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: Sacramento
3636 American River Drive, Suite 110
Sacramento, CA 95864

From: (Public Agency): Reclamation District 341
1112 I Street, Suite 370
Sacramento, CA 95814
(Address)

Project Title: Sherman Island Wetland Restoration Project Phase III

Project Applicant: California Department of Water Resources

Project Location - Specific:

Northwest portion of Sherman Island. Coordinates: 38.057306 N, 121.760747 W

Project Location - City: North of Antioch, CA Project Location - County: Sacramento

Description of Nature, Purpose and Beneficiaries of Project:

The project 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 to restore or provide habitat for California native fish and wildlife. The Project is designed to create wetland units and install water control infrastructure necessary to benefit wetland habitat and the native species that utilize the habitat.

Name of Public Agency Approving Project: Reclamation District 341

Name of Person or Agency Carrying Out Project: Reclamation District 341

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: PRC Section 21080.56

Reasons why project is exempt:

The Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), as described in the attached CDFW Director Concurrence. Specifically, (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.

Lead Agency
Contact Person: Jesse Barton Area Code/Telephone/Extension: 916-444-2880

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: R Block Date: 11-10-26 Title: President

▪ 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: _____

Docusign Envelope ID: FDA5AFDC-998C-4917-8AF3-E317DAD9F0C6

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. 21080.56-2026-101-R3

Project:	Sherman Island Wetland Restoration Project Phase III
Location:	Sacramento County
Lead Agency:	Reclamation District 341
Lead Agency Contact:	Jesse Barton; rd341.shermanisland@gmail.com

Background

Project Location: The Sherman Island Wetland Restoration Project Phase III (Project) is a 1,541-acre project located on the western portion of Sherman Island, on a property owned by the California Department of Water Resources (DWR), within the Sacramento-San Joaquin Delta, Sacramento County; centered at 38.057306, -121.760747. The Project area is bound by Mayberry Slough to the south, the Sacramento River to the northwest, and a remnant of the Victory Highway to the east. Currently, the Project area consists of irrigated pasture, rotating crop fields, and wetlands. The Reclamation District 341 (Lead Agency) is responsible for maintaining the irrigation and drainage system within and the perimeter levee system surrounding Sherman Island.

Project Description: The California Department of Water Resources (DWR), in partnership with Ducks Unlimited, Inc., 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 to restore or provide habitat for California native fish and wildlife. The Project is designed to benefit wetland habitat and the native species that utilize the habitat, including giant garter snake (*Thamnophis gigas*), northwestern pond turtle (*Actinemys marmorata*), tricolored blackbird (*Agelaius tricolor*), short-eared owl (*Asio flammeus*), saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*), northern harrier (*Circus hudsonius*), and migratory waterfowl.

Over many decades, land management practices on Sherman Island have resulted in oxidation of peat soils and land subsidence, with some parts of the Project area having subsided up to 20 feet below sea level. Through freshwater wetland restoration, the Project aims to restore habitat and reverse subsidence. To complete this restoration, the Project includes the upgrade of existing water management infrastructure, the installation of new water control structures, and the formation of a network of berms and water conveyance channels to create wetland units.

More specifically, Project activities will include:

- Establishment of habitat islands in multiple locations to create varying topography, habitat transition zones, and diverse wetland vegetation communities.
- Formation of berms to create managed wetland units to allow for appropriate water and vegetation management capabilities. Berm side slopes will be graded to provide transition zone habitats. Some of the berms will also serve a dual purpose and be used to provide access routes for ongoing maintenance activities.
- Replacement of two existing gravity siphon outlets along the Sacramento River Levee to increase water delivery efficiency. Outlets may have multiple parts replaced and installed, and the intake siphons would be replaced to accommodate larger discharge pipes as well as to upgrade the fish screens.
- Establishment of three concrete weir box water control structures to deliver water to the southeastern wetland units. Water delivered to the project area would circulate through the system to maintain water quality conditions, prevent stagnation and maintain salinity levels.
- Installation of approximately 20 high-density polyethylene pipe water control structures to facilitate independent water level management within the wetland units.
- Cleaning of existing drainage ditches and excavation of new swales to provide water delivery and circulation within and between wetland units. Potholes will also be excavated to create open water habitat.

The Project area will be inundated with water year-round, creating both semi-permanent and permanent wetlands. Water levels within the Project site will be managed to benefit wildlife by encouraging growth of submerged aquatic and floating wetland vegetation and to discourage the growth of invasive species. Completion of the Project would create 1,400 acres of freshwater emergent wetland, with each unit being a mosaic of open water channels and emergent vegetation, with it being expected that the dominant emergent wetland species will consist of California bulrush (*Schoenoplectus californicus*) and narrow leaved cattail (*Typha angustifolia*). Restored freshwater marsh will also encourage anaerobic plant matter decomposition, creating peat soils which will both reverse land subsidence and sequester carbon.

Post-implementation, the Project area will be monitored and maintained for 10 years and will include regular inspection and maintenance of the berms and water control structures; operation of water control structures; vegetation management; and research activities including carbon sequestration monitoring and sensitive species surveys.

Tribal Engagement: As part of the Project, a cultural resource assessment has been conducted, which included a request to the Native American Heritage Commission for information from the Sacred Land Files and appropriate tribal contacts. In 2023, as a result to the request, letters describing the Project were sent to 23 contacts. The Project team

received responses from two tribal representatives. Based on the responses from the two tribes, multiple follow up discussions, including by email, phone and in-person conversation, have been conducted about the Project with a representative from one of the responding tribes. Engagement efforts will continue.

Interested Party Coordination: The Lead Agency hosts monthly board meetings, that are open to the public, to discuss activities occurring on Sherman Island, including discussion of the proposed Project. The Project has been discussed at multiple meetings over the last few years, with it formally being discussed on July 11, 2023. In addition to public discussions, the Lead Agency has reviewed and is conducting the Project in line with the Delta Plan's Good Neighbor Checklist, and has reached out to the Delta Protection Commission, Delta Stewardship Council, and the Delta Counties Coalition to discuss the Project and receive input on Project components.

Anticipated Project Implementation Timeframes: Start date: May 2026
Completion date: October 2036

Lead Agency Request for CDFW Concurrence: On March 12, 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 March 12, 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 restore, protect, and enhance habitat for multiple native wetland-dependent wildlife including giant garter snake, western pond turtle, tricolored blackbird, short-eared owl, saltmarsh common yellow throat, northern harrier, and migratory waterfowl.

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 incidental public safety benefits by reducing risk of levee failure and associated flood risk through reversal of land subsidence. The Project site is not open to the public and will remain closed after Project completion.

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: By restoring wetlands, the Project would result in subsidence reversal. Throughout the Delta, subsidence has resulted in water quality degradation, increased vulnerability to levee failure and flooding, and increased emissions of greenhouse gases. Typical agricultural activities in the Project area can result in a loss of up to 2 inches of soil per year, while freshwater emergent wetland habitat, as proposed by the Project, has been found to reverse subsidence by accreting root matter and producing peat soils at a maximum rate of approximately 3 inches per year. Climate change is expected to result in both more extreme weather events and sea level rise. Reversing subsidence will improve levee stability, protecting wetland habitat for native wildlife species. Inundation of the Project site in the freshwater wetlands would allow plant matter to decompose anaerobically, creating peat soils and sequestering carbon. Converting the Project area to freshwater

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emergent wetlands could reduce greenhouse gas emissions by approximately 7 to 13 metric tons of carbon dioxide equivalent per acre per year.

Long-term Net Benefits to Biodiversity: Through restoring agriculture lands to wetland habitat and reversing subsidence, the Project would result in increased habitat, improved stability, and long-term integrity of habitat for wetland-dependent plant and wildlife species, including woolly rose-mallow (*Hibiscus lasiocarpos* var. *occidentalis*), Delta mudwort (*Limosella australis*), Stanford's arrowhead (*Sagittaria sanfordii*), Suisun Marsh aster (*Symphyotrichum lentum*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), western pond turtle, giant garter snake, great blue heron (*Ardea herodias*), tricolored blackbird, short-eared owl, northern harrier, saltmarsh common yellowthroat, and California black rail (*Laterallus jamaicensis coturniculus*). Additionally, the creation of wetlands, habitat islands, and adjacent berms would provide transition zone habitats between open water areas and uplands. This transitional habitat has been lost in much of the Delta and would provide breeding and foraging habitat for a variety of species, as well as improve species resiliency during varying conditions such as drought or flooding.

Long-term Net Benefits to Sensitive Species Recovery: Giant garter snake, listed as threatened under the federal Endangered Species Act and under the California Endangered Species Act, and northwestern pond turtle, a CDFW Species of Special Concern, will benefit from the Project through increasing the area of inundation and supporting the establishment of emergent vegetation, providing foraging habitat, basking sites, and refuge for both species. These Project activities are consistent with the Recovery Plan for Giant Garter Snake prepared by the United States Fish and Wildlife Service. In addition, berms formed as part of the Project would provide upland refuge and overwintering habitat for both species.

Procedures for the Protection of the Environment: The Project will implement best management practices and general protection measures to protect water quality, cultural resources, and inadvertent disturbances to sensitive habitats. All applicable permits and/or authorizations will be obtained prior to Project implementation, and the Project will follow all measures required by federal and state permits issues for the Project.

Ongoing Management for the Protection of the Environment: As the landowner, DWR will conduct ongoing management of the Project post-restoration. Ongoing management activities include managing water levels within the wetland units to support the growth of native vegetation and limit invasive species, maintenance of water control infrastructure, berm maintenance, and vegetation management. Performance standards will be established to measure Project success and adaptive management processes will be developed to address water management and nuisance species. Additionally, a monitoring plan will be developed and will include evaluations of Project infrastructure, restoration of temporary disturbances, and photograph monitoring.

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.

Heavy machinery will be utilized to implement the Project activities for the sole purpose of restoring the Project area. Machinery is anticipated to include: tractors with disk attachments for disking and pull scraper attachments for transporting soils; dozers to shape berm side slopes and move material; excavators to create ditches and install water control structures; backhoes for trenching and moving smaller objects; motor graders for berm leveling and side slopes; water trucks for dust control and moisture conditioning; and compactors for fill material compaction.

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.

In its request for a concurrence, the Lead Agency set forth potential bases for a determination that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery. Although the CDFW Director agrees with the Lead Agency that the Project will provide such long-term net benefits, this Concurrence is not intended to be and should not be construed as an endorsement of every argument set forth in the Lead Agency's concurrence 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

Signed by:
By: Meghan Hertel
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Date: 4/29/2026

Meghan Hertel, Director
California Department of Fish and Wildlife