CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
POST OFFICE BOX 944209
SACRAMENTO, CA 94244-2090

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2025-069-R4

Project: Zanker Farm Salmonid Restoration Project

Location: Stanislaus County

Lead Agency: Stanislaus County Department of Public Works

Lead Agency Contact: Andrew Malizia; maliziaa@stancounty.com

Background

Project Location: The Zanker Farm Salmonid Restoration Project (Project) is located along a 1.5-mile section of the lower Tuolumne River, encompassing a 161.5-acre Project site, in the unincorporated community of La Grange, Stanislaus County, California; centered at coordinates 37.6325, -120.51277; Section 00, 34, and 35, Township 3 South, Range 13 East; U.S. Geological Map Cooperstown; Assessor's Parcel Numbers 008-022-013-000, 008-022-002-000, and 008-021-009-000.

Project Description: The Project lies within the dominant salmonid spawning reach of the lower Tuolumne River. Restoration of the Project site is identified as high priority within the Habitat Restoration Plan for the lower Tuolumne River Corridor due to degraded geomorphological and habitat conditions. These conditions can largely be attributed to anthropogenic causes, including historic gold dredging and streamflow regulation. Gold dredging practices involved the inversion of the floodplain soil profile, leaving floodplain surfaces armored by gravel tailings. This contributed to a decrease in channel sinuosity. Streamflow regulations include the construction of dams, which starve the river of sediment and limit natural geomorphic processes.

The Tuolumne River Conservancy (TRC) served as Project Proponent during the Project planning phase and Trout Unlimited, Inc. will serve as Project Proponent during the Project implementation phase. Through implementation of the Project, Trout Unlimited, Inc., 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 will replace a homogenous, bedrock-bottom pool with a diversity of riffles, pools, gravel bars, side channels, and floodplain habitats. The Project has been designed to primarily benefit: spring-run Central Valley chinook salmon (*Oncorhynchus tshawytscha*), a state and federally threatened species; fall-run Central Valley chinook salmon, a California Department of Fish and Wildlife (CDFW) Species of Special Concern; and *Oncorhynchus mykiss irideus* (which includes Central

Valley steelhead and resident rainbow trout), a federally threatened species and a CDFW Species of Special Concern. The following stream restoration activities will be implemented:

- Removal of remnant haul road bridge debris, including sheet piles, I-beams, and concrete, to improve connectivity to river-adjacent sloughs.
- Creation of 5.4 acres of floodplain habitat and 7.3 acres of side channel habitat, suitable for salmonid rearing.
- Creation of 17 riffles and 16 gravel bars, suitable for salmonid spawning.
- Addition of coarse sediment to Peaslee Creek, to reduce or eliminate habitat suitable for salmonid predators and to promote downstream sediment transportation.
- Installation of bioengineered habitat enhancement features, including, but not limited to, willow trenches, rootwad logs, whole trees, and boulder ballast.
- Removal of a trash rack on an existing river pump diversion and replacement with a self-cleaning cone fish screen, to prevent entrainment of fish during diversion operation.
- Revegetation with native species. This may include the planting of container plants, live hardwood cuttings, and acorns, and the application of a native seed mix.
- Post-Project monitoring, to collect data, assess Project success, and help inform adaptive management needs.

CDFW's Fisheries Restoration Grant Program funded $979,454 toward Project planning. In-kind contributions have come from the Zanker family, who owns a majority of the Project site, and other private sources. Funds for Project implementation have not yet been secured.

Tribal Engagement: The TRC formally requested the Native American Heritage Commission (NAHC) provide a list of tribal contacts which may be traditionally or culturally affiliated with the Project site. The NAHC provided a list of 22 tribal contacts. Project notification letters were sent to tribal contacts. Follow-up phone calls were made to ensure that tribal contacts were informed of the Project and provided opportunity to engage. Where contact could not be established, voicemails were left, and follow-up emails were sent.

Interested Party Coordination: The TRC provided pamphlets and informational letters to local landowners and other stakeholders. Project updates were presented at multiple Tuolumne River Technical Advisory Committee meetings. Additionally, the TRC held a public tour at the Project site on March 22, 2024. Tour attendees included, but may not have been limited to, representatives from CDFW, the U.S. Fish and Wildlife Service, Modesto Irrigation District, and local landowners.

Anticipated Project Implementation Timeframes: Start date: 2026
Completion date: 2046

Lead Agency Request for CDFW Concurrence: On January 23, 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 21, 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 exclusive purpose of the Project is to restore and enhance a 1.5-mile section of the lower Tuolumne River, which will assist in the recovery of California native fish and wildlife. By restoring the Project site, the existing lake-cascade channel morphology will be converted to a more natural pool-riffle morphology, with increased sinuosity. The river will re-engage with perched floodplain surfaces. Habitat conducive to salmonid predators will be eliminated from or minimized within the Project site. Remnant haul road bridge debris will be removed from the river, which will re-establish connectivity with sloughs. In-channel and off-channel features will be established throughout the Project site, that target depth and velocities suitable for salmonid

spawning and rearing habitat. Revegetation efforts will provide cover, refuge, foraging, basking, and nesting opportunities for an abundance of species. And the increase in functional integrity of the riparian ecosystem will support voluntary recruitment of vegetative communities.

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 site occurs on privately owned property. The Project was not designed to provide public access, recreation, or other incidental public 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.

   <u>Long-term Net Benefits to Climate Resiliency:</u>

   The Project will produce long-term net benefits to climate resiliency.

   The Project will establish hydraulic conditions that provide habitat variability regardless of the exact flow that is released from New Don Pedro Dam. Floodplain and side channel habitat have been designed to inundate between 150 and 1,580 cubic feet per second, to provide continuous shallow water habitat on the ascending and descending limbs of flow pulses. This will provide habitat variability under a wider range of regulated flows, which is crucial to climate resiliency.

   The Project site occurs within the dominant spawning reach of the Tuolumne River. Salmonids prefer spawning in this reach due to the presence of cool water temperatures. It is crucial that cool water temperatures in this reach be preserved as climate change worsens. High water temperatures can stress salmon at all life stages, but it is especially detrimental to the success of salmon reproduction. By revegetating the Project site with native species, the Project incorporates shade along channel margins, floodplains, side channels. This shade will provide temperature refugia for salmonids and other aquatic species. The establishment of a pool-riffle morphology will also provide minute temperature variation opportunities.

   Revegetation efforts will also increase the abundance of native tree, shrub, and understory species throughout the Project site. Non-native invasive plant species will be removed from the Project site as feasible, and either disposed of or buried to a depth which will prevent propagule spread. By removing non-natives, plantings will be provided opportunity to establish without resource competition from non-natives. Once established, native plants will be water-efficient and will support groundwater recharge.

Long-term Net Benefits to Biodiversity:

The Project will produce long-term net benefits to biodiversity within the Project site and at regional scale.

Food availability is a limiting environmental factor that can be detrimental to the growth and survival of juvenile salmonids. Project features have been designed to support the production of benthic macroinvertebrates, which are a primary food source for juvenile salmonids. In addition, other fish, amphibians, reptiles, and birds within the Project site will benefit from the increased abundance of benthic macroinvertebrates.

The revegetation plant palette will directly enhance the biodiversity of vegetative communities within the Project site. The plant palette includes five planting zone associations: emergent, high riparian, low riparian, riparian-upland, and upland. Emergent zones will be planted with sedges (*Carex spp*.), rushes (*Juncus spp*.), and willows (*Salix spp*.). High and low riparian zones will be planted with willow, cottonwood (*Populus spp*.), and understory species, such as mugwort (*Artemisia douglasiana*) and blue elderberry (*Sambucus nigra ssp. caerulea*). Riparian-upland and upland zones will consist of oak (*Quercus spp*.). The Project will also provide suitable groundwater conditions to support voluntary riparian plant recruitment and survival, which may further increase the abundance of vegetative communities onsite.

The Project fits well with the suite of recent habitat restoration projects planned and/or implemented on the lower Tuolumne River to date, including the Bobcat Flat Salmon Habitat Restoration Project, the Tuolumne River Mainstem Channel Restoration Project Upstream of Old La Grange Bridge, and the Basso/La Grange Reach Floodplain and Spawning Habitat Restoration Project. Combined, these restoration projects contribute to enhanced biodiversity and habitat connectivity at a regional scale.

Long-term Net Benefits to Sensitive Species Recovery:

The Project will produce long-term net benefits to sensitive species, which will aid in their recovery.

A biological resources evaluation has been performed to identify special-status biological resources that may occur within the Project site. The evaluation included a desktop assessment and a reconnaissance survey. Special status-species with the potential to occur within the Project site include, but are not limited to, federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), proposed federally threatened northwestern pond turtle (*Actinemys marmorata*), state threatened Swainson's hawk (*Buteo swainsoni*), Central Valley chinook salmon, and *O. mykiss*.

Elderberry (*Sambucus spp*.), the host plant for valley elderberry longhorn beetle, occur within the Project site. The Project will avoid existing elderberry plants, as feasible, to minimize impacts to valley elderberry longhorn beetle. The revegetation plant palette

includes blue elderberry shrubs, intended to increase the abundance of elderberry within the Project site, which will aid in the recovery of valley elderberry longhorn beetle.

Northwestern pond turtle, known to inhabit the Project site, will benefit from basking, hunting, and cover opportunities created by the Project. The Project aims to increase habitat suitability for the northwestern pond turtle, so they can have a competitive survival advantage over the invasive red-eared slider (*Trachemys scripta elegans*).

The riparian corridor within and around the Project site provides ideal nesting habitat for Swainson's hawk and other birds of prey. Surrounding the Project site, adjacent upland and farmed areas provide ideal foraging habitat. In 2023, Swainson's hawk were observed nesting approximately 0.75 miles from the Project site. With implementation of the Project, avian nesting habitat suitability is expected to increase within the riparian corridor.

The Project aims to reduce the suitability of habitat for salmonid predators, including largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), striped bass (*Morone saxatilis*), and American bullfrog (*Lithobates catesbeianus*). The Project will create 17 new riffles and 16 new gravel bars, with depth and velocity parameters targeted to suitable spawning habitat for Central Valley chinook salmon and *O. mykiss*. The Project will also create 7.3 acres of side channels and 5.4 acres of floodplain, designed to target suitable rearing habitat for juvenile Central Valley chinook salmon and *O. mykiss.*

Procedures for the Protection of the Environment:

The Project includes procedures for the protection of the environment, provided as a separate attachment to the Lead Agency's request dated January 23, 2025.

Avoidance and minimization measures have been incorporated into the Project to avoid or minimize potentially adverse effects on environmental resources. Many of these avoidance and minimization measures are derived from programmatic permits, including: the State Water Resources Control Board Order for Clean Water Act Section 401 Water Quality Certification and Waste Discharge Requirements for Restoration Projects Statewide; U.S. Fish and Wildlife Service Programmatic Biological and Conference Opinion on the California Statewide Programmatic Biological Assessment for Restoration: Multi-Agency Implementation of Aquatic, Riparian, Floodplain and Wetland Restoration Projects to Benefit Fish and Wildlife in California; and the NOAA Restoration Center Central Valley Office Programmatic Approach to Facilitate Implementation of Restoration Projects in the Central Valley of California. Other permits will also be obtained as needed, such as a Central Valley Flood Protection Board Permission to Encroach on Waterways within Designated Floodway permit, or Stanislaus County Grading and Mining Permits. Avoidance and minimization measures that have been incorporated into the Project include, but are not limited to, establishing work windows, performing pre-Project surveys, biological

monitoring, environmental awareness training, equipment maintenance, and washing of equipment, vehicles, and gravels to remove contaminants.

Ongoing Management for the Protection of the Environment:

The Project includes monitoring of the Project site, which will help inform potential ongoing management needs.

A Science, Monitoring, Management, and Maintenance Plan has been created for the Project, which describes Project success evaluation metrics and compliance monitoring and reporting expectations. The Project site will be monitored for a minimum of two years after implementation. Project success evaluation metrics include: an as-built salmonid rearing and spawning habitat suitability assessment; an as-built salmonid predator habitat suitability assessment; gravel quantity and pebble count calculations; and hyporheic flow assessments. Compliance monitoring and reporting expectations include: as-built topographic and bathymetric surveying; pre- and post-Project photo documentation; vegetative cover assessments with regulatory success requirements; fish relocation reporting; and water quality monitoring and reporting. Any problems or concerns that result from monitoring will prompt an analysis of potential corrective measures or adaptive management needs. The Project is not expected to require long-term adaptive management, due to the self-sustaining nature of the design.

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, except those solely related to habitat restoration. The Project includes the removal of an existing trash rack on the Zanker Farm diversion, and replacement with a self-cleaning cone fish screen. This construction activity is solely related to habitat restoration because its intended purpose is to prevent fish impingement and entrainment while the diversion is in use. The ongoing operation of the diversion is not part of this Project.

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: 3/27/25

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