

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DIRECTOR'S OFFICE  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2023-030-R2**

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**Project:** Haskell Peak Meadows Restoration Project  
**Location:** Sierra County  
**Lead Agency:** Central Valley Regional Water Quality Control Board  
**Lead Agency Contact:** Nicholas Savino; Nicholas.Savino@waterboards.ca.gov

**Background**

Project Location: The Haskell Peak Meadows Restoration Project (Project) is located within five high elevation meadows northeast of the Sierra Buttes and the unincorporated community of Bassetts, and east of the Lakes Basin Recreation Area at the headwaters of the North Yuba River, centering on 39.65445, -120.56966. The Project meadows are Freeman, Chapman Saddle, West Church, Beartrap, and Haskell Headwaters Fen meadows. The Project meadows are within the Howard Creek and Haskell Peak Grazing Allotments of Tahoe National Forest and are managed by the United States Forest Service (USFS).

Project Description: The South Yuba River Citizens League (SYRCL) and USFS propose 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 is designed to benefit floodplain connectivity within wet meadow, stream, and montane riparian habitats that support species such as the Sierra Nevada yellow-legged frog (*Rana sierrae*) and willow flycatcher (*Empidonax traillii*). The Project includes restoration of 229 acres of meadow and meadow edge habitat with process-based techniques to improve stream channel condition, remediate relic features such as ditches and roads that interrupt meadow hydrology, and install sheep grazing exclusion fencing to protect meadow vegetation. Improving the hydrologic function of wet habitat for high elevation aquatic species and migratory birds, along with high quality forage for terrestrial wildlife, will become increasingly important to support wildlife in a changing climate.

Stream channel restoration will employ low-impact structures that mimic natural wood jams and beaver dams to correct stream incision, increase ponded and wetland areas, add channel length and complexity, and improve stream and riparian habitat. The structures will be constructed with either hand-placed wood (e.g., beaver dam analogs, post-assisted log structures) and/or rock, and will be spaced as necessary to optimize sediment recruitment, channel complexity, aggradation, and connection to the floodplain. Most of the wood will be sourced from within or adjacent to each meadow in designated conifer and alder harvest areas that can accommodate dispersed thinning. The use of many small structures, up to 50 per meadow, will add ecological redundancy and resiliency to the restoration effort.



## **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 is exclusively scoped to restore five wetlands within the North Yuba Watershed that will contribute to the restoration of suitable habitat for the Sierra Nevada yellow-legged frog, which is listed as endangered under the federal Endangered Species Act (ESA) and threatened under the California Endangered Species Act (CESA), and the willow flycatcher, which is listed as endangered under CESA. Moreover, restoring incised stream channels will recover surface and groundwater hydrologic processes, including prolonging and expanding meadow surface inundation, dispersing flow to more than one single high flow channel, delaying peak flows at the outlet, improving downstream water quality, and recharging groundwater to improve groundwater levels. Re-establishing hydrologic function will confer resilience to the habitats and the species they support.

- 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 recreation benefits. Restoration of the five meadows will result in revegetated streambanks, increased biodiversity, opening of hardwood riparian canopy, and enhanced views of the iconic geologic features of the Sierra Buttes region. These improvements may enrich aesthetic values and wildlife-viewing, photography, hiking, and fishing opportunities.

- 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 northern Sierra Nevada is projected to experience earlier snowmelt, reduced snowpack, and a reduced ratio of snowfall relative to rain as climate change intensifies. These changes will impact the function of wet habitats such as high elevation meadows that are sustained in part by slow melting snowpack to persist through summer. The importance of wetland protection and restoration continues to grow as wetlands can offset changes in precipitation and snowmelt by storing water and reducing the effects of drought and severe storms. Restoration of meadow hydrology will increase the resilience and persistence of meadow habitat amidst climate change.

Within the five meadows to be restored, winter season (November–March) stream flow is characterized as baseflow and is not expected to change due to implementation of the Project’s restoration measures. However, summer or late season flow is anticipated to improve as a result of the Project with the goal of delaying peak season flow and extending low flows later into the year. By restoring high functioning headwater wetland habitat and improving hydrologic function in five high elevation meadows, the Project would enhance habitat for numerous plant and animal species as well as provide a refuge for species needing wetter conditions in drought-prone areas. Additionally, the Project will assist in the persistence of migratory and seasonal movement corridors for species and may facilitate a shift in range in response to warming climate or related impacts.

Long-term Net Benefits to Biodiversity: Restoring 229 acres of meadow habitat across five sites will produce a significant net benefit to the biodiversity of the region. Long-term benefits are expected for nesting and foraging birds, rainbow trout (*Oncorhynchus mykiss*), and a suite of amphibians and aquatic reptiles, including the southern long-toed salamander (*Ambystoma macrodactylum sigillatum*), Pacific chorus frog (*Pseudacris regilla*), Sierra garter snake (*Thamnophis couchii*), mountain garter snake (*Thamnophis elegans elegans*), and common garter snake (*Thamnophis sirtalis fitchi*).

Further, all of the Project’s meadows contain disrupted hydrologic process due to compaction from sheep overgrazing, road impacts, channel incision, and groundwater depletion. In addition to the hydrologic impairment, these meadows have no recorded

fire history, which has resulted in dense lodgepole pine encroachment. Although lodgepole pine exists along the edge of healthy meadows, dense lodgepole pines limit the understory of native grasses and riparian diversity, including species that support pollinating insects. The Project will support increased diversity of understory and riparian vegetation by preventing further conifer encroachment and restoring hydrologic function.

Long-term Net Benefits to Sensitive Species Recovery: The Project's restored meadows will benefit recovery of Sierra Nevada yellow-legged frog, southern long-toed salamander, willow flycatcher, western bumble bee (*Bombus occidentalis*, a CESA candidate species), and several USFS Sensitive Species that rely on meadow and meadow edge habitat for their life cycle, such as great gray owl (*Strix nebulosa*), northern goshawk (*Accipiter gentilis*), fringed myotis (*Myotis thysanodes*), pallid bat (*Antrozous pallidus*), and Pacific marten (*Martes caurina*).

Sensitive amphibians and aquatic reptiles will particularly benefit from increased habitat complexity and heterogeneity in the Project meadows. Structures that mimic beaver dams will prolong inundation, increasing surface- and groundwater interactions. The use of many of these structures in each meadow will produce a mosaic of wet habitats, offering a variety of depths and water temperatures that will support various life-stages of species. Although no Sierra Nevada yellow-legged frogs have been detected in any of the Project meadows, the area is designated critical habitat, and there are nearby populations that will likely benefit from the Project.

Procedures for the Protection of the Environment: USFS and SYRCL will implement Project-specific resource protection measures to reduce potential implementation impacts. The resource protection measures are designed to meet the Standards and Guidelines from the 1990 *Tahoe National Forest Lands and Resource Management Plan*, as amended by the 2004 *Sierra Nevada Forest Plan Amendment USFS Environmental Impact Statement Record of Decision* as well as state and federal regulatory requirements. The protective measures cover botanical resources, invasive species, hydrology and soils, rangeland infrastructure, threatened and endangered species, terrestrial wildlife species, and aquatic wildlife species.

Impacts to CESA-listed and candidate species will be avoided due to lack of known occurrences (Sierra Nevada yellow-legged frog and willow flycatcher) and temporal avoidance (western bumble bee). Project activities are scheduled to occur after the peak abundance of foraging bumble bees are present in the months of July and August and have been designed to minimize disturbance within the five meadows where host plants may occur. The Project's resource protection measures include provisions for environmental awareness training and actions to take if a sensitive species is observed within 300 feet of active work areas.

Ongoing Management for the Protection of the Environment: SYRCL, USFS, and subcontractors at the University of Nevada – Reno will complete monitoring of the following attributes with SM-WRAMP protocols to track expected benefits: surface water, groundwater, vegetation, carbon storage, and amphibian presence. Long-term monitoring of hydrology, plant, and amphibian data will continue through 2030. These

monitoring activities will assess if the expected function and benefits of the Project are realized and will guide adaptive management.

Furthermore, the Project is designed to result in a self-sustaining meadow ecosystem that requires little human intervention in the 25-to-50-year time frame. However, adaptive management is often necessary in even the most effective restoration projects to ensure that the Project is meeting its objectives and goals. Large storm events, fires, and unauthorized recreation activities can cause damage that may require additional actions to ensure the meadow is functioning as desired. Through 2030, SYRCL and USFS are committed to implementing long-term project monitoring which will be funded by Earthwatch and other foundation grants. Beyond 2030, USFS will monitor the function of the Project after disturbance events for at least 25 years.

- 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 construction activities include the use of a small excavator to complete relic road decommissioning and hand labor for other tasks and are 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.

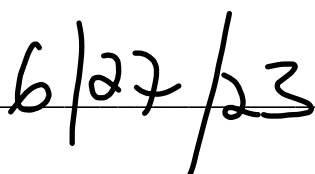
### Other Legal Obligations

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:  \_\_\_\_\_

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

Date:  \_\_\_\_\_