

# Notice of Exemption

# Appendix E

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

County Clerk  
County of: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address)

Project Title: \_\_\_\_\_

Project Applicant: \_\_\_\_\_

Project Location - Specific:

Project Location - City: \_\_\_\_\_ Project Location - County: \_\_\_\_\_

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: \_\_\_\_\_

Name of Person or Agency Carrying Out Project: \_\_\_\_\_

**Exempt Status: (check one):**

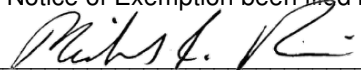
- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: \_\_\_\_\_
- Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Lead Agency  
Contact Person: \_\_\_\_\_ Area Code/Telephone/Extension: \_\_\_\_\_

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?    Yes    No

Signature:  Date: \_\_\_\_\_ Title: \_\_\_\_\_

Signed by Lead Agency      Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.  
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: \_\_\_\_\_

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE  
DIRECTOR'S OFFICE  
POST OFFICE BOX 944209  
SACRAMENTO, CA 94244-2090



**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2023-023-R2**

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**Project:** Upper Truckee River Lahontan Cutthroat Trout Restoration Project  
**Location:** El Dorado County  
**Lead Agency:** California Regional Water Quality Control Board, Lahontan Region  
**Lead Agency Contact:** Adam Henriques; Adam.Henriques@Waterboards.ca.gov

**Background**

Project Location: The Upper Truckee River Lahontan Cutthroat Trout Restoration Project (Project) is located in the Meiss Inventoried Roadless Area on National Forest Service land, Lake Tahoe Basin Management Unit (LTBMU), centering on 38.75829, -120.02346. The Project area covers 5 miles of perennial stream in the upper portions of the Upper Truckee River below the confluence of Showers Lake Outlet to a waterfall at 38.78341, -120.02682 and the outlets of Showers Lake and Round Lake. The Project area is approximately 9 miles south of the City of South Lake Tahoe, south of California Highway 89 and north of California Highway 88.

The Project is only accessible by hiking trail from the Round Lake Trailhead (18E05) in El Dorado County, the Pacific Crest Trail – Meiss Trailhead, located on Highway 88 in Alpine County, and the Big Meadow trail (19E00), located on Highway 89.

Project Description: Through implementation of the Project, the US Forest Service (USFS) 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 Lahontan cutthroat trout (LCT, *Oncorhynchus clarkii henshawi*), a federally threatened fish, by eradicating non-native trout species, such as brook trout (*Salvelinus fontinalis*) and rainbow trout (*Oncorhynchus mykiss*), from five miles of the Upper Truckee River watershed.

The US Fish and Wildlife Service (USFWS) listed the LCT as endangered in 1970 and subsequently reclassified the species as threatened in 1975 under the Endangered Species Act. The species is native to the Lake Tahoe basin and historically occupied most of the perennial stream systems, including interconnected lakes. By the 1950's LCT were locally extirpated from Lake Tahoe as a result of widespread salmonid introductions, over-harvest, and habitat modification.

USFWS and the California Department of Fish and Wildlife (CDFW) reintroduced the species to the headwaters of the Upper Truckee River in Meiss Meadows in 1989 and 1990 after removing and excluding non-native trout from five stream miles and 15 lake acres in the Upper Truckee River watershed. The LCT population in Meiss Meadows is currently one of only a few self-sustaining high-elevation populations and is the largest population found in

meadow habitat in the Sierra Nevada. Expansion of this population is impaired by non-native trout; non-native trout prey on, compete with, and hybridize with LCT.

The objective of this Project is to further facilitate natural downstream range expansion of the Meiss Meadows LCT population by permanently removing non-native trout. The Project will complete the broader goal of providing LCT 17 miles of perennial stream and 100 lake acres within the headwaters of the Upper Truckee River free from non-native trout competitors.

The Project will accomplish eradication of non-native trout through electrofishing and gillnetting in stream segments temporarily isolated from flow with dewatering and diversion. Isolation of fish with diversion and dewatering allows the USFS to remove non-native trout much faster and more effectively than electrofishing alone, and is a successful technique being used by CDFW in Mono County. Backcountry deployment of dewatering and diversion will involve the use of small sandbag dams filled with local material, plastic sheeting to seal the dams, and flexible plastic piping to divert water downstream. In areas where natural springs or seeps cause flow in a dewatered area, portable pumps may be used to improve dewatering of the working area. Diversion dams and piping may be in place for several days or weeks, depending on reach length and labor availability.

When complete, the Project will provide enhanced habitat for LCT with a well-connected heterogeneous stream system in which the species may exhibit lacustrine and stream life-history phases and produce higher population densities, thereby increasing the probability of long-term persistence of the species.

Tribal Engagement: The Environmental Director of the Washoe Tribe of Nevada and California responded to a letter on August 9, 2008. The Project has been discussed regularly since implementation began in 2009 at Tahoe Basin Recovery Implementation Team meetings, which includes the Washoe Tribe of Nevada and California.

Interested Party Coordination: The USFS initiated public outreach in 2008 in compliance with the National Environmental Policy Act and has continued coordination leading up to this Project. This outreach has included the California Regional Water Quality Control Board, Lahontan Region (Lead Agency), CDFW, Nevada Division of Wildlife, USFWS, Tahoe Regional Planning Agency, California Tahoe Conservancy, the League to Save Lake Tahoe, and California Trout. All parties expressed support for the Project and consider it a high-priority project.

Anticipated Project Implementation Timeframes:

Start date: August 2023

Completion date: October 2030

Lead Agency Request for CDFW Concurrence: On March 17, 2023, 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 March 17, 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 promote natural range expansion of the already self-sustaining Meiss Meadows LCT population. The project will reduce the foothold of introduced non-

native trout that limit the natural expansion of the population. The recovery of the species within its available habitat in the Upper Truckee River watershed and the Tahoe Basin as a whole is closely tied to the success of this Project.

- 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 an incidental public recreation benefit. The Project's purpose is to promote expansion of the Meiss Meadows LCT population and overall recovery of the species, which may incidentally enhance freshwater recreational fishing opportunities in and around 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 support habitat redundancy and population growth that is essential to the long-term persistence of LCT despite the anticipated habitat stressors caused by climate change, which is projected to include reduced snowpack, earlier and more concentrated spring flow events, and increase water temperatures. The Upper Truckee River watershed contains several habitat types including deep cold-water lakes and a heterogeneous system of perennial stream channels with pool refugia and riffle habitat. The rich habitat diversity of the Project area increases the likelihood of long-term success by providing options to meet life history requirements amid long-term climate change stresses and functional redundancy to support resilience to acute perturbations. For example, lake habitat is specifically important in years when stream channels are low or dry due to drought conditions and where water temperatures exceed thresholds for life history requirements.

Long-term Net Benefits to Biodiversity: The Project aims to remove non-native trout in the Upper Truckee River, which cause community-wide consequences. Intense predation of amphibians, invertebrates, and other fishes by non-native trout species impacts natural food web structure. Non-native trout removal will benefit recovery of the native food web and other native fish including speckled dace (*Rhinichthys osculus*).

Long-term Net Benefits to Sensitive Species Recovery: The Project's main objective is to aid in the recovery of the LCT, which is listed as threatened under the federal Endangered Species Act. The Project will help connect approximately 17 miles of perennial stream channel and 100 acres of lake habitat for LCT, making this population the largest interconnected meta-population of LCT in the Sierra Nevada. This Project is crucial to the long-term persistence of the species in the Sierra Nevada.

Procedures for the Protection of the Environment: The Project will deploy several general protective measures and specific conditions mandated by its federal Biological Opinion (File No. 2008-F-0434-R001). General categories of protection procedures include avoiding impacts of staging areas to wet meadows and riparian habitat, protecting waterbodies from hazardous materials, reducing erosion/turbidity and intake entrainment that may be caused by dewatering and diversion, and returning work areas to pre-Project conditions. The Biological Opinion contains measures for proper electrofishing operation and size class and counts of non-native trout species removed and/or LCT captured and relocated.

Ongoing Management for the Protection of the Environment: The USFS will conduct effectiveness monitoring to ensure complete target species eradication from the Project area and that all temporary impacts associated with Project implementation are returned to pre-project conditions. The USFS will employ eDNA sampling as the main monitoring technique, which will occur annually following Project activities.

In addition to ongoing monitoring and evaluation of the Project's outcomes, the USFS is charged with ongoing management of the Project area with guidance from the Forest Service Manual and the LTBMU Land and Resource Management Plan. Forest Service Manual section 2670.12 directs staff to conduct activities and programs to assist in the identification and recovery of threatened and endangered plant and animal species. The Land and Resource Management Plan (2016) has specific objectives that support the recovery of LCT in the Upper Truckee River watershed.

- 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-related construction activities described are all related to the overall goal of the Project to restore or enhance habitat in the Project area.

This Project does not include any construction activities. The Project's activities include gillnetting, electrofishing, and use of temporary diversion dams to dewater the stream channel. Temporary diversion dams do not require construction and will be removed from the stream channel when not in use.

### **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: 3/30/23  
Charlton H. Bonham, Director  
California Department of Fish and Wildlife