**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**
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# CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
# CONCURRENCE NO. 21080.56-2024-065-R1

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| **Project:** | Skey-wok Kee' We Mech (It Needs Fire) Phase 1 Project |
| **Location:** | Humboldt County |
| **Lead Agency:** | California Department of Forestry and Fire Protection (CAL FIRE) |
| **Lead Agency Contact:** | Shannon Johnson; Shannon.Johnson@fire.ca.gov |

## Background

Project Location: The Skey-wok Kee' We Mech (It Needs Fire) Phase 1 Project (Project) is located on the Yurok Reservation in Humboldt County along the Klamath River downstream from Weitchpec, California. The Project area is approximately 1,173 acres and centered near the approximate coordinates of 41.267395, -123.787144.

Project Description: CAL FIRE (Lead Agency), in partnership with the Cultural Fire Management Council (CFMC), proposes to restore or provide habitat for California native fish and wildlife. The Project is designed to improve forest health conditions and restore habitat for native species including northern spotted owl (*Strix occidentalis caurina*), Pacific marten (*Martes caurina*), Coho Salmon (*Oncorhyncus kisutch*), Chinook Salmon (*O. tshawytscha*), Del Norte salamander (*Plethodon elongatus*), foothill yellow-legged frog (*Rana boylii*), northern red-legged frog (*R. aurora*), beaked hazelnut (*Corylus cornuta*), and common beargrass (*Xerophyllum tenax*). The Project includes landscape level forest health activities on the upper Yurok Reservation along the Klamath River designed to conserve, restore, protect, and assist in the recovery of native California fish and wildlife, and the habitat upon which they depend. Specific actions include cultural/prescribed fire as well as pre-and-post burning treatments to optimize the ecological benefits of landscape-level broadcast burning. Use of cultural/prescribed fire will improve habitat, remove hazardous fuels, and will benefit water quality due to the resulting biochar. Furthermore, many native plant species identified as potentially occupying the area are expected to benefit from low to moderate intensity fire included in the Project. Low to moderate intensity fire will also reduce understory vegetation, thus reducing the risk of catastrophic wildfire while yielding basket materials and minimizing the pests that infect acorn crops, increasing the health and availability of traditional food sources, basket materials, and plant medicine.

Tribal Engagement: The CFMC is a non-profit founded and managed by Yurok Tribal members in coordination with the Yurok Tribe. All Project activities will occur on the Yurok Reservation.

Interested Party Coordination: The Lead Agency's Forest Health Grant Guidelines follow a grant selection criterion that includes encouraging applicants to demonstrate collaboration, community engagement, and local support. As part of this process, the CFMC hosted multiple community meetings and conducted outreach efforts to engage residents and community groups in the planning of this Project. A needs assessment was conducted, and the CFMC has documented how input was considered in the Project design. The CFMC also maintains materials for community review, including maps of the proposed Project and feedback forms for questions and/or comments.

Anticipated Project Implementation Timeframes: Start date: December 2024
Completion date: March 2030

Lead Agency Request for CDFW Concurrence: On November 21, 2024, 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 November 21, 2024, 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 native California fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

   The Project intends to restore historical fire regimes in areas of overgrown conifer forests that have encroached on oak woodlands and prairies, as well as remove invasive species through manual thinning and cultural burning. Restoring historical fire regimes will reestablish and improve forage and habitat for wildlife through revitalizing multi-age and multi-species trees to support nesting and denning.

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 safety benefits to neighboring residences and utility, transportation, and water supply infrastructure by reducing the risk of catastrophic wildfire. The Project is designed to mimic historic low to moderate intensity events that commonly occurred in the past. By restoring a more natural fire regime in areas of overgrown conifer forests through cultural burning and hazardous fuel removal the Project will reduce the risk of catastrophic wildfire to neighboring property/infrastructure.

   Reduction of the overgrown understory may benefit residents of the Yurok Reservation by providing enhanced access to cultural sites, traditional foods such as acorns, huckleberries, mushrooms, and basket weaving materials.

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 climate resiliency by restoring habitat heterogeneity, promoting the development of larger conifer and oak trees that will be resilient to disturbance, reducing the risk of high severity wildfire, re-establishing pre-colonial fire regimes, decreasing large-scale vegetation type conversion, and providing long-term carbon sequestration. The ecosystem processes provided by a complex vegetation structure are critical in maintaining and sustaining wildlife habitats and health.

Furthermore, the Yurok Reservation experiences climate change through rising water temperatures, lower summer stream flows, and increasing drought intensities. Higher water temperatures can jeopardize endangered salmon species within these waters. Research has shown that wildfire smoke can cool streams in the lower Klamath River Basin. The smoke from cultural and prescribed burns could decrease water temperatures by reducing solar radiation.

Long-term Net Benefits to Biodiversity: The Project will result in long-term net benefits to biodiversity by increasing heterogeneity among three vegetation communities: mixed conifer forests, oak woodlands, and prairies. Removal of dead and fallen conifers will increase average canopy gap size, which supports a healthy understory community. Small diameter conifer removal will also enhance the health of the existing oak woodland and prairie. Retention of legacy coast redwood (*Sequoia sempervirens*) and Douglas fir (*Pseudotsuga menziesii*) trees will achieve diverse ages, sizes, and spacing, leading to larger healthier trees that sequester more carbon and provide habitat for multiple species.

Reduction of invasive species, especially the Himalayan blackberry (*Rubus armeniacus*), will improve the health and availability of traditional food sources, basket materials, and plant medicines. Reduction of the understory vegetation will yield fire-dependent basket materials important to the Yurok, such as beaked hazelnut and common beargrass, as well as minimizing the pests that infect acorn crops.

Long-term Net Benefits to Sensitive Species Recovery: The Project ensures long-term benefits to sensitive species recovery through enhancing a variety of habitats. Removal of overgrown understory and invasive species may allow for additional groundwater availability to the Klamath River and tributaries that support sensitive fish and amphibian species. The understory removal also supports establishment and growth of historical prairie areas with reseeding of native grasses, thus improving forage for wildlife. Providing a variety of tree types and canopy heights, including large conifer overstory trees, enhances habitat for avian and mammal species that utilize them for food, nesting, and denning.

The Klamath River sustains two federal Endangered Species Act threatened species: the Coho Salmon and Chinook Salmon. The Klamath River also provides suitable habitat for Green Sturgeon (*Acipenser medirostris*), a California Species of Special Concern. Wildfires can increase sedimentation, impacting aquatic habitat function and species survival. To minimize the potential effects of sedimentation, buffers of undisturbed vegetation, leaf litter, and soil will be maintained adjacent to creeks and pools to protect stream banks from erosion. Additionally, reducing fuel loads upslope could lower wildfire risk to riparian habitat along the Klamath River and its tributaries while increasing potential precipitation infiltration and groundwater availability. The proposed fuel reduction and restoration treatments will benefit multiple imperiled fish and amphibian species, including the Del Norte salamander, foothill yellow-legged frog, northern red-legged frog, coastal giant salamander (*Dicamptodon tenebrosus*), and southern torrent salamander (*Rhyacotriton variegatus*), by reducing the threat of intense wildfires.

Procedures for the Protection of the Environment: The draft burn plan for the Project outlines procedures for conducting prescribed fire activities and measures to protect sensitive resources. Avoidance and conservation measures include, but are not limited to:

- Utilizing established best management practices for erosion control to provide stream and riverbank protection, prevent sediment pollution, and maintain riparian habitat.
- Limiting fire ignition to 50 feet outside of riparian habitat.
- Conducting nesting bird and bat roost surveys prior to Project implementation and applying modified treatments and/or buffers as appropriate to avoid any adverse effects.
- Maintaining low- to moderate-intensity fire treatments to avoid effects on occupancy or denning of any state or federally listed species.
- Utilizing data from the Yurok Tribe Wildlife Department surveys for Pacific marten and northern spotted owl to plan burn activities that avoid known locations of the species.
- Providing biological training to contractors and staff working within the Project area, including practices necessary to implement biological avoidance measures.
- Construction of fire lines and access trails will be completed manually, with no heavy equipment utilized.
- Establishing that all staging areas and fueling or maintenance of vehicles and equipment will occur outside of sensitive habitat areas.
- Firing techniques and burn operations will avoid entrapment of wildlife by relying primarily on backing fires that move slowly and provide wildlife with the opportunity to escape areas of active fire. If sensitive species are discovered during burn operations, the burn boss will shift work to minimize impacts.
- Minimizing noise impacts, as no heavy equipment will be utilized.

Ongoing Management for the Protection of the Environment: The Project is an integral component of achieving the long-term goals of the *Yurok Cultural Fire Stewardship Plan* developed by the CFMC and the Yurok Tribe in 2023. The goal of this 10-year landscape level geo-spatial fire stewardship plan is to restore the Project area by maintaining the mosaic of vegetation types, prioritizing burn units according to community values, and re-establishing traditional fire regimes to Yurok ancestral territory. The timeframes for maintenance burns are specific to fuel type and are tracked and flagged for periodic cultural/prescribed burn through a Geographic Information System program. In general, the fire return interval for Yurok prairies is 1-3 years, 3-5 years for oak woodlands, and 5-7 years for tanoak groves.

Fire effects monitoring will be ongoing to observe treatment effects with the goal of maximizing plant diversity. A qualified botanist will monitor vegetation fire effects on native plants, non-native invasives, and overall forest health. A drone will be used for aerial views to measure forest change over time. The Cal Poly Humboldt Fire Science

Program will assist the CFMC with a longitudinal study of native and non-native plant response to prescribed fire.

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.

   All Project activities are solely related to the overall goal of the Project to restore forest habitat heterogeneity and improve wildfire resilience and forest 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: 12/31/24

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