

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2025-078-R1**

Project: Weaver Creek Habitat Restoration Project
Location: Trinity County
Lead Agency: Trinity County Natural Resources Division of the Community Development Department
Lead Agency Contact: Patrick Flynn; pflynn@trinitycounty.org

Background

Project Location: The Weaver Creek Habitat Restoration (Project) is located on Weaver Creek, just downstream of the confluence of East Weaver Creek and West Weaver Creek, tributaries of the Trinity River, in the unincorporated town of Weaverville in Trinity County. The coordinates of the Project are 40.722783, -122.938365. The overall footprint is approximately 20 acres and is situated on land administered by the Bureau of Land Management (BLM) and the Weaverville Sanitary District.

Project Description: The Yurok Tribe, in partnership with the Nor Rel Muk Wintu Nation, 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 Weaver Creek watershed is recognized as being important to help aid recovery of anadromous fish populations in the Trinity River watershed, most notably the Project is designed to benefit federally and state threatened southern Oregon / northern California ESU coho salmon (*Oncorhynchus kisutch* pop. 2). Weaver Creek also serves as native habitat for Chinook salmon (*Oncorhynchus tshawytscha*), steelhead (*Oncorhynchus mykiss*) and Pacific lamprey (*Entosphenus tridentatus*).

Aquatic and riparian habitat conditions in Weaver Creek, that flows through Weaverville, are generally degraded and functioning is at risk due to historic land use practices. Incised reaches of Weaver Creek within the Project area contribute to limited spawning habitat, where spawners are confined to a narrow, high velocity plane-bed channel form that can lack suitable spawning gravels and threaten subsequent scour risks to incubating eggs.

To address these issues, the Project will increase the floodplain footprint as well as the frequency of floodplain inundation. This will be achieved through a combination of terrace lowering and a series of hydraulic controls that increase water surface elevations to help promote overbank flooding during the winter wet season when flow is at its highest. The

Project also includes realignment of a baseflow channel and a network of floodplain swales, as well as invasive vegetation removal followed by native revegetation.

The Project will be implemented by restoring approximately 4.6 acres of floodplain; creating 1.39 acres of overflow channel, including high-flow swales; forming 0.94 acres of riffles; and establishing 0.37 acres of channel fill and 0.35 acres of low flow channel. To further encourage deposition and avoid future incision within the Project area, a grade control structure of approximately 0.06 acres will be installed at the downstream end of the Project, which will also incidentally protect existing and partially exposed water and sewer infrastructure.

To facilitate the restoration work described above, all excavated material would be reused and spoiled on three upland sites within the Project area. The combined footprint of these five sites is approximately 6.5 acres. Following placement and grading of spoils material, the sites will be seeded with suitable native vegetation species and mulched.

Four staging areas have been identified for staging Project equipment and materials. The combined footprint for these four areas is 2.37 acres. Trees within staging areas would be preserved as much as possible. Invasive vegetation would be removed as necessary to facilitate use of the area. Following equipment removal, these areas will be seeded with suitable native upland vegetation species and mulched.

The Project will also remove invasive plant species within approximately 5 acres of the 20-acre Project area. Mechanical control methods are planned to be the predominant approach, utilizing a combination of hand tools, heavy machinery, and grubbing. In the event chemical methods are recommended, application would only be applied by a licensed technician.

A revegetation plan proposes the revegetation of a minimum of 10 acres of disturbed riparian areas with both floodplain and transitional native plantings utilizing suitable species.

Following initial restoration, Project monitoring will be conducted that will include topographic surveys, hydraulic analysis, photographs, and vegetation surveys.

Tribal Engagement: The Project proponent is the Yurok Tribe, who worked in cooperation with the Nor Rel Muk Wintu Nation, upon whose land the Project is located on. Both tribes have participated in Lead Agency engagement, grant funding, and design of the Project. Furthermore, the BLM distributed tribal consultation letters during the initial National Environmental Policy Act (NEPA) scoping period and during the draft Environmental Assessment (NEPA# DOI-BLM-CA-N060-2025-0005-EA) comment period. Coordination with tribes is currently ongoing. Any future tribal responses will be considered.

Interested Party Coordination: Interested party coordination has involved Project presentations, several public meetings and field tours, and has included outreach to the Weaverville Community Forest Steering Committee, the Trinity River Watershed Council, the Weaverville Sanitary District, the Weaverville Community Services District, and the Trinity County Board of Supervisors. The Project was also published in the River Riffle, a monthly publication of the Trinity River Restoration Program. The two landowners, the BLM and

Weaverville Sanitary District, both provided letters of support for the Project. The Trinity Trails Alliance has also provided a letter of support for the Project, as well.

Anticipated Project Implementation Timeframes:

Start date: September 2025

Completion date: November 2031

Lead Agency Request for CDFW Concurrence: On August 6, 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 August 6, 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: (A) 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; (B) the Project may have public benefits incidental to the Project's fundamental purpose; (C) 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 (D) 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 instream habitat and floodplain areas along a degraded area of Weaver Creek, immediately below the confluence of East and West Weaver Creeks, and is expected to significantly increase the amount of instream habitat for coho salmon, listed as threatened under the federal Endangered Species Act and the California Endangered Species Act. Project activities will also improve riparian habitat via native revegetation and will help control the spread of invasive plant species. The Project will also create a single threaded wet channel during summertime baseflow conditions so that water is likely to remain available instead of going subsurface or evaporating.

- 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 area currently has an existing user-made trail system that has become overgrown with invasive Himalayan blackberry (*Rubus armeniacus*). The Project will include the removal of this invasive species and therefore make the existing trails more accessible for public access and recreation benefits.

The Project may also have incidental benefits to local public utility reliability where an existing utility alignment crosses Weaver Creek in the Project area. Project activities include installing a grade control structure supporting development of riparian and floodplain habitat near the utility alignment to encourage alluvial material deposition and prevent further incision. Stream aggradation at the utility crossing will also help to prevent future failure of water and sewer pipelines.

- 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: Climate change is expected to result in widespread loss of cold-water habitats and dramatic changes in associated cold-water species. Due to Weaver Creek relying on snowmelt, the watershed is particularly vulnerable to drought and long-term increases to stream temperature. The Project activities will result in a single threaded wet channel that is designed to maintain baseflow conditions so that water remains available during summer months. This flow is necessary so that aquatic habitat and refugia persist throughout the dry season.

Furthermore, keeping water in the channel is becoming increasingly important as droughts become more frequent in this region.

Long-term Net Benefits to Biodiversity: This Project will result in long-term net benefits to biodiversity by creating more diverse habitat within Weaver Creek and will provide more ecosystem services by increasing food availability throughout the food chain. The Project will do this by creating new stream features that will facilitate inundation of reconnected floodplains adjacent to Weaver Creek.

The Project will also benefit biodiversity by creating more habitat for native species including birds, amphibians, reptiles, and mammals. The significant increase in floodplain area and enhanced riparian habitat will benefit salmonid species and several other wildlife species, such as Pacific lamprey, foothill yellow-legged frog (*Rana boylei*), Pacific tailed frog (*Ascaphus truei*), northwestern pond turtle (*Actinemys marmorata*), and Townsend's big-eared bat (*Corynorhinus townsendii*), which will benefit from restored instream and riparian habitat. Restoration activities would benefit a broad spectrum of terrestrial, avian, and aquatic wildlife by enhancing the creek corridor for nesting, breeding, roosting, foraging, and other activities. These species will also benefit from the channel holding water in the summer months.

The expanded floodplain along with the invasive species removal and native revegetation will also improve plant biodiversity by creating more suitable habitat for native plant species to become established, such as willow (*Salix*) and cottonwood (*Populus*).

Long-term Net Benefits to Sensitive Species Recovery: The Project will result in long-term net benefits to sensitive species by creating more habitat for federal and state threatened coho salmon and other sensitive species. The Project will result in improved floodplain connectivity, instream channel complexity and pool frequency, off-channel winter rearing habitat, reduced summer stream temperature, and will promote sediment sorting and spawning riffle development. Coho salmon and other salmonids like steelhead and Chinook salmon will benefit from increased availability of these features. Inundation of adjacent floodplains creates food and increases food availability for riparian species. Potential sensitive species like foothill yellow-legged frog, Pacific tailed frog, northwestern pond turtle, and Townsend's big-eared bat will benefit from the restored and expanded floodplain areas and riparian habitat. Restoration activities would benefit sensitive avian species, including willow flycatcher, by enhancing the creek corridor for nesting, breeding, roosting, foraging, and other activities.

Procedures for the Protection of the Environment: Avoidance and minimization measures include but are not limited to the following:

- Work Period. Instream Project work will occur from August to late October when there is little to no flow in order to minimize impacts to water quality, aquatic species, and their habitat.

- Dewatering and Water Diversion and Wildlife Relocation. If the creek is not dry at the start of the construction window, a dewatering and fish capture and relocation plan will be prepared in order to isolate the location and allow heavy equipment work to take place in isolation from the flowing stream without aquatic species present or additional surface flow entering the location. The plan will be submitted to CDFW and the National Marine Fisheries Service for approval and may be modified if necessary.
- Vegetation Removal. Vegetation removal, including potential nesting substrate – would generally occur outside of the nesting season for birds (before March 15 or after August 1) and before bats establish maternity colonies (i.e., by February 1). Trees and shrubs will be cut, with roots and stumps left in place to avoid disturbing the ground during the rainy season. If this timing is not feasible, pre-construction surveys would be conducted by a designated biologist to identify active bird nest sites or bat roost sites in or adjacent to the Project area. No-disturbance buffers would be established around any active sites or dens identified until they are no longer occupied.
- Biological Surveys. Special status species surveys will be conducted prior to construction mobilization, during construction by a designated biologist.
- Monitoring site conditions to ensure that no adult salmon are present.

Ongoing Management for the Protection of the Environment: The Project will include ongoing protection of the environment by conducting pre and post-project monitoring that will include: topographic surveys, photographs, and vegetation surveys. The post-restoration monitoring will assess success of Project outcomes. The newly restored floodplain may undergo targeted herbicide treatments as required for two years post-restoration to facilitate the successful establishment of plantings and the recruitment of native vegetation. The in-channel restoration work is designed to emulate natural stream and floodplain conditions (e.g., riffles, floodplain areas, low flow channel segments, and overflow channel segments), and are not expected to require manual structural adjustments or maintenance. The grade control structure is also not expected to require manual adjustment. The portion of the Project located on BLM land will be managed and maintained long-term by the BLM.

- 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 will utilize heavy machinery to restore and increase the frequency and areal extent of floodplain inundation through a combination of terrace lowering and a series of hydraulic controls that increase water surface elevations and help promote overbank flooding at discharges that are attained throughout much of the winter wet season. The Project also includes a short section of realigned baseflow channel, large wood loading, and a network of floodplain swales.

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.

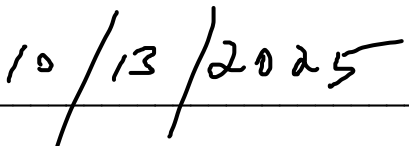
Other Legal Obligations

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:  _____