



SACRAMENTO - SAN JOAQUIN

DELTA CONSERVANCY

A California State Agency

BOARD MEETING AGENDA

October 25, 2023, 9:00 a.m. – 1:00 p.m.

**Big Break Visitor Center at Big Break Regional Shoreline
69 Big Break Road, Oakley, CA 94561**

This meeting will be conducted off-site, in a hybrid format, and will include site visits. After the business meeting concludes at approximately 11:00, there will be an in-person-only opportunity to visit Delta Conservancy-funded projects by boat. To maximize public safety while maintaining transparency and public access, members of the public can choose to participate either via Microsoft Teams or in person at the location listed above. Questions and public comment can be addressed to contact@deltaconservancy.ca.gov prior to, and during the meeting.

Join via Microsoft Teams

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1. **Call to Order**
2. **Welcome, Pledge of Allegiance, Roll Call, and Introductions**
3. **Public Comment** (New Business)
4. **Consent Calendar** (**Action Item**)
 - Approval of July 26, 2023 Board Meeting Summary and Action Items (Attachment)
 - Consideration of Amendment to Scope of Ecosystem Restoration and Climate Adaptation Grant Program Agreement for the Knightsen Wetland Restoration and Flood Protection Project (Attachment)
 - Consideration of Amendment to Term of Ecosystem Restoration and Climate Adaptation Grant Program Agreement for Lower San Joaquin Riparian Corridor Project (Attachment)
 - Consideration of Amendment to Term of Ecosystem Restoration and Climate Adaptation Grant Program Agreement for the Oakley Creekside Park Restoration Project (Attachment)

5. **Executive Officer's Report**, Campbell Ingram
 - Program Update (Attachment)
 - Budget and Expenditure Report (Attachment)
6. **Ecosystem Restoration and Climate Adaptation Grant Program Update**, Anjali Shakya (Attachment)
7. **Community Enhancement Grant Program Update**, Maya Garrett (Attachment)
8. **Consideration of Amendment to Budget of Community Enhancement Grant Program Agreement for Asian American Heritage Park**, Martha Ozonoff (Attachment) (Action Item)
9. **Consideration of California Environmental Quality Act Lead Agency Exemption Declaration and Award of Nature Based Solutions: Wetland Restoration Grant Funds for the Delta Rice Conversion Program**, Lauren Damon (Attachments) (Action Item)
10. **Consideration of California Environmental Quality Act Lead Agency Exemption Declaration and Award of Nature Based Solutions: Wetland Restoration Grant Funds for Land Acquisition on Bethel Island**, Lauren Damon (Attachments) (Action Item)
11. **Consideration of California Environmental Quality Act Lead Agency Exemption Declaration and Award of Nature Based Solutions: Wetland Restoration Grant Funds for the Wetland Restoration Project on Staten Island**, Lauren Damon (Attachments) (Action Item)
12. **Potential Agenda Items for the January 24, 2024 Board Meeting**, Campbell Ingram (Attachment)
13. **Public Comment**
14. **ADJOURN**
 - To view the members of the Delta Conservancy Board, please visit <http://deltaconservancy.ca.gov/delta-conservancy-board>.
 - Attachments and additional information are on the Delta Conservancy's website at: <http://www.deltaconservancy.ca.gov>.
 - If you need reasonable accommodation due to a disability, or require printed copies of meeting materials, please contact us at least five (5) days prior to the meeting date at (916) 375-2084 or contact@deltaconservancy.ca.gov. This contact information may also be used for questions.
 - Public comments are generally limited to three (3) minutes but may be more or less at the discretion of the Board Chair.
 - The Board may consider the agenda items listed above in a different order at the Delta Conservancy Board meeting, pursuant to the determination of the Board Chair. All items appearing on this agenda, whether listed expressly for action, may be deliberated upon and subject to action at the discretion of the Delta Conservancy Board.

Site Tour Information

The post-meeting site visit will involve boat transportation. Following the conclusion of the business meeting at Big Break Visitor Center, we will meet at the Brannan Island State Recreation Area (Figure 1). Attendees of the site visit will need to sign a liability waiver. We recommend comfortable, non-slip shoes and weather-appropriate attire as participants will be standing on deck with no shelter during transport in open water. Personal floatation devices will be provided and must be worn. We recommend that attendees bring water and snacks and limit cargo to one small bag.

Members of the public interested in attending the boat site visit must fill out [this form](#) by close of business on October 18. Public seats on the boat portion of the tour are not guaranteed as they are extremely limited and are available on a first-come, first-served basis.

Itinerary:

11 AM: Board vessels at the boat launch (Figure 2) and travel to the east end of Webb Tract.

12 PM: At Webb Tract, visitors can disembark to view the island and listen to both presentations. Restrooms are available at this site.

Presentation 1: Metropolitan Water District of Southern California will present the Wetland Mosaic Landscape on Webb Tract Project funded through the Delta Conservancy's Ecosystem Restoration and Climate Adaptation Grant Program – Nature Based Solutions: Wetland Restoration.

Presentation 2: Contra Costa Resource Conservation District will present the Little Franks Tract Invasive Weed Removal and Restoration Project funded through the Delta Conservancy's Ecosystem Restoration and Climate Adaptation Grant Program – Proposition 1.

1 PM: Board vessels and travel adjacent to Little Franks Tract.

2 PM: Return to Brannan Island State Recreation Area.

Directions from the Big Break Visitor Center to Brannan Island State Recreation Area, 17645 CA-160, Rio Vista, CA 94571:

1. Exit the parking lot of Big Break Regional Shoreline and turn left onto Big Break Road.
2. Turn right onto Main Street.
3. After one mile, turn left to merge onto CA-160 North (note: there is a toll crossing the Antioch Bridge).
4. After passing over Three Mile Slough Bridge, turn right into Brannan Island State Recreation Area. Parking fee will be waived for 'Delta Conservancy Board Meeting.'
5. Follow signs to the "Boat Launch Ramp" and park in the large parking lot adjacent to the boat launch (Figure 2; red circle).

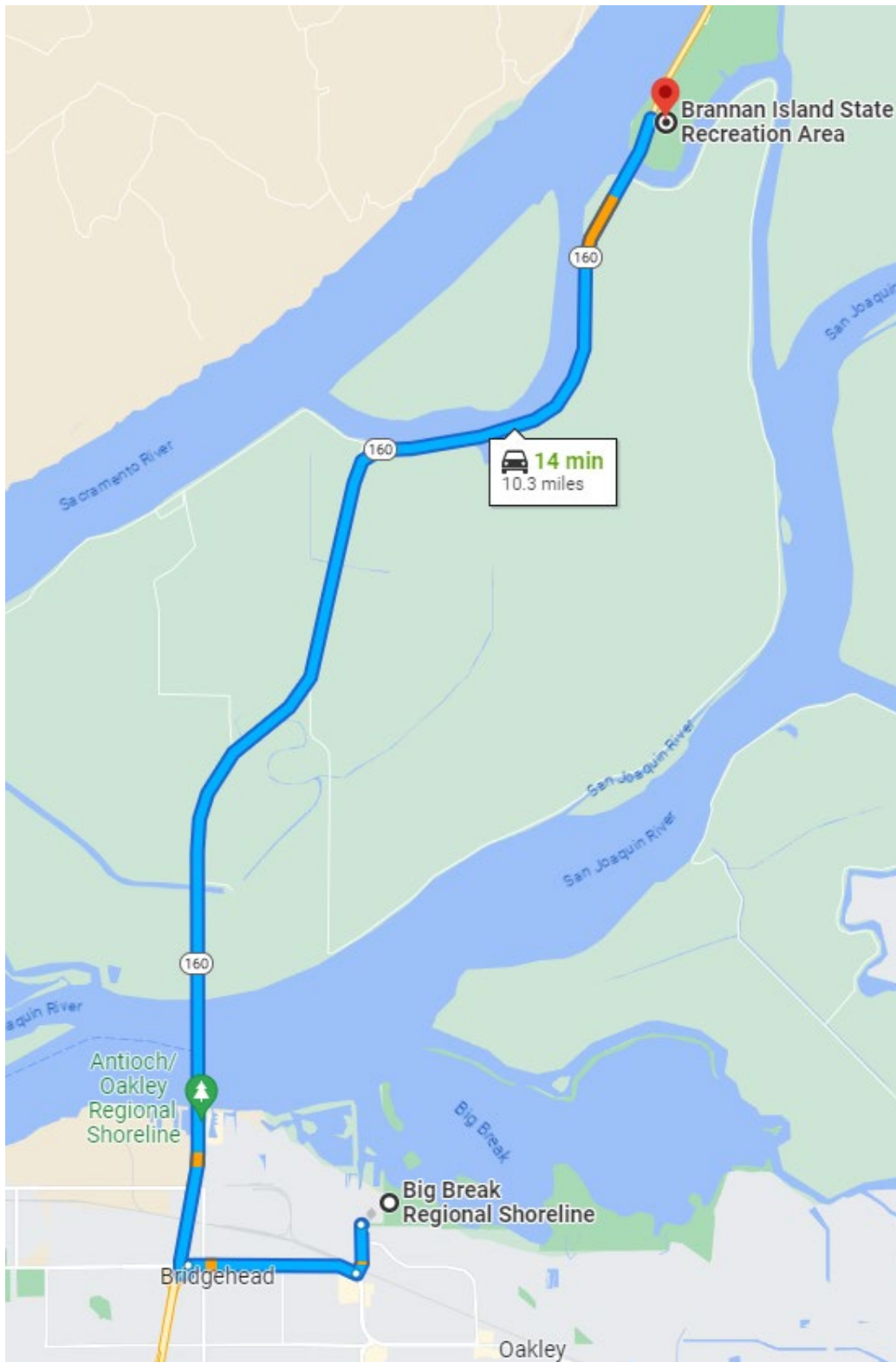


Figure 1. Map from Big Break Regional shoreline to Brannan Island State Recreational Area



Figure 2. Map from entrance of Brannan Island State Recreation Area to boat launch.



July 26, 2023 Board Meeting Summary and Action Items

Video and audio of the meeting is available here: https://www.youtube.com/watch?v=VzGI_JdJJs

AGENDA ITEMS

Agenda Item 1 – Call to Order

Meeting called to order at 9:02 a.m. by Chair Mashburn.

Agenda Item 2 – Welcome, Pledge of Allegiance, Roll Call, and Introductions

After roll call, agenda items were heard by the Board in the order indicated below.

Board Members Present:

- Mitch Mashburn
- Diane Burgis – teleconference
- Tom Patti – teleconference but address not on agenda. Votes were recorded since the 6 necessary votes to achieve a quorum were met.
- Michele Perrault
- Nancy Vogel
- Leo Winternitz
- Lilliana Udang

Ex-Officio Members Present:

- Robert Cruz for Assemblymember Timothy S. Grayson

Liaison Advisors and Counsel Present:

- Todd Plain
- Bruce Blodgett
- Steve Chappell
- Marge Kolar
- Stu Townsley
- Nicole Rinke

Agenda Item 3 – Public Comment

None

Agenda Item 4 – Board Elections

Chair Mashburn opened nominations for the position of Chair and Vice Chair of the Sacramento-San Joaquin Delta Conservancy Board for the Fiscal Year 2023-24. Supervisor Mashburn was nominated for a second year as Chair, and Leo Winternitz was nominated for Vice Chair.

Motion: Supervisor Burgis moved, seconded by Board Member Udang, that the Board approve the nomination of Mitchell Mashburn as Chair and Leo Winternitz as Vice Chair of the Sacramento-San Joaquin Delta Conservancy for the Fiscal Year 2023-24.

A roll call vote was taken. The motion passed with 7 ayes.

Agenda Item 5 – Consent Calendar

Motion: Board Member Udang moved, seconded by Board Member Perrault, that the Board approve the following:

- Approval of May 24, 2023 Board Meeting Summary and Action Items (Attachment)
- Consideration of Amendment to Term of Ecosystem Restoration and Climate Adaption Grant Agreement for the Knightsen Wetland Restoration and Flood Protection Project (Attachment)

A roll call vote was taken. The motion passed with 7 ayes.

Agenda Item 6 – Executive Officer’s Report

The Executive Officer briefly highlighted several items in the staff report. In addition, it was reported that the Delta agencies collaborated on a future Delta funding needs list. This group looked at all sectors of the Delta and provided a spreadsheet to Secretary Crowfoot and his staff of a \$2.4 billion need for projects, programs, and levee work in the Delta over the next 10 years. They will continue to meet and update the Delta funding needs list twice per year. Per the Board directives from the July meeting, nutria pocket guides were made available for distribution with contact information about reporting nutria sightings.

Agenda Item 7 – Ecosystem Restoration and Climate Adaption Grant Program Update

Conservancy staff highlighted items from the staff report, which included projects from three funding sources: Proposition 1 Water Quality, Supply, and Infrastructure Improvement Act (Prop 1); Climate Resilience, Community Access, and Natural Resource Protection (CAR); and Nature Based Solutions: Wetland Restoration (NBS: WR). Since the last Board report, two grant agreements have been executed. With these, all Prop 1 Cycle 5 projects are now active. Two amendment requests are on the agenda today. No newly closed projects were reported, but the Blacklock Restoration: Phragmites Control Project submitted closeout documents. Final reports are available upon request.

Agenda Item 8 – Consideration of Amendment to Budget of Ecosystem Restoration and Climate Adaption Grant Program Agreement for the Stone Lakes Habitat and Restoration Project

Conservancy staff presented the grantee’s request for a \$38,273 increase to the total budget of the grant agreement.

Motion: Board Member Winternitz moved, seconded by Board Member Udang, that the Board approve an amendment to the Proposition 1 grant agreement with Ducks Unlimited (Project ID P1-1713) to increase the budget by \$38,273 for additional costs for required permits and personnel services.

A roll call vote was taken. The motion passed unanimously with 7 ayes.

Agenda Item 9 – Community Enhancement Grant Programs Update

Conservancy staff highlighted items from the staff report, which included projects from two funding sources: Proposition 68 California Drought, Water, Parks, Climate, Coastal Protection and Outdoor

Access for All Act of 2018 (Prop 68), and Climate Resilience, Community Access, and Natural Resource Protection (CAR) and (CAR22). To date there are 10 executed grants and two awarded projects. Two amendment requests are on the agenda today.

Agenda Item 10 – Consideration of Amendment to Budget of Community Enhancement Program Agreement for Discover the Delta Education Center Planning Project

Conservancy staff presented the grantee’s request for a \$61,522 increase to the total budget of the grant agreement.

Motion: Chair Mashburn moved, seconded by Board Member Perrault, that the Board approve an amendment to increase the budget by \$61,522 to Discover the Delta Foundation from the Proposition 68 Community and Economic Enhancement Grant Program for Discover the Delta Education Center Planning Project P6806.

A roll call vote was taken. The motion passed with 7 ayes.

Agenda Item 11 – Consideration of Amendment to Budget and Term of Community Enhancement Program Agreement for Pacific Flyway Center: Walk in the Marsh

This agenda item was addressed out of order, after agenda item 13. Conservancy staff presented the grantee’s request for a \$450,000 increase to the total budget and an extension to the term of the grant agreement.

Motion: Board Member Udang moved, seconded by Supervisor Burgis, that the Board approve an amendment to increase the budget by \$450,000 and extend the grant term to March 15, 2027, to Pacific Flyway Fund from Climate, Access, and Resource (CAR22) funding for Pacific Flyway Center: Walk in the Marsh.

A roll call vote was taken. The motion passed unanimously with 7 ayes.

Agenda Item 12 – Consideration of Amendment to Budget and Term for Select Grant Agreements for the 2023 Delta Drought Response Pilot Program

Conservancy staff presented this proposed request to increase the budget and extend the term of the following Delta Drought Response Pilot Program (DDRPP) grant agreements to continue water saving practices and support the University of California (UC) Davis micrometeorological analysis of the Program. The amendments requested are to DDRPP23-34, DDRPP23-55, DDRPP23-65, DDRPP23-90, DDRPP23-104, and DDRPP23-113. Programs staff worked with the Department of Water Resources to develop the plan for the remaining \$639,450 of projects funds and extend grant terms to December of 2026.

Motion: Board Member Vogel moved, seconded by Board Member Udang, to approve amendments to increase the budget and extend grant terms to December 31, 2026 for the five identified Delta Drought Response Pilot Program grant agreements, with a sixth to be determined, allocating the remaining \$639,450 in DDRPP funding per the table provided in the staff report.

A roll call vote was taken. The motion passed unanimously with 7 ayes.

Agenda Item 13 – Nutria Eradication Project Update

Valerie Cook, Environmental Program Manager, California Department of Fish and Wildlife (CDFW), gave a presentation on the CDFW nutria project from inception to present.

Agenda Item 14 – Delta Conservancy 2023 Implementation Plan Status Update

The Deputy Executive Officer provided the Board with a mid-year status update on work identified in the Implementation Plan. The Conservancy has made steady progress toward the 2023 Implementation Plan goals and, overall, work is progressing according to the timelines. A summary of progress in achieving 2023 Implementation Plan goals is detailed in Agenda Item 14.2.

Agenda Item 15 – EcoRestore Update

Charlotte Biggs, Program Manager II at the California Department of Water Resources, presented an update on the EcoRestore Program.

Agenda Item 16 – Delta Stewardship Council Update

Brandon Chapin, Legislative and Policy Advisor for the Delta Stewardship Council, presented an update.

Agenda Item 17 – Delta Protection Commission Update

Bruce Blodgett, Executive Director of the Delta Protection Commission, presented an update.

Agenda Item 18 – Delta Conveyance Update

Carrie Buckman, Environmental Program Manager at the California Department of Water Resources, presented an update.

Agenda Item 19 – Potential Agenda Items for the October 25, 2023, Board Meeting

- Board Member Ethics Training reminder for 2023
- Consideration of Award of Nature Based Solutions: Wetland Restoration Grants
- Consideration of Amendment to Ecosystem Restoration and Climate Adaptation Grant Program Agreements
- Consideration of Draft Solicitation Notices for the Wildfire and Forest Resilience Appropriation
- Exploring options for a water-based project site for the October meeting

Agenda Item 20 – Public Comment

None

BOARD DIRECTIVES TO STAFF

- None

MEETING ADJOURNED by Chair Mashburn at 10:47 a.m.

CONTACT

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Consideration of Amendment to Scope of Ecosystem Restoration and Climate Adaptation Grant Program Agreement for the Knightsen Wetland Restoration and Flood Protection Project Staff Report

Grantee	East Contra Costa County Habitat Conservancy
Project ID	P1-1709
Award Year	2018
County	Contra Costa
Category	Planning
Original Award Amount	\$1,225,000
Amended Award Amount	\$1,235,000 (May 2020)
Amended Award Amount	\$1,435,000 (January 2022)
Request	Scope

RECOMMENDATION

Staff recommends that the Board approve a change to scope of work involving the removal of two project tasks and associated deliverables (90 Percent Design Plans, Specifications, and Estimates, and Final Construction Documents) to stay within the budgeted award amount.

DESCRIPTION

The Grantee requests the removal of two project tasks from their grant agreement due to increased project costs. The Grantee indicated the need for an additional \$335,000 of grant funding to complete 90 Percent Design Plans and Final Construction Documents as detailed in the current grant agreement. This amount represents a 27 percent increase over the original award amount. The amount of remaining Proposition 1 funds is insufficient to cover the Grantee’s ask. Delta Conservancy staff worked with the Grantee to modify their request to remove two project tasks that would not significantly impact the overall objectives of a planning project.

Board approval for the removal of project tasks from the grant agreement will allow the Grantee to seek outside funding for this work while continuing to make progress on planning for project implementation. If this amendment request is not approved, the Grantee will be unable to seek other funding to complete planning for this restoration project.

BACKGROUND

The Knightsen Wetland Restoration and Flood Protection Project (Project ID P1-1709) is a planning project designed to restore habitat for special status species, provide flood protection for the community of Knightsen, and improve Delta water quality through output flows. This project was awarded \$1,225,000 of Proposition 1 funding to the Grantee in 2018. This is the fourth amendment requested for this project. In July 2023, the Board approved an extension to the funding term by 12

months to accommodate project refinements and the incorporation of new information related to the project site following major storm events. In January 2022, the Grantee was awarded an additional \$200,000 and an extension to the funding term of one year. These allowed for hydraulic and hydrologic modelling as well as additional community outreach. Furthermore, a \$10,000 increase to the grant award and one-year extension to the funding term was approved by the Board in May 2020 to allow for community outreach. The project is on track to be completed by the grant's funding end date on November 30, 2024.

CONTACT

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**Consideration of Amendment to Term of Ecosystem Restoration and Climate Adaptation Grant
Program Agreement for Lower San Joaquin Riparian Corridor Project
Staff Report**

Grantee	American Rivers
Project ID	P1-1808
Award Year	2019
County	San Joaquin
Category	Planning
Original Award Amount	\$522,027
Request	Term Extension

RECOMMENDATION

Staff recommends that the Board approves an extension to the grant funding term of one year for additional time to complete project deliverables.

DESCRIPTION

The Grantee requests a one-year extension of the grant’s funding end date from November 30, 2023 to November 30, 2024 to accommodate the completion of project deliverables. The extension will allow additional time for project planning and design. These tasks were delayed while the Grantee reconciled guidance from the Army Corps of Engineers, the landowner, and the Reclamation District for maintenance of the project along the levee. Furthermore, additional time is needed to complete deliverables, including outreach with interested parties and permitting, given the delays with planning.

The Grantee indicated that if the Conservancy is unable to extend the funding term, they will be unable to complete all project deliverables by the current end date. This would put the planning phase of this project at risk and could delay future implementation.

BACKGROUND

Lower San Joaquin Riparian Corridor (Project ID P1-1808) is a planning project designed to restore approximately 2.5 miles along and within the San Joaquin River to provide habitat for native fish and wildlife. This project was awarded \$522,027 of Proposition 1 funds in 2019. This is the Grantee’s first amendment request requiring Board consideration.

CONTACT

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**Consideration of Amendment to Term of Ecosystem Restoration and Climate Adaptation Grant
Program Agreement for the Oakley Creekside Park Restoration Project
Staff Report**

Grantee	City of Oakley
Project ID	P1-1814
Award Year	2019
County	Contra Costa
Category	Planning
Original Award Amount	\$436,465
Request	Term Extension

RECOMMENDATION

Staff recommends that the Board approves an extension to the grant funding term of one year for additional time to complete project deliverables.

DESCRIPTION

The Grantee requests a one-year extension of the grant’s funding end date from December 15, 2023 to December 15, 2024 to accommodate the completion of project deliverables. The extension will allow additional time for project designs and permitting to be completed. These tasks were delayed after the project team identified the need for additional public outreach and hydraulic modeling. Furthermore, additional time is needed for the project team to identify a conservation easement holder and to complete the legal and logistical tasks associated with this assignment.

The Grantee indicated that if the Conservancy is unable to extend the funding term, they will be unable to complete all project deliverables by the current end date. This would put the planning phase of this project at risk and could delay future implementation.

BACKGROUND

Oakley Creekside Park Restoration Project (Project ID P1-1814) is a planning project designed to restore approximately 775 linear feet of Marsh Creek to provide habitat for native fish and wildlife. This project was awarded \$436,465 of Proposition 1 funds in 2019. This is the Grantee’s first amendment request requiring Board consideration. Conservancy staff have reviewed and approved one previous amendment request to shift funding and responsibilities across subcontractors.

CONTACT

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Executive Officer's Report

October 25, 2023

PROGRAM UPDATE

ETHICS CERTIFICATES DUE UPDATES

California law requires state officials to complete an ethics training course within six months of being hired, and if your service is ongoing, once during each two-year period. Board Members and Liaison Advisors were sent a request to provide a certificate of completion for the 2023 ethics course in September. If you have not provided the certificate to our Board Liaison please do so by December 31, 2023.

DELTA DROUGHT RESPONSE PILOT PROGRAM (DDRPP) UPDATE

Conservancy staff are working to close out the majority of the 2023 DDRPP grants, which have concluded their incentivized water conservation actions at the end of the water year (September 30, 2023). This excludes the six project sites hosting eddy covariance equipment through the Delta Conservancy's interagency agreement with the University of California, Davis. These six project sites, encompassing a total of 395 acres, will continue to carry out water conservation practices through September 2026. The DDRPP 2023 Oversight Committee has started analysis of the water conservation actions taken by the DDRPP grantees during the 2022/2023 water year. This analysis will inform the 2023 DDRPP Program Report and Technical Analysis, which is expected to be released in Spring 2024.

DELTA CONSERVANCY FISCAL YEAR 2023-2024 BUDGET APPROPRIATION UPDATES

The Conservancy received a one-time General Fund allocation of \$6,000,000 for wildfire prevention. Staff are in the initial phase of exploring how best to deploy this funding to reduce wildfire-related water quality impacts to the Delta. We anticipate bringing a solicitation notice to the Board in early 2024. The Nature Based Solutions allocation included in the May revise was eliminated. All baseline funding for facilities and operations remains.

ADMINISTRATIVE UPDATES

Conservancy staff organized two cleanups as part of Coastal Cleanup Day on September 23. More than 50 volunteers participated in the cleanups at Sherman Island and Brannan Island State Recreation Area. In recognition of Sacramento-San Joaquin Delta Week, the Conservancy hosted a booth at the Capitol Mall Farmer's Market and did social media outreach, including a social toolkit. Staff completed

training in both Building Awareness/Empathy toward the Disability Community and CRP/First Aid on September 5 and 18 respectively. The annual Contract Activities Report was submitted to the California Department of General Services on October 2 and the fiscal year 22/23 purchases exceeded the small business goal at 32% but did not meet the Disabled Veteran goal of 3%. The FY 22/23 Wildfire and Forest Resilience appropriation has been integrated into the budget. Instagram account [@deltaconservancy](#) was created and shared. As of October 16, the Conservancy has 117 followers. Finally, Brenda Lusk, Administration Manager, had her fourth child, Calvin Lee, on September 2, 2023, and will be out on leave until early next year.

NUTRIA ERADICATION

Please see the most recent update from the California Department of Fish and Wildlife included in this Agenda Item.

DELTA SCIENCE

Fish Friendly Farming:

The Conservancy, supported through a grant from the California State Water Resource Control Board (SWRCB), has contracted the California Land Stewardship Institute (CLSI) to implement the Fish Friendly Farming (FFF) Program in the Delta. A total of 10,752 acres of farmland has been enrolled in the Delta FFF Program. On August 23, 2023, CLSI organized a workshop for growers on Staten Island to highlight the recirculation pump installed on the site to improve water quality by reducing transport of chemicals off-site and into nearby waterways. A short video highlighting the recirculation pump can be found on the Conservancy's YouTube channel (https://www.youtube.com/watch?v=t_1e5cSrgfE). The workshop also highlighted the other advantages of converting to rice on Delta farmlands and research results from a University of California agricultural adviser. Site visits and FFF enrollment certification will take place over the next six months.

Delta Science Coordination:

Conservancy staff continue to work collaboratively with the broader Delta science community to advance ecological restoration, invasive species management, and regional science coordination in the Delta and Suisun Marsh.

Conservancy staff continue to co-lead the Delta Plan Interagency Implementation Committee (DPIIC) Restoration Subcommittee with colleagues from the Delta Stewardship Council (Council). Planning has begun for the second Delta Restoration Forum, which will take place on November 2, 2023, at the Ryde Hotel in Walnut Grove. This event will build on the first forum, held in February 2023, by providing additional project-specific information to attendees. Staff from the Conservancy and Council are leading a planning team that includes representatives from the Buena Vista Rancheria of Me-Wuk Indians, environmental consulting groups, and Restore the Delta. Registration for the second forum is currently open and can be found here: <https://www.eventbrite.com/e/delta-restoration-forum-open-house-tickets-715815542557?aff=oddtcreator>.

The Delta Interagency Invasive Species Coordination (DIISC) Team, facilitated by Conservancy staff and co-led by staff from the Delta Stewardship Council, the Department of Water Resources, and the Department of Fish and Wildlife, continues to plan the fifth biennial Delta Invasive Species Symposium. The theme of the 2023 Symposium is Making Connections: Understanding Connectivity in an Invaded Estuary. The Symposium will take place on November 30, 2023, at the California Natural Resources

building in downtown Sacramento. The save the date for the Symposium can be found on the Conservancy's website and registration will open in October. The DIISC Team is coordinating with the California Invasive Species Advisory Committee (CISAC), which advises the Invasive Species Council of California (ISCC). The ISCC represents the highest level of leadership and authority in state government regarding invasive species. Currently, DIISC Team members are working to have a Delta site highlighted in CISAC's planned invasive species tours for legislators and funders across the state. Conservancy staff worked with staff from DWR and the State Parks Division of Boating and Waterways to submit a proposal to the UC Davis Environmental Policy and Management Policy Clinic to have a graduate student team conduct analyses to improve invasive species control and management in the Delta. The proposal is currently under review, and proposals will be chosen for the student teams to work on by the end of the year.

MEDIA MENTIONS

[Ag Alert](#), the news publication of the California Farm Bureau, published a story about the research being conducted as part of our Delta Drought Response Pilot Program.

[The Vallejo Times-Herald](#) wrote about Sen. Bill Dodd recognizing the last week of September as Sacramento-San Joaquin Delta Week.

BOARD DIRECTIVES TO STAFF

- None

DELTA CONSERVANCY BUDGET AND EXPENDITURE UPDATE

Agenda Item 6 (2): Budget and Expenditure Report

CORRESPONDENCE

The Conservancy received communications from a member of the public regarding the Webb Tract Mosaic Landscape project (NBS01). The correspondence requested that Conservancy staff inform Board members of the individual's assertion that islands owned by Metropolitan Water District of Southern California (MWD) are, "an extension of the state and land held in its name is state-owned land; therefore, a member of the public has the right to access and fish from Bouldin Island, Bacon Island, Holland Island and the Webb Tract (section 25 article I California Constitution)." Conservancy staff are working with MWD staff to address this concern on Webb Tract and other MWD-owned islands in the Delta.

CONTACT

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California Department of Fish and Wildlife

Nutria Eradication Program Update

Field Update October 12, 2023

Since March 2018, the nutria eradication efforts in California have:

1. Completed full and/or rapid assessments on over 1.8 M acres
2. Executed entry permits with 4,600 landowners for over 9,800 parcels in 14 counties
3. Set up 9,130 camera stations (1,243 currently active)
 - o Conducted 76,475 camera checks
4. Detected nutria in 835 sites (40-acre cells)
5. Deployed 11,062 trap sets (475 currently active) for a total of 126,626 trap nights
6. Taken or accounted for the take of 3,910 nutria (since March 2017)
 - o Merced - 2,157
 - o Stanislaus - 970
 - o Fresno - 529
 - o San Joaquin - 110
 - o Solano - 107
 - o Sacramento - 24
 - o Mariposa - 12
 - o Madera - 1 (San Joaquin River; Fresno County line)

Of 3,903 necropsies, the data has shown:

- o 1.14 sex ratio (M:F)
- o Of the females captured:
 - 22% of juvenile (2-6 mos.) females have been pregnant
 - 62% of subadult (6-14 mos.) females have been pregnant
 - 66% of adult (>14 months of age) females have been pregnant
- o 4,606 fetal nutria have been removed from the population
- o Litter size ranged from 1-13, with an average of 5.9
 - Average litter size for adult females (> 14 mos.) in California is 6.4

Table 1. The total number of cells with nutria taken, total number of nutria taken, and average number of nutria taken per cell, by year from March 2017 to October 12, 2023.

Year	Total (unique) cells with nutria taken	Total # nutria taken	Average # nutria taken per cell
2017	7	20	2.9
2018	57	348	6.1
2019	73	492	6.7
2020	157	1239	7.9
2021	145	703	4.9
2022	112	579	5.2
2023	92	529	5.7
Total Across Years	468	3910	8.3

**SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY
BUDGET AND EXPENDITURE REPORT
July 1, 2023 through June 30, 2023**

Line Number	CATEGORY OF EXPENDITURES Personal Services (PS)	Delta Conservancy Budget	Actual Expenditures	Variance	Percent of Budget Expended
1	Salaries & Wages	\$1,178,101		\$1,178,101	0%
2	Temporary Help	\$26,638		\$26,638	0%
3	Benefits	\$659,593		\$659,593	0%
4	TOTAL PERSONAL SERVICES	\$1,864,332	\$0	\$1,864,332	0%

Line Number	CATEGORY OF EXPENDITURES Operating Expenditures and Equipment (OE & E)	Delta Conservancy Budget	Actual Expenditures	Variance	Percent of Budget Expended
5	General Expense	\$17,675		\$17,675	0%
6	Printing	\$300		\$300	0%
7	Communications	\$15,230		\$15,230	0%
8	Postage	\$260		\$260	0%
9	Travel-In State	\$6,910		\$6,910	0%
10	Training	\$10,725		\$10,725	0%
11	Facilities Operation	\$110,890		\$110,890	0%
12	Contracts & Personal Services-External	\$107,000		\$107,000	0%
13	Contracts & Personal Services-Interdepartmental	\$89,314		\$89,314	0%
14	Information Technology	\$30,500		\$30,500	0%
15	Non-Capital Asset Purchases	\$0		\$0	0%
16	Indirect Cost Recovery	\$98,813		\$98,813	0%
17	Unallocated Operating Expense & Equipment	\$12,842		\$12,842	0%
	Multi Year Support Appropriation-Unallocated				
18	Proposition 1 Program Support	\$539,030		\$539,030	0%
19	Proposition 68 Program Support	\$321,863		\$321,863	0%
20	Wildfire	\$258,077		\$258,077	0%
21	Grants and Subventions	\$5,700,000		\$5,700,000	0%
22	TOTAL OPERATING EXPENDITURES & EQUIPMENT	\$7,319,429	\$0	\$7,319,429	0%

Line Number	TOTALS	Delta Conservancy Budget	Actual Expenditures	Variance	Percent of Budget Expended
23	TOTAL PS & OE & E	\$9,183,761	\$0	\$9,183,761	0%
24	REIMBURSEMENT	(\$222,761)		(\$222,761)	0%
25	GRAND TOTAL	\$8,961,000	\$0	\$8,961,000	0%



**Ecosystem Restoration and Climate Adaptation Grant Program Update
Staff Report**

BACKGROUND

The Ecosystem Restoration and Climate Adaptation (ERCA) Grant Program refers to a collection of projects that support multi-benefit ecosystem restoration, watershed protection, and climate adaptation projects in the Sacramento-San Joaquin Delta and Suisun Marsh. Projects in this program are currently supported through several funding sources: Proposition 1 Water Quality, Supply, and Infrastructure Improvement Act; Climate Resilience, Community Access, and Natural Resource Protection (CAR); and Nature Based Solutions: Wetland Restoration (NBS: WR). The Proposition 1 Grant Program is designed to support multi-benefit ecosystem, watershed protection and restoration projects in accordance with statewide priorities. The CAR is a General Fund allocation and promotes multi-benefit projects within the areas of climate resilience, community access, and natural resources protection. The NBS: WR is a General Fund allocation supporting wetland restoration projects in the Sacramento-San Joaquin Delta.

The Grant Program requires both a concept proposal and a full proposal. Full proposals are subject to a rigorous review and evaluation process by staff and external professional reviewers (when applicable) and are recommended for funding based upon review, evaluation, and funding availability.

Ecosystem Restoration and Climate Adaptation Grant Program Funding Sources. CEP refers to the Community Enhancement Grant Program (Agenda Item 7). Amounts listed in millions of dollars.

Funding Source	Total Allocation	Minimum Amount Available for Grants	Total Amount Allocated for Grants	Amount Remaining to be Allocated	Allocation Date	Encumbrance Date	Program(s) Supported by Funding Source
Proposition 1	\$50.0	\$42.5	\$42.4	\$0.1	8/13/2014	Variable	ERCA
CAR	\$5.25	\$4.99	\$4.99	\$0	9/23/2021	6/30/2024	ERCA and CEP
CAR	\$6.125	\$5.82	\$5.35	\$0.02	9/6/2022	6/30/2025	ERCA and CEP
NBS: Wetland Restoration	\$36.0	\$34.2	\$20.9	\$13.3	9/6/2022	6/30/2025	ERCA

PROGRAM UPDATE

As of October 12, 2023, there are 17 active projects, one awarded project with grant development underway, and 18 closed projects.

APPROVED PROJECTS (TOTAL AMOUNT AWARDED: \$20,907,371)

Of the Board-approved projects, one project from Nature Based Solutions: Wetland Restoration is in grant agreement development.

Project Name	Wetland Mosaic Landscape on Webb Tract (Planning, Implementation)
Amount Awarded	\$20,907,371
County	Contra Costa
Project ID	NBS01
Grantee	Metropolitan Water District
Overview	Design and construct up to 3,500 acres of managed, flooded wetlands and up to 1,500 acres of rice fields on Webb Tract. The main objectives are to stop ongoing organic soil subsidence, reduce greenhouse gas (GHG) emissions generated, develop sustainable agriculture opportunities, investigate sustainable water management practices, and study how managed wetlands may augment the Delta pelagic food web.
Grant Agreement Status	In Progress
New Information	Grant agreement in development. Expected to be executed October 2023.

WORKING PROPOSALS (TOTAL AMOUNT REQUESTED: \$13,292,629)

Project ID	Project Name	Applicant	Project Type	Amount Requested	County	Proposal Status
NBS02	Delta Rice Conversion Project	The Nature Conservancy	Implementation	\$4,337,142	San Joaquin and Contra Costa	Before the Board (Agenda Item 9)
NBS03	Land Acquisition on Bethel Island	John Muir Land Trust	Acquisition	\$2,202,091	Contra Costa	Before the Board (Agenda Item 10)
NBS04	Wetland Restoration Project on Staten Island	The Nature Conservancy	Planning, Implementation	\$6,753,396	San Joaquin	Before the Board (Agenda Item 11)

ACTIVE PROJECTS

CAR – Fiscal Year 2021-2022

The Board awarded \$390,000 for one planning project.

Project Name	Big Break Regional Shoreline Restoration and Public Access Planning Project (Planning)
Amount Awarded	\$390,000
County	Contra Costa
Project ID	CAR03
Grantee	East Bay Regional Park District
Overview	Create planning documents to support public access and the long-term sustainability of 1,648 acres of open water, wetlands, and upland habitat.
Grant Agreement Status	Active as of 12/14/2022
New Information	Project subcontractor and contract are being finalized.

Proposition 1 Cycle 5 – Fiscal Year 2021-2022

The Board awarded approximately \$3.0 million for six projects (two planning and four implementation). Six grant agreements have been executed.

Project Name	Little Franks Tract Invasive Weed Removal and Restoration Project (Implementation)
Amount Awarded	\$427,706
County	Contra Costa
Project ID	P1-2204
Grantee	Contra Costa Resource Conservation District
Overview	Test and identify workable solutions to remove invasive weeds, improve habitat value, and prevent further spread of invasive plants in the Franks Tract State Recreation Area.
Grant Agreement Status	Active as of 4/21/2023
New Information	Grantee has executed subcontracts, secured equipment, and is working on monitoring and management plan, aerial imagery, and permits.

Project Name	Yolo Bypass Wildlife Area Habitat and Drainage Improvement Project, Phase Two (Implementation)
Amount Awarded	\$887,516
County	Yolo
Project ID	P1-2207
Grantee	Ducks Unlimited
Overview	Constructing hydrological improvements that will restore 220 acres of seasonal wetland, enhance management of 1,803 existing seasonal wetland, and improve water management to 1,180 acres of wildlife friendly agricultural wetland.
Grant Agreement Status	Active as of 3/16/2023
New Information	Project on hold pending appointment of new Yolo Bypass Wildlife Area manager. We expect a change request Winter 2023.

Project Name	Ulatis Creek Habitat Restoration Project (Implementation)
Amount Awarded	\$413,586
County	Solano
Project ID	P1-2208
Grantee	Solano County Resource Conservation District
Overview	Create 20 acres of riparian woodland area along the north bank of Ulatis Creek. A total of 1,880 native trees/shrubs and 25,000 forb/sedge plugs will be planted, 100 pounds of wildflowers will be seeded, and invasive non-native plants (including <i>Arundo donax</i>) will be controlled throughout the project site resulting in an increase in native habitat area.
Grant Agreement Status	Active as of 6/13/2023
New Information	Grantee waiting for Army Corps permit. Planting is anticipated to start Fall 2024 and invasive plant treatment will continue this year. Grantee has initiated a minute modification request.

Project Name	Improving Hydrological Resiliency of Managed Wetlands in the Suisun Marsh (Implementation)
Amount Awarded	\$542,546
County	Solano
Project ID	P1-2209
Grantee	Suisun Resource Conservation District
Overview	Improve habitat conditions in the Suisun Marsh by installing new hydrological infrastructure at four project sites that will benefit 3,000 acres of managed wetlands.
Grant Agreement Status	Active as of 03/27/2023
New Information	Water quality equipment has been installed at all four project sites. Grantee is meeting with landowners to plan for installation of water infrastructure in 2024.

Project Name	Marsh Creek Reservoir Restoration and Total Mercury Reduction Project (Planning)
Amount Awarded	\$550,000
County	Contra Costa
Project ID	P1-2211
Grantee	Contra Costa County Flood Control and Water Conservation District
Overview	Design a shovel-ready multi-benefit project that would restore the Marsh Creek Reservoir system, provide ecological benefit, improve flood capacity, and enhance public recreation opportunities.
Grant Agreement Status	Active as of 5/23/2023
New Information	Grantee is developing a mercury baseline assessment and remediation plan.

Project Name	Van Buskirk Multi-Benefit Ecosystem Restoration Planning Project (Planning)
Amount Awarded	\$467,848
County	San Joaquin
Project ID	P1-2212
Grantee	American Rivers
Overview	Multi-benefit ecosystem restoration planning project that will integrate nature-based design solutions and multi-benefit flood protection concepts, as well as work with partners to seek implementation funding for future projects at the site.
Grant Agreement Status	Active as of 12/22/2022
New Information	Grantee has met with interested partners and is initiating community outreach and permitting efforts.

Proposition 1 Cycle 4 – Fiscal Year 2018-2019

The Board awarded approximately \$14.9 million for 10 projects (eight planning and two implementation). One project was withdrawn after receiving an award. To date, two projects have closed.

Project Name	Mello/Jensen Heirs Sandhill Crane Preserve Project (Implementation)
Amount Awarded	\$2,263,472
County	Sacramento
Project ID	Prop 1-1801
Grantee	Agricultural-Natural Resources Trust
Overview	Acquire a conservation easement on 275 acres of farmland to ensure that it remains as wildlife friendly agriculture
Grant Agreement Status	Active as of 12/29/2020
New Information	Anticipated to close escrow in October 2023.

Project Name	Delta Waterways Habitat Restoration Planning (Planning)
Agreement Amount	\$347,481
County	Solano
Project ID	Prop 1-1804
Grantee	Solano Resource Conservation District
Overview	Planning for restoration and enhancement of waterways and edge habitats on working lands in Solano County
Grant Agreement Status	Active as of 12/19/2019
New Information	Progress at the 12 planning sites is ongoing and permits are being secured. Implementation funding secured for sites 1, 2, 3, 9, 10, and 11 (Ulati Creek, Schwarz Farm, McCormick Ranch).

Project Name	Elk Slough Fish Passage and Flood Improvement (Planning)
Amount Awarded	\$984,695
County	Yolo
Project ID	Prop 1-1807
Grantee	Reclamation District 999
Overview	Planning for habitat and flood control enhancements along Elk Slough
Grant Agreement Status	Active as of 7/10/2020
New Information	Project is ongoing.

Project Name	Lower San Joaquin Riparian Corridor (Planning)
Amount Awarded	\$522,027
County	San Joaquin
Project ID	Prop 1-1808
Grantee	American Rivers
Overview	Planning for restoration of floodplain and riparian habitat along the lower San Joaquin River
Grant Agreement Status	Active as of 5/3/2021
New Information	Conservancy staff prepared a staff recommendation for Board consideration for an amendment to extend the grant funding term by seven months (Agenda Item 4.3).

Project Name	Phase 1 San Joaquin River Floodplain Restoration and Floodway Enhancement at Banta-Carbona Project (Planning)
Amount Awarded	\$750,931
County	San Joaquin
Project ID	Prop 1-1810
Grantee	Banta-Carbona Irrigation District
Overview	Planning for 30 acres of seasonally inundated floodplain restoration
Grant Agreement Status	Active as of 12/10/2020
New Information	Grantee completed refinement of habitat partition, realigned intake channel, access roads, and maintenance areas for 65 Percent Design Plans. Draft 65 Percent Design Plans are complete. Grantee anticipates completion by funding end date (February 29, 2024). Project site remains inundated.

Project Name	Nutria Eradication Project, Phase 2 (Implementation)
Agreement Amount	\$8,483,080
County	Multiple
Project ID	Prop 1-1813
Grantee	California Department of Fish and Wildlife
Overview	Surveys for and removal of invasive species to minimize or avoid impacts to wetland habitats and water quality
Grant Agreement Status	Active as of 6/8/2020
New Information	Project is ongoing.

Project Name	Oakley Creekside Park Restoration (Planning)
Amount Awarded	\$436,465
County	Contra Costa
Project ID	Prop 1-1814
Grantee	City of Oakley
Overview	Planning for restoration of floodplain and riparian habitat along Marsh Creek
Grant Agreement Status	Active as of 12/11/2020
New Information	Conservancy staff prepared a staff recommendation for Board consideration for an amendment to extend the grant funding term by six months (Agenda Item 4.4).

Proposition 1 Cycle 3 – Fiscal Year 2017-2018

The Board awarded approximately \$16.0 million for eight projects (four planning and four implementation). To date, five grants have closed.

Project Name	Knightsen Wetland Restoration and Flood Protection Project (Planning)
Agreement Amount	\$1,435,000
County	Contra Costa
Project ID	Prop 1-1709
Grantee	East Contra Costa County Habitat Conservancy
Overview	Advance planning for restoring wetlands and managing and treating storm water on public land in Knightsen
Grant Agreement Status	Active as of 3/20/2019
New Information	Conservancy staff prepared a staff recommendation for Board consideration for an amendment to modify the project’s scope (Agenda Item 4.2).

Project Name	Grizzly Slough Floodplain Restoration Project at the Cosumnes River Preserve (Implementation)
Agreement Amount	\$8,700,800
County	Sacramento
Project ID	Prop 1-1710
Grantee	California Department of Water Resources
Overview	Restore wetland and riparian habitat to the 334-acre site by breaching the levee and reintroducing tidal and seasonal flooding, and by establishing native vegetation
Grant Agreement Status	Active as of 4/30/2020
New Information	Project is ongoing.

Project Name	Stone Lakes Restoration Project (Planning)
Agreement Amount	\$635,573
County	Sacramento
Project ID	Prop 1-1713
Grantee	Ducks Unlimited, Inc.
Overview	Planning to restore approximately 257 acres of seasonal wetland and 39 acres of riparian seasonal wetland, and enhance 20 acres of existing low-quality wetland on the Stone Lakes National Wildlife Refuge
Grant Agreement Status	Active as of 4/2/2019
New Information	Delta Conservancy Board approved an amendment to increase the project budget by \$38,273 at the July 25, 2023 meeting. Amended grant agreement executed August 22, 2023.

Proposition 1 Cycle 2 – Fiscal Year 2016-2017

The Board awarded approximately \$4.4 million for four projects (one planning and three implementation). To date, all four grants have closed.

Proposition 1 Cycle 1 – Fiscal Year 2015-2016

The Board awarded approximately \$3.9 million to seven projects (four planning and three implementation). To date, all seven grants have closed.

CLOSED PROJECTS

To date, a total of eighteen projects funded by Proposition 1 have fully closed (nine planning, nine implementation). To receive a copy of a final report, please submit a written request specifying the project(s) of interest to prop1grants@deltaconservancy.ca.gov.

Project Name	Yolo Bypass Wildlife Area Habitat and Drainage Improvement Project (Implementation)
Agreement Amount	\$2,026,814 (\$3,299 unspent)
County	Yolo
Project ID	Prop 1-Y1-2015-003
Grantee	Ducks Unlimited
Overview	Implement habitat and working landscape enhancements in the Yolo Bypass Wildlife Area
Grant Agreement Status	Closed as of 03/31/2022
New Information	Closed; a final report is available for review.

Project Name	Fish Friendly Farming Certification Program for the Sacramento-San Joaquin Delta (Planning)
Amount Spent	\$89,448 (\$2 unspent)
County	All Delta Counties
Project ID	Prop 1-Y1-2015-005
Grantee	California Land Stewardship Institute
Overview	Develop a program to work with farmers to improve water quality, that is specific to the crops and water quality concerns in Delta counties
Grant Agreement Status	Closed as of 10/9/2020
New Information	Closed; a final report is available for review.

Project Name	Sherman Island Restoration Project, Phase III (Planning)
Amount Spent	\$93,599 (\$6,367 unspent)
County	Sacramento
Project ID	Prop 1-Y1-2015-008
Grantee	Ducks Unlimited
Overview	Develop plans and permits to restore up to 1,600 acres of wetlands on Sherman Island to provide habitat, reverse subsidence, and sequester carbon
Grant Agreement Status	Closed as of 3/1/2019
New Information	Closed; a final report is available for review. Design plans are still current. Waiting for Phase II to be completed.

Project Name	Three Creeks Parkway Restoration Project (Implementation)
Amount Spent	\$826,666 (\$9,743 unspent)
County	Contra Costa
Project ID	Prop 1-Y1-2015-009
Grantee	American Rivers
Overview	Convert denuded flood control channel at the confluence of Marsh, Sand, and Deer Creeks into a healthy stream corridor
Grant Agreement Status	Closed as of 4/1/2022
New Information	Closed; a final report is available for review.

Project Name	Paradise Cut Conservation and Flood Management Plan (Planning)
Amount Spent	\$99,924 (\$217 unspent)
County	San Joaquin
Project ID	Prop 1-Y1-2015-012
Grantee	San Joaquin Resource Conservation District
Overview	Advance plans for a new flood bypass that will reduce flood risk, improve habitat, and maintain agricultural land along the San Joaquin River south of Paradise Cut
Grant Agreement Status	Closed as of 6/30/2019
New Information	Closed; a final report is available for review.

Project Name	Wildlife Corridors for Flood Escape on the Yolo Bypass Wildlife Area Project (Implementation)
Amount Spent	\$829,183 (\$7,051 unspent)
County	Yolo
Project ID	Prop 1-Y1-2015-016
Grantee	Yolo Resource Conservation District
Overview	Restore up to 5 miles (22 acres) of floodway-compatible wildlife and pollinator habitat, providing a transit corridor for wildlife during floods
Grant Agreement Status	Closed as of 3/7/2023
New Information	Closed; a final report is available for review.

Project Name	Lower Marsh and Sand Creek Watershed Restoration Planning Project (Planning)
Amount Spent	\$73,493 (\$2,391 unspent)
County	Contra Costa
Project ID	Prop 1-Y1-2015-019
Grantee	American Rivers
Overview	Create a Programmatic California Environmental Quality Act document for future restoration activities conducted by Grantee and their partners in the Marsh Creek and Sand Creek watersheds
Grant Agreement Status	Closed as of 12/31/2019
New Information	Closed; a final report is available for review. The Programmatic Mitigated Negative Declaration, developed as part of this project, is being used during the planning of the P1-1814 grant.

Project Name	Dutch Slough Revegetation (Implementation)
Agreement Amount	\$2,900,000 (\$270 unspent)
County	Contra Costa
Project ID	Prop 1-1602
Grantee	Reclamation District 2137
Overview	Establish and maintain 468 acres of native tidal marsh, riparian, and grassland vegetation at the Dutch Slough restoration site
Grant Agreement Status	Closed as of 07/15/2022
New Information	Closed; a final report is available for review.

Project Name	Petersen Ranch: Working Waterway Habitat Enhancement Project (Implementation)
Agreement Amount	\$444,464 (\$1,398 unspent)
County	Solano
Project ID	Prop 1-1605
Grantee	Solano Resource Conservation District
Overview	Restore 13.5 acres of riparian habitat and improve water quality through improved cattle management practices on approximately 525 acres of active farmland along Lindsey Slough
Grant Agreement Status	Closed as of 2/11/2022
New Information	Closed; a final report is available for review.

Project Name	Restoration of Priority Wetlands for Endangered Species at the Cosumnes River Preserve (Implementation)
Amount Spent	\$942,631 (\$145,798 unspent)
County	Sacramento
Project ID	Prop 1-1608
Grantee	Sacramento County Regional Parks
Overview	Restore 110 acres of freshwater wetlands to benefit listed species
Grant Agreement Status	Closed as of 1/28/2021
New Information	Closed; a final report is available for review.

Project Name	Investigations of Restoration Techniques that Limit Invasion of Tidal Wetlands (Planning)
Agreement Amount	\$104,452 (\$21,398 unspent)
County	Contra Costa
Project ID	Prop 1-1612
Grantee	The Regents of the University of California (UC Davis)
Overview	Identify improved methods for tidal wetland revegetation that reduce invasion by non-native plants at Dutch Slough
Grant Agreement Status	Closed as of 11/30/2021
New Information	Closed; a final report is available for review.

Project Name	Bay Point Habitat Restoration Project (Implementation)
Agreement Amount	\$2,100,000 (\$13,718 unspent)
County	Contra Costa
Project ID	Prop 1-1701
Grantee	East Bay Regional Park District
Overview	Restore 44 acres of wetland and grassland and 5,595 linear feet of saline emergent marsh channel at Bay Point Regional Shoreline Park
Grant Agreement Status	Closed as of 12/31/2021
New Information	Closed; a final report is available for review.

Project Name	Restoration Planning at River Garden Farms: Improving Aquatic Habitat Resiliency on Working Lands Along the Sacramento River (Planning)
Agreement Amount	\$647,701 (\$23,249 unspent)
County	Yolo
Project ID	Prop 1-1702
Grantee	American Rivers
Overview	Develop restoration design plans for seven different project sites at River Garden Farms to restore ecosystem function in floodplain, wetland, and riparian habitats and provide habitat connectivity on a working farm
Grant Agreement Status	Closed as of 4/22/2023
New Information	Closed; a final report is available for review.

Project Name	Three Creeks Parkway Restoration Project #2 (Implementation)
Agreement Amount	\$990,543 (\$46 unspent)
County	Contra Costa
Project ID	Prop 1-1711
Grantee	American Rivers
Overview	Add one acre of habitat to the current Three Creeks Parkway Restoration project, thereby enhancing the ecological benefits of that project, while satisfying flood conveyance needs to protect the local area.
Grant Agreement Status	Closed as of 8/24/22
New Information	Closed; a final report is available for review.

Project Name	Bees Lakes Habitat Restoration Plan (Planning)
Agreement Amount	\$592,500 (\$886 unspent)
County	Yolo
Project ID	Prop 1-1712
Grantee	City of West Sacramento
Overview	Develop a detailed habitat restoration plan to restore disturbed riparian habitat, control non-native species, improve pond water quality, and improve the ability of the Bees Lakes area to support listed species
Grant Agreement Status	Closed as of 4/27/2021
New Information	Closed; a final report is available for review. Grantee awarded Climate, Access, and Restoration for funds at July 2022 Conservancy Board meeting.

Project Name	Nutria Eradication Project (Implementation)
Agreement Amount	\$1,125,577 (\$6,120 unspent)
County	Multiple
Project ID	Prop 1-1718
Grantee	California Department of Fish and Wildlife
Overview	Eliminate nutria from all known and discovered locations in California to prevent nutria from causing significant ecological damage in the Delta
Grant Agreement Status	Closed as of 04/05/2023
New Information	Closed; a final report available for review.

Project Name	Blacklock Restoration: Phragmites Control Study (Planning)
Agreement Amount	\$387,440 (\$0 unspent)
County	Solano
Project ID	Prop 1-1803
Grantee	California Department of Water Resources
Overview	Test methods for controlling invasive species in future restoration at the Blacklock restoration site
Grant Agreement Status	Closed as of 04/25/2022
New Information	Closed; a final report is available for review.

Project Name	Paradise Cut Conservation and Flood Management Project, Phase 2 (Planning)
Amount Awarded	\$265,254 (\$505 unspent)
County	San Joaquin
Project ID	Prop 1-1806
Grantee	San Joaquin Resource Conservation District
Overview	Outreach and planning to advance the Paradise Cut Flood Bypass in San Joaquin County
Grant Agreement Status	Closed as of 09/18/2023
New Information	Closed; a final report is available for review.

RECENTLY COMPLETED PROJECTS

P1-1806: Paradise Cut Conservation and Flood Management Project, Phase 2 (Planning), San Joaquin Resource Conservation District

The purpose of this project was to continue planning for an expansion of the Paradise Cut Flood Bypass to reduce flood risk, improve habitat, and maintain agricultural land along the San Joaquin River south of Paradise Cut. The project team approved a local engagement strategy, held engagement meetings with reclamation districts, and conducted public outreach meetings to successfully garner local support for the expansion and future restoration activities. Future studies addressing local concerns were identified, along with potential funding sources. The planning team secured funding from the California Department of Water Resources (DWR) to conduct a future feasibility study to further the project towards construction. Now that the grant funding term has ended, the San Joaquin Area Flood Control Agency has taken over as the lead agency to advance next phases of the Paradise Cut Expansion and South Delta Restoration Project.





P1-1702: Restoration Planning at River Garden Farms: Improving Aquatic Habitat Resiliency on Working Lands Along the Sacramento River (Planning), American Rivers

This project aimed to advance planning efforts to restore ecosystem function in floodplain, wetland, and riparian habitats on a working farm along the Sacramento River. In the long-term the project would integrate agriculture-compatible restoration and conservation into farm practices in order to model improved connectivity of aquatic habitat on working landscapes. With Conservancy funding, this project developed conceptual plans for four riparian and one wetland areas within the farm. One of these riparian sites has been permitted and has begun implementation, funded by an outside source. The project site has faced changes in landownership, and project partners are continuing to negotiate the purchase of various sections of the farm including restoration sites identified as part of this grant. The Grantee is pursuing funding opportunities to finalize plans and permits for the remaining restoration sites.

CONTACT

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**Community Enhancement Grant Program Update
Staff Report**

BACKGROUND

The Community Enhancement Grant Program (CEP) refers to a collection of projects that support and enhance communities and economies in the Sacramento-San Joaquin Delta and Suisun Marsh. Projects in this program are currently funded through Proposition 68 California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 and the Climate Resilience, Community Access, and Natural Resource Protection (CAR) funds. The Proposition 68 Grant Program is designed to promote a robust Delta economy, support the vitality of Delta communities, and allow staff to provide guidance to project proponents as they develop proposals to meet these goals. The CAR is a General Fund allocation and is designed to promote multi-benefit projects within the areas of climate resilience, community access, and natural resource restoration.

The Grant Program requires both a concept proposal and a full proposal. Full proposals are subject to a rigorous review and evaluation process by staff and external professional reviewers (when applicable), and are recommended for funding based upon review, evaluation, and funding availability.

The below table highlights the allocations for Proposition 68 (bond funds) and CAR (general funds). Each funding source has funds allocated for both administration and grants. The amount remaining to be allocated are funds available for new grants.

Community Enhancement Grant Program Funding Sources. ERCA refers to the Ecosystem Restoration and Climate Adaptation Grant Program (Agenda Item 6). Amounts listed in millions of dollars.

Funding Source	Total Allocation	Minimum Amount Available for Grants	Total Amount Allocated for Grants	Amount Remaining to be Allocated	Allocation Date	Encumbrance Date	Program(s) Supported by Funding Source
Proposition 68	\$12.0	\$8.7	\$4	\$4.7	6/8/2018	Variable	CEP
CAR	\$5.25	\$4.99	\$4.99	\$0	9/23/2021	6/30/2024	ERCA and CEP
CAR	\$6.125	\$5.82	\$5.8	\$0.02	9/6/2022	6/30/2025	ERCA and CEP

PROGRAM UPDATE

As of October 12, 2023, there are 12 active projects. In the following tables, the DAC/SDAC designations indicate whether the project serves a disadvantaged community (DAC) or a severely disadvantaged community (SDAC), as confirmed by the Delta Conservancy SDAC policy. Proposition 68 requires that 20 percent of the allocation go to projects that support SDAC communities; 20 percent of the Delta Conservancy's allocation is \$2,400,000. Of the \$3,998,890 for active, awarded, or requested Proposition 68 projects, \$3,661,027 (92 percent) is expected to support SDAC communities.

ACTIVE PROJECTS (TOTAL AMOUNT OBLIGATED: \$14,397,860)

Project Name	Land Acquisition for the Clarksburg Schoolhouse & Delta Welcome Center (Acquisition)
Amount Awarded	\$310,373
County	Yolo
Project ID	P6802
Grantee	Friends of the 1883 Clarksburg Schoolhouse
Overview	Acquire 1.13-acre parcel to serve as the permanent home of the restored 1883 Clarksburg Schoolhouse.
DAC/SDAC	SDAC
Grant Agreement Status	Active as of 05/02/2022
New Information	The Grantee is working on completing remaining deliverables and continues to pay insurance for the implementation component of the project.

Project Name	Southport Levee Recreational Trail (Planning)
Amount Awarded	\$337,863
County	Yolo
Project ID	P6803
Grantee	City of West Sacramento
Overview	Create planning documents for preparation of paving of 5.6 miles of levee top for recreational use.
DAC/SDAC	Neither
Grant Agreement Status	Active as of 12/20/2021
New Information	The Grantee is working on minute modification to adjust deliverable dates due to the project being behind schedule on permitting.

Project Name	Pittsburg Boat Launch Facility & Central Harbor Park Upgrade (Planning)
Amount Awarded	\$172,155
County	Contra Costa
Project ID	P6804
Grantee	City of Pittsburg
Overview	Create planning documents for preparation of recreational and safety enhancements to the Boat Launch Facility & Central Harbor Park.
DAC/SDAC	SDAC
Grant Agreement Status	Active as of 10/01/2021
New Information	The Grantee anticipates project closeout in Winter 2024.

Project Name	Isleton Museum in the Bing Kong Tong Building (Implementation)
Amount Awarded	\$44,500
County	Sacramento
Project ID	P6805
Grantee	Isleton Museum
Overview	Purchase museum-quality display cases to house historical artifacts within the Isleton Museum, located in the newly renovated Bing Kong Tong Building.
DAC/SDAC	SDAC
Grant Agreement Status	Active as of 6/17/2022
New Information	Conservancy staff are preparing a staff recommendation for Board consideration to change the scope of work that may be brought before the Board at a future meeting.

Project Name	Discover the Delta Education Center (Planning)
Amount Awarded	\$223,456
County	Sacramento
Project ID	P6806
Grantee	Discover the Delta Foundation
Overview	Update 2009 building plans to meet current building codes and obtain updated approvals and permits to implement construction of the Delta Education Center.
DAC/SDAC	SDAC
Grant Agreement Status	Active as of 6/27/2022
New Information	Grantee is working on obtaining permits from Sacramento County.

Project Name	Freeport, Delta Gateway Monuments (Planning)
Amount Awarded	\$223,277
County	Sacramento
Project ID	P6808
Grantee	Sacramento County
Overview	Create planning documents in preparation of the installation of two gateway monuments and one interpretive sign in Freeport.
DAC/SDAC	SDAC
Grant Agreement Status	Active as of 9/21/2022
New Information	Potential signage locations have been determined based on community input and refinements are being worked on for preferred signage concepts.

Project Name	Asian American Heritage Park Development (Implementation)
Amount Awarded	\$554,772
County	Sacramento
Project ID	P6811
Grantee	Delta Educational Cultural Society
Overview	Create a .07-acre park that will include culturally relevant objects and interpretive exhibits on the history and heritage of the Chinese and Japanese immigrants who once occupied the Asian American Historic District of Isleton.
DAC/SDAC	SDAC
Grant Agreement Status	Active as of 03/11/2022
New Information	Conservancy staff prepared a staff recommendation for Board consideration to increase the budget and extend the funding term (Agenda Item 8).

Project Name	Clarksburg Schoolhouse Restoration and Delta Welcome Center (Implementation)
Amount Awarded	\$2,070,972
County	Yolo
Project ID	P6813
Grantee	Friends of the 1883 Clarksburg Schoolhouse
Overview	Restore the 1883 Clarksburg Schoolhouse (fully restored building, interior and exterior displays, and landscaping) and develop a Delta Welcome Center.
DAC/SDAC	SDAC
Grant Agreement Status	Active as of 7/18/2022
New Information	The Grantee continues to make progress on construction and held an open house to share their progress with the community.

Project Name	Pacific Flyway Center: Walk in the Marsh (Implementation)
Amount Awarded	\$1,486,050
County	Solano
Project ID	CAR01
Grantee	Pacific Flyway Fund
Overview	Build three miles of ADA-compliant hiking trails, boardwalks, and educational signage throughout restored wetlands in Suisun March.
Grant Agreement Status	Active as of 03/22/2022
New Information	The Grantee has completed the permitting for the project.

Project Name	Bees Lake Public Access (Implementation)
Amount Awarded	\$2,373,800
County	Yolo
Project ID	CAR02
Grantee	Bees Lake Public Access
Overview	Remove and control invasive species and reestablish native species. Build 700-square foot viewing platform and 1,395 linear feet of ADA-compliant access to riparian forest.
Grant Agreement Status	Active as of 7/29/2022
New Information	The Grantee is finalizing design plans and permit applications.

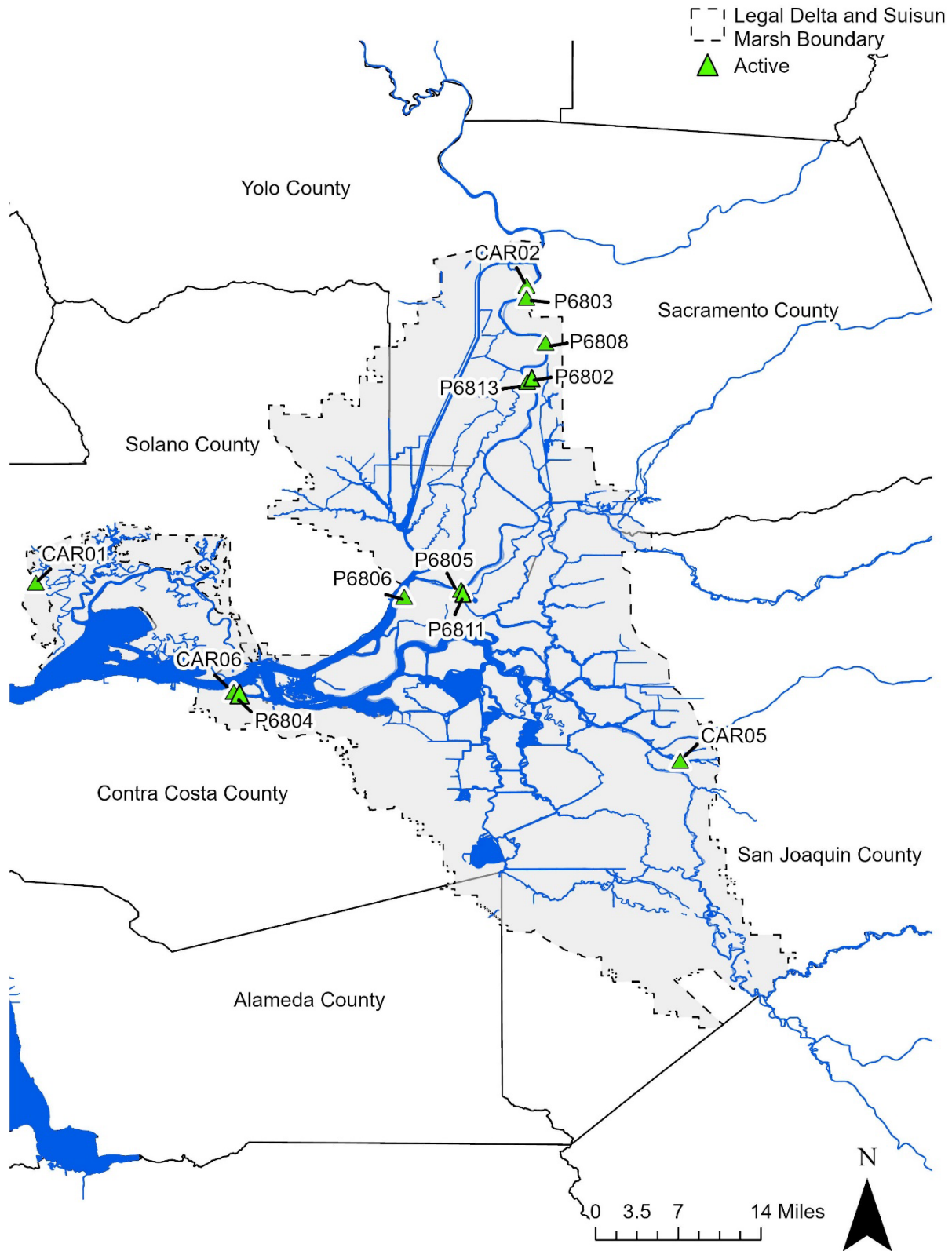
Project Name	Delta Aquatic Center of Stockton (Planning)
Amount Awarded	\$2,544,725
County	San Joaquin
Project ID	CAR05
Grantee	San Joaquin Community Foundation
Overview	Complete design and construction documents for an ADA-compliant, world-class aquatic center along the Delta so all, regardless of income level, may access the water through small human-powered boat.
Grant Agreement Status	Active as of 8/21/2023
New Information	The grant agreement was executed on August 21, 2023.

Project Name	Central Harbor Park and Boat Launch Facility Upgrade Implementation Project (Implementation)
Amount Awarded	\$3,544,395
County	Contra Costa
Project ID	CAR06
Grantee	City of Pittsburg
Overview	Construction of recreational and safety enhancements to the Boat Launch Facility & Central Harbor Park.
Grant Agreement Status	Active as of 9/13/2023
New Information	The grant agreement was executed on September 13, 2023.

CONTACT

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(916) 634-3743

FIGURE 8.1. MAP OF LOCATION AND STATUS OF COMMUNITY ENHANCEMENT GRANT PROGRAM PROJECTS





Consideration of Amendment to Budget of Community Enhancement Grant Program Agreement for Asian American Heritage Park Staff Report

Grantee	Delta Educational Cultural Society
Project ID	P6811
Award Year	2022
County	Sacramento
Category	Implementation
Original Award Amount	\$554,772
Amended Request Amount	\$820,571 (48 percent)
Request	Budget Increase

RECOMMENDATION

Staff recommends that the Board considers a budget increase of \$256,590 to accommodate inflationary costs, prevailing wage, unforeseen project elements and permits, and changes in subcontractors.

DESCRIPTION

The Grantee is requesting an additional \$265,799 (48 percent increase) to accommodate inflationary costs, prevailing wage requirements, unforeseen project elements and permits, and changes in subcontractors. The Grantee initially prepared the project budget in 2021; costs have rapidly increased during the intervening years. Labor costs have also increased due to prevailing wage provisions outlined in the grant agreement. The Grantee encountered additional unforeseen project elements and permit costs during the final planning stages of the project. Finally, the subcontractor initially proposed to provide construction management and oversight is no longer able to provide those services; therefore the Grantee sought other subcontractors to provide these services.

If approved, the additional funds will allow the Grantee to complete the project as originally designed. If the budget increase is not approved, the Grantee proposed only one change – to remove landscaping from their project. Changes to other components of the project that may reduce project costs were not considered by the Grantee or adequately described in the Grantee’s amendment request.

Staff have concerns about the Grantee’s reluctance to adopt cost-saving measures or pursue other significant sources of funding; the budget increase of 48 percent is one of the highest requested from the Conservancy; and the overall cost of the project given the project size (0.07 acres). While the proposed cost is high, staff contacted other departments and determined the cost is not out of line with current industry standards. Additionally, staff need to determine if \$42,000 of performance and payment bonds are allowable expenses.

Staff recommends that if the Board approves a budget increase that it approves an increase of up to \$256,590 (46 percent increase); however, the actual amount may be lower dependent on staff's determination of allowable performance and payment bonds (-\$42,000). The decreased amount (-\$9,209) is due to Conservancy's assessment that the Grantee has not provided an explanation for project displays, signage, and plaque costs beyond inflation (-\$2,709) and documentation that construction management and oversight costs are fair and reasonable (-\$6,500).

BACKGROUND

Asian American Heritage Park (Project ID P6811) is an implementation project designed to construct a .07-acre park showcasing the Asian American heritage of the town of Isleton. The park features include landscaping, walkways, an artistic ceramic water feature, seat walls, walkway tiles, benches, engraved bricks and plaques recognizing contributors to the park, and a Japanese bell temple (Kansho-do). This project was awarded \$554,772 of Proposition 68 funds to the Grantee in 2022. This is the Grantee's first amendment request requiring Board consideration.

SUGGESTED MOTION LANGUAGE

Move that the Board approve and award additional funding up to \$256,590 to the Delta Educational Cultural Society from the Proposition 68 grant funds for the Asian American Heritage Park.

OR

Move that Grantee pursue alternative funding sources or cost-saving measures for the Asian American Heritage Park.

CONTACT

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martha.ozonoff@deltaconservancy.ca.gov
(916) 612-6469

Table 1. Overview of Budget Change Request

Project Component	Original	Requested	Difference (percentage)	Reason Provided
Non-office Supplies	\$25,129	\$25,129	\$0 (0%)	Not applicable
Office Supplies	\$360	\$180	-\$180 (-50%)	Not applicable
Park Displays, Signage, and Plaques	\$20,759	\$26,900	+6,141 (+30%)	Inflation
Student Stipends	\$8,000	\$8,000	\$0 (0%)	Not applicable
Park Construction Permit	\$500	\$4,000	+3,500 (+700%)	Unforeseen expense
Grant Management	\$4,560	\$0	-\$4,560 (-100%)	Services provided in-kind
Graphic Design	\$12,320	\$21,230	+\$8,910 (+72%)	Inflation and additional elements
Project Design	\$53,908	\$83,881	+\$29,973 (+56%)	Inflation and additional elements
Construction Management and Oversight	\$15,000	\$17,500	+\$2,500 (+17%)	Change in subcontractors
Park Construction	\$329,436	\$533,918	+\$204,482 (+62%)	Inflation, prevailing wage, and additional project elements
Artist	\$84,800	\$94,600	+\$9,800 (+12%)	Inflation
Pacific Gas and Electric Drawings and Connection	\$0	\$5,233	+5,233 (not applicable)	Unforeseen expense
Total	\$554,772	\$820,571	\$265,799	



Consideration of California Environmental Quality Act Lead Agency Exemption Declaration and Award of Nature Based Solutions: Wetland Restoration Grant Funds for the Delta Rice Conversion Program Staff Report

This agenda item presents for Board consideration a recommendation to adopt a Board resolution in accordance with the California Environmental Quality Act (CEQA) finding the project categorically exempt from environmental review and a recommendation to award Nature Based Solutions: Wetland Restoration (NBS: WR) Grant Program funding for the Delta Rice Conversion Program (Project).

PROJECT OVERVIEW

Applicant	The Nature Conservancy
Project Number	NBS02
Project Type	Implementation
Counties	San Joaquin and Contra Costa
Funding Request	\$4,333,124
Total Project Cost	\$4,350,743
Funding Recommendation	\$4,333,124

RECOMMENDATIONS

Staff recommends that the Board adopt Resolution 2023-01 declaring that this project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to California Code of regulations Title 14, Chapter 3, Article 19, Section 15304 for the Delta Rice Conversion Program.

Staff recommends that the Board approve the Applicant’s request to waive the requirement of recording the Landowner Access Agreements (LAA) against the deed of the property, per the Board’s policy for considering such waivers, which was developed and approved in October 2022.

Staff recommends that the Board approve the Applicant’s request to waive the 15-year maintenance standard of implementation projects.

Contingent upon the adoption of Resolution 2023-01, staff recommends that the Board approve and award up to \$4,333,124 in grant funding for the Delta Rice Conversion Program (NBS02) proposed by The Nature Conservancy (TNC).

Staff prepared the text below based on staff’s best understanding of the information provided in the application and meetings with members of TNC. Staff followed the General Grant Guidelines, approved by the Board in November 2022, in working with the Applicant and assessing this proposal.

DESCRIPTION

The Delta Rice Conversion Program will support conversion of at least 3,000 and up to 7,500 acres of current agriculture in the Delta to wildlife-friendly rice for climate and ecosystem benefits. TNC is seeking funds to collaborate with willing landowners to convert their existing agriculture to wildlife-friendly rice. Rice cultivation stops subsidence, reduces greenhouse gas emissions, and provides ecosystem benefits, particularly for migratory birds, compared to non-rice row crops. TNC proposes to contract with Delta landowners in the most heavily subsidized areas of the Delta dominated by peat soils and provide reimbursement for all or some of the conversion costs required to prepare land for rice cultivation. Reimbursement will require either a three- or five-year contract to grow rice. Landowners would be entitled to partial reimbursement for a three-year commitment and full reimbursement for a five-year commitment. There will be additional flooding and fallowing requirements for migratory birds and other ecosystem benefits.

If implemented, the program is expected to increase community awareness about rice cultivation that will encourage other Delta farmers to convert to rice. In addition to climate benefits, rice cultivation has community benefits, including decreased flooding risk and increased economic viability since rice can be a higher priced commodity than other crops. TNC will target the most subsidized lands and the farmers with the most need to support the local Delta economy and provide access to a currently lucrative commodity.

ENVIRONMENTAL COMPLIANCE

This Implementation Project is considered a project under CEQA. CEQA categorically exempts certain projects from environmental review, including minor alterations of land (California Code of Regulations Title 14, Chapter 3, Article 19, Section 15304). The Project qualifies for this exemption because it will only involve minor alterations to land to convert from an existing agricultural use to a different agricultural use (rice cultivation). This change in use will not involve any material changes at the selected properties, as farming activities have been established practices at all the potential project locations. Conversion to rice may involve minor grading, backfilling, and trenching and modification of irrigation and watering systems to allow for the intentional wetting of land. These activities will not cause damage to scenic resources, historic resources or create significant environmental or cumulative impacts, due to being implemented on existing farms. The Delta Conservancy will act as the CEQA lead agency. Staff have reviewed the project and advise the Board to determine the project exempt by adopting Resolution 2023-01, which details lead agency findings, and having the Chair sign the attached Notice of Exemption (see Agenda Item 9.2).

COST SHARE

The Nature Conservancy will contribute \$17,619 in cost share for the Project as in-kind services through indirect costs in excess of 20 percent.

CONSISTENCY WITH STATE AND LOCAL PRIORITIES

The Project is consistent with, and links to, multiple actions and priorities outlined in the Conservancy's governing statute, the Conservancy's Strategic Plan, the Delta Plan, and the Delta Protection Commission's Economic Sustainability Plan. Additionally, the Project furthers the California Natural Resources Agency's initiatives of building climate resilience, protecting biodiversity, and expanding nature-based solutions.

LONG-TERM VIABILITY

The Applicant has expressed concerns regarding the likelihood that Delta farmers will agree to a 15-year commitment to farm rice. To reach desired enrollment acreage, the Applicant has requested to waive the typical 15-year long-term maintenance standard that the Conservancy seeks to achieve with grant-funded projects. Even though not committing to the 15-year standard, the land can stay in rice-ready condition indefinitely. For many farmers, the cost to convert the land for rice farming is prohibitive; this Project will make rice conversion attainable. Farmers can rotate in or out of rice well beyond the contract length when market conditions are viable. Once land is converted, the likelihood that it will remain in a rice-ready state is high. In addition, even if the conversion to rice cultivation is not maintained beyond the three- or five-year contract terms, the benefits of subsidence reduction and carbon emission reductions during the three- or five-year periods will remain as a permanent public benefit to the State. See 'Additional Considerations' below for analysis of waiving the 15-year maintenance standard.

LOCAL AND INSTITUTIONAL SUPPORT

The proposal demonstrates local support and includes a letter of support from the San Joaquin County Board of Supervisors, the California Farm Bureau, and San Joaquin and Solano Counties' Farm Bureaus. The Applicant also acquired letters of support from the Delta Counties Coalition, local landowners, and local non-profit organizations. They are also actively engaging tribal partners and have started outreach to local farmers to gauge interest in enrollment.

SCIENTIFIC MERIT

The proposal describes the scientific basis of the Project and incorporates the best available science that has been developed through 20 years of Delta-specific research on subsidence and emissions. The proposal describes efforts to develop an adaptive management approach consistent with the Delta Plan's adaptive management framework. The proposal describes climate impacts and benefits and includes a mechanism for incorporating climate change considerations into the Project. The Applicant has also converted over 2,000 acres of corn to rice on Staten Island and will use their own knowledge and experience to support landowners in their conversions.

ADDITIONAL CONSIDERATIONS

The Applicant requests the Board consider waiving two typical Conservancy requirements: 1) recording of the LAA against the deed of the property and 2) the 15-year long-term maintenance standard. TNC has expressed concern that recording the LAA against individual property deeds will deter farmers from enrolling in the program, putting enrollment of the targeted acreage at risk. Similarly, TNC expects the 15-year long-term maintenance requirement will limit enrollment to farmers who can take a large financial risk, thus reducing equity in the program and dampening the community economic benefits. Staff have determined that the Project will result in public benefit since the rice conversions will result in at least 3,000 acres of avoided greenhouse gas emissions and subsidence each year that rice cultivation occurs. Rice cultivation will occur for at least three of five years per contract requirements, but potentially longer since the land can remain in rice-ready condition indefinitely and rice can be added to crop rotations (see 'Long-Term Viability' section above). The agricultural community also benefits from the Project since it will provide access to a financially viable commodity for farmers who cannot afford the cost of conversion without the program.

At the October 2022 Board meeting, the Board approved a process and criteria to waive the recording of LAAs. This process involves a staff assessment of the request, and then Board consideration and approval of the request. If approved, landowners are still required to execute an LAA with the Delta Conservancy, and these agreements will be one component of the contracts executed between TNC, the farmers, and the Delta Conservancy. Based on the Board-approved process and evaluation criteria, Staff evaluated and responded to each of the following criteria:

Waiving the Recording of Landowner Access Agreements Analysis

1. Does the landowner have an incentive to retain or remove the project?

The landowners who will participate in the program are currently unknown, so individual landowner incentives to retain the project are unknown. Many landowners throughout the Delta region are interested in rice cultivation due to the current market rates, which are expected to stay high, but the cost of entry, i.e., initial conversion, may be a barrier to entry. Once land has been modified to be able to cultivate rice, farmers can rotate between rice and other row crops as desired. Once land is prepared for rice cultivation, we anticipate landowners will want to retain the option to grow rice at any time, as viable with the fluctuating market value. There may be an incentive to remove the Project for higher-valued permanent crops, like vineyards or orchards, but those are not typically planted on deeply subsided islands due to the high-water table. Therefore, the risk of removal for permanent crops is relatively small since the Project will prioritize deeply subsided islands.

2. What is the land development potential if it is sold?

The land development potential is very low given the program will only enroll deeply subsided islands in the Delta that cannot be developed due to human health and safety reasons. The Project will prioritize lands that are otherwise unsuitable for drained agriculture, such as permanent crops.

3. What is the likelihood that the project would be removed if the property were sold or developed?

The likelihood of the Project being removed is unknown. The current market value of rice is high, which incentivizes farmers to maintain the Project, unless the market value significantly decreases, which is not expected. Also, because farmers generally like to maintain options and the rice conversion is expensive, they are likely to maintain the option to farm rice. Higher priced crops include permanent trees or vineyards, but these crops are not suitable for deeply subsided islands due to high-water tables. Currently, land use in the primary zone of the Delta is limited so development is unlikely.

4. Does the project provide a net benefit to the landowner?

The Project provides a net benefit to the landowner. Rice is currently a higher priced commodity than many other crops grown in the Delta, so landowners will benefit from increased revenue. They will also benefit from having an alternative on land that is otherwise costly to keep drained due to ongoing subsidence. These deeply subsided islands continue to subside when farmed with row crops, which poses a risk to farmers. Halting subsidence by cultivating rice will maintain agricultural viability of the land, providing another benefit to the farmer. Also, because farmers generally like to maintain options and the rice conversion is expensive, maintaining the fields in rice-ready condition is a benefit to the farmer.

5. For how long has the land been under the same ownership?

No farmers are currently enrolled in the program, so this is unknown.

6. If the project is not approved for funding, what is lost?

Rice cultivation halts subsidence and reduces greenhouse gas emissions compared to other agriculture in the Delta. Not approving this program means many acres of land would continue to subside, emit greenhouse gases, and continue increasing the risk of flooding throughout the Delta. The Delta community would also have limited access to rice cultivation given the high cost of conversion.

The Project also serves as a pilot project to determine whether rice and rewetting is economically viable and how it works in practice on farm fields. Not funding would mean a loss of data that would provide guidance to other farmers wanting to adopt practices.

7. Is the landowner a public entity or is the project in collaboration with a public entity?

The Applicant anticipates that none of the landowners will be public entities. It is unknown if they are in collaboration with public entities, but that information can be collected upon enrollment.

8. Does the landowner have other government contracts that the project relates to?

It is unknown if they have other government contracts, but the Applicant can collect that information upon enrollment.

TNC and the Conservancy will be in contract with the farmers for three or five years as part of this program. As a requirement of these contracts, farmers will be asked to submit crop maps to the United States Department of Agriculture Farm Service Agency for at least 15 years beyond their contract terms. These data can be used to track crops on lands enrolled in this program to verify the public benefit of the Project long-term.

9. Has California Environmental Quality Act (CEQA) requirements/public comment occurred? What are the results?

No. Notice of Exemption will be filed if the Board adopts Resolution 2023-01.

Waiving the 15-Year Maintenance Standard Analysis

The Conservancy's General Grant Guidelines state that the Conservancy may require that the outputs of implementation projects be maintained for a minimum number of years beyond the grant term. In accordance with bond funding requirements, the threshold has been a minimum of 15 years. However, general fund appropriations do not have the same 15-year maintenance requirement.

The Rice Conversion Program results in multiple public benefits, many of which can be directly quantified such as tons of carbon that will be avoided being emitted from the soil and inches of subsidence that will not occur. Staff can quantify the number of acres of migratory bird habitat created and the number of acres of farmland protected from being lost to subsidence. These benefits will occur for at least for three or five years, during the time of the active contracts, but as described above, the benefits also will occur in the years that farmers voluntarily choose to cultivate rice, which we expect to be often and indefinite as part of crop rotations. This means that public benefits will occur beyond the length of the contracts. There are also additional community public benefits due to protection of

the region's resources. Economic vitality is supported by providing farmers access to higher valued commodities and environmental education is supported through outreach opportunities about wildlife-friendly rice cultivation and increased awareness within the community. The Rice Conversion Program is a multi-benefit project, with sustained benefits of at least 5 years, but potentially 15 years and beyond.

BACKGROUND

Chapters on September 5, 2022, the Amended Budget Act of 2022 (Assembly Bill 179, Item 3875-101-0001 of Section 111) provided the Conservancy with \$36,000,000 for projects that support NBS: WR. Of the total up to \$34,200,00 is available for projects. The goals of the NBS: WR funding are to support restoration, conservation, and climate resilience for wetlands in the Sacramento-San Joaquin Delta. The Delta region includes over 150,000 acres of highly organic peat soils that are significantly subsided to depths of 20 to 30 feet below sea level. This subsidence threatens the State and Federal water projects, Delta communities, and the region's rich agricultural production. Subsidence is the result of oxidation of the peat soils and results in over 1.5 million tons of CO₂ emissions annually. Decades of data suggest that re-wetting the peat soils by restoring wetlands or implementing wet agriculture (paludiculture) stops subsidence and the resulting carbon emissions.

SUGGESTED MOTION LANGUAGE:

Four separate motions are required.

Motion 1: Move that the Board adopt the Resolution 2023-01, which finds that the Delta Rice Conversion Program is categorically exempt from environmental review under the California Environmental Quality Act pursuant to California Code of Regulations Title 14, Chapter 3, Article 19, Section 15313, subsections (a) and (c).

Motion 2: Move that the Board approve the Applicant's request to waive the requirement for recording a Landowner Access Agreement against the deed of the property, conditional upon the Conservancy receiving and approving a landowner access agreement for the length of the contract between the Applicant and the landowner of the properties (three to five years).

Motion 3: Move to approve the Applicant's request to waive the 15-year maintenance standard of a project.

Motion 4: Move that the Board approve and award funding up to \$4,333,124 to The Nature Conservancy from the Nature Based Solutions: Wetland Restoration Grant Program for the Delta Rice Conversion Program.

CONTACT

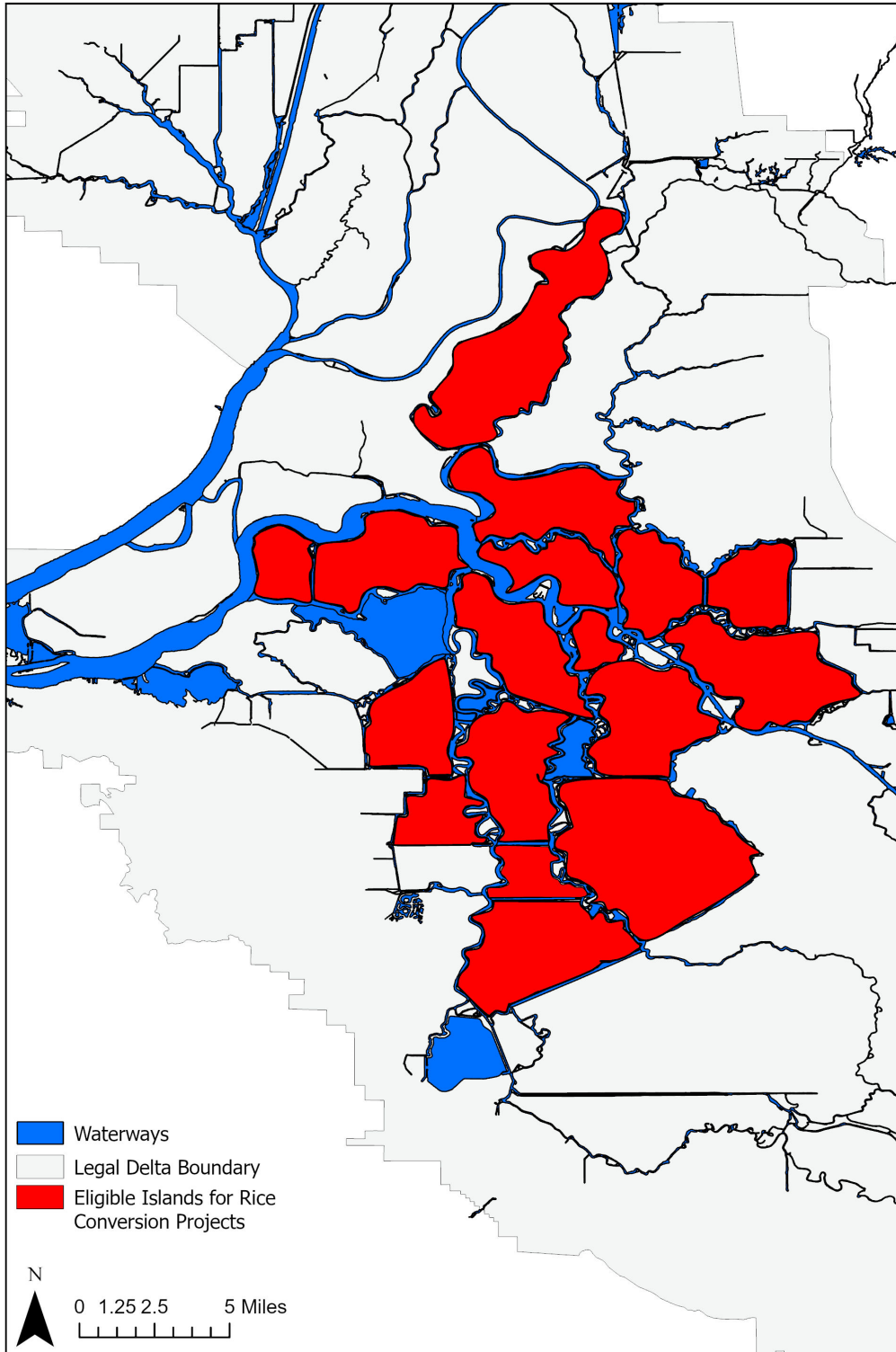
Lauren Damon, Ecosystem Restoration and Climate Adaptation Projects Supervisor

Sacramento-San Joaquin Delta Conservancy

Lauren.Damon@deltaconservancy.ca.gov

(916) 634-5308

FIGURE 1. MAP OF ELIGIBLE ISLANDS FOR THE DELTA RICE CONVERSION PROGRAM



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): Sacramento-San Joaquin Delta C
1450 Halyard Dr. Suite #6
West Sacramento, Ca 95691

(Address)

Project Title: Delta Rice Conversion Program

Project Applicant: The Nature Conservancy

Project Location - Specific:

Sacramento County, San Joaquin County, Contra Costa County, Solano County, Yolo County

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

the Delta Rice Conversion Program will support conversion of up to 7,500 acres of agriculture in the Delta to wildlife-friendly rice. Rice cultivation slows subsidence, reduces greenhouse gas emissions, and provides ecosystem benefits, particularly for migratory birds, compared to non-rice row crops.

Name of Public Agency Approving Project: Sacramento-San Joaquin Delta Conservancy

Name of Person or Agency Carrying Out Project: The Nature Conservancy

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: Section 15304
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

There will be no expansion of use, as farming activities have been established practices at the potential project locations. Conversion to rice does not result in physical changes to the environment, damage to scenic resources, historic resources or create significant environmental or cumulative impacts, due to being implemented on existing farms.

Lead Agency

Contact Person: Dr. Rachel Wigginton Area Code/Telephone/Extension: 916-634-3682

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: 10/25/2023 Title: Board Chair

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: _____



RESOLUTION NO. 2023-01

A RESOLUTION OF THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY FINDING THE DELTA RICE CONVERSION PROGRAM EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Whereas, the Delta Rice Conversion Program (Project) will support conversion of up to 7,500 acres of agriculture in the Delta to wildlife-friendly rice; rice cultivation slows subsidence, reduces greenhouse gas emissions, and provides ecosystem benefits, particularly for migratory birds, compared to non-rice row crops; and

Whereas, the California Environmental Quality Act (CEQA) categorically exempts certain projects from environmental review, including minor alterations of land (California Code of Regulations Title 14, Chapter 3, Article 19, Section 15304); and

Whereas, CEQA provides that if a project is categorically exempt, environmental review is not required, provided that there are no unusual circumstances, the project will not have the potential to cause a significant environmental effect, and certain identified exceptions to the exemption are not triggered (California Code of Regulations Title 14, Section 15300.2); and

Whereas, the Project does not have the potential to significantly affect the environment or otherwise present any unusual circumstances; and

Whereas, the Sacramento-San Joaquin Delta Conservancy is the lead agency for the Project, and its governing Board is the decision-making body for the Project; and

Whereas, consistent with Public Resources Code Section 21081.6(a)(2), the documents that constitute the record for the Project may be viewed on the Sacramento-San Joaquin Delta Conservancy's website for 30 days or inspected at its office by any person.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY AS FOLLOWS:

- a. The Board of the Sacramento-San Joaquin Delta Conservancy finds, based on the whole record before it in its independent judgment, that the Project is exempt pursuant to California Code of Regulations

Title 14, Chapter 3, Article 19, Section 15304 and that there are no exceptions, including unusual circumstances, that apply to the Project nor any evidence to suggest that the Project will have a significant effect on the environment; and

- b. The Board of the Sacramento-San Joaquin Delta Conservancy hereby authorizes and directs its staff to file a Notice of Exemption with the California State Clearinghouse; and
- c. The documents and materials that constitute the record of proceedings for this Resolution are located on the Delta Conservancy’s website (<http://deltaconservancy.ca.gov/>).

PASSED, APPROVED, AND ADOPTED BY THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY BOARD THIS OCTOBER 25, 2023.

VOTE

Ayes:

Noes:

Abstentions:

Absent:

Mitch Mashburn, Board Chair



Consideration of California Environmental Quality Act Lead Agency Exemption Declaration and Award of Nature Based Solutions: Wetland Restoration Grant Funds for Land Acquisition on Bethel Island Staff Report

This agenda item presents for Board consideration a recommendation to adopt a Board resolution in accordance with the California Environmental Quality Act (CEQA) finding the project categorically exempt from environmental review and a recommendation to award Nature Based Solutions: Wetland Restoration (NBS:WR) Grant funding to the Land Acquisition on Bethel Island.

PROJECT OVERVIEW

Applicant	John Muir Land Trust
Project Number	NBS03
Project Type	Implementation (Acquisition)
County	Contra Costa
Funding Request	\$2,202,091
Total Project Cost	\$8,292,091
Funding Recommendation	\$2,202,091

RECOMMENDATIONS

Staff recommends that the Board adopt Resolution 2023-02 declaring that this project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to California Code of Regulations Title 14, Chapter 3, Article 19 Section 15313, subsections (a) and (c) and the project will not have a significant effect on the environment.

Contingent upon the adoption of Resolution 2023-02, Conservancy staff recommends that the Board approve up to \$2,202,091 of Nature Based Solutions: Wetland Restoration Grant Funding for the Land Acquisition of Hoover Ranch on Bethel Island (NBS03) proposed by John Muir Land Trust (JMLT).

Staff prepared the text below based on staff’s best understanding of the information provided in the application and meetings with staff of JMLT. Staff followed the General Grant Guidelines, approved by the Conservancy Board in November 2022, in working with the applicant and assessing this proposal.

DESCRIPTION

The purpose of this proposed project is to acquire a 600-acre property, Hoover Ranch, on Bethel Island, for permanent environmental protection and stewardship. The property has been primarily a certified organic cattle ranch and chicken farm, with some organic corn fields. The current owner solicited JMLT about purchasing the property because it was their desire to see the property be converted primarily to wetlands and protected for environmental purposes. JMLT is currently under contract with the landowner and plans to convert the property to wetlands after acquisition is complete. To ensure the

acquisition is fully funded, the Conservancy is partnering with the Wildlife Conservation Board, and they have informally committed to cost share (see 'Cost Share' section below).

Acquisition is the first phase of an anticipated multi-phase project to restore wetlands, riparian forest, and sand dunes on the property. Once constructed, the managed wetlands will reverse subsidence and reduce carbon emissions; protect native and special status species; and enhance quality of life for Bethel Island residents, including severely disadvantaged communities on the Island and immediately adjacent to the island, by providing public access to open space.

ENVIRONMENTAL COMPLIANCE

This implementation project is considered a project under CEQA. CEQA categorically exempts certain projects from environmental review, including acquisition of lands for wildlife conservation purposes (California Code of Regulations Title 14, Chapter 3, Article 19, Section 15313, subsections (a) and (c)). The project qualifies for this exemption because the project will acquire the property at Hoover Ranch for the explicit purpose of habitat restoration and provision of wildlife habitat. The Delta Conservancy will act as the CEQA lead agency. Staff have reviewed the project and are advising the Board to determine the project exempt by adopting Resolution 2023-02, which details lead agency findings, and having the Chair sign the attached Notice of Exemption.

COST SHARE

JMLT is applying for cost share funds totaling \$6,090,000 from the Wildlife Conservation Board to fully fund this acquisition. Cost share is equal to 73 percent of the total project cost (\$8,292,090).

CONSISTENCY WITH STATE AND LOCAL PRIORITIES

The Project is consistent with, and links to, multiple actions and priorities outlined in the Conservancy's governing statute, the Conservancy's Strategic Plan, the Delta Plan, and the California Water Resilience Portfolio. Additionally, the project furthers the California Natural Resources Agency's initiatives of building climate resilience, protecting biodiversity, and expanding nature-based solutions.

LONG-TERM VIABILITY

Once acquisition is complete, the project will have permanent environmental protection and stewardship by JMLT, a land trust accredited by Land Trust Alliance. In the future, JMLT plans to restore wetlands and habitat on the parcel, which will be designed to reverse subsidence and reduce risk of flooding. JMLT intends to register the wetlands with the voluntary carbon market, which has a 40-year permanence requirement. A Notice of Unrecorded Grant Agreement will also be recorded against the deed as part of Delta Conservancy's standard policies.

LOCAL AND INSTITUTIONAL SUPPORT

The current owner of the parcel is a willing seller and solicited JMLT's interest in purchasing the property. The current owner desires that the property be restored to wetlands and have permanent environmental protections. JMLT has sent out informational postcards to the residents of Bethel Island, informing them of the intent to restore wetlands in the community. Additionally, JMLT has received a letter of support from the County Board of Supervisors for the project. Given the sensitive nature of acquisitions from private landowners, JMLT has not informed neighboring landowners and community of the active sale contract but plans to seek their support and input after close of escrow for future project phases.

SCIENTIFIC MERIT

The proposal describes the scientific basis of the project and incorporates the best available science that has been developed through 20 years of Delta-specific research on subsidence and emissions. The proposal describes efforts to develop an adaptive management approach consistent with the Delta Plan's adaptive management framework. The proposal describes climate impacts and benefits and includes a mechanism for incorporating climate change considerations into the project.

ADDITIONAL CONSIDERATIONS

No additional considerations for this project.

BACKGROUND

Chaptered on September 5, 2022, the Amended Budget Act of 2022 (Assembly Bill 179, Item 3875-101-0001 of Section 111) provided the Conservancy with \$36,000,000 for projects that support NBS:WR. Of the total, up to \$34,200,000 is available for projects. The goals of the NBS:WR funding are to support restoration, conservation, and climate resilience for wetlands in the Sacramento-San Joaquin Delta. The Delta region includes over 150,000 acres of highly organic peat soils that are significantly subsided to depths of 20 to 30 feet below sea level. This subsidence threatens the State and Federal water projects, Delta communities, and the region's rich agricultural production. Subsidence is the result of oxidation of the peat soils and results in over 1.5 million tons of CO₂ emissions annually. Decades of data suggest that re-wetting the peat soils by restoring wetlands or implementing wet agriculture (paludiculture) stops subsidence and the resulting carbon emissions.

SUGGESTED MOTION LANGUAGE

Two separate motions are required.

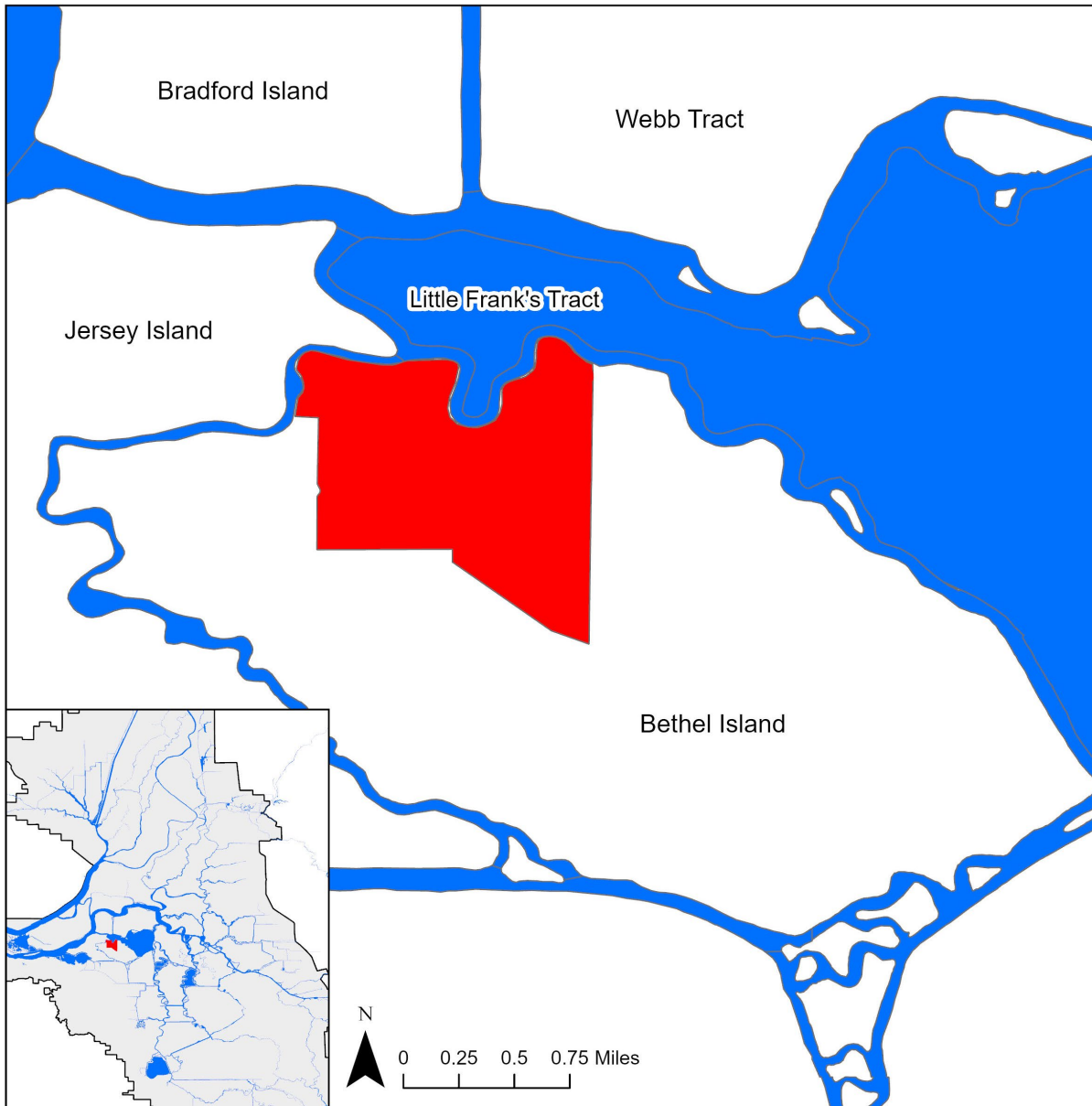
Move that the Board adopt Resolution 2023-02, which finds that the Land Acquisition of Bethel Island is categorically exempt from environmental review under the California Environmental Quality Act pursuant to California Code of Regulations Title 14, Chapter 3, Article 19, Section 15313, subsections (a) and (c).

Move that the Board approve and award funding up to \$2,202,091 to John Muir Land Trust from the Nature Based Solutions: Wetland Restoration Grant funding for the Land Acquisition on Bethel Island.

CONTACT

Lauren Damon, Ecosystem Restoration and Climate Adaptation Projects Supervisor
Sacramento-San Joaquin Delta Conservancy
Lauren.Damon@deltaconservancy.ca.gov
(916) 634-5308

FIGURE 1. MAP OF LAND ACQUISITION ON BETHEL ISLAND



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): Sacramento-San Joaquin Delta C
1450 Halyard Dr. Suite #6
West Sacramento, Ca 95691

(Address)

Project Title: Land Acquisition on Bethel Island

Project Applicant: The John Muir Land Trust

Project Location - Specific:

7025 Bethel Island Rd, Bethel Island, CA 94511

Project Location - City: Bethel Island Project Location - County: Contra Costa County

Description of Nature, Purpose and Beneficiaries of Project:

The Land Acquisition on Bethel Island project will acquire a 600-acre parcel located on Bethel Island, California for permanent protection and stewardship. Acquisition is the first phase of an anticipated multi-phase project to restore wetlands, riparian forest, and sand dunes on the property.

Name of Public Agency Approving Project: Sacramento-San Joaquin Delta Conservancy

Name of Person or Agency Carrying Out Project: The John Muir Land Trust

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: Section 15313, subsections (a) and (c)
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

This project will acquire the property at Hoover Ranch for the explicit purpose of habitat restoration and provision of wildlife habitat.

Lead Agency
Contact Person: Dr. Rachel Wigginton Area Code/Telephone/Extension: 916-634-3682

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: 10/25/2023 Title: Board Chair

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: _____



RESOLUTION NO. 2023-02

A RESOLUTION OF THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY FINDING THE LAND ACQUISITION ON BETHEL ISLAND PROJECT EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Whereas, the Land Acquisition on Bethel Island project (Project) will acquire a 600-acre parcel located on Bethel Island, California, for permanent protection and stewardship; acquisition is the first phase of an anticipated multi-phase project to restore wetlands, riparian forest, and sand dunes on the property; and

Whereas, the California Environmental Quality Act (CEQA) categorically exempts certain projects from environmental review, including acquisition of lands for wildlife conservation purposes including preservation of fish and wildlife habitat or preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition (California Code of Regulations Title 14, Chapter 3, Article 19, Section 15313, subsections (a) and (c)); and

Whereas, CEQA provides that if a project is categorically exempt, environmental review is not required, provided that there are no unusual circumstances, the project will not have the potential to cause a significant environmental effect, and certain identified exceptions to the exemption are not triggered (California Code of Regulations Title 14, Section 15300.2); and

Whereas, the Project does not have the potential to significantly affect the environment or otherwise present any unusual circumstances; and

Whereas, the Sacramento-San Joaquin Delta Conservancy is the lead agency for the Project, and its governing Board is the decision-making body for the Project; and

Whereas, consistent with Public Resources Code Section 21081.6(a)(2), the documents that constitute the record for the Project may be viewed on the Sacramento-San Joaquin Delta Conservancy's website for 30 days or inspected at its office by any person.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY AS FOLLOWS:

- a. The Board of the Sacramento-San Joaquin Delta Conservancy finds, based on the whole record before it in its independent judgment, that the Project is exempt pursuant to California Code of Regulations Title 14, Chapter 3, Article 19, Section 15313, subsections (a) and (c) and that there are no exceptions, including unusual circumstances, that apply to the Project nor any evidence to suggest that the Project will have a significant effect on the environment; and
- b. The Board of the Sacramento-San Joaquin Delta Conservancy hereby authorizes and directs its staff to file a Notice of Exemption with the California State Clearinghouse; and
- c. The documents and materials that constitute the record of proceedings for this Resolution are located on the Delta Conservancy’s website (<http://deltaconservancy.ca.gov/>).

PASSED, APPROVED, AND ADOPTED BY THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY BOARD THIS OCTOBER 25, 2023.

VOTE

Ayes:

Noes:

Abstentions:

Absent:

Mitch Mashburn, Board Chair



Consideration of California Environmental Quality Act Lead Agency Exemption Declaration and Award of Nature Based Solutions: Wetland Restoration Grant Funds for the Wetland Restoration Project on Staten Island Staff Report

This agenda item presents for Board consideration a recommendation to adopt a Board resolution in accordance with the California Environmental Quality Act (CEQA) finding the Project statutorily exempt from environmental review and a recommendation to award Nature Based Solutions: Wetland Restoration (NBS: WR) Grant Funding to the Wetland Restoration Project on Staten Island (Project).

PROJECT OVERVIEW

Applicant	The Nature Conservancy
Project Number	NBS04
Project Type	Implementation
County	San Joaquin
Funding Request	\$6,753,396
Total Project Cost	\$6,819,706
Funding Recommendation	\$6,753,396

RECOMMENDATION

Conservancy staff recommends that the Board adopt Resolution 2023-03 declaring that this Project is statutorily exempt from environmental review under the California Environmental Quality Act pursuant to Section 21080.56 and the Project will not have a significant effect on the environment.

Contingent upon the adoption of Resolution 2023-03, Conservancy staff recommends that the Board approve up to \$6,753,396 of Nature Based Solutions: Wetland Restoration Grant Funding for the Wetland Restoration Project on Staten Island (NBS04) proposed by The Nature Conservancy (TNC).

Staff prepared the text below based on staff’s best understanding of the information provided in the application and meetings with staff of TNC. Staff followed the General Grant Guidelines, approved by the Conservancy Board in November 2022, in working with the Applicant and assessing this proposal.

DESCRIPTION

TNC is seeking grant funding to complete design planning and restore 426 acres of seasonal and semi-permanent wetland on the southeastern corner of Staten Island (Island) in the central Delta. The goal of this Project is to implement wetland restoration and carbon farming to create and support vital habitat for birds and other species; reduce greenhouse gas emissions and restore carbon stocks; halt and reverse ground subsidence; provide other co-benefits like improved water quality; and serve as a demonstration project to help scale similar wetland and carbon farming projects across the Delta. This proposal is the second phase of a multi-phase project that includes ecosystem restoration and climate-benefit projects.

The first phase of the project (planning) was funded by the California Department of Fish and Wildlife's Proposition 1 Grant Program and includes 745.9 acres of wetlands and 148.2 acres of existing row crops converted to wildlife-friendly rice. The Project TNC now proposes for funding from the Delta Conservancy involves restoration of only a portion of the Island (426 acres). TNC intends to use private funding to implement remaining portions of the planned restoration; however, TNC may consider other funding sources to support the Project. The Delta Conservancy proposes to serve as lead agency for the restoration portion of the Project (745.9 acres) because the Delta Conservancy is the only agency taking discretionary action; there is uncertainty about funding sources for implementation of the remainder Project acreage; and the Project can be evaluated as a whole for environmental impacts.

TNC will use data collected from the Project to conduct analyses that will explore economic incentives and environmental benefits of the Project. To increase interest in wetland restoration, rice conversion, and wildlife-friendly crop management, TNC will then conduct outreach and engagement with farmers, land managers, non-profit organizations, and other decision-makers. Finally, TNC will identify resources, policy pathways, funding opportunities, and permitting processes to support future projects that address Delta wetland restoration and rice conversion.

ENVIRONMENTAL COMPLIANCE

This implementation Project is considered a project under CEQA. CEQA exempts certain restoration projects from environmental review pursuant to Section 21080.56 of the California Public Resources Code. The Project qualifies for this exemption because the Project will restore or provide habitat restoration and provision of wildlife habitat. This exemption requires concurrence from the Director of the California Department of Fish and Wildlife that the Project meets the requirements in the statute. Staff filed a request for concurrence on October 4, 2023 (Attachment 11.4).

The Delta Conservancy is proposing to act as the CEQA lead agency for the full 745.9-acre restoration Project. Although TNC is not yet requesting funding for the full restoration Project, the Delta Conservancy has reviewed design plans and other relevant planning documents (see Agenda Item 11.4) and is requesting CEQA findings for the entire restoration project (745.9 acres). This will facilitate future restoration of the remaining portion of the Project and ensure comprehensive review of the environmental impacts of the Project as a whole. The agricultural conversion from row crops to wildlife-friendly rice is not part of the Delta Conservancy's Project. It is not considered a project under CEQA because TNC plans to use private funds to pay for the rice conversion and it is unclear when the conversion would be implemented, which is why it was not included in the Statutory Exemption for Restoration Projects concurrence request. The Delta Conservancy has sought and received concurrence from CDFW for the full Project (<https://wildlife.ca.gov/Conservation/Cutting-Green-Tape/SERP/Concurrences>). Staff have reviewed the Project and are advising the Board to determine the Project exempt by adopting Resolution 2023-03, which details lead agency findings, and having the Chair sign the attached Notice of Exemption.

COST SHARE

TNC will contribute \$66,310 in cost share for the Project as in-kind services through indirect costs in excess of 20 percent and cash for the purchase of a methane sensor that costs about \$60,000.

CONSISTENCY WITH STATE AND LOCAL PRIORITIES

The Project is consistent with, and links to, multiple actions and priorities outlined in the Conservancy's governing statute, the Conservancy's Strategic Plan, the California Water Resilience Portfolio, the Delta Plan, and the Delta Protection Commission's Economic Sustainability Plan. Additionally, the Project furthers the California Natural Resources Agency's initiatives of building climate resilience, protecting biodiversity, and expanding nature-based solutions.

LONG-TERM VIABILITY

Staten Island is a 9,200-acre property that is owned by TNC. The Island is currently used for agriculture and is primarily farmed by TNC's associated agency, Conservation Farms and Ranches. The Island is used to grow a variety of crops sustainably and for wildlife benefits, including corn, potatoes, and most recently, rice. The southeastern corner of the Island is very deeply subsided (more than 20 feet) and is becoming too wet to farm. TNC is seeking a sustainable alternative to farming that supports ecosystems, reduces risk of flooding through subsidence reversal, and provides net climate benefits to California.

The Project is part of a broader mosaic carbon farming project at Staten Island that TNC has committed to maintain through participation with California's voluntary carbon market. However, TNC does not require the sale of any carbon credits to support this Project; credits are being sought as a demonstration and proof-of-concept. The protocol for this carbon farming Project requires maintenance for a 40-year window, which will extend long-term management significantly beyond the 15 years required by the Conservancy. Funds for management and maintenance will come from the sale of crops from Staten Island or carbon credits, if sold. Additional sources of funding may include funds raised from other sources including private donors.

LOCAL AND INSTITUTIONAL SUPPORT

The proposal demonstrates local support and includes a letter of support from the San Joaquin County Board of Supervisors, the California Farm Bureau, and the Solano County Farm Bureau. The Applicant also acquired letters of support from the Delta Counties Coalition, local landowners, and local non-profit organizations. They are also actively engaging tribal partners.

SCIENTIFIC MERIT

The proposal describes the scientific basis of the Project and incorporates the best available science that has been developed through 20 years of Delta-specific research on subsidence and emissions. The proposal describes efforts to develop an adaptive management approach consistent with the Delta Plan's adaptive management framework. The proposal describes climate impacts and benefits and includes a mechanism for incorporating climate change considerations into the Project.

ADDITIONAL CONSIDERATIONS

The Project site is owned by TNC and subject to a conservation easement held by the California Department of Water Resources (DWR) for agricultural land preservation, wildlife habitat protection, protection of floodplain area, and potential role in future flood management and water management improvements. Under the conservation easement, TNC is to refrain from engaging in any actions that would result in the conversion of any material portion of Staten Island away from agricultural use. Restoration of the Project site will convert less than five percent of Staten Island away from agricultural use, which is not a material portion. Additionally, portions of that converted area are

expected to still provide agricultural use via paludiculture and one of the purposes for the wetland restoration Project is to support and ensure the long-term agricultural viability on the remainder of the Staten Island property. The proposed wetland restoration Project is therefore consistent with the terms of the conservation easement.

The Island is also under a Williamson Act contract with San Joaquin County to limit land use to agricultural or related open space. Related land uses must be compatible with agriculture following specific criteria as outlined in the contract. The Project is compatible with the Williamson Act contract since it is planned for a portion of the Island that is most deeply subsided and is thus no longer viable for growing crops. Relative to the amount of existing agriculture on the Island (about 8,500 acres), the Project is small (less than ten percent) and supports existing agriculture on the Island by providing a freshwater source for irrigation. The Project will also not displace or impair agricultural operations on the Island, nor will it result in a removal of adjacent land from agricultural or open space use.

BACKGROUND

Chaptered on September 5, 2022, the Amended Budget Act of 2022 (Assembly Bill 179, Item 3875-101-0001 of Section 111) provided the Conservancy with \$36,000,000 for projects that support NBS: WR. Of the total up to \$34,200,000 is available for projects. The goals of the NBS: WR funding are to support restoration, conservation, and climate resilience for wetlands in the Sacramento-San Joaquin Delta. The Delta region includes over 150,000 acres of highly organic peat soils that are significantly subsided to depths of 20 to 30 feet below sea level. This subsidence threatens the State and Federal water projects, Delta communities, and the region's rich agricultural production. Subsidence is the result of oxidation of the peat soils and results in over 1.5 million tons of CO₂ emissions annually. Decades of data suggest that re-wetting the peat soils by restoring wetlands or implementing wet agriculture (paludiculture) stops subsidence and the resulting carbon emissions.

SUGGESTED MOTION LANGUAGE:

Move that the Board adopt Resolution 2023-03, which finds that the Wetland Restoration Project on Staten Island is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA).

Move that the Board award funding up to \$6,753,396 to The Nature Conservancy from the Nature Based Solutions: Wetland Restoration Grant Funding for the Wetland Restoration Project on Staten Island.

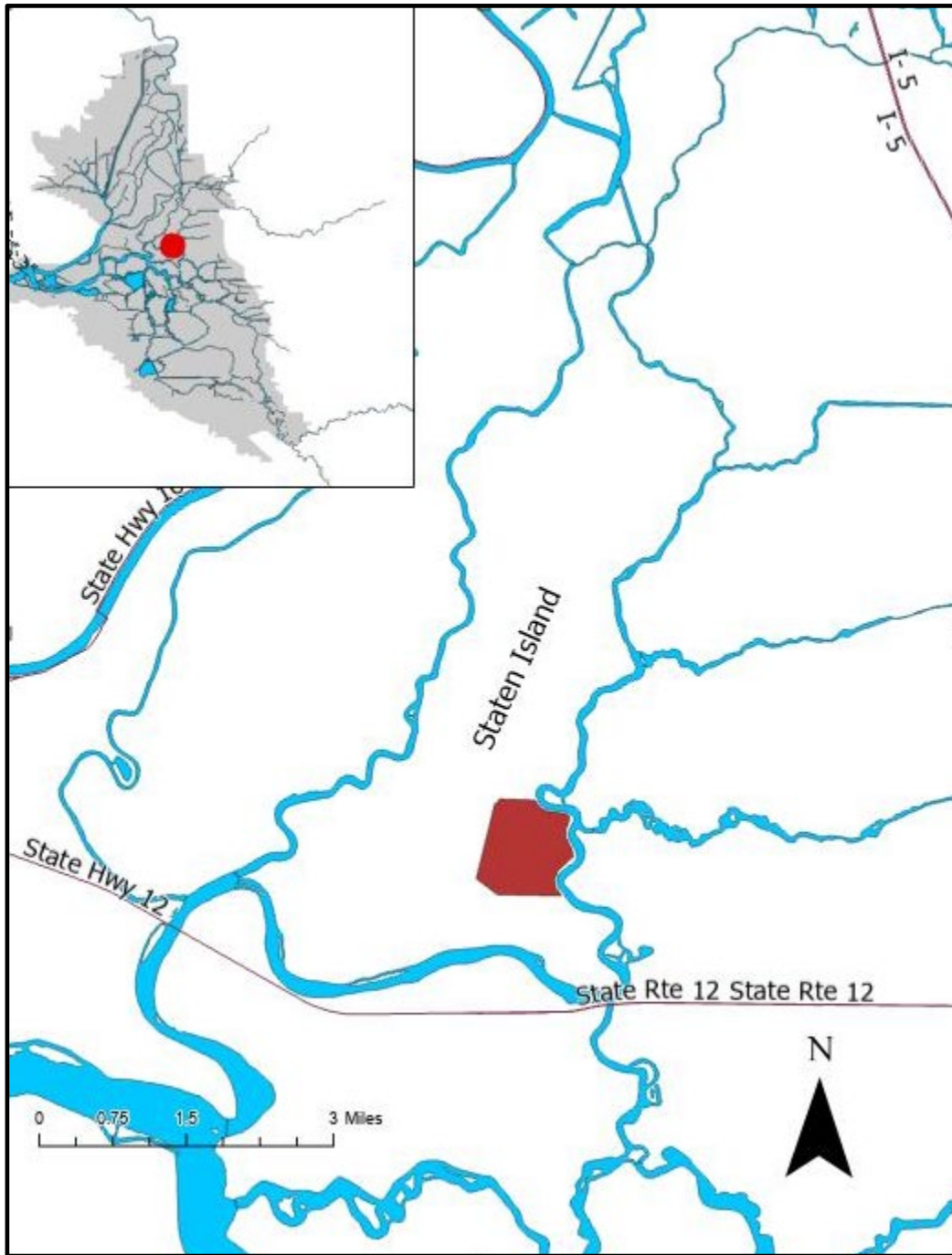
CONTACT

Lauren Damon, Ecosystem Restoration and Climate Adaptation Projects Supervisor
Sacramento-San Joaquin Delta Conservancy

Lauren.Damon@deltaconservancy.ca.gov

(916) 634-5308

FIGURE 1. MAP OF WETLAND RESTORATION PROJECT ON STATEN ISLAND



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): Sacramento-San Joaquin Delta C
1450 Halyard Dr. Suite #6
West Sacramento, Ca 95691

(Address)

Project Title: Wetland Restoration Project on Staten Island

Project Applicant: The Nature Conservancy

Project Location - Specific:

38.121782, -121.503254

Project Location - City: Eagle Tree Project Location - County: San Joaquin County

Description of Nature, Purpose and Beneficiaries of Project:

The Wetland Restoration Project on Staten Island project will restore approximately 745.9 acres of fish and wildlife habitat, including about 241.4 acres of managed seasonal wetlands and about 504.5 acres of semi-permanent wetlands.

Name of Public Agency Approving Project: Sacramento-San Joaquin Delta Conservancy

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: Section 21080.56

Reasons why project is exempt:

The Project is 1) intended to conserve, restore, protect, or enhance populations of California native fish and wildlife and the habitat on which they depend, and the Project will 2) restore and provide habitat for California native fish and wildlife. The Project 1) results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery and 2) includes procedures and ongoing management for protection of the enviro.

Lead Agency

Contact Person: Rachel Wigginton Area Code/Telephone/Extension: (916)634-3682

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: _____



RESOLUTION NO. 2023-03

A RESOLUTION OF THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY FINDING THE WETLAND RESTORATION PROJECT ON STATEN ISLAND PROJECT EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Whereas, the Wetland Restoration Project on Staten Island Project (Project) will restore approximately 745.9 acres of fish and wildlife habitat, including about 241.4 acres of managed seasonal wetlands (i.e., flooded for at least six months annually for migratory birds) and about 504.5 acres of semi-permanent wetlands (i.e., drained only as needed for management and flooded for at least ten months annually as habitat for breeding shorebirds, waterfowl, and listed species); and

Whereas, 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 California Environmental Quality Act (CEQA) statutory exemption until January 1, 2025, for fish and wildlife restoration projects that meet certain requirements (SERP); and

Whereas, the Project does not have the potential to significantly affect the environment or otherwise present any unusual circumstances; and

Whereas, the Sacramento-San Joaquin Delta Conservancy is the lead agency for the Project, and its governing Board is the decision-making body for the Project; and

Whereas, the Sacramento-San Joaquin Delta Conservancy has determined the Project is both 1) intended to conserve, restore, protect, or enhance populations of California native fish and wildlife and the habitat on which they depend, and the Project will 2) restore and provide habitat for California native fish and wildlife; and

Whereas, the Sacramento-San Joaquin Delta Conservancy has determined that the project may have some incidental benefits to public health and safety; and

Whereas, the Sacramento-San Joaquin Delta Conservancy has determined that the Project does both of the following: (1) results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) includes procedures and ongoing management for the protection of the environment; and

Whereas, the Sacramento-San Joaquin Delta Conservancy has determined that the Project does not include any construction activities, except for construction activities solely related to habitat restoration; and

Whereas, consistent with Public Resources Code Section 21081.6(a)(2), the documents that constitute the

record for the Project may be viewed on the Sacramento-San Joaquin Delta Conservancy’s website for 30 days or inspected at its office by any person.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY AS FOLLOWS:

- a. The Board of the Sacramento-San Joaquin Delta Conservancy finds, based on the whole record before it in its independent judgment, that the Project is exempt pursuant to Section 21080.56 of the California Public Resources Code, and that there are no exceptions, including unusual circumstances, that apply to the Project nor any evidence to suggest that the Project will have a significant effect on the environment; and
- b. The Board of the Sacramento-San Joaquin Delta Conservancy hereby authorizes and directs its staff to file a Notice of Exemption with the California State Clearinghouse; and
- c. The documents and materials that constitute the record of proceedings for this Resolution are located on the Delta Conservancy’s website (<http://deltaconservancy.ca.gov/>).

PASSED, APPROVED, AND ADOPTED BY THE SACRAMENTO-SAN JOAQUIN DELTA CONSERVANCY BOARD THIS OCTOBER 25, 2023.

VOTE

Ayes:

Noes:

Abstentions:

Absent:

Mitch Mashburn, Board Chair



CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP) CONCURRENCE REQUEST

Completion and submission of this form is voluntary. This form may be submitted to request concurrence from the Director of Fish and Wildlife pursuant to Public Resources Code section 21080.56.

Submit this form (pdf) and all attachments via the Department's [Environmental Permit Information Management System \(EPIMS\) Document Repository](#).

1. LEAD AGENCY

Lead Agency Name:	Sacramento-San Joaquin Delta Conservancy
Contact Person's Name:	Rachel Wigginton
Street Address:	1450 Halyard Drive, Suite 6
City, State, Zip:	West Sacramento, CA 95691
Contact Person's Telephone:	916-634-3682
Contact Person's E-mail:	contact@deltaconservancy.ca.gov

2. PROJECT PROPONENT

Check Box and Skip to Number 3 if Same as Lead Agency

Business/Agency/Organization:	The Nature Conservancy
Contact Person's Name:	Sydney Chamberlin
Street Address:	830 S Street
City, State, Zip:	Sacramento, CA 95811
Contact Person's Telephone:	801-231-3520
Contact Person's E-mail:	s.j.chamberlin@tnc.org

3. PROJECT INFORMATION

A. Project Name:	Staten Island Wetland Restoration and Carbon Farming for Habitat, Climate, and Communities
B. County or Counties:	San Joaquin County
C. Lat./Long. Coordinates:	38.138725, -121.515167
D. Estimated Project Start/End Dates:	April 26, 2024; Project to be maintained at least 15 years

E. Provide a brief description of the CEQA Lead Agency's discretionary Project approval pursuant to Public Resources Code section 21065.

The Sacramento-San Joaquin Delta Conservancy (Delta Conservancy) is a California state agency that provides grant funds to implement projects supporting ecological restoration and community or economic enhancement in the Sacramento-San Joaquin Delta (Delta). The Delta Conservancy is governed by a board, with 11 voting and two non-voting members and receives assistance from 12 Liaison Advisors. Collectively, they represent the five Delta counties, local nonprofits, special districts, and state and federal agencies. The Delta Conservancy board can take discretionary action to fund projects through a majority decision by voting members. Similarly, the Delta Conservancy board can adopt CEQA determinations and findings through a board resolution.



The Staten Island Wetland Restoration Project (Project) is approximately 745.9 acres and will include wetted landscapes that will provide fish and wildlife benefits. The wetlands include both managed seasonal and semi-permanent wetlands, which will be explored for carbon farming. The Nature Conservancy is requesting funding from the Delta Conservancy to restore approximately 426 acres of wetlands as part of the larger Project (Attachment 1). The Nature Conservancy plans to privately fund or obtain additional funding from other sources, possibly from state entities, to implement the wetland restoration on the remaining Project area, approximately 319.9 acres (Attachment 2). Staten Island is a 9200-acre island with a primarily land use of wildlife-friendly agriculture, and the Project is embedded in this land-use matrix. The southeastern area of the island, where the Project is located, is the most deeply subsided, with the most organic soils, and is currently too wet for conventional agriculture. The restored wetlands will rely primarily on recycled water from farm fields on Staten Island that grow rice and row crops, but other sources also include rainwater, non-agricultural surface water, and groundwater seepage.

At this stage, the Delta Conservancy is the only public agency taking discretionary action and will, therefore, serve as the Lead Agency for CEQA purposes. Given the uncertainty about funding for implementation of the remainder of the Project and to ensure that the entire Project is evaluated for environmental impacts, the Delta Conservancy seeks a CEQA SERP exemption for the entire Project.

F. Provide a brief description of the Project location, size, and funding sources. Please cite and attach any supporting documents.

The Project is located on Staten Island in the Sacramento-San Joaquin Delta (Delta), which is the upstream portion of the San Francisco Estuary. Staten Island is located approximately eight kilometers south of Walnut Grove in San Joaquin County and is bordered on the west and northwest by the North Mokelumne River and the South Mokelumne River to the east and south. Staten Island is subject to a California Land Conservation Contract with San Joaquin County (Attachment 3) and a Conservation Easement held by the State of California Department of Water Resources (Attachment 4).

The Project will take place on approximately 745.9 acres of highly organic peat soils, which were previously used for cultivation of corn and other row crops. On the approximate 745.9-acre Project area, there will be two different habitat types: about 241.4 acres of managed seasonal wetlands (i.e., flooded for at least six months annually for migratory birds) and about 504.5 acres of semi-permanent wetlands (i.e., drained only as needed for management and flooded for at least ten months annually as habitat for breeding shorebirds, waterfowl, and listed species) (Attachment 2).

The approximately 745.9-acre Project will be split into two phases. Planning for both phases is currently funded by a Proposition 1 Delta Water Quality and Ecosystem Restoration Program grant from the State of California Department of Fish and Wildlife (CDFW) and includes 65% design plans, permitting, and project outreach. Conservation Farms & Ranches, a California nonprofit corporation (CF&R), the grantee and a supporting organization of The Nature Conservancy, manages the farming and conservation operations on Staten Island. The CDFW Prop 1 grant will be completed by March 15, 2024. The current draft of the 65% design plans has been submitted to CDFW for review and is included as an attachment with this request (Attachment 5).

The CDFW planning grant is also funding design of a 148.2-acre conversion of row crops to wildlife friendly rice directly adjacent to the Project on Staten Island. If and when implemented, the wildlife-friendly rice will provide adjacent ecosystem benefits, particularly for over-wintering waterfowl, and will also add to the overall climate benefits of the Project.



The future agricultural conversion is not included in the Project because the final design and implementation timeline have not yet been determined. Design plans are still in draft form and are currently under review by CDFW (Attachment 5). In addition, the conversion from row crops to rice that is being evaluate for this part of the Island would propose a crop conversion, rather than a change in land use as is being proposed by the Project. This separate activity can be evaluated for environmental impacts as required by CEQA, if in the future, TNC seeks public funding for the crop conversion.

The first half of the Project, Phase 1, is the northern portion of the Project and includes the 426 acres above the haul road (Attachment 2, shown as red line), plus buffer zones and infrastructure. The Nature Conservancy is seeking Nature Based Solutions funds from the Lead Agency to construct the wetlands for Phase 1, with approximately 319.8 acres to be semi-permanent wetlands and approximately 106.2 acres to be managed seasonal wetlands.

Implementation of the second half of the Project, Phase 2, includes 319.9 acres south of the haul road and will be completed at a future time, with funding anticipated from private sources. Phase 2 will consist of 184.6 acres of semi-permanent wetlands and 135.3 acres of seasonal managed wetlands.

G. Provide a brief Project description, including any post-restoration work, operation and maintenance, or other related activities. Summarize the Project's expected environmental benefits (e.g., acres or stream-miles restored/enhanced, species benefitted, etc.). Please cite and attach any supporting documents.

The approximately 745.9-acre Project will create a mosaic of seasonal and semi-permanent managed wetlands on Staten Island in the Sacramento-San Joaquin Delta. The Sacramento-San Joaquin Delta is one of the most fertile estuaries in the world. With its rich peat soil and more than 750 species of plants and animals – some of which can be found nowhere else on Earth – the Delta is vital in maintaining California's vibrant biodiversity. The historic Delta supported almost half of California's coastal wetland habitats, but this habitat has been largely lost and modified for human uses such as agricultural production, urban development, and water transport. Specifically, 98% of the Delta's freshwater emergent marsh and most of seasonal wetland have been lost (Attachment 6).

Wetland restoration funded by the Delta Conservancy would total approximately 426 acres and target land characterized by highly organic peat soils, which were previously used for cultivation of corn and other row crops (Phase 1). An additional approximately 319.9 acres in the Project area is expected to be implemented with private funding (Phase 2). Of the restored area planned to be funded by the Delta Conservancy, approximately 319.8 acres will be managed as semi-permanent wetlands, with the remaining approximately 106.2 acres as managed seasonal wetlands. Of the Project area expected to be privately funded, there will be approximately 184.6 acres of managed semi-permanent wetlands and approximately 135.3 acres of seasonal wetlands. Wetlands will include habitat islands, deep water ponds, swales (ditches), and water control infrastructure.

Future rice production adjacent to the Project, if implemented, would be expected to provide additional habitat and forage for birds. All agricultural fields on the site, including the future rice, will provide recirculated water, which will be the primary water source for the restored wetlands. It is anticipated that the recirculated water will be used to support the restored sites on a consistent basis,



particularly during the warmer summer months when evapotranspiration is greater due to higher temperatures and lower rainfall and surface water (compared to winter months). The Project will create and enhance fish and wildlife habitat, specifically providing forage for birds, while also promoting native plants and the native delta wetland ecosystem.

The wetland restoration will involve installing a pump to recirculate water from the primary drainage canal located along the center of the island to the wetland site and installation of water delivery pipes. On-site fill will be used to create wetland berms and habitat features. On-site fill will be taken from high areas within the wetland areas and excavated from ditches and deep-water ponds. Additional water control structures will be placed to help control water levels throughout the Project site. Several roads will be constructed to support restoration and management of the site; most will be small berms that will not provide vehicle access in wet conditions, and one will be a permanent haul road. No construction will take place that is not related to habitat restoration and maintenance and operation of the wetlands. The Nature Conservancy and their subcontractors will take photos to document the wetland project on Staten Island, including photos of the site prior to restoration, wetland construction on-site, and final wetland photos. Additional photos will be used for reference in ongoing maintenance at Staten Island. Once constructed, surveyors will provide as-built plans to aid in management and maintenance. Maintenance will include drainage of wetlands for vegetation management on a rotational basis, pesticide application for invasive species, ditch cleaning, leveling, replacement of water control structures as issues arise, and needed maintenance for the haul road and seasonal berm roads.

One of the primary benefits of the Project will be creating habitat for native species, particularly birds. The Delta is a critical stopover on the Pacific Flyway, and the Delta's wetlands provide habitat that enhances foraging for migratory waterfowl, resulting in improved breeding success (Attachment 7). Delta wetlands are also important breeding habitat for locally breeding waterbirds and wetland species including rails, bitterns, ducks, blackbirds and others (Attachment 8). Specifically, Swainson's hawk (*Buteo swainsoni*, state-threatened species), song sparrow ("Modesto" population) (*Melospiza melodia*, California species of special concern), Caspian Tern (*Hydroprogne caspia*, federal-species of special concern), Greater Sandhill Crane (*Grus canadensis tabida*, state-threatened species), and Lesser Sandhill Crane (*Grus canadensis*, California Species of Special Concern) have been identified on the property (Attachment 5 and Emily Wells personal observation). The cranes already visit the existing agricultural lands at Staten, and the wetlands will provide an important complement by adding beneficial food sources such as nut sedge. Other birds that might benefit from the project include tricolored Blackbird (*Agelaius tricolor*, state-endangered species) and black rail (*Laterallus jamaicensis*, state-threatened species) if they do visit the site.

Restored aquatic habitat on the Project site may also be expected to enhance phytoplankton production and expected outcomes for fish (Attachment 9). Fish expected to benefit include steelhead – Central Valley Distinct Population - (*Oncorhynchus mykiss irideus* pop. 11, federal-endangered species), which have been identified in the channel adjacent to the site (Attachment 5). The site also has the potential to support Delta smelt (*Hypomesus transpacificus*, state-endangered species), longfin smelt (*Spirinchus thaleichthys*, state-threatened species), Giant garter snake (*Thamnophis gigas*, federal-endangered species), and western pond turtle (*Actinemys marmorata*) based on a review of the California Natural Diversity Database (CNDDDB) and the United States Fish and Wildlife Services (USFWS) Information for Planning and Consultation Database (Attachment 5, 10).

Additionally, the site will be managed to enhance cover of native wetland plants. There are 20 special-status plant species that are considered to have a high or moderate potential to occur in the Project



Area based on a review of the CNDDDB and California Native Plant Society (CNPS), including alkali milk-vetch (*Astragalus tener* var. *tener*), big tarplant (*Blepharizonia plumosa*), bristly sedge (*Carex comosa*), caper-fruited tropidocarpum (*Tropidocarpum capparideum*), Delta button-celery (*Eryngium racemosum*), Delta mudwort (*Limosella australis*), Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*), heartscale (*Atriplex cordulata* var. *cordulata*), legenere (*Legenere limosa*), marsh skullcap (*Scutellaria galericulata*), Mason's lillaeopsis (*Lillaeopsis masonii*), Northern California black walnut (*Juglans hindsii*), palmate-bracted bird's-beak (*Chloropyron palmatum*), saline clover (*Trifolium hydrophilum*), San Joaquin spearscale (*Extriplex joaquinana*), Sanford's arrowhead (*Sagittaria sanfordii*), side-flowering skullcap (*Scutellaria lateriflora*), Suisun Marsh aster (*Symphyotrichum lentum*), watershield (*Brasenia schreberi*), and woolly rose-mallow (*Hibiscus lasiocarpus* var. *occidentalis*) (Attachment 5).

The Staten Island landowner may benefit from the Project as it will be registered as a voluntary carbon project with the American Carbon Registry and credits may be sold on the voluntary carbon market. This process will serve as a demonstration for other Delta landowners seeking alternative revenue sources to conventional agriculture. Pursuing the voluntary carbon market for wetland restoration is still novel in the Delta, but it could provide a new funding source for private landowners. The Project will be registered on the voluntary carbon market, but the landowner has not determined if they will sell carbon credits on the market. The public may also benefit through managed public hunting and birding tours through local bird festivals.

Converting areas of the heavily subsidized central Delta, such as Staten Island, to wetlands halts and reverses subsidence. This is necessary to avoid the long-term consequences of being below sea level on interior islands, such as risk of flooding. Historic diking of peat soil wetlands to dry agricultural fields in the Delta has and continues to contribute disproportionately to GHG emissions in California relative to agriculture on less organic-rich soils (Attachment 12). Climate change risks of Delta lands are higher than reported for other regions with highly organic soils (Attachment 13). It has been estimated that about 2 million tons of CO₂ are released annually from oxidizing Delta soils, which represents 20% of California's annual plant-based agricultural emissions (Attachment 14). The emission of carbon from peat soils causes continued subsidence, lowering the land level behind levees and increasing the risk of flooding, resulting in a loss of shallow water habitats that are beneficial for migratory birds and an increase in deep, open water habitats (Attachment 8). Thus, the Project will not only directly provide shallow habitat for native fish and wildlife; it will also sustain the habitat long-term by reversing land subsidence and reducing the risk of flooding. The restoration at Staten Island would serve as a climate-friendly farming demonstration for other landowners while simultaneously conserving and creating nesting and non-breeding habitat for migratory birds, foraging for raptors, and habitat refuge for other wetland plants and animals.

H. CDFW recommends public outreach and coordination with interested parties. Please provide a summary of engagement with tribes, agencies, and other interested parties. Be careful not to include any sensitive or confidential information. Please cite and attach any supporting documents.



In July 2023, The Nature Conservancy (TNC) contacted the California Native American Heritage Commission (NAHC), requesting a search of the NAHC's Sacred Lands File for the Project area and a list of California Native American Tribes who may have interest in the Project. TNC also worked with the tribal liaison at the Delta Stewardship Council to discuss how and who should be contacted from each tribe. As of mid-August, TNC initiated communications with the below listed five local tribes. TNC anticipates continuing these communications during the term of the Project and beyond. Site tours with interested tribes will be scheduled for the fall/winter months.

A summary of tribes that have been communicated with to date is as follows:

1. Shingle Springs Band of Miwok Indians
2. Yocha Dehe Wintun Nation
3. Buena Vista Rancheria of Me-Wuk Indians
4. United Auburn Indian Community
5. Wilton Rancheria

In addition, following the guidelines of the Good Neighbor Checklist in the Delta Plan, TNC and CF&R reached out to neighboring property owners, farmers, ranchers, county officials, and resource agencies to ensure no major concerns were expressed about the Project's implementation goals. Per the Good Neighbor Checklist, six neighboring property owners have been contacted and informed of the Project and the SERP request to CDFW. Neighbors are considered supportive of the project, with more conversations planned.

Numerous letters of support have been secured for the project, including from California Farm Bureau, The Delta Counties Coalition, Ducks Unlimited, Metropolitan Water District, HydroFocus, Inc., the California Climate and Agriculture Network (CalCAN), Audubon, Point Blue, Pew Charitable Trust, and neighboring landowners (Attachment 15; landowner letters not included for privacy).

The Lead Agency and The Nature Conservancy met with the Delta Stewardship Council for an early consultation to discuss a Delta Plan Consistency Determination on 6/21/2023. The Delta Stewardship Council is aware the Lead Agency is seeking a SERP determination for the Project. A final consultation meeting occurred on September 27th and this project is not a Covered Action.

Under the CDFW Proposition 1 planning grant for the Project, consultation with the US Army Corps of Engineers, California State Regional Water Quality Control Board, US Fish and Wildlife Service, CDFW, National Marine Fisheries Service, and San Joaquin County is being completed and any applications for required permits for the Project will be submitted. Several meetings have also taken place with the local vector control agency and project managers will continue to communicate with vector control to allow them to follow their best management practices for mosquito abatement.



4. REQUIRED DETERMINATIONS

Provide a full description for each determination below:

A. The Project is exclusively one or both of the following: (1) a project 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 (2) a project to restore or provide habitat for California native fish and wildlife. Please cite and attach any supporting documents.

The Lead Agency determines that the project is both 1) intended to conserve, restore, protect, or enhance populations of California native fish and wildlife and the habitat on which they depend, and the Project will 2) restore and provide habitat for California native fish and wildlife. Historic loss of wetland habitat in the Delta means a loss of important breeding habitat for locally breeding waterbirds and wetland species including rails, bitterns, ducks, blackbirds and others (Attachment 8). Specifically, Swainson's hawk (*Buteo swainsoni*, state-threatened species), song sparrow ("Modesto" population) (*Melospiza melodia*, California species of special concern), Caspian Tern (*Hydroprogne caspia*, federal-species of special concern), Greater Sandhill Crane (*Grus canadensis tabida*, state-threatened species), and Lesser Sandhill Crane (*Grus canadensis*, California Species of Special Concern) have been identified on the property (Attachment 5 and Emily Wells personal observation), and it is anticipated they will benefit from the Project. The cranes already visit the existing agricultural lands at Staten, and the wetlands will provide an important complement by adding beneficial food sources such as nut sedge. Other birds that might benefit from the project include tricolored Blackbird (*Agelaius tricolor*, state-endangered species) and black rail (*Laterallus jamaicensis*, state-threatened species) if they do visit the site.

Restored aquatic habitat on the Project site may also be expected to enhance phytoplankton production and expected outcomes for fish (Attachment 9). Fish expected to benefit include steelhead – Central Valley Distinct Population - (*Oncorhynchus mykiss irideus* pop. 11, federal-endangered species), which have been identified in the channel adjacent to the site (Attachment 5). The site also has the potential to support Delta smelt (*Hypomesus transpacificus*, state-endangered species), longfin smelt (*Spirinchus thaleichthys*, state-threatened species), Giant garter snake (*Thamnophis gigas*, federal-endangered species), and western pond turtle (*Actinemys marmorata*) based on a review of the California Natural Diversity Database (CNDDDB) and the United States Fish and Wildlife Services (USFWS) Information for Planning and Consultation Database (Attachment 5, 10).

Additionally, the site will be managed to enhance cover of native wetland plants. There are 20 special-status plant species that are considered to have a high or moderate potential to occur in the Project Area based on a review of the CNDDDB and California Native Plant Society (CNPS), including alkali milk-vetch (*Astragalus tener var. tener*), big tarplant (*Blepharizonia plumosa*), bristly sedge (*Carex comosa*), caper-fruited tropidocarpum (*Tropidocarpum capparideum*), Delta button-celery (*Eryngium racemosum*), Delta mudwort (*Limosella australis*), Delta tule pea (*Lathyrus jepsonii var. jepsonii*), heartscale (*Atriplex cordulata var. cordulata*), legenere (*Legenere limosa*), marsh skullcap (*Scutellaria galericulata*), Mason's lilaeopsis (*Lilaeopsis masonii*), Northern California black walnut (*Juglans hindsii*), palmate-bracted bird's-beak (*Chloropyron palmatum*), saline clover (*Trifolium hydrophilum*), San Joaquin spearscale (*Extriplex joaquinana*), Sanford's arrowhead



(*Sagittaria sanfordii*), side-flowering skullcap (*Scutellaria lateriflora*), Suisun Marsh aster (*Symphotrichum lentum*), watershield (*Brasenia schreberi*), and woolly rose-mallow (*Hibiscus lasiocarpus var. occidentalis*) (Attachment 5).

B. An eligible project may have incidental public benefits, such as public access and recreation. Please cite and attach any supporting documents.

The Lead Agency determines that the Project may have incidental public health and safety benefits. Specifically, expected incidental public benefits include improved water quality and improved conditions for island levees. The restored wetland habitats on Staten Island, which is dominated by agricultural land use, will receive water recirculated from working farm fields. Passing this water through the wetland before returning it to the river will reduce return flows of sediment and pesticides. Sediment will have additional time to settle out of the water column and vegetated marsh will capture sediment on the Project site. Pesticides in the water will be exposed to more sun when passing through the shallow-water wetland habitat, causing additional breakdown of the chemical components. Wetland habitat restoration will also reverse ground subsidence and reduce hydrostatic pressure on the levees, which threatens the integrity of levees and this project will therefore, decrease the risk of flooding on Staten Island and surrounding islands.

The public may also benefit through managed public hunting and birding tours through local bird festivals.

C. The Project does both of the following: (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment. Please cite and attach any supporting documents.

Overview:

As the Lead Agency, The Delta Conservancy determines that the Project does both of the following: (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment.

Converting the estimated 745.9-acre parcel from corn and row crop production to wetland habitat will

increase the baseline level of habitat for native wildlife. Because habitat loss has been historically

detrimental to wildlife populations, increased habitat could help to support biodiversity and sensitive

species recovery (Swainson's hawk (*Buteo swainsoni*, state-threatened species), song sparrow

("Modesto" population) (*Melospiza melodia*, California species of special concern), Caspian Tern

(*Hydroprogne caspia*, federal-species of special concern), Greater Sandhill Crane (*Grus canadensis*



tabida, state-threatened species), Lesser Sandhill Crane (*Grus canadensis*, California Species of Special Concern), and Steelhead - Central Valley Distinct Population - (*Oncorhynchus mykiss irideus* pop. 11, federal-endangered species). The project will also assist in lowering the overall carbon footprint of the Delta by reducing existing emissions associated with land use and increasing carbon sequestration, helping to protect species by directly mitigating climate change. Wetland habitats will also provide climate resilience and adaptation benefits that support wildlife by reducing ground subsidence that threatens the integrity of levees and increases the risk of flooding that could negatively impact wildlife and ecosystems in the Delta.

Long-Term Net Benefits to Climate Resiliency:

Climate change effects are one of the greatest threats to residents of California, impacting both economic and human health outcomes, and CO₂ is the largest driver of those changes. Cultivation of the Delta's organic soils has resulted in a cycle in which oxidation of organic matter leads to the need for deepening drainage ditches for maintenance of an aerated root zone, resulting in sustained oxidation and CO₂ emissions and further subsidence, which occurs when exposure to oxygen and anerobic bacteria causes carbon rich peat soils to be converted to gaseous CO₂. A possible consequence of subsidence is the increased risk of levee failures, which threaten wildlife, Delta communities and economy, and California's primary water conveyance systems (Attachment 16).

Loss of wetland habitat is a driver of native species decline and is a major contributor to greenhouse gas production in the Delta. Since wetland ecosystems retain moisture, they halt subsidence by reducing the amount of oxygen in contact with the soil and suppress soil eroding bacteria. By converting land on Staten Island to wetland habitats, approximately 22,000 tons of CO₂ emissions annually will not be emitted from Staten Island, assuming subsidence occurs at standard rate of 22 tons per acre, per year (Attachment 17). Wetland creation and enhancement projects in the Delta should aim to reverse subsidence to lessen hydrostatic pressure on levees and to sequester carbon to lessen impacts of continued greenhouse gas emissions.

In flooded wetlands, GHG emission reductions and carbon sequestration are obtained by (1) halting or greatly reducing soil organic carbon oxidation on subsided and/or drained agricultural lands, and (2) increasing soil organic carbon storage by creating flooded wetlands (Attachment 18). This wetland restoration project, when compared to historical corn and row crop production, will reduce emissions



and sequester carbon by rebuilding peat soils and stored carbon and reducing oxidation. The Project will be registered with the American Carbon Registry (ACR) as a voluntary carbon project for the purposes of testing ACR's GHG accounting rules, tracking emissions reductions, and advancing new climate friendly farming incentives for wetland restoration and rice cultivation for farmers in the Delta. Accordingly, GHG emissions from the Project will be monitored on an ongoing basis to ensure permanence in emissions reductions as required by the ACR. If carbon credits are sold for the site, 40-year maintenance of the Project will become a requirement, further ensuring long-term net benefits of the project and providing potential funding for ongoing Project management; however, the landowner has not yet decided if they will sell the carbon credits on the market.

The Project could act as a case study for landowners to see how nature-based solutions and alternatives to drained agriculture could be economically viable by providing the opportunity to attract new sources of climate funding, such as public funding and voluntary carbon markets. This is particularly important on portions of the Delta that are increasingly becoming unsuitable for farming due to extensive subsidence and loss of peat soils.

Long-Term Net Benefits to Biodiversity:

Wetland restoration will provide a variety of benefits to humans, fish, and wildlife. One of the largest benefits, is the increase in biodiversity and abundance of waterbirds, but transitional and riparian zones also support a variety of other wildlife (Attachment 19). Historically, wetlands covered a large majority of the Central Valley, but those historic wetlands have been lost and with them biodiversity and abundance of wildlife has declined. This Project seeks to promote heterogeneity across the landscape by providing wildlife shallow water habitat populated by native plants that varies in depth by adding swales and potholes. The Project also aims to enhance upland and channel margin habitat around the wetlands to increase biodiversity. The rest of Staten Island, about 8,000 acres north and west of this 745.9-acre wetland restoration, practices wildlife-friendly agriculture, increasing the benefit of the wetlands by providing extensive transitional areas and habitat for waterbirds (Attachment 20) and other wetland native species. To the east and south of these wetlands is the Mokelumne River, which is separated from the wetlands by a levee, and a small (about 100-acre) parcel in the southeast corner adjacent to the Project area is currently being converted to riparian habitat. The wetland's proximity to upland transition, riparian, and riverine habitat further promotes biodiversity by increasing connectivity among habitat types across the landscape mosaic. Immediately upon construction, water birds are expected to use the Project site extensively, and, as the wetlands mature, the Project will provide additional habitat and productivity for wetland wildlife and other aquatic organisms (Attachment 7).

One of the primary benefits of the Project will be creating habitat for native species, particularly birds. The Delta is a critical stopover on the Pacific Flyway, and the Delta's wetlands provide habitat for migratory waterfowl that enhances foraging, resulting in improved breeding success (Attachment 8). Delta wetlands are also important breeding habitat for locally breeding waterbirds and wetland species including rails, bitterns, ducks, blackbirds and others (Attachments 9 and 21). Some species expected to benefit from the project include Swainson's hawk (*Buteo swainsoni*, state-threatened species), song sparrow ("Modesto" population) (*Melospiza melodia*, California species of special concern), Caspian Tern (*Hydroprogne caspia*, federal-species of special concern), Greater Sandhill Crane (*Grus canadensis tabida*, state-threatened species), and Lesser Sandhill Crane (*Grus canadensis*, California Species of Special Concern), all of which have been observed at the site (Attachment 5 and Emily Wells personal observation). The site also has the potential to support Steelhead - Central Valley Distinct Population - (*Oncorhynchus mykiss irideus* pop. 11, federal-



endangered species), Delta smelt (*Hypomesus transpacificus*, state-endangered species), longfin smelt (*Spirinchus thaleichthys*, state-threatened species), Giant garter snake (*Thamnophis gigas*, federal-endangered species), and western pond turtle (*Actinemys marmorata*) based on a review of the California Natural Diversity Database (CNDDDB) and the United States Fish and Wildlife Services (USFWS) Information for Planning and Consultation Database (Attachment 5, 11).

By converting land on Staten Island to wetland habitats, biodiversity will likely increase due to the increased plant species diversity, mixed aquatic/terrestrial nature of wetland habitat, and the increased availability of shade plants and protected nesting habitat for migratory bird species (Attachment 22). Special status native plants that may benefit from the restoration include bristly sedge (*Carex comosa*), Delta button-celery (*Eryngium racemosum*), Delta mudwort (*Limosella australis*), Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*), marsh skullcap (*Scutellaria galericulata*), Mason's lilaeopsis (*Lilaeopsis masonii*), palmate-bracted bird's-beak (*Chloropyron palmatum*), saline clover (*Trifolium hydrophilum*), San Joaquin spearscale (*Extriplex joaquinana*), Sanford's arrowhead (*Sagittaria sanfordii*), side-flowering skullcap (*Scutellaria lateriflora*), Suisun Marsh aster (*Symphotrichum lentum*), and woolly rose-mallow (*Hibiscus lasiocarpus* var. *occidentalis*) (Attachment 5). Bird species expected to benefit are mentioned in the above paragraph. Restored aquatic habitat on the Project site may also be expected to enhance phytoplankton production and expected outcomes for fish (Attachment 9), including those listed above, which have been identified in the channel adjacent to the site (Attachment 5 and CNDDDB).

In addition to creating habitat, this Project will ultimately provide long-term shallow wetland habitat that will benefit wetland native species. Reducing the amount of subsidence (see above) helps alleviate the risk of climate change related flooding of Delta Islands. Subsidence on the Staten Island property has reduced the elevation of the soil layer to as low as 20 feet below sea level, posing a large risk of flooding in the event of further sea level rise or extreme weather events. Since 1930, there have been approximately 100 levee breaches in the Delta, most of which have not been reclaimed, resulting in an increase of open water habitat, which does not support a wide variety of native wetland species and may support invasive species (Attachment 22).

Due to the long-term management required for the site, 15 years post construction monitoring and management required by the Lead Agency in its potential grant agreement and 40 years of project maintenance if carbon credits are sold, species diversity increases will extend beyond the immediate time frame of Project implementation, allowing further maturation of the wetland ecosystem and potentially mitigating nitrogen runoff from the surrounding agricultural plots (Attachment 23). Nitrogen runoff has long been implicated in a reduction of biodiversity by killing off fish and other aquatic life via algal blooms and the resultant dissolved oxygen depletion; wetlands have been shown to reduce excess nitrogen (Attachment 24).

Long-Term Net Benefits to Sensitive Species Recovery:

Staten Island is a crucial stopover for listed and non-listed migratory birds traversing the Pacific Flyway and provides critical habitat to locally breeding birds. Some species expected to benefit from the project include Swainson's hawk (*Buteo swainsoni*, state-threatened species), song sparrow ("Modesto" population) (*Melospiza melodia*, California species of special concern), Caspian Tern (*Hydroprogne caspia*, federal-species of special concern), Greater Sandhill Crane (*Grus canadensis tabida*, state-threatened species), and Lesser Sandhill Crane (*Grus canadensis*, California Species of Special Concern), all of which have been observed at the site (Attachment 5 and Emily Wells personal observation). Increased wetland habitat will allow breeding populations to rear brood in secure, food rich habitats that provide cover from predation and shelter from anthropogenic threats.



The creation of wetland habitat increases food web productivity by facilitating the growth of primary producers like algae and vegetation and secondary consumers like zooplankton and invertebrates, both of which are crucial to the native delta food webs that support sensitive species. Drainage from the wetlands will support the aquatic food web immediately outside of the island in the Mokelumne River due to where listed and sensitive native species have been detected such as Delta Smelt, Chinook Salmon, Central Valley Steelhead, and Splittail. Sensitive riparian species such as Giant Garter Snake, Tricolored Blackbirds, and San Joaquin Kit foxes may also benefit from managed wetlands by using the upland and transitional zones (Attachment 5).

Procedures for the Protection of the Environment:

The Project will implement construction best management practices and resource protection measures to protect the environment during Project implementation. Representative measures are summarized below; additional measures will also be implemented as required by federal, state, and local permits issued for the Project.

1. The Project will observe appropriate construction work windows to avoid impacts to special-status species with the potential to occur in work areas, such as Giant Garter Snake and nesting birds.
2. Construction activities will be limited to daylight hours only.
3. Equipment will be maintained in good working order to minimize airborne noise and the potential for equipment to leak fluids onsite.
4. Where feasible, staging, storage, and stockpile areas will be in previously disturbed upland areas at least 100 feet from bodies of water.
5. Construction traffic will observe a speed limit of 15 miles per hour (MPH) on unpaved surfaces and roads to reduce dust and soil erosion, and to avoid conflicts with wildlife.
6. A Hazardous Materials Management and Spill Response Plan will be prepared and implemented. The plan will specify that hazardous materials be stored in the staging area with an impermeable membrane between the ground and hazardous materials, and that the staging area be designed to prevent the discharge of pollutants to groundwater and surface waters. Fluids will be stored in appropriate containers with covers and properly recycled or disposed of off-site. Materials stored on site will have pans or absorbent mats placed underneath potential leak areas.
7. Project-related trash, including food-related refuse that may attract potential predators and scavengers, will be properly contained in sealed receptacles and removed from the work site daily.
8. Work areas will be dry or isolated from surface waters prior to operation of heavy equipment.
9. Erosion control measures, such as straw bales, silt fences, or fiber rolls, will be installed adjacent to drainage ditches and wetlands in work areas, as needed, to avoid the release of sediment or pollutants into surface waters.
10. Areas temporarily disturbed during construction will be decompacted and graded to pre-construction contours to facilitate voluntary revegetation.
11. To prevent accidental entrapment of wildlife during construction, all excavated, steep-walled holes or trenches will be covered with appropriate material (plywood, thick metal sheets) at the end of each work way. Alternatively, one or more escape ramps (fill dirt, wood planking) will be installed at an angle of no greater than 30 degrees to allow wildlife escape. Before holes or trenches are filled or sealed, they must be inspected for trapped animals. If pipes are



stored on site or in staging areas, they must be capped when not in use or stored above ground level to minimize species entrapment. Any animals discovered will be allowed to escape voluntarily or will be relocated by a qualified biologist.

12. CF&R has already been in contact with the local vector control district about the project, and vector control will continue to be consulted throughout construction to incorporate their best management practices for the abatement of mosquitos.

Should sensitive vegetation be identified in the immediate construction areas through the special status plant surveys, appropriate avoidance, minimization, and mitigation measures will be developed.

Archival research contact with the Native American Community and field inspection of the Project's Area of Potential Effects (APE) were conducted as part of the Project design.

Ongoing Management for the Protection of the Environment:

The Project will be monitored and maintained for at least 15 years based on the Lead Agency's general grant agreement guidelines. Additionally, the Project may be required to be maintained for 40 years based on criteria for the voluntary carbon market. If TNC decides to sell carbon credits on the voluntary carbon market (the landowner has not determined if they will sell carbon credits on the market), this revenue could be used to manage the wetlands and support the island to ensure it can be effectively maintained long-term. The funding may also be used by TNC and CF&R to continue finding innovative ways to support the Delta's ecosystem and provide economic opportunities for the local community.

Ongoing management for protection of the environment will include continued biological monitoring that has been ongoing in the Project area for several years. Baseline monitoring of overwintering waterbird use were conducted from 2018-2020 using established survey protocols and will occur post- implementation to track bird use of the site. Large water bird surveys are and will continue to be conducted bimonthly. Sandhill Crane foraging and roosting surveys will be conducted bimonthly. Habitat surveys will also occur frequently over the entire island. Fixed radius shorebird surveys are conducted during spring and fall migration. All these activities will occur before, during, and after construction. TNC has an historical database from past surveys dating back at least five years, and results have been summarized in annual reports.

Monitoring of GHG emissions, elevation, and water quality has occurred during the planning phase of the Project using well-established methods and an eddy covariance tower that is located on the Project site on Staten Island. Baseline measurements of GHG emissions on Staten Island have occurred since 2020; land surface elevation change measurements and water quality monitoring occurred on site during 2021 - 2022. During and after implementation of the Project, continued measurements of GHG emissions, land subsidence, and water quality will be obtained.

Closely tracking the Project results will allow TNC to adaptively manage the Project and provide a model for the region, ultimately providing an example of a holistic mosaic of restored lands. Post-construction, habitat will be adaptively managed to achieve intended Project benefits. If subsidence has not been reversed within the Project area once plant communities have been established, additional seasonal wetlands will be managed as semi-permanent wetlands with denser tule habitat known to build soils. If subsidence is reversed under proposed habitat matrixes, seasonal wetlands will be maintained and managed using moist soil techniques to maximize migratory waterbird benefits. Continued post-implementation monitoring of water quality will inform



management of water with respect to when and how much water is recirculated into the wetlands from the rest of the island.

D. The Project does not include any construction activities, except for construction activities solely related to habitat restoration. Please cite and attach any supporting documents.

The Delta Conservancy has determined that the Project does not include any construction activities, except for construction activities solely related to habitat restoration. The construction will include a permanent haul road (red line; Attachment 2), which will be maintained along with other wetland and field access roads/ramps. The sole purpose of this road is to support the creation and ongoing management of the restoration site. There will also be berms and access ramps installed between units (white lines; Attachment 2) to manage water on each unit individually. The Project does not require the construction of any infrastructure, other than roads for vehicle access, the installation of a water pump to recirculate water between agricultural fields and wetlands, and water lines to support water management on the restoration site.

5. CERTIFICATION

I certify that I have the authority to determine whether a project is exempt pursuant to CEQA Guidelines section 15025(a)(1), and this Project meets all the requirements described in Public Resources Code section 21080.56, and that I have submitted all the determinations required therein necessary to obtain the concurrence of the Director of Fish and Wildlife.

Karen Buhr

Date: September 29, 2023

Lead Agency Signature

Printed Name and Title: Karen Buhr, Deputy Executive Officer



Potential Agenda Items for the January 24, 2024 Board Meeting

Staff are seeking input from the Board regarding additional agenda items for the January 24, 2024 Board meeting.

Potential items include:

- Consideration of Award of Nature Based Solutions: Wetland Restoration Grant
- Consideration of Amendment to Community Enhancement Grant Program Agreements
- Consideration of Draft Solicitation Notices for the Wildfire and Forest Resilience Appropriation
- Process and Criteria for Waiving a 15-Year Maintenance Standard
- Delta Conservancy 2023 Implementation Plan Status Update and Consideration of 2024 Implementation Plan

CONTACT

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