CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
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CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2026-105-R2

Project: Ward Creek Restoration Project

Location: Placer County

Lead Agency: California Tahoe Conservancy

Lead Agency Contact: Jen Greenberg; Jen.Greenberg@tahoe.ca.gov

Background

Project Location: The Ward Creek Restoration Project (Project) is approximately 36.1 acres in size and is located on public land in Placer County, centered approximately at 39.138869, -120.187658. The Project area can be accessed via State Route 89 to Ward Boulevard, where it is situated along a 3,700 linear foot reach of Ward Creek; about 2 miles upstream of the western shore of Lake Tahoe. The site has shared ownership and management between the California Tahoe Conservancy (Lead Agency) and the United States Forest Service - Lake Tahoe Basin Management Unit (USFS-LTBMU). The Project is part of the larger Lake Tahoe West Restoration Partnership effort, which is developing a landscape restoration strategy to guide restoration activities on 59,000 acres of Lake Tahoe's west shore.

Project Description: The Lead Agency, in partnership with USFS-LTBMU, 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. Through enhancing the 36.1-acre Project area using conifer thinning and floodplain regrading, including 3,700 linear feet of Ward Creek and reconnecting upwards of 4 acres of restored floodplain, the Project is designed to benefit aquatic and terrestrial species in the area, including, but not limited to, Lahontan cutthroat trout (*Oncorhynchus clarkii henshawi*) and Sierra Nevada yellow-legged frog (SNYLF, *Rana sierrae*). The primary habitat benefits will come through restored river and meadow conditions from increased habitat complexity and heterogeneity.

The Ward Creek watershed has a legacy of grazing, logging, and development. Due to these factors Ward Creek is one of the largest sediment producers, on a unit area basis, of all the tributaries flowing into Lake Tahoe. To assist in the recovery of Ward Creek, the Project includes removing encroaching conifers; removing legacy access features; regrading existing roads and filling ditches to match surrounding topography; and implementing a variety of wood roughness elements and low-tech process-based restoration features to slow and spread water.

The Project will include the following restoration activities:

- Removal of approximately 600 conifers from the Project area. This will assist in increasing soil moisture and groundwater levels within the meadow habitat found on site and allow for growth of native meadow vegetation. The felled conifers will provide a wood source for the proposed roughness elements and restoration features.
- Removal of two existing parking areas and decommissioning of almost all existing road prisms by ripping, re-grading to natural contour, mulching, and adding boulders and logs to prevent users from reestablishing the road within the valley margins of the Project area.
- Filling and revegetating two existing ditches that capture and redirect surface water, which will improve wetting in the site. The Project is designed to balance cut and fill, with no import or off-haul of material.
- Installing low-tech process-based restoration features, including approximately 80 channel-spanning jams, bank jams, apex jams, and/or wood barbs. Wood toe protections, and slope toe protections are projected to encompass up to 500 linear feet and 700 linear feet, respectively. Up to 75 low-tech process-based restoration features using small diameter wood and slash will be placed within the floodplain.

The Project is intended to span two seasons, with most restoration activities occurring in the first season. The second season would be focused on adaptive management to enhance existing or implement additional wood elements using hand crews and minimal equipment that can be hand carried. Additional adaptive management and monitoring will also include and address function and/or any unexpected damage associated with channel form, erosion, fish passage, and hydrology.

Tribal Engagement: The Native American Heritage Commission was contacted to conduct a search of the Sacred Lands File for the Project study area on October 21, 2024. The Project area is within the ancestral lands of the Washoe Tribe of Nevada and California (Washoe Tribe). The Lead Agency has been coordinating with the Washoe Tribe to ensure their engagement and perspectives are part of the Project. The Lead Agency is working with the Washoe Tribe to conduct an assessment of the Project area and to develop a cultural resources monitoring plan to implement during restoration activities.

A letter to the Washoe Tribe, dated August 2024, was sent describing the Lake Tahoe West Restoration Partnership, of which the Project is a part. Lead Agency staff met with the Washoe Tribe's Environmental Protection Department on February 5, 2026, regarding the Project. The Lead Agency and Washoe Tribe have a standing coordination meeting, and this Project will be a continued agenda item. The Lead Agency will also offer additional consultation with the Washoe Tribe as Project development progresses.

Interested Party Coordination: Scoping efforts and two public meetings were conducted in 2020 for the Lake Tahoe West Restoration Partnership. The Lead Agency and USFS-LTMBU convened a Technical Advisory Committee (TAC) of regional restoration practitioners, regulators, and partner agencies in April 2026 to review the Project. The TAC includes the Lahontan Regional Water Quality Control Board, Keep Tahoe Blue, Placer County, Washoe

Tribe, US Army Corps of Engineers, California Department Fish and Wildlife (CDFW), Tahoe Regional Planning Agency, and Tahoe City Public Utility District. The Lead Agency and USFS-LTBMU will continue to engage with the TAC during the design, permitting, and implementation of the Project.

A public outreach meeting, specific to the Project, will be held in May 2026. In addition, Lead Agency staff will present the Project to its eight-member Board of Directors on June 18, 2026. Board meetings are open to the public and provide a forum for additional public and partner comments.

Anticipated Project Implementation Timeframes: Start date: January 2027
Completion date: December 2032

Lead Agency Request for CDFW Concurrence: On April 16, 2026, 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 April 16, 2026, 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 assist in the recovery of hydrologic and geomorphic function of the channel and the adjacent floodplain and meadow within the 36.1-acre Project area. As a result, the Project is expected to increase floodplain and groundwater connectivity, enhance aquatic and floodplain/riparian habitat quality and diversity, enhance terrestrial wildlife habitat quality and diversity, remove anthropogenic disturbances, and help to stabilize erosion. Specifically, the Project is designed to directly enhance 3,700 linear feet of Ward Creek, including reconnecting approximately 4 acres of restored floodplain. This is expected to increase aquatic habitat complexity, improve riparian shading, and increase the spatial extent of meadow inundation, which will result in wetter floodplain conditions and an increase in the extent and vigor of riparian, wet meadow, and aquatic species such as Lahontan cutthroat trout and SNYLF.

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 does not include adding any new public access or recreational features within the Project area. However, because the Project will be improving aquatic habitat, the Lead Agency expects the Project may include improved aesthetic value/benefit for the public who recreate and/or visit neighboring trail systems within the area. These recreational benefits may include improved wildlife viewing, hiking, and fishing using existing access points and trails in the vicinity of the Project. Furthermore, the Lead Agency anticipates an incidental health/safety benefit, through conifer removal and more open/wetter conditions in the Project area. This is expected to lower the risk and/or intensity of wildfire within the vicinity of the Project.

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 area is expected to experience changes in hydrology due to climate change. These predicted changes include larger and/or more intense and unpredictable weather patterns, including rain-on-snow events, which could result in increased flooding or periods of extended drought, which would result in drier conditions more prone to wildfire.

By reconnecting floodplain, the Project will result in a system that is more resilient to future changing flow regimes. The floodplain enhancements will also advance the channel evolution process to widen the riparian corridor for more valuable floodplain habitat and allow for wetter conditions, which would increase wildfire resiliency.

Improving the connection to the floodplain will also result in a net benefit to climate resiliency by increasing groundwater recharge and storage capacity in the alluvial aquifer. This will minimize the effects of flooding and improve water supply. This groundwater recharge will also help offset the effects of future drought within the watershed. During wetter seasons the groundwater recharge may also increase the extent of wetland soil and vegetative growth, which would increase the rate of carbon sequestration.

Long-term Net Benefits to Biodiversity: Improvements to habitat quality will result in additional breeding, rearing, and foraging habitat for aquatic and terrestrial species. The large wood added within the Project area will create pools, accumulate spawning substrate, and provide cover and nutrients to enhance aquatic species feeding opportunities. Localized aggradation of the streambed will decrease suspended sediment in Ward Creek and improve water quality, benefiting native aquatic habitat, as well as the overall ecosystem biodiversity. Aquatic species that have the potential to benefit from the Project include mountain whitefish (*Prosopium williamsoni*) and Lahontan lake tui chub (*Siphateles bicolor pectinifer*).

Increased foraging habitat will improve food web stability and result in a long-term net benefit to biodiversity of native birds, that have the potential to occur in the Project area, including willow flycatcher (*Empidonax traillii*) and American goshawk (*Accipiter gentilis*). The Project will also increase foraging opportunities for native mammal species that have the potential to occur within the Project area, including the Sierra Nevada snowshoe hare (*Lepus americanus tahoensis*), white-tailed jackrabbit (*Lepus townsendii*), and American badger (*Taxidea taxus*). One beaver (*Castor canadensis*) dam was present in the Project area during a recent survey. Beaver dams create a large area of slow-moving water with a deeper sediment layer on the stream bottom for approximately 100 feet upstream.

Long-term Net Benefits to Sensitive Species Recovery: The Project will restore natural habitat conditions for native sensitive species, providing long-term opportunities for species recovery. Restoration of native habitat in the Project area will benefit sensitive species, as the improved habitat in the Project area is also connected to quality habitat upstream of the Project. Two sensitive species that are likely to occur in the Project area include SNYLF (listed as threatened under the California Endangered Species Act (CESA) and endangered under the federal Endangered Species Act (ESA)), and California spotted owl (*Strix occidentalis occidentalis*; a CDFW Species of Special Concern (SSC)). Restored instream habitat is expected to benefit a range of aquatic species within the watershed, including Lahontan cutthroat trout (listed as threatened under the federal ESA and a CDFW SCC).

Procedures for the Protection of the Environment: The Project includes design criteria and minimization measures that have been specifically developed to minimize environmental effects during the restoration activities. Minimization measures include, but are not limited to:

- All equipment (e.g., field gear, pumps) used in a water body during Project implementation will be inspected, decontaminated, and free of invasive species prior to implementation. Equipment shall be free of all soil and plant material and will be dried prior to moving to a different meadow or aquatic habitat.
- Localized pumping will be used to clear in-stream construction areas of turbid water resulting from Project activities. Pumped water will be disposed of in an approved location that prevents turbid water from reentering the active channel.
- Prior to instream activities, surveys will be conducted for western pearlshell mussel (*Margaritifera falcata*). If mussels are detected prior to or during implementation, personnel should coordinate with agency lead biologists to determine the best suited treatment method to avoid harm or whether mussels should be relocated. Relocation will entail coordination with CDFW and will take into consideration the mussel population within and outside the Project area. Prevention/minimization of Project impacts shall be addressed before resuming the treatment.
- Salvage/recovery of fish will be conducted within anticipated dewatering or diversion zones operations by electro-shocking or other suitable means as developed through consultation with CDFW and U.S Fish and Wildlife Service fisheries staff. Fish will be moved approximately 500–700 feet upstream or downstream of Project activities, where feasible. Exclusion structures (e.g., nets, temporary weirs) will be installed to ensure fish do not move back into the Project area during implementation. Structures will be checked and cleaned (if needed) one to two times daily when crews are on site to ensure they are functioning. Structures will not go unchecked for more than 48 hours.
- Any disturbed areas will be restored to the pre-existing condition (including replacing bed material) and stabilized to avoid erosion and sediment delivery in consultation with an Aquatic Biologist and/or Hydrologist.
- If a native surface road becomes rutted, road use will be suspended until repaired. If it is determined that stabilization of the roadway can be accomplished by spot-rocking or other mitigation of rutted areas, road use may continue. Rutting is defined as 2-inch-deep depressions greater than 25 feet in length.
- Any earthwork within the channel will take place in the drier months of July, August, and September. All Project activities that involve the need for water diversions or new ground disturbance will be planned to be completed by October 1st of each year.

Ongoing Management for the Protection of the Environment: The Project is designed to result in a self-sustaining system that will require minimal need for long-term

intervention. However, adaptive management and monitoring to address unexpected damage associated with channel form, erosion, fish passage, and hydrology will be performed to ensure Project function. Adaptive management will be integrated with Project effectiveness monitoring and used to determine whether the Project is functioning and address shortcomings. Success criteria include increasing floodplain inundation and duration, removing anthropogenic disturbances, and enhancing aquatic floodplain and riparian habitat quality and diversity.

USFS-LTBMU will collect intensive and repeatable data from stream reaches to document existing stream conditions and make reliable comparisons over time within or between stream reaches. Typical issues requiring adaptive management interventions include lack of vegetation establishment, invasive plant colonization, and minor erosion. Ongoing planting, conifer removal, invasive plant removal, and reconfiguration of wood is anticipated to ensure Project success.

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.

Habitat restoration activities will include utilization of existing disturbed areas for temporary access roads and staging areas; establishment of temporary bypass systems for in-channel work; conifer removal; placement of large wood, slash, and rock in Ward Creek; and excavation to reestablish Ward Creek's connection to the floodplain. The Project will include minimal material import of rock and balance of other fill material.

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: Signed by: Meghan Hertel 19042A1B72454D8... Date: 5/27/2026

Meghan Hertel, Director
California Department of Fish and Wildlife