

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. 21080.56-2023-026-R2**

Project: Butte Creek House Meadow Restoration Project
Location: Butte County
Lead Agency: Butte County Resource Conservation District
Lead Agency Contact: Thad Walker; thad@bcrcd.org

Background

Project Location: The Butte Creek House Meadow Restoration Project (Project) is located within the Butte Creek House Ecological Reserve (Reserve), in northeastern Butte County. The Reserve is owned and managed by the California Department of Fish and Wildlife (CDFW). The Project will restore approximately 110 acres within the 320-acre Reserve and will be centered on 40.08526, -121.40959, with the Assessor's Parcel Numbers 060-140-010 and 060-170-002. The Reserve is accessed via Humbug Road and sits at an elevation of 5,800 feet, surrounded by a ridge system that increases to approximately 7,000 feet. The Project area is approximately 7.5 miles east of the town of Butte Meadows.

Project Description: The Butte Creek House meadow has been degraded due to historic activity from early settlers, a prior attempt to restore the meadow, ongoing impacts from cattle, and the 2021 Dixie Fire. The primary channel of Butte Creek is oversized, incised, and as a result does not connect with its floodplain at the frequency necessary for proper meadow function. The main channel was treated to retain spring runoff in 1990 with 13 log check dams, which have improved conditions to an extent but are contributing to additional erosion. Currently, the meadow is further deteriorating with worsening headcutting, incision, conifer encroachment, and deep sediment deposition that resulted from the Dixie Fire. These unresolved issues necessitate more comprehensive and direct action to restore natural hydrology, geomorphology, aquatic ecosystem function, and overall resiliency.

The Butte County Resource Conservation District (BCRCD), in partnership with CDFW, proposes to restore or provide habitat for California native fish and wildlife. The Project is designed to enhance mountain meadow and riparian habitat within the Preserve and at the headwaters of Butte Creek. The Project will restore hydrological function and structural complexity to increase habitat diversity and resilience to climate change. To accomplish this, restoration activities will include application of process- and form-based techniques to reconnect the stream to the floodplain, aggrade incised channels, activate secondary flow paths, and arrest headcut features. The Project will implement post-assisted log structures (PALS), beaver dam analogs (BDAs), strategically placed felled logs, headcut treatment, channel fill, riffle augmentation, selective removal of lodgepole pine, and planting of riparian

shrubs. Habitat restoration will benefit common and sensitive species that inhabit aquatic, riparian, and wet meadow habitats, including native amphibians, cold water fish, aquatic macroinvertebrates, and other riparian and meadow plant species.

Tribal Engagement: BCRC D spoke directly with the Maidu Summit Consortium on April 7, 2023, and the Yocha Dehe Wintun Nation and Mechoopda Indian Tribe of Chico Rancheria on April 19, 2023.

Interested Party Coordination: Coordination with interested parties was completed during early stages of Project development. In September 2022, biologists from CDFW, BCRC D, and Point Blue Conservation Science visited the Project area to learn about the Project scope and potential habitat restoration benefits. The planning and development of the Project has been supported by funding from the Wildlife Conservation Board.

Anticipated Project Implementation Timeframes: Start date: August 2023
Completion date: November 2027

Lead Agency Request for CDFW Concurrence: On April 14, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from Butte County Resource Conservation District (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 14, 2023, 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 will restore and enhance mountain meadow and riparian habitat by improving geomorphic and hydrologic function, removing encroaching conifers, and increasing structural heterogeneity. Implementation of process- and form-based stream channel modifications will improve wetland and aquatic habitat quality. While mountain meadows typically provide habitat for a disproportionate number of species relative to their sizes, the Project's location at the transitional zone between the Sierra Nevada and Cascades Mountains make it particularly valuable for California native fish and wildlife.

- 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 Reserve has existing recreational public benefits that include fishing, hiking, birdwatching, and wildlife viewing. Through implementation of the restoration measures of the Project some of these existing benefits may be improved and/or enhanced. For example, meadow and riparian restoration may result in greater fish and wildlife abundance and diversity, which may incidentally improve opportunities for wildlife viewing. Public access may be improved by reducing hazards from fire damaged lodgepole pine trees. Furthermore, regional public safety may be improved by reduced wildfire risk provided by an increase in duration and area of wet landscape in the meadow.

- 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 Reserve is projected to experience a loss of snowpack, loss of late season flow, intensifying warming, and increased frequency of extreme events, threatening the persistence of wet meadow and riparian systems. The Project design was informed by an analysis of possible future climate conditions and seeks to reduce their impacts. Restoration of mountain meadows increases the surface-groundwater connectivity and

groundwater storage capacity, increasing the meadow's value as cool water refuge in a warming and drying climate. Use of PALS and BDAs will help activate meadow floodplains and side channels, resulting in a raised water table and improved late-season base flow. These techniques will also create pools that will serve as cool water refugia for aquatic and terrestrial species and contribute to cooler and moister soils. Cooler water temperatures will result in more dissolved oxygen, making a more hospitable environment for fish and other aquatic species. Revegetation will utilize both drought- and flood-tolerant native species, adding broader long-term resilience to varying climatic conditions and potential disturbance.

Long-term Net Benefits to Biodiversity:

The Project will provide many advantages for wetland species, including increased surface and groundwater storage capacity and increased habitat diversity. Increasing the fluvial connectivity, the complexity of the main channel, and planting riparian shrubs will all benefit aquatic and riparian plants and animals. A diverse suite of native plants has been selected for revegetation, such as willows, rushes, sedges, grasses, and upland herbs. Enhancing the vegetation in the Project area will support native food webs, facilitate pollination of existing vegetation, and provide resources and habitat for fish and wildlife. Potential phenological mismatches between plants and animals will be addressed by selecting a suite of species that provide resources (flowers, fruit, seeds) throughout the growing season. High quality wet meadow and riparian habitat will support meadow and riparian bird species. Portions of the floodplain would be expected to convert from annual grasses to a mix of annual grasses, forbs, and more mesic meadow vegetation species (e.g., *Carex* spp., native perennials).

Increasing aquatic habitat heterogeneity may be especially beneficial for native amphibians and reptiles. Additional ephemeral stream, riffles, pools, and flooded meadow habitat support amphibians whose reproductive strategies allow them to take advantage of shallow and ephemeral aquatic habitat, such as Sierran chorus frogs (*Pseudacris sierra*) and western toads (*Anaxyrus boreas halophilus*). Native predators such as gartersnakes (*Thamnophis* spp.) will likely benefit from additional amphibian abundance.

Finally, use of BDAs and PALS may optimize the meadow for a potential future relocation of North American beaver (*Castor canadensis*), which historically occurred in the meadow.

Long-term Net Benefits to Sensitive Species Recovery:

The Project's restoration measures will create suitable habitat and support long-term net benefits and recovery for sensitive species documented within and in the vicinity of the Project area. According to the California Natural Diversity Database, several special status species are known to occur and/or have been surveyed in or near the Project area. These sensitive species include willow flycatcher (*Empidonax traillii*), Sierra Nevada yellow-legged frog (*Rana sierrae*), the southern long-toed salamander (*Ambystoma macrodactylum sigillatum*), and Bumble bees (*Bombus* spp.). Moreover, the meadow restoration efforts will provide improved foraging habitat for fisher (*Pekania pennanti*) and bobcat (*Lynx rufus*), which have been observed onsite during

game camera surveys in 2018-2020, as well as Sierra Nevada red fox (*Vulpes vulpes necator*), northern goshawk (*Accipiter gentilis*), and more generalist species such as gray wolf (*Canis lupus*).

Furthermore, there is potential habitat in the Project area for 47 special status plant species with a California Rare Plant Rank (CRPR) of 1, 2, or 3, and 42 taxa with a CRPR rank of 4. One special-status plant species, Shasta beardtongue (*Penstemon heterodoxus var. shastensis*), was detected during a botanical focused survey completed in September 2022.

Procedures for the Protection of the Environment:

Procedures for protecting the environment include several established best management practices.

Impacts to soils and vegetation will be avoided and reduced. Felling of encroaching conifers within the meadow interior and construction of PALS and BDAs will be done by hand crews to reduce impacts to wet soils. Caution will be taken when working within wet areas to ensure foot traffic is minimized and scattered. Use of heavy machinery off of established roads will be limited to transporting materials to sites during the dry season and tree removal at the meadow's perimeter. When heavy equipment is proposed, access will occur from existing roads, decommissioned roads, and former historic roads/skid trails. Ground mats may be utilized in areas that are extremely wet to minimize compaction and soils disturbance. Vegetation removal will be avoided as much as possible. Removed vegetation, including sod, will be salvaged and re-used where applicable. Introduction and spread of invasive species will be avoided by implementing best management practices.

Waterways will be protected during Project implementation by complying with all Project permit conditions, applicable laws, and local ordinances. During dewatering and diversion, a Surface Water Diversion Plan will be implemented that is consistent with the State Water Resources Control Board's Statewide Restoration General Order.

Special-status species protection measures will be implemented to avoid and minimize impacts. Surveys completed in support of Project planning include wetland delineation, Visual Encounter Surveys (VES) for special-status amphibians, and eDNA sampling. CDFW staff plan to return to the Project area for additional VES, for special-status amphibians during the 2023 amphibian breeding season. Impacts to special status species will be avoided through spatial or temporal avoidance measures, such as exclusion buffers or limited operating periods.

Ongoing Management for the Protection of the Environment:

A monitoring plan will be developed to assess restoration performance. The monitoring plan will generally follow Sierra Meadows Wetland and Riparian Area Monitoring Plan protocols to evaluate channel stability, vegetation responses, and wildlife occurrences. Photo point locations will be used to record progress. Channel stability and woody recruitment density will be visually assessed and select cross-sections of channels will be quantitatively monitored for improvement.

Ongoing management may also require an adaptive management approach with regular future maintenance (e.g., up to 10-20 years) until the meadow system is recovering in a self-sustaining manner.

- 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's use of heavy equipment is exclusively for habitat restoration activities, including channel fill and large tree placement. Hand crews will be used whenever feasible.

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

Date: 5/30/2023