CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2022-011-R4

Project: Sierra National Forest Bass Lake Meadows Restoration Project: Beehive, China, Peckinpah, and Texas Flat Meadows

Location: Madera County

Lead Agency: Central Valley Regional Water Quality Control Board

Lead Agency Contact: Matt Scroggins; Matt.Scroggins@waterboards.ca.gov

Background:

Project Location: The Sierra National Forest Bass Lake Meadows Restoration Project: Beehive, China, Peckinpah, and Texas Flat Meadows (Project) includes the restoration of four degraded meadow sites, of varying acreage (Table 1), all of which are located in Madera County's Bass Lake Ranger District, within the Sierra National Forest (Table 2).

Table 1. Project Size and Quantified Impact

Meadow	Total Project Size (acres)	Total Gully and Channel Treatment (ft)	Restored Wet Meadow (acres)	Total Fill (yd^3) Gully and Channel (Includes, soil, wood, and coir logs)
Beehive	5.62	1,724	2.14	271
China	7.64	51	5.69	199
Peckinpah	16.37	2,662	11.01	189
Texas Flat	13.78	1,757	3.76	663
Totals	43.41	6,194	22.6	1,322

Table 2. Meadow Location

Meadow	Latitude	Longitude	Township	Range	Section
Beehive	37.3284319	-119.44792	7 South	23 East	10
China	37.2720536	-119.42183	7 South	23 East	35
Peckinpah	37.2659205	-119.46211	8 South	23 East	4
Texas Flat	37.4208619	-119.54646	6 South	22 East	10

Project Description: Beehive, China, Peckinpah, and Texas Flat Meadows all exist in degraded conditions. Incised channels within the meadows have formed as a result of livestock trailing, the presence of culverted road crossings, channel excavation (likely due to historic logging), and the development of natural and anthropogenic headcut features. The Project areas also experienced burn in the 2020 Creek Fire and 2015 Willow Fire. These sources of degradation have prompted decreased hydrological function, diminished vegetative productivity, and declining fish and wildlife numbers.

The United States Department of Agriculture (USDA) Forest Service, Sierra National Forest Bass Lake Ranger District, proposes to conserve, restore, protect, and enhance the wet meadow habitat associated with the Project areas, to assist in the recovery of California native fish and wildlife, and the habitat upon which they depend. The Project aims to restore hydrological, biological, and geomorphic processes throughout the meadow complex as a means to increase climate change resilience, biodiversity, and improve aquatic, riparian, and floodplain habitats. A primary goal of the Project is to restore floodplain elevation to each meadow drainage system. A more frequently inundated meadow, with even water distribution, would:

1. Increase the wetted aerial extent of the meadow
2. Reduce peak flood flows and extend summer base flows
3. Increase in-stream cover and shading
4. Enhance aquatic and terrestrial habitat value
5. Improve water quality
6. Raise groundwater elevations
7. Reduce soil erosion
8. Improve infiltration of precipitation
9. Improve vegetative productivity

Restoration activities associated with each meadow include the following:

- Treating headcuts with various channel fill materials (coir logs, alluvium, large wood, sod, jute fabric), planting with 2-inch sod plugs, and staking erosion control blankets
- Channels will be filled with various materials such as alluvium and jute fabric and logs will be placed perpendicular to the flow path
- Borrow areas will be excavated to acquire channel fill and headcut treatment materials, then filled with woody structures, and seeded with native grasses
- Biogenic structures (Post-Assisted Log Structures (PALSs) and Beaver Dam Analogs (BDAs)) will be built within select existing channels
- Felling of select large trees into the meadow margins
- Revegetation of fill and equipment tracking areas with propagated and/or purchased plant plugs and salvaged sod
- Lop and scatter of encroached conifers within the meadow margins
- Utilization of grazing management strategies, including installation of off-channel watering systems and establishing livestock trails in the upland perimeter
- Removal of understory and small conifers at the Beehive Meadow entrance to allow equipment access
- Placement of tree slashing and rock at the Beehive Meadow entrance to prevent public vehicle access

The Project intends to primarily use native material sourced onsite or nearby. The design and adaptive management approach also seeks to address system stressors, to improve Project effectiveness and sustainability. The approach will include adaptive management strategies with regular future maintenance (e.g., up to 2-5 years) until the meadow system is recovering in a self-sustaining manner.

Interested Party and Tribal Coordination: The Bass Lake Ranger District has consulted with state and federal agencies with interest in the Project, including but not limited to Central Valley RWQCB, United States Army Corps of Engineers, the Sierra Nevada Conservancy, and the Madera County Board of Supervisors District 5. The US Fish and Wildlife Service (USFWS) has provided technical advice regarding National Environmental Protection Act (NEPA) species compliance. The State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation (ACHP), and the USDA Forest Service have developed Memoranda of Agreements (MOAs) to fulfill the regulatory requirements for compliance with Section 106 of the National Historic Preservation Act. Recommendations from the San Joaquin Pollution Control District and the United States Environmental Protection Agency Region 9 have been incorporated into the Project fuels and air quality analysis.

The Bass Lake Ranger District also consulted with tribal representatives about the Project by way of public correspondence, field tour participation, and formal meetings. Tribal comments have been incorporated into concept designs and tribal natural resource surveys have been completed.

Anticipated Project Implementation Timeframes: Start date: July 2023
Completion date: October 2026

Lead Agency Request for CDFW Concurrence: On October 3, 2022, the Director of CDFW (CDFW Director) received a concurrence request from the Central Valley RWQCB (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 September 26, 2022, 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.

   Montane wet meadow habitat is limited within the Sierra Nevada (less than 0.01 percent of the landscape), with many of those acres in degraded condition. By removing the degrading influences and restoring the natural state of the meadow systems, their high ecological function will return. With the implementation of the Project, approximately 22.6 acres of wet meadow habitat will be restored as well as approximately 6,194 linear feet of stream channel. This improved habitat would assist in the recovery of California native fish and wildlife that depend on functional wet meadow habitat and would benefit from associated ecosystem prosperity. The Project aims to retain moisture within meadows for longer periods of time, therefore improving water storage capacity and groundwater connection. Restored connection between channel and floodplain would reduce erosion and sediment delivery, enhance forest resilience and health, increase biodiversity, and enrich habitat for a diverse array of aquatic and terrestrial wildlife 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.

   There are no incidental public benefits accounted for within the Project design. Beehive, China, Peckinpah, and Texas Flat meadows are all located within the Sierra National Forest, public land managed by the USDA Forest Service. Existing public access will not change with implementation of the Project. All construction activities

support the restoration of degraded wet meadow habitat and support ecosystem enhancement goals.

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 serve to make the ecosystem more sustainable, resilient, and healthier under current and future drought conditions. Ecologically healthy and resilient landscapes, rich in biodiversity, will have a greater capacity to adapt and thrive in the face of large-scale threats to sustainability, such as those driven by climate change and human use. Attenuated flood flows within the meadows would saturate soils and thereby improve carbon sequestration from the atmosphere and improve watershed resources. The promotion of wetland species will lessen sensitivity to invasive species colonization. The lop and felling of encroached conifers will aid in the recruitment of native fire-resistant plant species.

Long-term net benefits to biodiversity: Incised channels within the meadows have captured and concentrated shallow floodplain sheet flow, resulting in a trend toward more rapid seasonal meadow drainage. With implementation of the Project, increased and longer duration base flows are expected to support aquatic and terrestrial species longer into the summertime months so they may complete their life cycle. The mid-elevation meadows associated with the Project may serve as vital avian habitat in the summer months, and the extended base flow presence may create critical habitat for amphibian and invertebrate species. The lop and felling of encroached conifers would allow for increased understory plant diversity and abundance, increased habitat complexity, and would also deter cattle from forming trails within the restored meadow. The Project is likely to promote an increase in biodiversity due to increased availability of water, nutrients, and microhabitats.

Long-term net benefits to sensitive species recovery: Though avian, botanical, aquatic, and terrestrial species surveys within the Project areas have proven the absence of special status sensitive species, there are several that are known to utilize wet meadows across the Sierra National Forest, including but not limited to great grey owls (*Strix nebulosa*), Pacific fisher (*Pekania pennanti*), Sierra Nevada yellow-legged frog (*Rana sierrae*), and Yosemite toad (Anaxyrus canorus). Meadow restoration within the Project areas may ultimately enhance habitat suitable for their utilization. Recent modeling exercises have determined that the forested perimeter of China, Peckinpah, and Texas Flat Meadows may serve as potential denning habitat for the Pacific fisher. The Sierra Nevada yellow-legged frog (SNYLF) occupies habitat approximately 0.25 miles of Texas Flat Meadow. Proposed restoration activities, including the installation of PALSs and BDAs, could provide potential breeding habitat for the species. Therefore, in the event SNYLF moved into the Texas Flat Meadow system, the area would better support the species with its increased water permanence and complexity.

Procedures and Ongoing Management for the Protection of the Environment: The Project will follow the Sierra National Forest's Land Resource Management Plan (LRMP). The Project is protected in perpetuity as part of the USDA National Forest System. The Project will include procedures for the protection of the environment. A detailed list of Project design criteria and best management practices have been provided in the Final Restoration Design Plan, including measures relevant to plant and wildlife species. These avoidance and minimization measures have been incorporated into the Project to protect and preserve sensitive environmental resources. Measures include, but are not limited to, pre-activity species surveys, a defined construction period of July 1 – October 31 to avoid avian nesting and fisher natal denning periods, implementation of a dewatering plan, and the presence of a qualified biologist onsite during construction. A Bird Management and Monitoring Plan shall be implemented if surveys identify active nests, to ensure that nesting behaviors are not interrupted by constructed activities. The closest known invasive bullfrog (*Lithobates catesbeianus*) habitat is approximately twelve miles from the Project areas, in a hydrologically disconnected watershed. In the event amphibian surveys discover the newfound presence of bullfrog, a bullfrog management plan will be developed.

The Project will incorporate ongoing management strategies post-construction through implementation of the Project Monitoring and Adaptive Management Plan, which characterizes Project performance standards, methods of monitoring Project performance, management triggers, and outlines the monitoring schedule. The monitoring of a wide range of success criteria, including vegetation, hydrology, and species outcomes, will allow the Bass Lake Ranger District to assess whether the Project meets performance standards and make informed adaptive management decisions. Given that the Project areas are part of a multi-use land management system, livestock grazing management strategies have been developed, which will ultimately aid in the conservation of sensitive wet meadow habitat.

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-related construction activities described are all related to the overall goal of the Project to restore or enhance habitat in the Project areas.

   All construction activities associated with Project implementation are solely related to habitat restoration. This includes equipment and material mobilization, access road and staging preparation, as well as instream and meadow restoration activities. Post-construction, all equipment and excess materials will be removed from the Project areas and public access will be restored to pre-Project conditions.

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: 11/16/22

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