

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2023-034-R2**

Project: Sierra Foothill Forest Climate Resilience Project
Location: Nevada County
Lead Agency: Wildlife Conservation Board
Lead Agency Contact: Kurt Malchow; Kurt.Malchow@wildlife.ca.gov

Background

Project Location: The Sierra Foothill Forest Climate Resilience Project (Project) is located in rural western Nevada City, north of Highway 20 and south of the South Yuba River, centering on 39.27125, -121.11527. The Project area includes private land (Jones Bar FireWise Community) and public land (Bureau of Land Management). The Jones Bar FireWise Community includes over 300 parcels and three outdoor school campuses.

Project Description: Sierra Streams Institute (SSI) 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 is designed to benefit 625 acres of mixed forest natural community in the Sierra foothills, which have become dense due to fire suppression. The Project includes hand-thinning and mastication of shrubs and small trees to achieve forest spatial heterogeneity, invasive plant removal, planting of native species capable of withstanding projected drought conditions, application of prescribed fire, and monitoring/maintenance of the Project area.

Heterogeneous vegetation reduction using a combination of hand-thinning and mastication will result in slowed wildfire transmission and reduced wildfire intensity. By thinning standing tree stocks, the Project will enhance growth of remaining trees, reduce competition, and increase resource availability. Selective thinning will produce clumps of variable tree density and canopy gap size, and retain key habitat features such as wildlife corridors, snags, and brush piles. Spatial and structural variability increases habitat diversity, which increases biodiversity. These treatments will reduce the potential for pest outbreaks and high intensity wildfire, which facilitate loss of mixed forest to shrub or annual grass-dominated habitats.

Invasive Scotch broom (*Cytisus scoparius*) and Himalayan blackberry (*Rubus armeniacus*) will be cut, target treated with herbicide, and subsequently masticated. Removal of these invasive plant species will give native vegetation an opportunity to re-establish in the newly opened canopy areas and prevent further spread. The Project will revegetate areas previously dominated by these invasives with native oaks (*Quercus spp.*), grasses, and forbs sourced in lower elevations that will assist the migration of traits adapted to hotter conditions upslope, which adds climate change resilience to the Project area.

Prescribed low-intensity fire will be applied to reduce fuels, manage invasive vegetation, open growing space for a greater diversity of native flowering species, and improve the health of remaining trees. SSI will work with Nevada County's Prescribed Burn Association, the Yuba Bear Burn Cooperative, and local volunteers to apply prescribed fire on 24 acres.

Following the initial restoration efforts and removal activities, the Project will be monitored to test viability. Visual assessment monitoring of the treatment sites will occur at approximately 12 photo points. SSI will monitor to determine that the goals have been met for each treatment site. Landowners will be required to monitor and maintain treatments after implementation of the treatments. Ongoing maintenance may include continuation of the restoration efforts described above.

Tribal Engagement: Sierra Streams Institute met in-person with a representative of the Nevada City Rancheria of the Nisenan Tribe to discuss Project details and will meet again to share updates as the Project is implemented.

Interested Party Coordination: Development of the Project required coordination with nearly 100 individuals representing local landowners, the Bureau of Land Management, and outdoor school operators. SSI and Nevada County will continue to coordinate with these stakeholders prior to and during implementation of the restoration efforts with individual and public meetings in both in-person and online formats. The Wildlife Conservation Board awarded grant funding to SSI for the planning phase of the Project and is considering awarding a grant to SSI for the implementation phase of the Project.

Anticipated Project Implementation Timeframes: Start date: August 2023
Completion date: December 2025

Lead Agency Request for CDFW Concurrence: On June 29, 2023, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from the Wildlife Conservation Board (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 June 29, 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 protect and improve mixed foothill forest habitat by increasing spatial heterogeneity via thinning, decreasing risk of catastrophic wildfire, and controlling non-native invasive plant species such as Scotch broom. These activities will restore Project area conditions to a more appropriate native vegetation density and fire intensity that Sierra foothill species co-evolved with. By reducing the potential for intense wildfire, the Project will reduce the risk of displacement of native forest species by non-native species, conversion to a shrub- or grass-dominated vegetation community, loss of biodiversity, intensified erosion, and scorched soils. Lastly, the Project will reduce the potential that ignitions occurring on private property will transfer into the South Yuba River watershed.

- 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 health, safety, and educational benefits. Forest thinning will reduce the potential of severe wildfire that could result in intensified erosion and debris loading, which could impair surface water quality and delivery. Selective thinning will also reduce the fire risk to human lives and property that are in the wildland-urban interface by reducing the transmission of fire and removing dead trees that may hinder emergency response. The Project also may be an opportunity for the community to become involved in volunteer environmental monitoring activities. The Project includes incorporation of data or treatment strategy development through inclusion of educational outreach in the form of prescribed burn training and research plots with students.

- 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 result in long-term net benefits to climate resiliency through the replacement of non-native invasive species with native plants adapted to climate at lower elevations and selective thinning. Revegetation with plants sourced in lower elevations will increase the prevalence of traits adapted to hotter conditions within local populations, thereby increasing genetic diversity. Furthermore, the forest thinning treatment plan was developed using a topographic wetness index, which dictates light to no thinning in areas with higher water availability. Areas with high water availability are more resistant to increasing air temperatures, droughts, and wildfire, have increased vegetation diversity and survivorship, and tend to be persistent to long-term climate stressors. These persistent areas can serve as climate change refugia for wildlife within a larger landscape that is stressed by climate factors.

Long-term Net Benefits to Biodiversity: The Project will result in long-term net benefits to biodiversity by thinning vegetation into heterogeneous clumps, applying prescribed fire, reducing the cover of non-native invasive plant species, and planting native oaks.

The Project will selectively thin dense stands into heterogeneous landscape patterns. Fire suppression and forest management practices have impacted biodiversity in the Sierra foothills. These practices altered the community succession patterns, produced an artificially high tree density, and increased the risk of high severity wildfire. Improving landscape heterogeneity will increase habitat diversity, which is expected to support wildlife diversity.

The application of prescribed low-intensity fire is expected to help rejuvenate native biodiversity and reduce the risk of catastrophic wildfire. High severity wildfires scorch soils, depriving the soil of nutrients and inhibiting growth altogether, or may result in conversion to a shrub-dominated or invasive annual grass-dominated community. The application of prescribed fire will promote biodiversity by recycling nutrients, which makes them available for plant uptake and opens the understory for establishment. Species such as Western redbud (*Cercis occidentalis*), miner's lettuce (*Claytonia perfoliata*), red maids (*Calandrinia ciliata*), and perennial native bunch grasses like deer grass (*Muhlenbergia rigens*) will benefit from prescribed fire treatment. Increased occurrence of these flowering plants may also support a higher diversity of native pollinators.

Additionally, the Project's restoration activities will benefit biodiversity by removing invasive plants and planting native oaks. Invasive plants often create monotypic stands that reduce the ecological niches available for a diverse suite of native wildlife. In particular, Scotch broom alters the soil composition to inhibit other plants and reduce the availability of necessary nutrients, allowing it to outcompete native species. Scotch broom expansion is limited by light availability, so aggressive removal and replacement with native canopy-producing species is a necessary component of forest thinning projects such as this Project.

Long-term Net Benefits to Sensitive Species Recovery: The reduced risk of high-intensity fire conferred by the Project will benefit Brandegee's Clarkia (*Clarkia biloba ssp. Brandegeae*), a rare endemic plant with limited distribution, and the Northeast/Northern Sierra clade of the Foothill yellow-legged frog (*Rana boylei*, population 3), which is listed as threatened under the California Endangered Species Act (CESA). Other sensitive plant species that stand to benefit may include the Sanborn's onion (*Allium sanbornii var. sanbornii*) and the Humboldt lily (*Lilium humboldtii ssp. humboldtii*), which are less likely to re-establish in highly scorched soil.

Given its limited range in the northern Sierra foothills, Brandegee's Clarkia is at risk from large-scale wildfires that have dramatically increased in frequency in the last two decades. Brandegee's clarkia will benefit from greater light availability after treatment with thinning and low-intensity fire.

Foothill yellow-legged frogs may benefit from low-intensity fires that thin the riparian canopy and contribute a moderate amount of sediment and woody debris to watercourses.

Procedures for the Protection of the Environment: Best Management Practices (BMPs) and CALFIRE 2020 Forest Practice Rules will be employed before, during, and after treatments are applied to reduce potential implementation impacts. BMPs cover five categories: wildlife, invasive species management, roads, soil, and wetted areas.

BMPs to protect vegetation and wildlife will include retaining tree snags and wildlife corridors and using multi-faceted treatments to control invasive species. Impacts to rare and sensitive plants will be avoided with botanical surveys and flagging buffer zones prior to work. Impacts to foothill yellow-legged frogs from debris or sediment washing into watercourses will be reduced by following Watercourse and Lake Protection Zone designations as detailed in the CALFIRE Forest Practice Rules. For example, buffers of undisturbed vegetation, leaf litter, and soil will be maintained adjacent to creeks and pools to act as a sediment filter strip and to protect stream banks from erosion. Additionally, heavy equipment will not be used within fifty feet of any stream or pond.

Ongoing Management for the Protection of the Environment: SSI will visually inspect a set of twelve sites through at least 2025 to ensure Project goals have been met. Private landowners benefiting from treatments on their lands will be required to sign an agreement that mandates landowners maintain the treatments that SSI establishes. SSI has also developed an online Forest Stewardship Toolkit which is intended to guide responsible ongoing management forest health strategies among participating private property landowners.

- 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, and all Project activities 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: 8/7/23 _____