

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
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**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2026-093-R4**

Project: Sweetwater Restoration Project
Location: Merced County
Lead Agency: East Merced Resource Conservation District
Lead Agency Contact: Zachary Wells, Executive Director; zach@eastmercedrcd.org

Background

Project Location: The Sweetwater Restoration Project (Project) is located along Mariposa Slough, approximately half a mile east of the San Luis National Wildlife Refuge, in the County of Merced; centered at approximately 37.197326, -120.740169; Sections 34 and 35, Township 8 South, Range 11 East; United States Geological Survey map San Luis Ranch and Turner Ranch; Assessor's Parcel Number 049-240-006-000.

Project Description: The Project site currently consists of agricultural fields, roads, irrigation ditches, and Mariposa Slough. It has historically been managed for cattle grazing and crop production. Habitat quality is poor, largely due to the presence of bare soil and non-native vegetation, the lack of canopy, and anthropogenically altered hydrology.

River Partners proposes to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, and restore or provide habitat for California native fish and wildlife by implementing the Project. The Project will transform the Project site into a 500-acre mosaic of native grassland, wetland, and riparian habitat. The Project may be split into phases as funding becomes available.

Project activities include:

- Site preparation within existing agricultural fields
 - Mow and disk, to prepare the fields for seeding distribution
 - Removal of buried drip irrigation, to eliminate unnecessary infrastructure
 - Grading of swales and depressions less than two feet below field elevation, and berms along field edges that are less than three feet above field elevation, to establish microtopography
 - Installation of buried boxes and pipes, to provide manmade burrows to support nesting western burrowing owl (*Athene cunicularia hypugaea*)
- Revegetation
 - Drill and/or broadcast seeding of native seed, to establish understory vegetation

- and control erosion
 - Installation of locally sourced cuttings, plugs, and container plants, to establish diverse, structured plant communities
- Non-native and/or invasive species treatments
 - Mowing, wicking, hand weeding, herbicide application, burning, and reapplication of native seed, to aid in the recovery of native vegetative communities
- Water infrastructure improvements
 - Installation of up to nine permanent flashboard dam water control structures into field edges or berms, to allow for post-Project adaptive establishment and management of seasonal wetlands
 - Installation of temporary flood, drip, and sprinkler irrigation systems, that will be used to provide supplemental water to revegetated areas
 - Modifications to existing irrigation pipelines, canals, and ditches, to better align with the Project goals of supporting wildlife and enhancing habitat connectivity.
- Maintenance of each Project phase for a minimum period of three years
 - Maintenance of existing weirs and pumps along Mariposa Slough, as well as all temporary flood, drip, and sprinkler irrigation systems, to ensure they are in working order
 - Application of supplemental water via temporary flood, drip, and sprinkler irrigation systems
 - Road and fence repairs, as needed, to ensure they are in working order
 - Repeated invasive species treatments, to suppress non-native and/or invasive plant populations

Tribal Engagement: River Partners initiated outreach via email on October 5, 2025, to introduce the Project to the Southern Sierra Miwuk Nation, Northern Valley Yokuts/Ohlone Tribe, and Tule River Indian Tribe. Responses were received from the Northern Valley Yokuts/Ohlone Tribe and the Southern Sierra Miwuk Nation. The Northern Valley Yokuts/Ohlone Tribe have declined to engage further on this Project. On January 6 and 15, 2026, River Partners engaged with representatives of the Southern Sierra Miwuk Nation via phone calls. A site visit with the Southern Sierra Miwuk Nation has been arranged for February 9, 2026. River Partners has continued attempts to engage with the Tule River Indian Tribe. Coordination has also occurred with the California Indian Basketweavers' Association to incorporate culturally significant plants into the Project revegetation palette. As the Project progresses, River Partners will continue to seek opportunities for tribal involvement.

Interested Party Coordination: River Partners has led multiple meetings and site visits to gather input from various interested parties including, but not limited to, the United States Fish and Wildlife Service, Audubon California, Grassland Water District, Lower San Joaquin Levee District, California Waterfowl Association, San Joaquin Valley Monarch Collaborative, and the Central Valley Joint Venture. Neighboring landowners have also been introduced to the Project. River Partners presented the Project at the California Native Grassland Association Symposium in February 2025. Interested party coordination will continue through site visits, volunteer events, presentations, and newsletters.

Anticipated Project Implementation Timeframes:

Start date: June 2026

Completion date: May 2035

Lead Agency Request for CDFW Concurrence: On January 29, 2026, the Director of the California Department of Fish and Wildlife (CDFW Director) received a concurrence request from the Lead Agency pursuant to Public Resources Code section 21080.56, subdivision (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on January 29, 2026, that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section of the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.).

Concurrence Determination

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, the CDFW Director concurs with the Lead Agency that the Project meets all of the following conditions: (A) the Project is exclusively to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (B) the Project may have public benefits incidental to the Project's fundamental purpose; (C) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (D) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: <https://wildlife.ca.gov/Notices/CEQA>.

This Concurrence is based on best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

Discussion

- A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

The Project site is within close proximity to the San Luis National Wildlife Refuge, Los Banos Wildlife Area, and North Grasslands Wildlife Area, all of which are part of the larger Grasslands Ecological Area. Currently, the Project site is dominated by agricultural lands offering limited habitat value. Upon completion of the Project, the Project site will be restored to native grassland, wetland, and riparian habitat types, with additional value as a component of a connectivity corridor, due to its proximity to conserved lands.

The Project is primarily designed to support avian species and pollinators. Specifically, the Project will establish riparian trees that will provide perching habitat for raptors, seasonal pools for shorebirds, understory and grassland cover and foraging opportunities for other birds, and floristic plants suitable for pollinator foraging year-round. Other California native fish and wildlife will experience benefits from this effort to restore habitat and assist in the recovery of California native fish and wildlife, as well.

- B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

The Lead Agency expects the conversion of the Project site from agricultural operations to restored native habitat will provide incidental public benefits in the form of improved water quality and air quality. These benefits may be realized due to the cessation and/or minimization of: pesticide, herbicide, and fertilizer application; regular tilling; and utilization of groundwater. Improved water quality and air quality may also contribute to the recovery of ecological processes that are essential to a healthy, structurally diverse ecosystem.

The Project site is not available to the public currently, nor will it be during implementation of the Project. Upon completion of the Project, River Partners intends to transfer ownership of the Project site to a state, federal, or California Native American Tribe for long-term management in alignment with Project goals. The selected long-term manager may choose to allow public access and recreation onsite.

- C. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery, and includes procedures and ongoing management for the protection of the environment.

Long-term Net Benefits to Climate Resiliency:

The 74 acres planned for riparian forest restoration are predicted to sequester approximately 1,800 tons of carbon within 10 years. The wetlands and grassland established by the Project will further contribute to the Project site's total carbon sequestration potential. Additionally, the conversion of the Project site from agricultural operation to native vegetation is expected to reduce ground and surface water

utilization by up to 1,400 acre-feet per year, passively supporting streamflow enhancement.

The Project revegetation palette includes over 40 native grasses, forbs, and woody species, intended to directly establish diverse vegetation communities onsite, which will support a diverse array of insect, bird, mammal, reptile, and amphibian species. The revegetation palette is also intended to establish forested canopy that will provide refuge from increasingly hotter, drier weather associated with climate change.

The proximity of the Project site to conserved habitats means the Project will provide valuable connectivity, allowing wildlife to migrate across a wider landscape to occupy suitable habitats. Specifically, the Project site occurs within a terrestrial connectivity corridor determined to be irreplaceable and essential by CDFW.

Long-term Net Benefits to Biodiversity:

Upon the completion of the Project, California ground squirrel (*Otospermophilus beecheyi*) is expected to recolonize the Project site. California ground squirrel is considered a keystone species because their burrows aerate soil and provide habitat for other species, such as the western burrowing owl. They also serve as a common food source for raptors and other predators.

The Project revegetation palette includes seed sourced from the San Luis National Wildlife Refuge and throughout the San Joaquin Valley, to ensure that local ecotypes and regionally appropriate species are incorporated into the Project. The treatment of non-native and/or invasive species onsite, and subsequent planting of native vegetation will support the long-term suppression of non-native and/or invasive species onsite. This, in turn, will increase the abundance and diversity of native vegetation and the wildlife they support.

The Project will establish a variety of native habitat types, including grassland, riparian, and wetland. This will provide complex microhabitats conducive to cover, foraging, nesting, basking, and other behaviors, and will promote increased invertebrate production, which will bolster the food web.

Long-term Net Benefits to Sensitive Species Recovery:

The restoration of native habitat at the Project site will result in long-term net benefits to the recovery of sensitive species. Resident and migratory birds are expected to utilize restored vegetation communities for breeding, foraging, and overwintering. The Project will provide successional riparian forest favorable to least Bell's vireo (*Vireo bellii pusillus*), a species that is listed as endangered under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA). Restored marsh and grassland will be suitable for tricolored blackbird (*Agelaius tricolor*), a species listed as threatened under CESA, and lesser sandhill crane (*Antigone canadensis canadensis*), a CDFW Species of Special Concern. The Project revegetation palette includes a diverse assemblage of floristic species that will provide

year-round resources for foraging Crotch's bumble bee (*Bombus crotchii*), a species that is a candidate for listing as endangered under CESA, and western monarch butterfly (*Danaus plexippus plexippus*), a species that is proposed threatened under ESA. The cessation of tilling, creation of microtopography, and installation of manmade dens is intended to support western burrowing owl, a species that is a candidate for listing under CESA.

Procedures for the Protection of the Environment:

During Project implementation of each Project phase, River Partners will follow best management practices (BMPs) to protect the environment. BMPs include, but are not limited to:

- Worker environmental awareness training for Project staff.
- Avoid ground-disturbing work during rain events of ¼-inch or more or within 24 hours of such events.
- Pre-implementation surveys will be conducted to identify if special status species and nesting birds occur onsite. If special status species are detected, measures will be implemented to avoid and minimize potential impacts.
- Mowers will be set to a minimum height of four inches to prevent soil disturbance.
- Vehicles and equipment will be maintained to prevent leaks of fuel, oil, or other deleterious and environmentally harmful materials. Refueling and maintenance will occur away from aquatic resources to minimize the risk of contamination.
- Herbicide will be applied in a manner consistent with product labels, and local, state, and federal regulations.

River Partners will secure permits, approvals, or authorizations from local, state, and federal agencies as necessary to complete the Project.

Ongoing Management for the Protection of the Environment:

A minimum three-year monitoring and maintenance period will be implemented for each phase of the Project. Monitoring will include assessments of woody plant survivorship, herbaceous cover, and wildlife utilization. Wildlife utilization may be measured by avian point counts, pollinator transects, wildlife game cameras, and other means. Soil samples and eDNA samples may also be collected and analyzed. Revegetation success criteria are anticipated to be dictated by acquired permits and approvals. Additional success criteria will be outlined in the Restoration Plan, which will be finalized before implementation.

The selected state, federal, or California Native American Tribe long-term land manager will be responsible for ongoing management of the site after ownership is transferred. This ongoing management is not included within the scope of the Project. However, the selected land manager will be responsible for managing the site in a manner consistent with the continued preservation of habitat for the benefit of native fish and wildlife.

- D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration.

The Project will utilize equipment and vehicles typically associated with agriculture and construction, though their utilization is solely related to habitat restoration. Swales, mounds, and other depressions will be created by grading, to establish diverse microhabitats. Disking, mowing, and burning will be conducted to prepare the site for the planting of native vegetation and to treat non-native and/or invasive vegetation. Installed infrastructure (irrigation pipes and flashboard dam water control structures) are incorporated into the Project to facilitate supplemental watering of plantings and to create wetlands valuable to waterfowl and other wildlife.

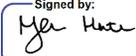
Scope and Reservation of Concurrence

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or approve the Project, shall submit a new lead agency determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

Other Legal Obligations

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

CDFW Director's Certification

Signed by:
By:  _____
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Date: 3/16/2026

Meghan Hertel, Director
California Department of Fish and Wildlife