



Consideration of California Environmental Quality Act (CEQA) Statutory Exemption for Restoration Projects (SERP) Lead Agency Determination for the Riparian Restoration at River Garden Farms Staff Report

This agenda item provides an overview of the information provided to the California Department of Fish and Wildlife (13.1) to support a CEQA Statutory Exemption for Restoration Projects (SERP) Lead Agency Determination for the Riparian Area 1 Restoration Project at River Garden Farms Project (Project), a resolution (2022-01) making this determination for the Board's consideration (13.2), and the Notice of Exemption to be filed by staff (13.3) should the Board adopt the resolution.

RECOMMENDATION

Staff recommends the Board as the Lead Agency under CEQA declare the Project exempt by adopting Resolution 2022-01 in line with Section 21080.56 of the California Public Resources Code.

DESCRIPTION

American Rivers (AR) is working with the Delta Conservancy and Audubon California to complete Project CEQA compliance requirements. Audubon California obtained conditional funding from the Wildlife Conservation Board (WCB) to complete restoration activities at the project site; these funds will be released by WCB to Audubon California upon fulfillment of CEQA compliance requirements. American Rivers obtained funding from the Sacramento-San Joaquin Delta Conservancy (Delta Conservancy) and The Nature Conservancy (TNC) to complete CEQA for the Project (P1-1702) on behalf of Audubon California. AR approached the Delta Conservancy about acting as CEQA lead agency because the Conservancy funded planning activities for the Project and other agencies with some discretionary authority over the Project were not able (WCB) or triggered via permit issuance (County) to act as lead agency. Since the Project is intended exclusively to enhance the ecosystem and has very minor construction activities that are only related to habitat restoration, the Conservancy Staff prepared and submitted, on April 20, 2022, a Statutory Exemption for Restoration Projects (SERP) concurrence request to the California Department of Fish and Wildlife Director per Public Resources Code 21080.56.

BACKGROUND

Governor Newsom signed Senate Bill (SB) 155, on September 23, 2021, adding Section 21080.56 to California Public Resources Code. This section provides a new CEQA statutory exemption until January 1, 2025, for fish and wildlife restoration projects that meet certain requirements. Conservancy staff have been working with the project proponent, AR, to have the Conservancy act as the Lead CEQA Agency and apply for the new CEQA Statutory Exemption for Restoration Projects (SERP) for the Project, which is northwest of the legal Delta. Conservancy Staff met with the CDFW SERP team twice to go over the SERP process and to review the draft application materials. For additional information, look to the recording of CDFW's [SERP Workshop](#) or the [SERP website](#).

SUGGESTED MOTION LANGUAGE

Move that the Board adopt Resolution 2022-01, which finds that the Riparian Area 1 Restoration Project at River Garden Farms project is exempt from environmental review under the California Environmental Quality Act pursuant to Public Resources Code 21080.56.

CONTACT

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