15 and August 10, unless the following is implemented:

1. A pre-construction survey is conducted by a biologist or other persons with knowledge of and ability to recognize protected avian species within 0.5 miles of the Project area during the nesting season and it is determined that there are no occupied nests within the proposed Project area.
2. If an occupied nest is found, then a 100-foot' "No Treatment Area" no-work buffer zone shall be established around the nest during the breeding season.

Preconstruction Surveys and Protection of Sandhill Crane Nest Sites and Flightless Young
Preconstruction nesting surveys shall be completed within 0.5 miles of the proposed work area no more than 30 days prior to the start of any impactful activities conducted during the sandhill crane breeding season (April 1 through July 31). If no occupied nests are found, no further mitigation shall be required. If active nests or flightless young are identified within the survey area, no-disturbance buffer zones shall be established at a distance sufficient to minimize disturbance based on the nest location, topography, and cover.

Use of Mechanical Equipment During Northern Goshawk Nesting Season
The use of mechanical equipment shall be avoided during the northern goshawk nesting season (February 15 to September 15), to a distance of ¼ mile of suitable occupied nesting habitat or if a nest is confirmed. This restriction may be lifted if it is determined through intensive stand searches or other surveys that the suitable habitat is not occupied. If a northern goshawk nest is found in the Project area or within a ¼ mile of proposed treatment areas, the nest tree shall be protected from removal of other impacts.

Willow Cutting Near Willow Flycatcher Territories
No willows shall be cut within 164 feet (50 m) of all currently known willow flycatcher territories and any new willow flycatcher territories that may be established during future pre-restoration surveys.

Work Restrictions During Willow Flycatcher Nesting Season
Impacts to willow flycatchers from disturbance shall be avoided by prohibiting within-meadow restoration activities within its nesting period of June 1 through August 15.

Yellow Warbler Work Period Restrictions
Meadow restoration activities shall be restricted to those time periods outside the Yellow Warbler nesting period of May 15 through July 31.

Stormwater Pollution Prevention Plan
A Stormwater Pollution Prevention Plan (SWPPP) shall be implemented prior to initiation of Project work. The Lead Agency shall implement BMPs identified in the SWPPP. Such BMP's shall be in addition to the specific Mitigation Measure listed in this document. Routine monitoring and inspection of BMPs shall be conducted by the RCDTC Project Manager to ensure that the quality of storm water discharges is in compliance with the permit.

Ongoing Management for the Protection of the Environment: The Project includes monitoring of the meadow restoration, stream revegetation, groundwater levels, and avian nesting. Information from this monitoring will provide a feedback loop to advise any future maintenance or supplemental restoration actions to ensure that the Project continues to meet the restoration goals.

The Lead Agency is also assisting the livestock operator with the preparation of a Grazing Management Plan to ensure that future grazing activities are compatible with the Project. Part of the meadow design includes fencing livestock from the Deer Creek channel to allow riparian habitat and streambanks to recover. Maintenance of the new fencing will be the responsibility of the livestock operator.

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 Lead Agency has determined that the Project does not include any construction activities, except for construction activities solely related to habitat restoration.

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: 3/14/25

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