



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



July 18, 2022

Ben Letton  
Assistant Executive Officer  
California Regional Water Quality Control Board  
Lahontan Region  
2501 Lake Tahoe Boulevard  
South Lake Tahoe, CA 96150

**California Environmental Quality Act Statutory Exemption for Restoration Projects –  
Boca Unit Restoration Project (Request No. 21080.56-2022-007-R2)**

Dear Mr. Letton:

I am pleased to inform you as the Director of the California Department of Fish and Wildlife (CDFW) that I concur with the Lead Agency determination by the California Regional Water Quality Control Board, Lahontan Region that the Boca Unit Restoration Project qualifies as a statutorily exempt restoration project under the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21080.56, subd. (e).) My concurrence as the CDFW Director is based on CDFW's independent review of the California Regional Water Quality Control Board, Lahontan Region request for concurrence, which CDFW received on July 07, 2022. In my opinion, informed by the best available science and described in the separate CDFW Concurrence, the Boca Unit Restoration Project meets all the qualifying criteria in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive.

This concurrence signifies the continued commitment by CDFW and its partners in advancing the "Cutting the Green Tape" initiative, which is a collaborative effort to increase the pace and scale of restoration projects in California in a way that protects the environment and results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery. CDFW stands ready to continue this effort in coordination with the California Regional Water Quality Control Board, Lahontan Region.

CDFW's Concurrence will be posted on our website as provided by Public Resources Code section 21080.56. If you have any related questions, please contact Brad Henderson, Cutting the Green Tape Program Manager, at (530) 351-5948, or by email at [Brad.Henderson@wildlife.ca.gov](mailto:Brad.Henderson@wildlife.ca.gov).

Sincerely,

Charlton H. Bonham  
Director

Ben Letton, Assistant Executive Officer  
California Regional Water Quality Control Board  
Lahontan Region  
July 18, 2022  
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR  
RESTORATION PROJECTS  
CONCURRENCE NO. 21080.56-2022-007-R2**

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**Project:** Boca Unit Floodplain Restoration  
**Location:** Nevada County  
**Lead Agency:** California Regional Water Quality Control Board, Lahontan Region

**Background**

The Boca Unit Floodplain Restoration Project (Project) will improve hydrologic connectivity, re-establish riparian habitat function, reduce sediment loading, and decrease highway pollutant entry to 11 acres of the Truckee River Wildlife Area that are disconnected from the Truckee River. The Boca Unit floodplain was disconnected from the river by a historic railroad spur that channelized the river, impacting riparian and wetland habitat and exacerbating erosion. Multiple user-created roads and trails compact soils, limit vegetation persistence, and contribute sediment to the river. Runoff from the adjacent Interstate 80 conveys stormwater, pollutants, and additional sediment to the Truckee River. The Truckee River Watershed Council (TRWC) will implement the Project to address the issues stemming from the historic and current land uses and increase resilience and adaptive capacity to the reach in the face of forecasted climate change. The Project will also limit existing recreational access by constraining activity to designated areas to protect sensitive natural resources.

Project planning was funded by the Wildlife Conservation Board (WCB) 2019 Forest Conservation Program in the amount of \$309,000, with cost share provided by the TRWC and Truckee River Chapter of Trout Unlimited. Funding for implementation is anticipated to be granted by the WCB 2021 Forest Conservation Program in the amount of \$1,116,000, pending WCB approval in August 2022. Additional cost share will be provided by TRWC.

**Project Location:** The Project is located on the Truckee River near river mile 23 in the town of Truckee, Nevada County. The 11-acre Project site is six miles east of Truckee at roughly 5,500 feet elevation, centering on 39.373297°N, 120.104486 °W, on Assessor's Parcel Numbers 048-220-005-000 and 048-220-006-000. The Project site is accessible via a gravel parking area adjacent to I-80 eastbound about three miles past the Overland Trail exit.

The Project site is state-owned land managed by the California Department of Fish and Wildlife (CDFW) at the Boca Unit of the Truckee River Wildlife Area. The Project site was designated in 1996 to preserve the trout fishery and access to the river. The Project site is also known as the CDFW Loop, River Bend, or Horner's Corner. CDFW issued a Right of Entry Permit for the period beginning on August 1, 2020 and ending on November 1, 2026.

Project Description: TRWC proposes to restore or provide habitat for California native fish and wildlife. The Project's 6.7-acre construction footprint is designed to directly benefit 11 acres of riverine, wetland, and montane riparian habitats and indirectly benefit four acres of adjacent upland habitats beyond the project area, including sagebrush, bitterbrush, and montane chaparral through improved connectivity. The Project includes removing anthropogenic fill associated with a historic railroad spur to create a floodplain bench; activating and stabilizing high-flow channels using grade controls, cobble armoring, and natural roughness elements such as cobbles, woody debris, willow poles, and willow fascines to accommodate return flows to the main channel; and revegetation with native seed and materials salvaged onsite including sod, willows, alder, and chokecherry.

The Project will include features to protect the restored natural resources. These protective elements include native surface road decommissioning including those within wetland areas; reconfiguring and restoring a historic borrow site to capture stormwater runoff from I-80; and converting a native surface road to a river access trail for the purposes of habitat protection. The access trail will limit the reestablishment of user-created trails and associated impacts including compaction, habitat loss, and erosion.

The Project aims to achieve the following outcomes:

- Improve riparian habitat and water quality by creating a 0.5-acre inset floodplain bench;
- Improve riparian habitat connectivity by restoring habitat in a fragmented landscape;
- Restore hydrologic function by re-engaging 2,500 feet of original high-flow channels;
- Reduce excess sedimentation by stabilizing the channels as they return to the river;
- Reconnect drainage by removing 3,500 feet of dirt roads and 0.75-acre parking area;
- Reduce stormwater inputs from I-80 by reconfiguring a 3,300-sf former upland borrow site to capture runoff in a seeded vegetation area, including an outflow swale;
- Enhance habitat function for fishes by creating shelter and floodplain feeding opportunities and low elevation channels that allow fish to exit the floodplain as flows recede and prevent stranding; and
- Leverage previous restoration projects by improving habitat adjacent to channel habitat W-boulder weirs (Trout Unlimited's Glenshire Drive Project, 2018).

Stakeholder and Tribal Coordination: Project assessment, planning, and design included stakeholder coordination that will continue through construction and monitoring. In 2018, TRWC completed the Truckee River Revitalization Assessment technically advised by CDFW, the Lead Agency, Nevada County, Town of Truckee, Truckee Donner Public Utility District, Truckee Donner Recreation and Park District, Truckee Sanitary District, and the U.S. Forest Service. The Project planning received broad community support from organizations including Truckee River Trout Unlimited, Tahoe Truckee Fly Fishers, Mountain Area Preservation, Truckee Donner Land Trust, and the Truckee Chamber of Commerce. CDFW was directly involved in Project development and restoration design review.

On June 21, 2022, the Lead Agency spoke with the Director of Cultural Resources for the Washoe Tribe, which is the only federally recognized tribe with cultural affiliation to the Project site. The Director of Cultural Resources expressed general support for restoration of the Truckee River provided that no cultural resources exist on site. The Director of Cultural Resources did not dispute the findings of the 2021 Cultural Resources Report, which did not identify the presence of cultural resources within the Project's Area of Potential Effect.

Anticipated Project Implementation Timeframes:

Start date: August 2023

Completion date: December 2025

Lead Agency Request for CDFW Concurrence: On July 7, 2022, the Director of CDFW (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 July 7, 2022 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.

The CDFW Director's 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 intends to restore and enhance habitat for California native fish and wildlife in a designated wildlife area by improving aquatic habitat, including fish-suitable shelter with large woody debris, and low elevation channels to prevent fish stranding; expand riparian and wetland floodplain habitat by excavating anthropogenic

fill, establishing an inset floodplain bench, planting native vegetation, and re-connecting overflow channels, and reducing trampling effects by consolidating user-created roads and trails into one designated trail; and improve water quality by reducing erosive slopes and trails, promoting sediment deposition and surface-groundwater interaction, and treating highway runoff.

- 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 site has a network of historic and user-created trails and roads, which contribute to habitat disturbance, compaction, erosion, and sedimentation during storm events. To reduce this impact, the Project will rework 0.7 acres of native surface roads within the Project site to improve hydrologic and habitat functions, designate appropriate recreational use, discourage destructive impacts and wildlife disturbance, and prevent the future reestablishment of volunteer trails. Full decommissioning will occur on 0.5 acres of roads and 0.2 acres consolidated into a single trail-width path. A short segment of new trail will be installed where fill material associated with the railroad spur berm is removed to tie into the consolidated trail. Trail work will prohibit vehicle access and limit pedestrian trampling of the restored habitat by focusing impacts to a single designated trail. User-created trails result in compaction, erosion, and loss of vegetation, and are likely to form in the absence of a designated river access trail. Incidental uses including fishing, hiking, and birding will likely occur on the designated trail once complete, but these recreational uses are not the primary purpose of designating the trail. Reconfiguring roads into a single access trail will reduce the footprint of disturbed soil areas and assist in the recovery of native fish and wildlife and the habitat upon which they depend.

- 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.

The Project will result in long-term net benefits to aquatic species, terrestrial species, avian species, and water quality by re-establishing floodplain connectivity, reducing channel bank erosion, increasing forage and refugia, improving riparian and wetland habitat, and promoting sediment deposition, which will reduce nutrients and increase dissolved oxygen in the water column.

Long term net benefits to climate resiliency: The Sierra Nevada is expected to experience shifts in the precipitation regime with increases in peak runoff and frequency and increases in drought magnitude and duration. The Project has been designed to work with climate change driven shifts in precipitation, flooding, and temperature. The Project will promote floodplain connectivity and has been designed to facilitate overbank flows every two years. This will result in more frequent inundation of wetlands, increased carbon storage capacity and nutrient cycling, and more groundwater recharge. Additionally, improved floodplain connectivity will provide juvenile fish and other aquatic species with more habitat and protection from predators. The Project will also promote sediment deposition, which is expected to

decrease local water temperatures and increase dissolved oxygen available to aquatic species. Because high flows will be more widely distributed during flood events, Project implementation will reduce shear stresses and erosion on the outer bend of the Truckee River within the Project site, which will further reduce sediment loading to this federal Clean Water Act section 303(d)-listed waterbody. Excavation of railroad berm to create the floodplain bench will bring surface elevations closer to groundwater levels, which is expected to better support wetland hydrology during times of drought.

Long term net benefits to biodiversity: Enhanced floodplain features will promote biodiversity by providing transitional habitat across a range of elevations from uplands to the Truckee River. Increased riparian and wetland vegetation cover will provide habitat for a range of wetland species. Sod and root balls will be salvaged and re-used onsite to accelerate development of riparian and wetland vegetation. Post-implementation vegetation monitoring will include establishment of transects to measure species composition, quantitative cover, and plant vigor. Riparian plant recruitment will be measured through greenline composition and height class measurements through the Project site.

Long term net benefits to sensitive species recovery: The Project will provide long term net benefits to sensitive species, including aquatic and terrestrial organisms such as aquatic insects, fish, resident and migratory birds, and reptiles, amphibians, and mammals not specifically targeted by the Project.

According to the California Native Plant Society and the California Natural Diversity Database's Martis Peak and Boca 7.5' United States Geological Survey quadrangles, several special status plant and animal species have the potential to occur in the Project site. Potential special status wildlife species include the Lahontan cutthroat trout (LCT) (*Oncorhynchus clarkii hensawi*), yellow warbler (*Setophaga petechia*), willow flycatcher (*Empidonax traillii*), and bald eagle (*Haliaeetus leucocephalus*). Potential special status plant species include Mangan moonwort (*Botrychium manganense*), Davy's sedge (*Carex davyi*), slender cottongrass (*Eriophorum gracile*), Plumas ivesia (*Ivesia sericoleuca*), Center Basin rush (*Juncus hemiendytus* var. *abjectus*), Santa Lucia dwarf rush (*Juncus luciensis*), alder buckthorn (*Rhamnus alnifolia*), and obtuse starwort (*Stellaria obtusa*).

The Project reach of the Truckee River contains suitable habitat for LCT. Based on consultations with the U.S. Fish and Wildlife Service, Reno Office, there are no naturally occurring populations of LCT in the Truckee River. However, artificial populations introduced as part of recovery activities receive the same protection as natural populations. Studies of aquatic insect populations in the Truckee River show that as deposited fine sediment increases, the diversity and structure of these communities shift toward more sediment-tolerant species and species not preferred by local and native fish, including LCT. The Truckee River has historically provided important spawning habitat for LCT. Sediment reduction as a result of the Project is an important goal in restoring the Truckee River as choice spawning grounds with a suite of prey species preferred by LCT and other native fish species.

The montane riparian habitat along this reach of the Truckee River provides suitable nesting habitat for yellow warbler, suitable foraging habitat for willow flycatcher, and potential forage habitat for bald eagle. There are few bird species in the Sierra Nevada

that do not utilize riparian habitats and therefore the Project will improve habitat for dozens of resident and migratory species. The Project will increase the resiliency of the Truckee River and its constituent species by providing habitat connectivity, supporting migration, and bird movement in this headwater refuge.

Potential habitat for special status plants exists in the Project site vicinity, but none were identified during focused plant surveys in the Project site in May 2022. Upstream vegetation could colonize the site post-Project.

Procedures and Ongoing Management for the Protection of the Environment:

Environmental protection measures that will be employed during Project implementation include scheduling work during the dry season (typically May 1 through October 15), limiting soil disturbance and areas of equipment access, isolating work areas from flowing waters, protecting existing vegetation where feasible, preventing the introduction of invasive species, implementing a spill prevention plan, controlling fugitive dust, and implementing stormwater controls in accordance with the Lead Agency's Construction General Permit.

As the sole landowner, CDFW is committed to the protection of the property in perpetuity. The Project has been designed to be self-sustaining by re-establishing natural hydrologic and geomorphic functions. Grade control features have been designed to be stable and functional for the life of the Project. Floodplain roughness features are anticipated to recruit additional woody debris and will evolve over time. TRWC developed a Monitoring Plan to ensure the Project is stable, revegetation is successful, and success criteria are met.

The Monitoring Plan includes seven output performance measures (e.g., reactivation of up to 0.5 miles of high flow paths, increased riparian vegetation) and six outcome performance measures (e.g., channel pattern restored – river is able to access high flow channels during runoff and flood events, vegetation species composition shifts towards greater percentage of wetland obligate and facultative wet species). TRWC will follow the Sierra Meadow Wetland and Riparian Area Monitoring Plan (SM-WRAMP) model that includes but is not limited to California Rapid Assessment Methodology (CRAM), vegetation data, soil carbon & root biomass, landscape-level attributes, channel cross section and longitudinal profiles, fish counts, and photo points. Annual monitoring reports will be a requirement of the pending 2021 WCB Forest Conservation Grant Agreement and the data will be made publicly available.

Following the pending 2021 WCB Forest Conservation Grant period, TRWC will continue to monitor for vegetative cover and vigor for at least five years following Project construction and adaptively manage until success criteria are met. TRWC will continue informal assessment of site stability for a minimum of 25 years.

- 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 site.



The Project will not include any construction activities, except for construction activities solely related to habitat restoration. Construction activities will include:

1. Mobilization and Site Preparation. Complete pre-project botany, wildlife, and archaeology surveys. Conduct pre-construction environmental and cultural resources training. Surveys and training will be completed by TRWC and other qualified contractors. Mobilize equipment to project site. Establish stockpile and staging areas. Install construction Best Management Practices (BMPs) for temporary erosion controls. As much as possible, all access routes and staging areas take advantage of existing trails, roads, and disturbed areas while maintaining the shortest possible distance between the staging area and construction zone.
2. Install Dewatering and Diversion System. A Diversion and Dewatering Plan will be completed prior to completion of the 2021 WCB Forest Conservation Grant Agreement if awarded. The Diversion and Dewatering Plan will include all elements necessary to convey streamflow safely and cleanly around the work area.
3. Vegetation Salvage. Remove any existing topsoil, sod, and other vegetation from area where inset floodplain bench will be widened. Stockpile sod adjacent to work area and keep watered until placed.
4. Grading. Grade inset floodplain bench as identified on design plans. Tie into existing W-weirs. Use material generated from grading to restore natural terrace slope.
5. Configure stormwater drainage area. Use material generated from grading to fill former borrow site and create a stormwater drainage area with spillway and outflow swale.
6. Stabilize activated floodplain channels. Incorporate floodplain roughness features. Install buried grade control structures in northernmost channel at return to Truckee River. Handwork will only occur in smaller overflow channels.
7. Decommission roads and trail work. Preserve existing trail along remaining railroad spur. Install new consolidated trail along toe of restored hillside and top of floodplain bench and connect to W-weir to reduce impacts, maintain fishing access, and prevent future reestablishment of user-created trails. Tie into existing single track fishing access trails. Decommission existing road on the upper terrace down to trail width. Decommission other roads within floodplain as directed in the field. Decommission all existing roads beyond the main parking area by ripping, incorporating water bars on steep sections, seeding, and mulching. Install boulder blockades and fence.
8. Revegetation and biotechnical bank stabilization. Complete additional revegetation work by hand. Install coir netting and willow stakes on slope, replant salvaged vegetation, plant willow poles, spread native seed, mulching and place slash in disturbed areas.
9. Demobilization. Restore all access routes and staging areas and remove construction equipment from site.

## 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: 