CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2025-066-R2

Project:	Salmon and Packer Creek Aspen 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 Salmon and Packer Creek Aspen Restoration Project (Project) is located in the North Yuba watershed, north of Highway 49 and west of the Gold Lakes Highway, adjacent to the Packer Lake Road junction with Gold Lakes Highway. The Project area starts where Packer Creek flows under Gold Lakes Highway and follows Packer Creek to the confluence of Packer and Salmon Creek going west and extends downstream to the Packer Lake Road bridge. The Project is located within the Tahoe National Forest, north of the unincorporated community of Bassetts in Sierra County.

Project Description: South Yuba River Citizens League (SYRCL) 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. The Project is designed to benefit quaking aspen (*Populus tremuloides*) stands, promote forest health, and restore meadow and meadow edge habitat. The Project will accomplish this by thinning encroaching conifers to reduce canopy competition and increase solar radiation on the soil to promote aspen regeneration. The Project will also include the installation of beaver dam analogs (BDAs) to enhance the meadow edge habitat for fringe aspen, and to prepare forest conditions for future prescribed fire (to be led by the Tahoe National Forest) that will improve general forest health and stimulate aspen suckering.

The Project area is a total of 292 acres; 190 acres will undergo conifer thinning and 15 acres of meadow and meadow edge habitat will be enhanced using low-impact, process-based restoration techniques.

The thinning portion of the Project includes:

- Conifer thinning and removal of select trees up to 24-inch Diameter at Breast Height (DBH) in aspen stand units.
- Conifer thinning and removal of select trees up to 18-inch DBH throughout treatment

areas.

- Piling of removed conifers and existing debris. Piles will be an average of 6 x 6 feet and located at least 10 feet apart.
- Clearing high concentrations of woody debris around piles and around select large trees in preparation for prescribed burning.

Implementation will take place in fall after nesting bird season concludes, or after nesting bird surveys are complete, and will continue until the first significant winter snow fall. Piling will be done both by hand and with the use of heavy equipment such as feller bunchers, loaders, and chippers. Trees between 18–24-inch DBH will be selected based on the site-specific benefits of their removal such as the potential to provide open canopy space for aspen.

The meadow restoration will occur in Salmon Creek Meadow and will include the installation of approximately 15 BDA structures. Each structure will be between 1-4 cubic yards in size, with the majority being less than 2 cubic yards. The structures will be constructed out of conifer or alder materials harvested within or adjacent to the meadow from trees with a DBH less than 18 inches. The BDAs will be built in stream channels and spaced as necessary along the length of the channel to optimize sediment accretion, channel complexity, and aggradation. Materials will be mostly moved by hand, and if necessary, with an all-terrain vehicle (ATV) and a 5 x 8-foot trailer. Structures will be stabilized with 2–3-inch softwood posts, driven with a man-portable hydraulic post driver as needed. These structures will mimic natural wood jams and beaver dams. No water will be required to be diverted or drafted.

The Project will benefit a total of 292 acres with a result of 205 acres directly restored as follows: 74 acres of improved forest health, 116 acres of aspen habitat, and 15 acres of meadow edge habitat.

Tribal Engagement: The Lead Agency conducted outreach to six tribes including Nevada City Rancheria Nisenan Tribe, Washoe Tribe, Greenville Rancheria of Maidu Indians, Tsi Akim Maidu Tribe, Mooretown Rancheria of Maidu Indians, and United Auburn Indian Community of the Auburn Rancheria. Outreach included formal Tribal consultation, Notification of Consultation letters, phone messages, in person meetings, and virtual meetings.

Interested Party Coordination: The Lead Agency implemented significant outreach to government agencies, non-governmental organization partners, landowners, and other interested parties regarding the Project. Ongoing communication regarding this Project has occurred between the Tahoe National Forest, SYRCL, and Sierra County since 2023. Communication with representatives from Camp Chrysalis, Boy Scout Camp O-Ki-Hi, and Girl Scout Camp Wasiu II, all camps located in the Project area, occurred in 2024. SYRCL maintained close communication with federal and state agencies including the U.S. Army Corps of Engineers, CDFW, and the Lead Agency throughout 2024. The Lead Agency also sent a Notification of Consultation letter describing the Project to the Project Director of the Sierra Fund and the Rural Community Development Program Manager for the Sierra Institute in December 2024.

Anticipated Project Implementation Timeframes: Start date: July 2025
Completion date: November 2030

Lead Agency Request for CDFW Concurrence: On January 9, 2025, 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 January 7, 2025 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 exclusively restore and provide habitat for California native fish and wildlife by restoring 116 acres of aspen habitat and 15 acres of meadow edge habitat. This Project will restore aspen groves, a critical habitat for local flora and fauna, through conifer thinning. The Project will also prepare the landscape for pile and broadcast burning and enhance meadow edge habitat for fringe aspen along Salmon Creek Meadow through the installation of BDAs. This Project will contribute to the restoration of habitat for the dually listed Sierra Nevada yellow-legged frog (*Rana sierrae*) and will restore suitable habitat for the state-listed willow flycatcher (*Empidonax traillii*).

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 Lead Agency has determined the Project may have incidental public benefits, which include increased public access, recreation, public safety, and roadway aesthetics from Packer Lake Road and the Gold Lakes Highway. The campgrounds included within the Project boundary will be affected by increased access and visibility along Packer Lake Road with reduced high severity fire risk from the conifer thinning throughout the Project area.

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 net benefits to climate resiliency by restoring aspen habitat, promoting forest health, and improving meadow and meadow fringe habitat. The ecosystem services provided by aspen affect surrounding ecological communities through landscape-scale fire resilience and improved water quality.

With increasing periods of drought, providing wetted habitat for high elevation aquatic species and migratory birds, along with high quality foraging habitat for terrestrial wildlife, is increasingly important to supporting wildlife adaptation in a changing climate. Aspen restoration also has the added benefit of increasing forest resiliency to wildfire through fuels reduction and increased water retention. Aspen can reduce fire occurrence and severity so long as the conifer presence on the landscape is reduced. Conifer thinning, both for forest health and for aspen restoration, increases landscape resiliency and improves ecosystem response post fire.

Since the 1950s, much of the western United States has experienced earlier onset of snowmelt as well as reduced snow water equivalent of mountain snowpack. This includes the northern Sierra Nevada, where the trend of earlier snowmelt, reduced snowpack, and continued overall decline in snowfall relative to rain are projected to continue into the future. The importance of high elevation riparian and wetland

protection and restoration continues to grow as animals seek refuge in resource-rich wetted environments.

By restoring high elevation aspen habitat in riparian corridors and within meadows and meadow fringes, the Project would provide a refuge for species needing wetter conditions in drought prone areas. Restoration projects that increase water retention on the landscape and reduce catastrophic fire risk can help aspen persist and mitigate for projected changes associated with a changing climate.

Long-term Net Benefits to Biodiversity:

The Project will have long-term net benefits to biodiversity by restoring aspen habitat. Aspen stands make up less than 1% of the forests in the Sierra Nevada but are an important habitat for native flora and fauna. In the Lake Tahoe Watershed Assessment, aspen groves have been identified as one of nine 'Ecologically Significant Areas' and are also one of two that are geographically rare and have high diversity. Aspen habitat increases the complexity of the landscape through water retention and forage availability, providing an outsized contribution of biodiversity compared with neighboring conifer forest. The majority of aspen and aspen habitat on National Forest Service lands in the Sierra Nevada are in decline, and restoring 116 acres of aspen habitat, 15 acres of meadow habitat, and the additional 74 acres for general forest health and fire resilience in Salmon and Packer Creek would produce an overall net benefit to biodiversity in the region.

The Project area has no recorded fire history and conifers have been encroaching into the aspen stands on the meadow fringe and in the riparian corridor of Salmon and Packer Creek for several decades. Historically, aspen on the western slopes of the Sierra Nevada have held out against conifer encroachment through natural disturbance events, like fire, which removes the conifer competition from aspen stands and promotes aspen regeneration. Today, these forests are unsustainably dense, shading and suppressing the aspen and creating a fuels hazard. Therefore, to increase and enhance the aspen, there is a need to prevent further conifer encroachment and support aspen regeneration. This will be achieved by conifer thinning, preparation of the landscape for future prescribed fire through fuels reduction, and enhancing the available meadow edge habitat. With Project implementation, species habitat is expected to improve and thus allow for the natural increase of species presence and biodiversity.

Long-term benefits are expected for a variety of species and their habitat including the dually listed Sierra Nevada yellow-legged frog, state listed willow flycatcher, western bumble bee (*Bombus occidentalis*), and numerous other special status and native species, including rainbow trout (*Oncorhynchus mykiss*), garter snake (*Thamnophis sp*.), Sierran treefrog (*Pseudacris sierra*), as well as nesting and foraging birds. By increasing aspen regeneration in Salmon and Packer Creek, this Project is expected to increase habitat complexity and heterogeneity, ultimately improving and increasing nesting bird habitat availability. The result will be a high elevation connective aspen habitat with a diverse understory and increased water retention. The connective aspen

habitat will provide increased habitat availability for amphibian species and support their various life-stages and movement corridors. The diverse understory will also benefit pollinators such as the western bumble bee and increased forage availability.

Long-term Net Benefits to Sensitive Species Recovery:

The Project will improve 74 acres of forest health and restore 116 acres of aspen habitat. Aspen habitat is in decline throughout western North America, and restoration of this sensitive species will increase habitat availability for other native flora and fauna. In addition, the Project will restore approximately 15 acres of meadow edge habitat to promote aspen regeneration and increase landscape climate resiliency. Specifically, the Project area includes and will benefit designated critical habitat for the dually listed Sierra Nevada yellow-legged frog as well as habitat for the state listed willow flycatcher, contributing to recovery.

Additionally, the Project has the potential to benefit several Forest Service Sensitive Species that rely on aspen, riparian, meadow and meadow edge habitat for their life cycle, including the western bumble bee.

Procedures for the Protection of the Environment:

Avoidance and minimization measures include but are not limited to the following:

Endangered Species
If federally or California state threatened or endangered species are detected within 300 feet of the Project area prior to or during Project activities, any activities in the sighting area that could result in adverse effects to the species will stop and a qualified specialist will be notified immediately. The specialist will advise the line officer on appropriate steps necessary and may contact the U.S. Fish and Wildlife Service or CDFW for additional guidance before work can resume in the area where the species was encountered. An appropriate limited operating period may be applied as needed. Federally and state listed species will not be handled or harassed during any activity related to the Project, and species will be allowed to leave the active work area on their own accord.

Prior to the onset of work, environmental awareness training for sensitive species and habitats will be given by an aquatic or wildlife biologist or other trained staff to all Project personnel. If new personnel are added, they will receive the mandatory training before starting work. Training will include:

a. Description and illustration of Sierran treefrog, Sierra Nevada yellow-legged frog, and California red-legged frog.
b. Aquatic and terrestrial habitat requirements for each species.
c. What to do if a frog is encountered.

Clearance surveys for aquatic species, including the Sierra Nevada yellow-legged frog, will occur prior to implementation.

Water Quality
Fuels and other toxic materials will be stored outside of wet areas and drip pans will be placed for overnight storage.

Project proponent shall ensure all Project personnel adhere to the current version of the CDFW Aquatic Invasive Species Decontamination Protocol for all field gear and equipment that will be in contact with water.

Ongoing Management for the Protection of the Environment:

SYRCL will track effectiveness and benefits of the restoration by monitoring aspen regeneration, understory vegetation diversity, amphibians, and additional animal interactions in aspen stands. SYRCL will build on existing baseline data by conducting post-restoration monitoring through 2027, and long-term monitoring will be supported by the Tahoe National Forest through 2030. Pre- and post-Project monitoring will be compared to track expected benefits in response to restoration actions, and results will be analyzed to evaluate Project effectiveness.

This Project is within the North Yuba Landscape Resilience Project, and the Tahoe National Forest is committed to at least 20 years of active management within this landscape. Part of this management includes preparing the landscape for pile and broadcast burn, which will be done by the Tahoe National Forest after this Project has concluded. Through 2030, SYRCL and the Tahoe National Forest are committed to implementing long-term Project monitoring. Beyond 2030, the Tahoe National Forest will continue to thin and apply fire to this landscape.

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 Lead Agency has determined that the Project does not include any construction activities other than those activities solely necessary to facilitate the completion of the restoration work.

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: 2/19/25

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