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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2025-070-R2

Project:	Johnson Cosumnes Mitigation Bank Floodplain Restoration Project
Location:	Sacramento County
Lead Agency:	Sacramento County
Lead Agency Contact:	Anastasia Shippey; shippeya@saccounty.gov

Background

Project Location: The Johnson Cosumnes Mitigation Bank Floodplain Restoration Project (Project) is located on an approximately 218-acre property known as Johnson Ranch in Sacramento County, centering on 38.28740, -121.38143, at 8700 Twin Cities Road, Galt, California, 95632. Within the property, the lower Cosumnes River's main and west channels flow through the center, and Laguna Creek flows in from the northeast corner and meanders south and then westerly to its confluence with the Cosumnes River onsite. The Project site is currently used for growing annual crops and waterfowl hunting. The Project is surrounded to the north, south, and west by lands conserved as part of the approximately 50,000-acre Cosumnes River Preserve.

Project Description: Sacramento County (Lead Agency), in partnership with Westervelt Ecological Services (WES), proposes to conserve, restore, protect, or enhance approximately 204 acres of wetland, riparian, and riverine habitat to support and assist recovery of native fish and wildlife species through the implementation of the Project and establishment of the Johnson Cosumnes Mitigation Bank. Beyond the anticipated bank credit generation for wetland, riparian woodland, riverine, and native salmonid habitat, the Project is designed to benefit Swainson's hawk (*Buteo swainsoni*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), giant gartersnake (*Thamnophis gigas*), steelhead - Central Valley DPS (*Oncorhynchus mykiss irideus pop. 11*), tricolored blackbird (*Agelaius tricolor*), western red bat (*Lasiurus frantzii*), and western pond turtle (*Emys* marmorata). The Project will enhance and sustain floodplain access for native fish and support habitat for many common native wildlife and plant species.

The Cosumnes River is among the last California rivers with relatively natural and unregulated stream flows that vary from higher winter-spring flood flows to reduced or intermittent summer flows. Historically, the lower Cosumnes River, where the Project site is located, was a multi-channel floodplain system. Because of agriculture conversion and

channelization, the habitat function of the Project site is degraded and heavily disturbed. To address these issues and accomplish floodplain restoration, the Project includes the following elements:

1. Protect approximately 204 acres of wetland, riparian, and riverine habitat under a conservation easement, including approximately four acres that will not be available for bank credit purchase.
2. Create approximately 10 notches in the existing agricultural berms to restore hydrologic connectivity with the Cosumnes River and Laguna Creek.
3. Regrade and contour existing agricultural fields to connect approximately 4,400 linear feet of pilot channels and swales to restore and promote topographic complexity associated with floodplain wetland and riparian habitats.
4. Regrade over existing deep pockets to reduce potential for fish stranding.
5. Plant native wetland and riparian plant species to encourage native plant recruitment and reduce weed and non-native establishment.
6. Establish a post-restoration monitoring and maintenance approach for long-term durability of the Project. This will involve preparing both a Habitat Development and Interim Management Plan and a Long-Term Management Plan (LTMP) for monitoring and maintenance purposes. These Plans may include maintenance and monitoring activities such as implementing non-native invasive plant species management practices, repair/replacement of access gates and signage to prevent trespass and vandalism, and removal of trash.

The Project will restore one of the last unprotected properties under active cultivation along the lower Cosumnes River. The restored habitat is strategically located within this conservation corridor, ensuring the effective management and protection of resilient riparian and floodplain habitats. The Project will increase connectivity between core riparian and floodplain habitats in the lower Cosumnes River watershed and will benefit regional conservation efforts, including the Cosumnes River Preserve.

Tribal Engagement: Engagement with Wilton Rancheria and other identified tribes began in October of 2023, when WES met with tribal representatives on the Project site for initial discussions. Feedback was provided by Wilton Rancheria regarding the Project's planting plan. Through March and April of 2024, WES continued communication with Wilton Rancheria about the Project. A Cultural Resource Management Plan has been prepared for the Project that outlines allowed uses to promote Traditional Ecological Knowledge and traditional uses by tribes, and requirements for outreach and coordination.

Interested Party Coordination: WES initiated Project outreach in 2021 and has continued collaboration and outreach with interested parties throughout the planning process. This outreach has included members of the Lead Agency; The Nature Conservancy; California Department of Fish and Wildlife (CDFW); Cosumnes River Preserve; U.S. Army Corps of Engineers, Sacramento District; National Marine Fisheries Service, West Coast Region; U.S. Fish and Wildlife Service, Sacramento Field Office; Environmental Protection Agency, Region IX; Central Valley Regional Water Quality Control Board; and farmers, neighbors, and business owners in the area.

Anticipated Project Implementation Timeframes: Start date: June 2025
Completion date: December 2026

Although the anticipated project completion date is December 2026, the restoration goals and habitat conditions will be perpetually monitored and maintained, as prescribed by the interim and long-term management plans for the Project.

Lead Agency Request for CDFW Concurrence: On April 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 April 11, 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: (A) 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; (B) the Project may have public benefits incidental to the Project's fundamental purpose; (C) 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 (D) 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 promote natural range expansion of approximately 204 acres of wetland, riparian, and riverine habitat, that includes the enhancement, restoration, and protection of known valley elderberry longhorn beetle and western pond turtle habitat, and mature riparian woodland for a variety of raptors, birds, and bats. The Project will also reduce passage impediments, increase hydrologic connectivity, and provide off-channel refugia within the Cosumnes River riparian ecosystem for native fish. Furthermore, the Project will connect to and complement approximately 50,000 acres of protected habitat surrounding the Project site, facilitating an increase in migration routes for aquatic and riparian species, and increasing available foraging and nesting habitat for terrestrial species in the area.

   Although it is anticipated that the Project will eventually provide mitigation opportunities for various projects purchasing credits from the bank, the Project is not currently connected to any other projects that have regulatory mitigation obligations. Moreover, while WES is expected to benefit from the sale of credits, this does not detract from the underlying purpose of the Project and its project activities, which is to conserve habitat for native California wildlife and to contribute to the recovery of protected species.

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 have incidental public education benefits. Although the general public will not have access to the property, WES will allow certain interested tribes and environmental education and scientific study groups access to conduct approved educational/cultural activities.

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.

   While it is anticipated that this Project will eventually provide mitigation opportunities for various projects purchasing credits from the bank, the CDFW Director concurs with the Lead Agency there are several features of the bank that, considered collectively, ensure the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery above and beyond the mitigation value of the bank. Specifically, the Project is strategically located within the area of the Cosumnes River

Preserve, where more than 50,000 acres of land is conserved and managed through cooperative partnership. The 204 acres that the Project will protect in perpetuity will provide consolidated mitigation that provides for large-scale, cohesively managed, and high-functioning habitat. Of that 204 acres, 4 acres of higher floodplain habitat will not be associated with any bank credits.

Long-term Net Benefits to Climate Resiliency: The Project will improve the resilience of perennial and seasonal wetlands to the hydrologic and thermal pressures resulting from a changing climate. The Project includes the restoration and enhancement of historic floodplains. Floodplains act as sponges, absorbing, filtering, and storing water, all of which are environmental factors that promote biodiversity and work to shelter populations from climate pressures such as increased drought and flood frequency and severity. The large size of the Project site, combined with increased connectivity to other preserved lands along the Cosumnes River, will expand the network of ecological buffers to climate pressures, increasing habitat resiliency and available resources in perpetuity.

The LTMP is crafted to provide for the management and protection of the restored habitat in perpetuity, funded by a long-term endowment to ensure conservation values are continually supported and protected, even under extremes in climatic variability. This long-term funding and management strategy integrates adaptive management that enables evaluation and adjustment of approaches in response to climate pressures for the continued benefit of the restored habitat and conservation values.

Long-term Net Benefits to Biodiversity: Restoration of riparian and floodplain habitat across the Project site will produce significant net benefits to biodiversity. Long-term benefits are expected for nesting and foraging birds and native aquatic and terrestrial species, including black phoebe (*Sayornis nigricans*), downy woodpecker (*Dryobates pubescens*), bushtit (*Psaltriparus minimus*), ruby-crowned kinglet (*Regulus calendula*), golden-crowned sparrow (Zonotrichia atricapilla), Cooper's hawk (*Accipiter cooperii*), red-shouldered hawk (*Buteo lineatus*), barn owl (*Tyto alba*), great horned owl (*Bubo virginianus*), Nuttall's woodpecker (*Picoides nuttallii),* California scrub jay (*Aphelocoma californica*), black-tailed jackrabbit (*Lepus californicus*), and California quail (*Callipepla californica*). Riparian habitat is one of the most important and currently limiting ecosystems for species richness within California. This Project will have a significant net benefit on biodiversity through expansion, connection, and restoration of riparian and floodplain habitats.

The Project enhancements will result in palustrine emergent, scrub-shrub, and forested wetlands habitats associated with riverine systems. These communities are highly valuable for waterfowl and other migrating terrestrial species during winter, offer foraging habitat for raptors during the summer, and attract ground-nesting birds when conditions are dry. The Project includes riparian species plantings, which will facilitate the establishment of scrub-shrub and forest thicket-like habitats, which will serve as important cover and nesting habitat for migratory and resident birds and additionally support wetland habitats that will seasonally contribute to high quality off-channel habitat for native fish.

The Project site's current conditions include heavily disturbed and compacted soils that are not conducive to meaningful natural plant recruitment, significantly limiting its potential for biodiversity without anthropogenic intervention. Project activities will facilitate natural plant community establishment and significantly improve the biodiversity of the Project site through the enhancement of wildlife corridors, the substantial improvement of habitat quality, and the long-term funding and management of the Project that preserves and protects the value of the restored habitat for biodiversity in perpetuity.

Long-term Net Benefits to Sensitive Species Recovery: The Project will provide long-term net benefits to sensitive species recovery through extensive improvements to native fish and wildlife habitat on the Project site. The habitat improvements will have direct, long-term, and perpetual benefits through enhancement of essential fish habitat for steelhead - Central Valley DPS (Federally Threatened), and expanded habitat for giant gartersnake (Federally Threatened, State Threatened), Swainson's hawk (State Threatened), tricolor blackbird (State Threatened), western pond turtle (State Species of Special Concern), and western red bat (State Species of Special Concern).

Four sensitive plant species have potential to benefit from the Project through expanded habitat opportunities including bristly sedge (*Carex comosa*), Sanford's arrowhead (*Sagittaria sanfordii*), woolly rose mallow (*Hibiscus lasiocarpus var. occidentalis*), and delta tule pea (*Lathyrus jepsonii*). The LTMP will establish management activities that will manage invasive species throughout the site and ensure long lasting protections for the establishment and recovery of native and protected plant species.

Restoration and enhancement of riparian habitat will expand, improve, and permanently protect habitat for elderberry shrubs (*Sambucus nigra ssp. caerulea*), which are host plants for the valley elderberry longhorn beetle (Federally Threatened). The protection of these shrubs and expansion of additional potential habitat for elderberry shrubs to establish will support long-term recovery efforts for the valley elderberry longhorn beetle.

Steelhead and chinook salmon (State Species of Special Concern, *Oncorhynchus tshawytscha*) are both confirmed present within the water systems on the Project site. The Cosumnes River provides rearing habitat for steelhead. Restoring the direct connection between the river and its floodplain and re-establishing freshwater wetlands will provide a substantially expanded floodplain for juveniles to rear and forage. Expanded off-channel habitats, including floodplains, are beneficial for juvenile rearing. The Project activities will greatly increase accessible habitat and food web support for these sensitive species and contribute to long-term salmonid recovery efforts.

Sensitive amphibians and aquatic reptiles will particularly benefit from increased habitat complexity and heterogeneity in the enhanced Project landscape. Although no giant gartersnakes have been detected within the Project site, there are nearby

populations that will likely benefit from the Project, which may lead to future habitat occupation and use by the species, aiding in recovery.

Procedures for the Protection of the Environment: Procedures for the protection of the environment include extensive use of established best management practices and incorporation of avoidance and minimization principles.

Restoration and enhancement activities will be conducted between May 1 and October 1 of each year the Project is actively implemented to avoid the rainy season. All staff will be trained on appropriate environmental requirements from relevant state, local, and federal permits and approvals, and work will be restricted to daylight hours to avoid light pollution and unnecessary anthropogenic pressures on sensitive species. Tree removal will be limited to the minimum necessary to achieve the floodplain restoration goals, and the notch installation locations in the riverside berms will be selected to avoid healthy and mature trees. The protection of shade-producing and bank-stabilizing trees will be prioritized along existing riparian habitats, and all disturbed areas will be restored to the greatest extent possible; restoration actions will include soil decompaction, planting with native riparian species, and removal of and exclusion of invasive species.

Special-status species protection measures will be implemented to avoid and minimize impacts. Pre-construction surveys will be conducted for nesting birds, special-status plant surveys, western pond turtle, and giant gartersnake. Impacts to special-status species will be avoided through spatial and/or temporal avoidance measures, such as exclusion buffers or limited operating periods.

Ongoing Management for the Protection of the Environment:
The ongoing management of the Project site will include implementation of the LTMP for the protection of the environment. The LTMP will incorporate minimal mowing, pruning, and grazing to promote overall habitat quality. The LTMP will prescribe site inspections, invasive species monitoring and management, aerial drone and satellite monitoring, inspections for trash removal and property maintenance needs, and vegetation management. The LTMP will outline required coordination with regulatory agencies, the property owner, and Wilton Rancheria, and will be funded by an endowment.

The endowment will provide funds to ensure LTMP management activities are conducted for ongoing protection of the conservation values of the property. A third-party conservation easement holder will be responsible for ensuring WES, and any potential future landowners, are compliant with the easement's restricted uses and implementing the LTMP's required maintenance and monitoring.

Together, this consistent coordination with partners and sufficient fiscal resources for ongoing site management will ensure protection of the restoration and conservation values of the property.

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 sole purpose of the Project is to implement habitat restoration and protect sensitive biological resources. Floodplain restoration will in part be accomplished by using heavy equipment, which may include scrapers, excavators, bulldozers, skiploaders, dump trucks, and a water truck, and will entail excavating notches in the agricultural berms and minor recontouring of the floodplain. Excavated earthen material from the notching and swales will be used to increase topographic complexity, increase structural patch richness, and create more gentle transitions from the agricultural berms to the restored floodplain.

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.

In its request for a concurrence, the Lead Agency set forth numerous potential bases for a determination that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery. Although the CDFW Director agrees with the Lead Agency that the Project will provide such long-term net benefits, this Concurrence is not intended to be and should not be construed as an endorsement of every argument set forth in the Lead Agency's concurrence request.

This Concurrence is not a determination by the CDFW Director that all projects to establish a conservation or mitigation bank necessarily meet the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive. If in the future CDFW receives lead agency determinations requesting concurrence from the CDFW Director that other projects to establish a conservation or mitigation bank meet those criteria, the CDFW Director will evaluate those requests on a case-by-case basis.

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: 5/23/25

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