

AUG 2023

# Staten Island Wetland Restoration and Carbon Farming for Habitat, Climate and Communities Project



**Delta  
Stewardship  
Council**

A CALIFORNIA STATE AGENCY

# Overview

- Cutting the Green Tape: overview of the Statutory CEQA Exemption for Restoration Projects (SERP)
- Description of the Staten Island Wetland Restoration and Carbon Farming for Habitat, Climate and Communities Project
- Delta Plan and Covered Action Considerations







## Cutting the Green Tape

- CEQA Statutory Exemption for Restoration Projects (SERP) (Public Resources Code section 21080.56 (a) through (d))
- Administered by California Department of Fish and Wildlife (CDFW)
- Projects must meet specific qualifying criteria for SERP
- Lead agency must determine project to be exempt from CEQA
- CDFW Director must concur with lead agency determination, based on substantial evidence and best available science





# CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS UPDATE

DELTA STEWARDSHIP COUNCIL – FEBRUARY 29, 2024

PETE MCHUGH, CDFW BAY-DELTA REGION



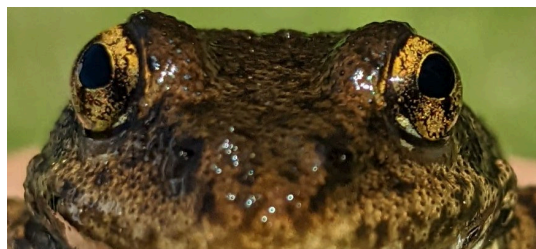




*The California Department of Fish and Wildlife's Cutting the Green Tape program is a statewide effort to increase the pace and scale of habitat restoration by creating and implementing new environmental permitting and grant funding tools.*



**Grant Funding**



**Permitting and  
CEQA**



**Project  
Coordination**

**<https://wildlife.ca.gov/Cutting-Green-Tape>**





# Restoration Permitting and CEQA Tools



## Restoration Management Permit (RMP)

The RMP is a consolidated take authorization for both state listed species and Fully Protected species.



## Restoration Consistency Determination (CD)

Restoration CDs are fast, free, and provide take coverage for animals that are both state and federally listed.



## Habitat Restoration and Enhancement Act (HREA)

HREA is a CEQA exemption, LSA Agreement, and CESA permit for small restoration projects.



## Statutory Exemption for Restoration Projects (SERP)

SERP can save substantial money and time for qualifying projects that need CEQA coverage.



# CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP)

- SERP is a CEQA exemption pathway for restoration projects of any size
- Effective late 2021 through January 1, 2025
- Lead Agency must determine if their project meets the SERP criteria, California P.R.C. § 21080.56 subdivisions (a) through (d) :
  - (a) ... to qualify for this ... exemption, a project must exclusively be one 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.
    - (2) A project to restore or provide habitat for California native fish and wildlife.
  - (b) An eligible project may have incidental public benefits, such as public access and recreation.

(cont'd)



# CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP)

*(California P.R.C. § 21080.56, cont'd)*

- (c) To qualify for this exemption, a project must do both of the following:
  - (1) Result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery.
  - (2) Include procedures and ongoing management for the protection of the environment.
- (d) This exemption does not apply to a project that includes construction activities, except for construction activities solely related to habitat restoration.
- The lead agency must obtain the CDFW Director's concurrence for the determinations made pursuant to subdivisions (a) through (d).

# SERP PROCESS AND DELTA CONSIDERATIONS

- **Lead Agency responsibilities**

- Consult with CDFW
- Meet and confer with Native American Tribes and stakeholders
- Make initial SERP determinations and submit request to CDFW
- File a Notice of Exemption with OPR within 48 hours of approving the project

- **CDFW responsibilities**

- Review the Lead Agency's initial determinations & provide the CDFW Director's written concurrence, based on substantial evidence and best available science
- Post the CDFW Director's concurrence on CDFW's website

- **Considerations for the projects in the Legal Delta**


- Delta Plan context; recommend early engagement with DSC
- Recommend enhanced outreach, following Delta Plan's Good Neighbor Checklist



# CDFW'S CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP) WEBPAGE

## CEQA Statutory Exemption for Restoration Projects (SERP)

### Statutory Exemption for Restoration Projects

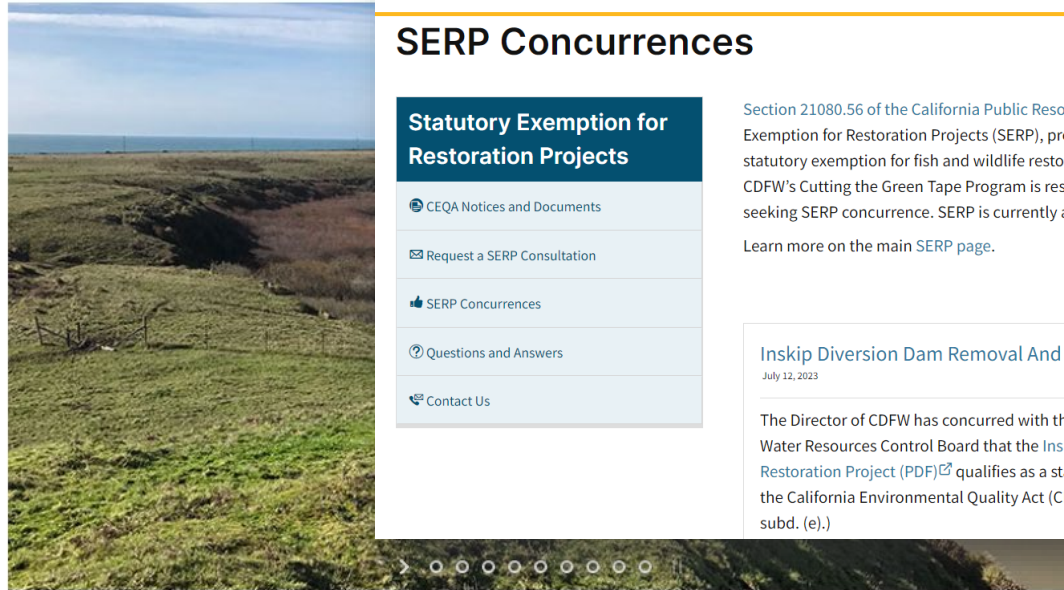
 [CEQA Notices and Documents](#)

 [Request a SERP Consultation](#)

 [SERP Concurrences](#)

 [Questions and Answers](#)

 [Contact Us](#)



Governor Newsom signed Senate Bill (SB) 155, on September 23, 2021, adding Section

# SERP ACTIVITY TO DATE



- Activity to date (2/23/24):
  - 125 consultation requests statewide
  - 48 concurrences issued (2 in the Delta)
  - Concurrences encompass >20,000 acres
  - Range of project types, complexity included
  - Savings and efficiencies due to exemption:
    - Average of ~7 months & >\$100K in project savings
    - Unquantified additional savings for agencies
    - Savings expected to be greater in Delta



# Staten Island Wetland Restoration and Carbon Farming for Habitat, Climate, and Communities

Rachel D. Wigginton, PhD  
Senior Environmental Scientist



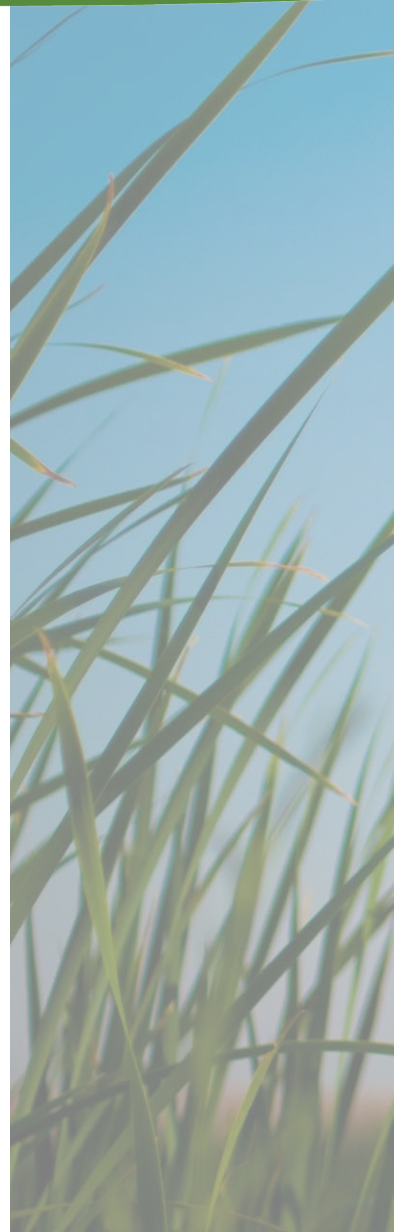
SACRAMENTO - SAN JOAQUIN

**DELTA** CONSERVANCY

*A California State Agency*

# The Delta Conservancy

- The Sacramento-San Joaquin Delta Conservancy is a state agency created as part of the 2009 Delta Reform Act.
- **Purpose:** Be a lead agency for ecosystem restoration and efforts that promote environmental protection and economic wellbeing of Delta residents.





# CEQA Lead Agency Role

- Nature Based Solutions Wetland Restoration Funding
- Primary project aim to restore wetland habitat in the Delta
- Delta Conservancy Board made lead agency findings and funding decision in October 2023



Site of wetland restoration on Staten Island, currently cultivating corn



# Staten Island Wetland Restoration and Carbon Farming for Habitat, Climate, and Communities

Delta Stewardship Council

FEBRUARY 29, 2024



# Project Team

Landowner and  
Project Lead



Preserve  
Management

**Conservation Farms & Ranches**

Design



Soil and Water  
Monitoring



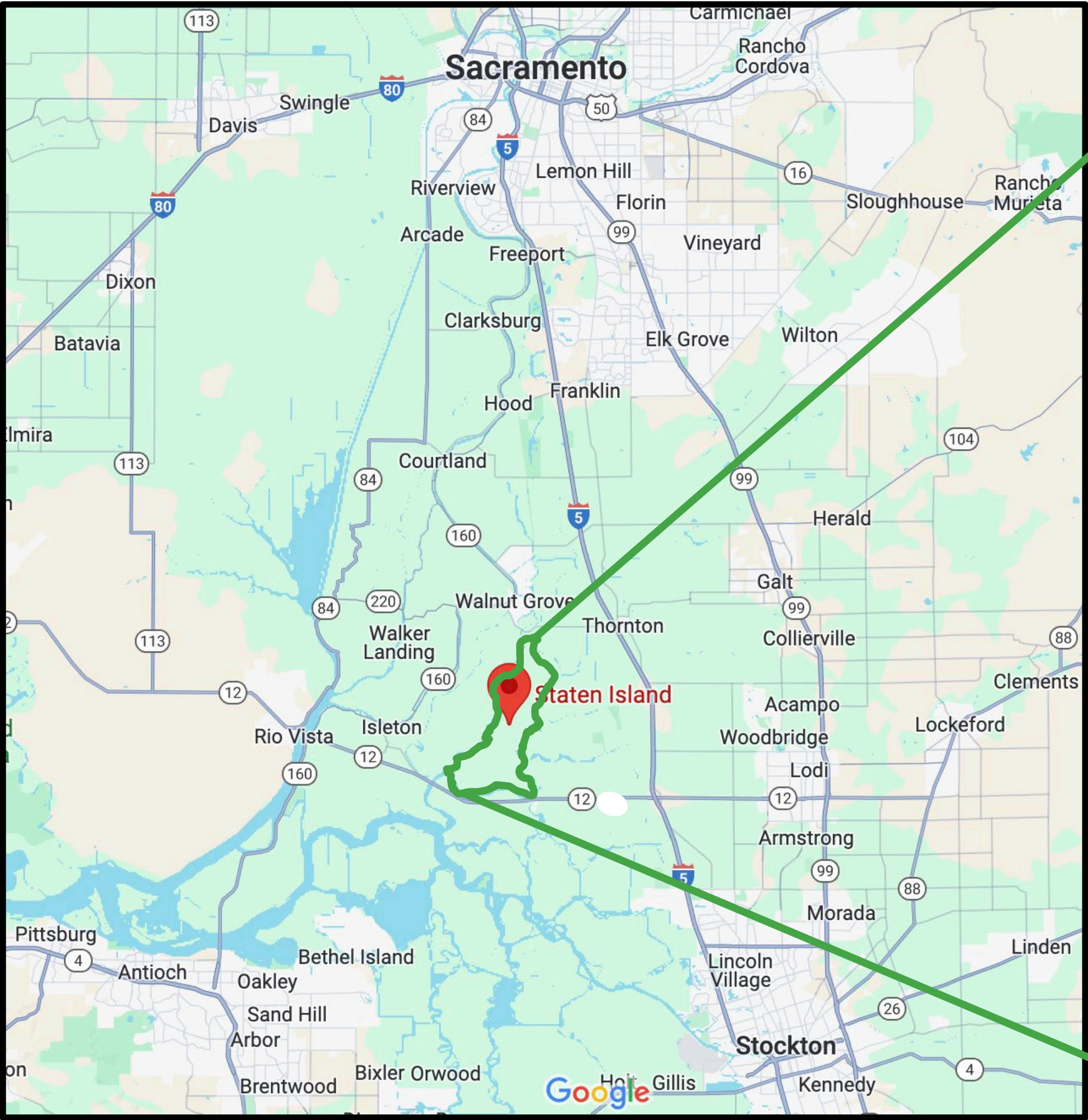
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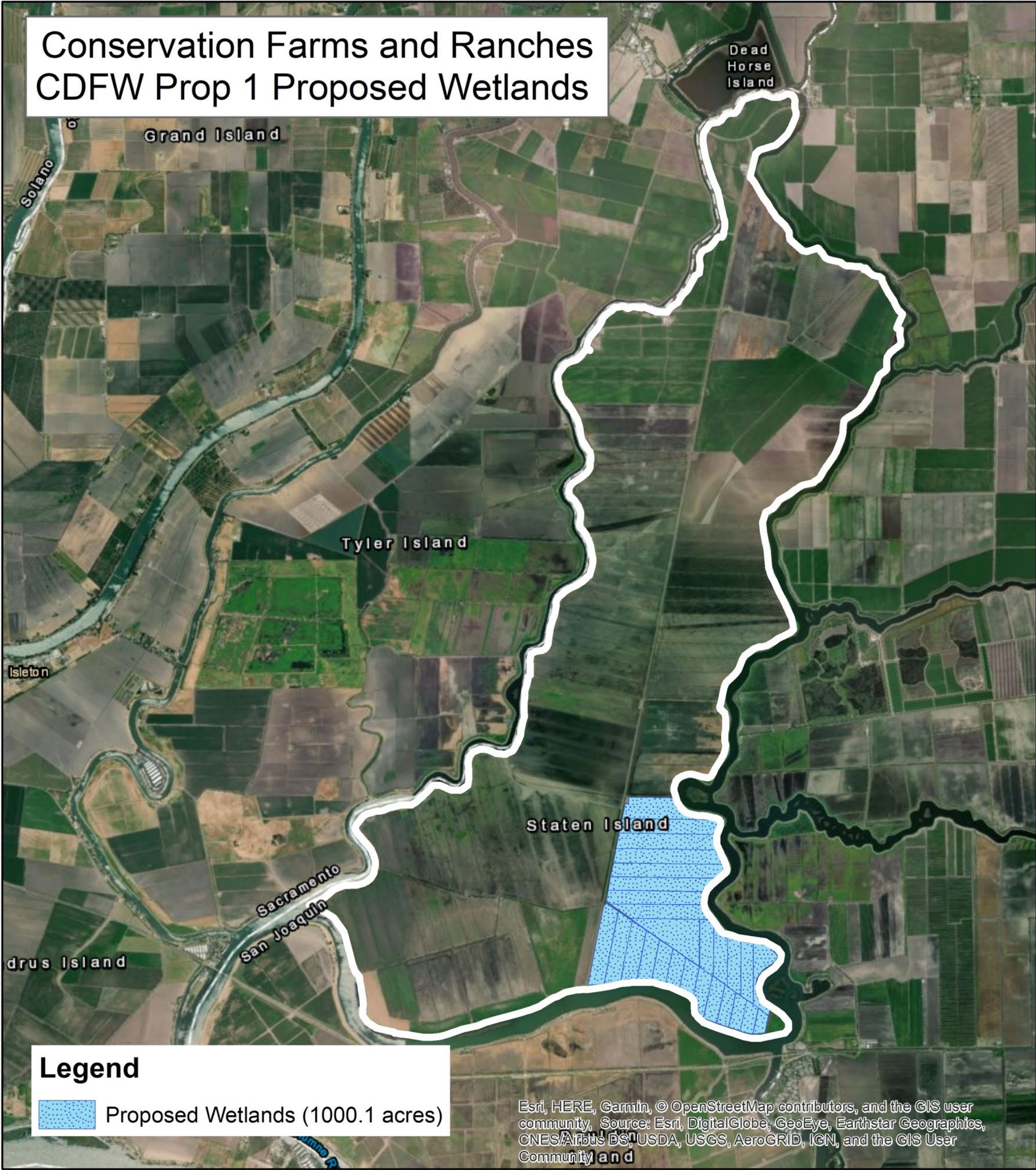


# Staten Island Preserve





# Full Project Area





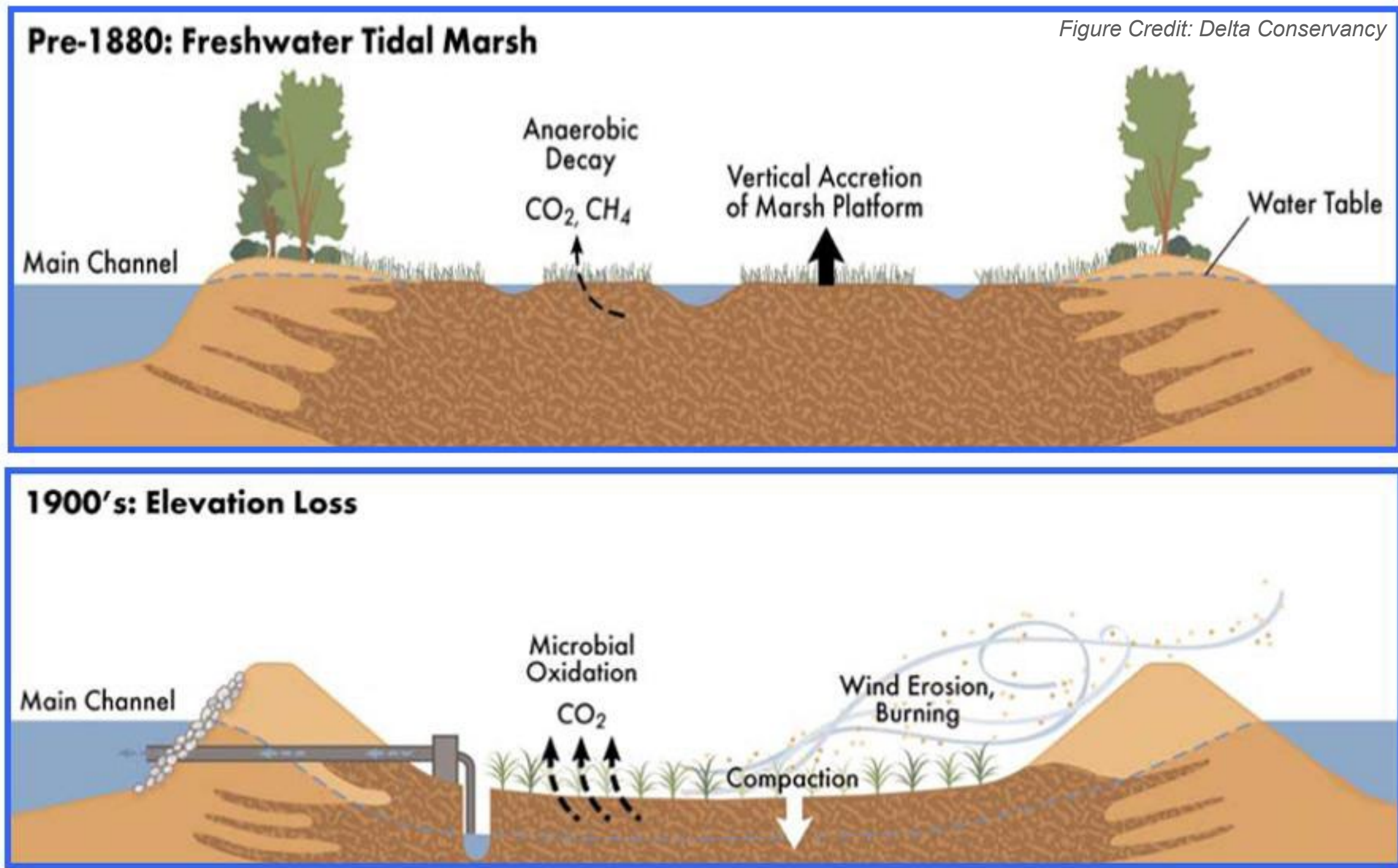
# Habitat Benefits for Native Species

Project will result in significant, substantial habitat enhancement for many species

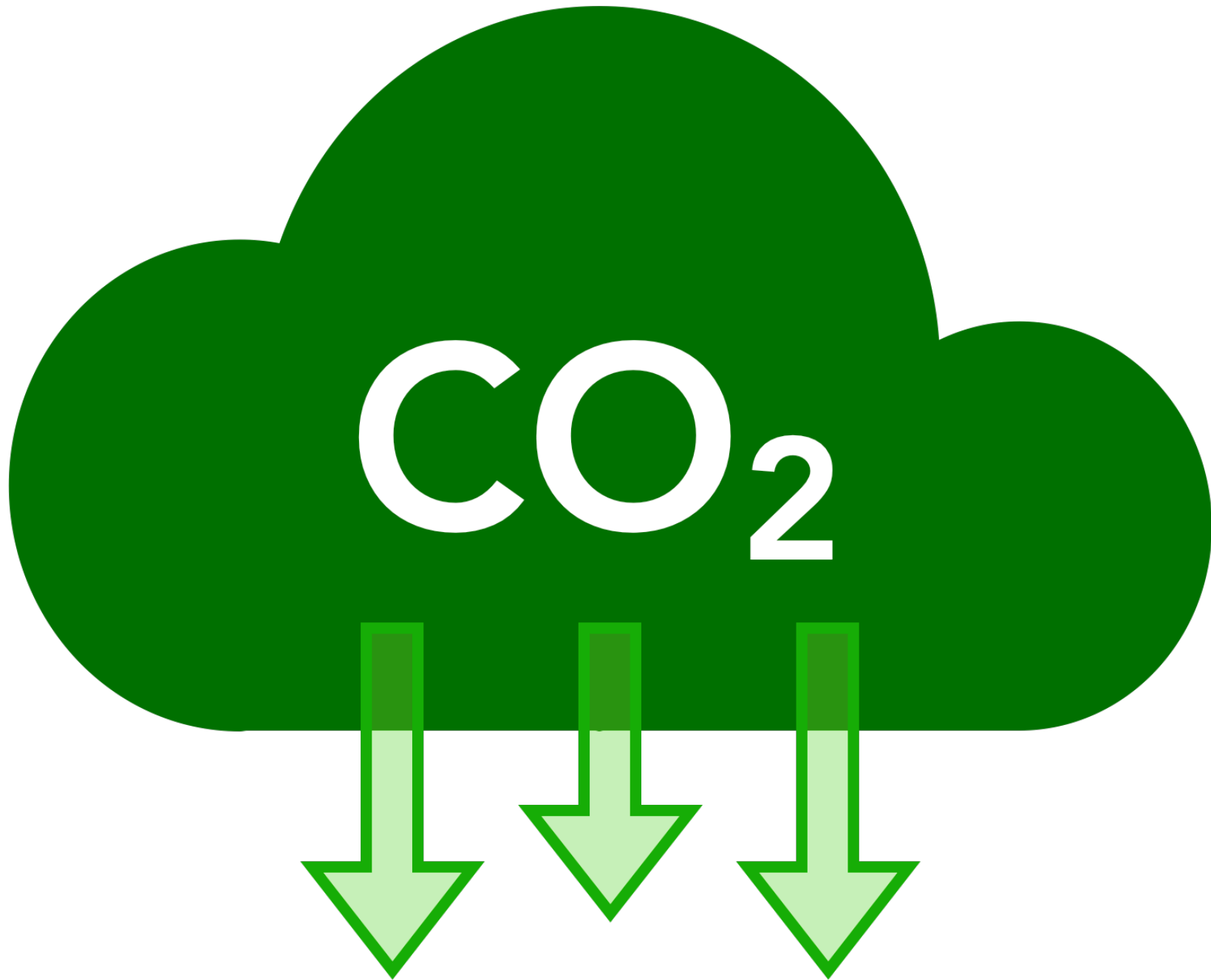




# Additional Project Benefits



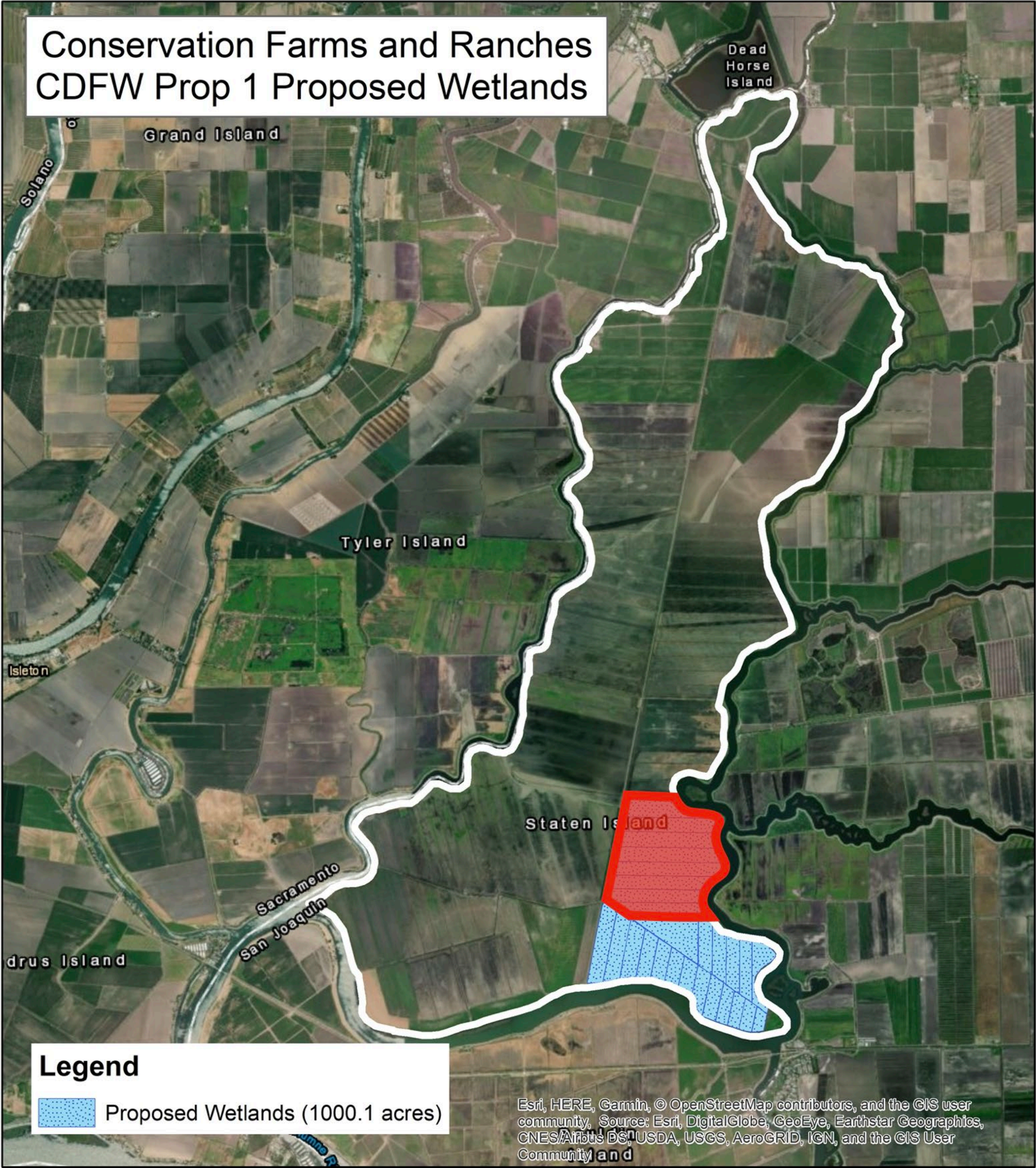
Stop/Reverse Ground Subsidence



Reduce Greenhouse Gas Emissions

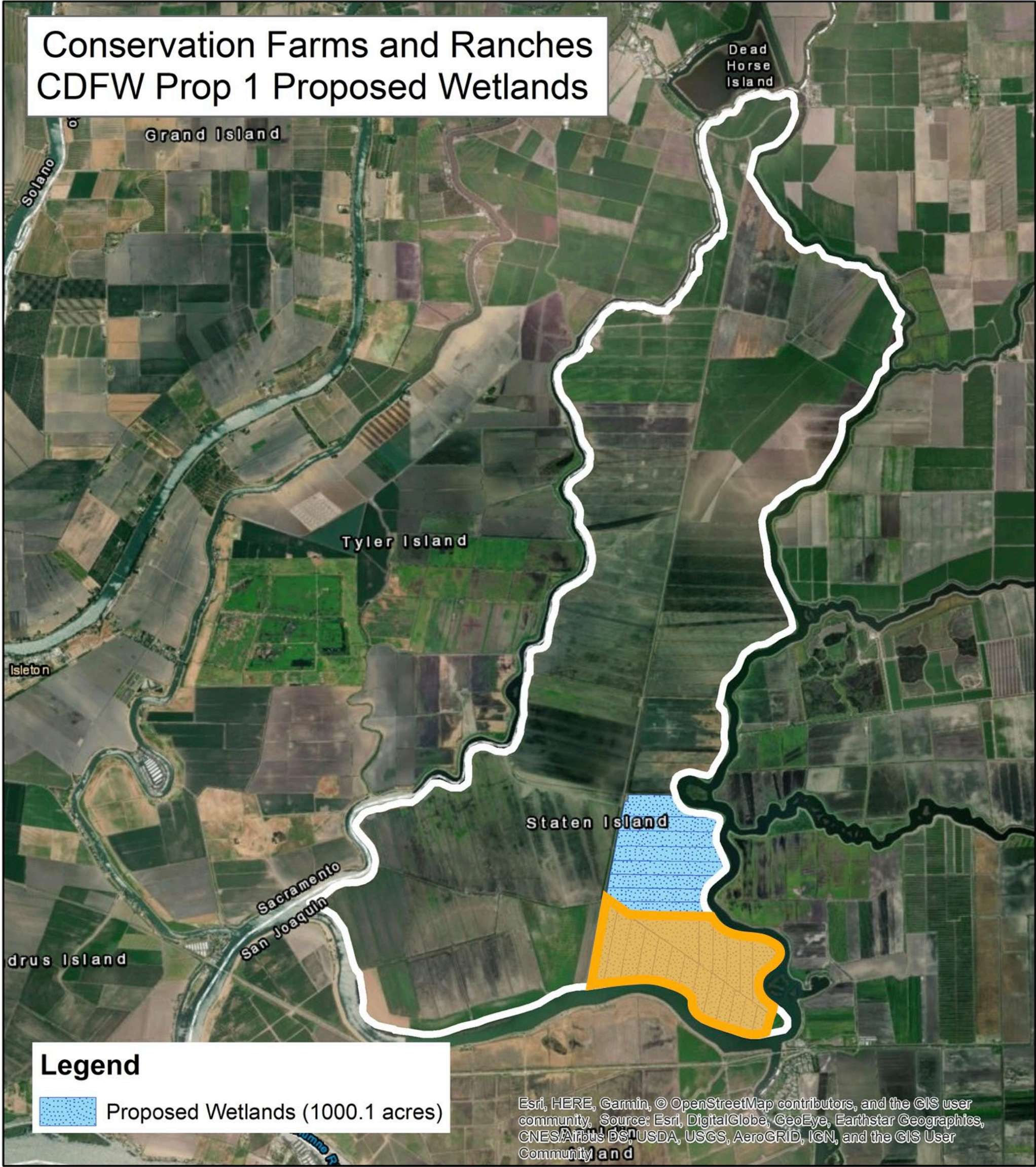


# Phase 1: Northern Parcels (Publicly Funded)





# Phase 2: Southern Parcels (Privately Funded)





# Project Outreach To Date

## Local/Community Outreach

- Neighboring property owners
- Local farmers and ranchers
- County officials
- Resource agencies

## Tribal Outreach

- Shingle Springs Band of Miwok Indians
- Yoche Dehe Wintun Nation
- Beuna Vista Rancheria of Me-Wuk Indians
- United Auburn Indian Community
- Wilton Rancheria

## Letters of Support

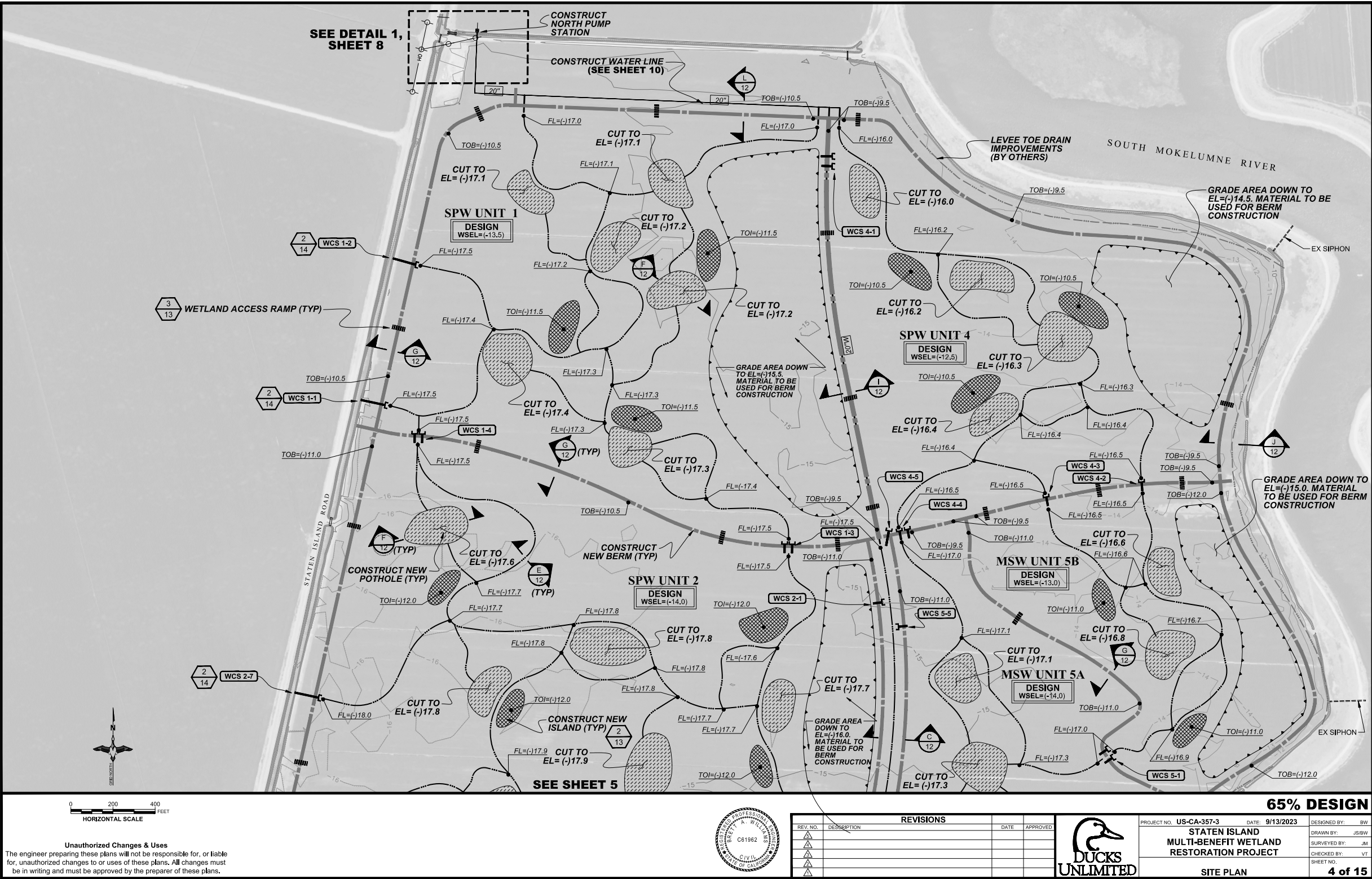
- Audubon California
- California Climate & Agriculture Network
- California Farm Bureau
- Delta Counties Coalition
- Ducks Unlimited
- HydroFocus, Inc.
- Metropolitan Water District of Southern California
- Pew Charitable Trusts
- Point Blue Conservation Science
- San Joaquin County
- Solano County Farm Bureau





# Project Timeline and Next Steps

Complete planning for both Phases	March 2024
Phase 1: Finalize design plans	Early 2025
Phase 1: Construct wetland	Mid 2025 to 2027
Phase 2: Secure funding	2024-2026





# Thank You





## Delta Plan and Covered Action Considerations

- Projects exempt from CEQA are not covered actions unless there are “unusual circumstances” (23 CCR section 5001(dd)(4))
- Staten Island Project objectives and use of “Good Neighbor Checklist” align with many Delta Plan objectives
- Council staff reviewed project and consulted with the Delta Conservancy and CDFW, and has not identified unusual circumstances
  - The many letters of support further supports this conclusion
- Council staff have discussed this understanding with CDFW and the Delta Conservancy staff
- Pursuant to the Council’s regulations, the Staten Island Project is not a covered action, and the Delta Conservancy does not intend to submit a certification of consistency for the project to the Council



# Thank you

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