CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
POST OFFICE BOX 944209
SACRAMENTO, CA 94244-2090

CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR RESTORATION PROJECTS
CONCURRENCE NO. 21080.56-2026-091-R2

Project:	Patrick Shea Conservation Bank
Location:	Sacramento County
Lead Agency:	Central Valley Flood Protection Board
Lead Agency Contact:	Jordan Robbins; Jordan.Robbins@cvflood.ca.gov

Background

Project Location: The Patrick Shea Conservation Bank (Project) is located at 7775 Sloughhouse Road, in Sacramento County, approximately two miles south of the unincorporated community of Sloughhouse. The Project covers a 142.63-acre portion of a 167.16-acre parcel, and the Project area is situated on a floodplain terrace that is currently planted with wine grapes. The approximate coordinates of the Project are 38.470679, -121.213355.

Project Description: Gilsizer Slough, LLC (Wildlands), proposes to conserve, restore, protect, or enhance, 142.63 acres of stream and riparian habitat to support and assist in the recovery of native fish and wildlife species through implementation of the Project. The Project is designed to provide an opportunity to restore riparian habitat and enhance connectivity between the existing Deer Creek and Cosumnes River riparian corridors. The Project will be established as a private conservation bank to provide compensatory mitigation for regional projects with unavoidable impacts to covered species, their habitats, and covered sensitive habitats. Funds generated from bank credits will support land acquisition, restoration activities, and establishment of a conservation easement. Wildlands also proposes to enhance an approximately two-acre reservoir by removing nonnative turtles and creating suitable habitat for northwestern pond turtle (*Actinemys marmorata*). This two-acre portion of the Project will not be subject to mitigation credit sales and will be beneficially managed in perpetuity along with the rest of the Project. The Central Valley Flood Protection Board (Lead Agency) is considering the issuance of a permit for the Project.

The Project is designed to benefit valley elderberry longhorn beetle (VELB; *Desmocerus californicus dimorphus*, which is listed as threatened under the federal Endangered Species Act [ESA]), and will provide habitat and a movement corridor for native species, including northwestern pond turtle, bobcat (*Lynx rufus*), California ground squirrel (*Otospermophilus beecheyi*), black-tailed deer (*Odocoileus hemionus columbianus)*, pallid bat (*Antrozous pallidus*), California quail (*Callipepla californica*), California thrasher (*Taxostoma redivivum*),

Cooper's hawk (*Astur cooperii*), lark sparrow (*Chondestes grammacus*), Swainson's hawk (*Buteo swainsoni*), and wood duck (*Aix sponsa*).

The Project includes removing existing grape vines, planting over 30,000 native trees and shrubs, invasive species removal, monitoring, and long-term adaptive management. Project activities will include 6.17 acres of riparian and stream preservation, 127.72 acres of habitat restoration, and will also include 8.74 uncredited acres, totaling 142.63 acres of protected or restored land. Following restoration, the Project will monitor and assess the extent of native vegetation survival and spread of invasive species. Based on monitoring assessments, adaptive management measures will be implemented as needed. A non-wasting endowment will fund long-term monitoring and management of the Project in perpetuity.

Tribal Engagement: The Lead Agency sent consultation invitation letters to 12 tribes that are traditionally and culturally affiliated with the Project area. Two of these tribes requested to consult on the proposed Project. The Lead Agency has held multiple consultation meetings with both tribes. As a result of these consultations, the Project was modified to include additional measures to address items of potential concern. This will include the opportunity for tribal surveying of the property, and additional avoidance and minimization measures. The Lead Agency's Tribal Liaison will continue to facilitate communication, consultation, and collaboration to understand, consider, and incorporate tribal perspectives for the Project. Wildlands will support this effort with timely dissemination of appropriate Project-related information as materials are requested, participate in engagement efforts as subject matter experts with the permission of each tribe, and incorporate tribal requests in the Project, where feasible.

Interested Party Coordination: The Project's conservation bank is being overseen and approved by both the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (FWS). Wildlands is collaborating with California Waterfowl Association (CWA) on the development of the conservation easement and long-term stewardship for the Project. Wildlands is also in discussions with the Sacramento Valley Conservancy regarding collaboration with the Sacramento County Department of Water Resources and the Omochumne-Hartnell Water District.

Anticipated Project Implementation Timeframes: Start date: March 1, 2026
Completion date: February 28, 2036

Although the anticipated project completion date is February 2036, the restoration goals and habitat conditions will be perpetually monitored and maintained, as prescribed by management plans developed for the Project.

Lead Agency Request for CDFW Concurrence: On January 16, 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 16, 2026 that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to

approve the Project relying on this section of the California Environmental Quality Act (CEQA). (Pub. Resources Code, § 21000 et seq.).

Concurrence Determination

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

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

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

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

Discussion

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

   The Project will preserve approximately 6.17 acres of riparian and stream habitat and restore up to 127.72 acres of riparian habitat, adjacent to Deer Creek and the Cosumnes River, to benefit native wildlife species including, but not limited to, VELB. VELB relies on the elderberry (*Sambucus sp.*) for all stages of life, and the primary cause of VELB decline is loss and degradation of riparian habitat. The Project will protect existing riparian habitat containing elderberry plants and restore additional riparian habitat with elderberries and other associated native plants to directly increase and restore VELB habitat.

In addition to creating habitat for VELB, the resulting expanded and protected riparian habitat will provide refuge for many native wildlife species, including perches and nest sites for raptors such as Swainson's hawk, which is listed as threatened under the California Endangered Species Act (CESA). The Project will also provide habitat connectivity and a wildlife movement corridor between Deer Creek and the Cosumnes River.

Although it is anticipated that the Project will eventually provide mitigation opportunities for various projects purchasing credits from the bank, the Project is not currently connected to any other projects that have regulatory mitigation obligations. Moreover, while Wildlands is expected to benefit from the sale of credits, this does not detract from the underlying purpose of the Project and its project activities, which is to conserve habitat for native California wildlife and to contribute to the recovery of protected species.

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.

   Although Wildlands will not allow general public access to or regular public use of the Project area, Wildlands will allow limited public use for cultural, educational, or passive recreational purposes. All such uses of the Project area will be subject to restrictions stated in the CDFW- and FWS-approved management plan and conservation easement for the Project.

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.

   While it is anticipated that this Project will eventually provide mitigation opportunities for various projects purchasing credits from the conservation bank, the CDFW Director concurs with the Lead Agency there are features of the bank that, considered collectively, ensure the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery above and beyond the mitigation value of the bank. The 142.63 acres that the Project will protect in perpetuity will provide consolidated mitigation that provides for large-scale, cohesively managed, and high-functioning habitat. The Project will preserve an existing riparian habitat linkage between the adjacent parcel to the northeast and the adjacent parcel to the southwest, and the Project will support wildlife movement between Deer Creek and the Cosumnes River.

   Additionally, 8.23 acres of the property will not be associated with any bank credits. This portion of the property includes a two-acre reservoir, access roads, and irrigation infrastructure. The two-acre reservoir area is currently an isolated feature that is not readily available to wildlife due to surrounding agricultural activity. The reservoir will become part of the restored habitat corridor between Deer Creek and the Cosumnes

River, adding value to the habitat for wildlife using the corridor. Nonnative red-eared slider (*Trachemys scripta elegans*) has been identified using the reservoir. Prior to bank establishment, an invasive species assessment and control effort will be conducted in the reservoir area to remove red-eared sliders from the reservoir and address invasive plant species on the associated upland reservoir habitat, as needed.

Removal of invasive species and other enhancements at the reservoir will increase habitat quality, providing suitable habitat for use by northwestern pond turtles and other native species. The restored habitat near the reservoir will also improve connectivity and usability and the reservoir will provide an important water source within the wildlife corridor. It is expected that local wildlife using the bank will also use the reservoir as a permanent source of water between the two waterways, which is especially important in the summer months when Deer Creek is dry. Chemical use around the reservoir will be limited.

Wildlands will maintain the reservoir and associated habitat, all protected in perpetuity by the conservation easement. Under the conservation easement, the topography and habitats of the property cannot be altered in a manner that would be incompatible with beneficial habitat management.

Long-term Net Benefits to Climate Resiliency: The Project will restore the historic floodplain with diverse native riparian vegetation, including planting of over 30,000 trees and shrubs. This diverse vegetation will contribute to climate resiliency by promoting water infiltration and will provide a thermal refuge for wildlife. Restored riparian habitat will better withstand extreme weather events, such as droughts and floods. Native, deep-rooted vegetation will help stabilize soil, preventing erosion during heavy rainfall and increasing surface water infiltration on site. Improved habitat connectivity and refugia will promote climate resiliency among species, habitats, and ecosystems within Sacramento Valley landscapes.

The removal and replacement of vineyards within the Project area will also provide long-term net benefits to climate resiliency. Vineyard irrigation will be discontinued in the Project area, which will eventually eliminate the need to use approximately 255 acre-feet of groundwater for irrigation each year. This will allow for improved recharge and a more natural water table in the Sacramento Valley groundwater basin, a basin designated as High Priority under the Sustainable Groundwater Management Act. Additionally, the replacement of vineyards with native vegetation will result in a net reduction in greenhouse gases, as native riparian habitat sequesters carbon at a rate of 7 to 11 times greater than that of vineyards.

Long-term Net Benefits to Biodiversity: Riparian corridors are commonly used as movement corridors by many species of fish and wildlife. The Project vicinity includes many similarly conserved properties, including state, county, city, and nonprofit projects. The conservation value of the Project is enhanced by its connectivity to other high-quality habitats and similarly protected sites. This connectivity is an essential component of maintaining biodiversity in the region due to the fractured nature of habitat within nearby agricultural and residential areas. This Project also adds to the

conservation of an important flood terrace and will be just one of two riparian linkages between Deer Creek and the Cosumnes River locally.

The Project will establish and permanently preserve native riparian habitat, including habitat for the following native species: blue elderberry (*Sambucus mexicana*), Fremont cottonwood (*Populus fremontii*), box elder (*Acer negundo*), interior live oak (*Quercus wislizeni*), Oregon ash (*Fraxinus latifolia*), black willow (*Salix nigra*), valley oak (*Quercus lobata*), and coyote bush (*Baccharis pilularis*). Restored riparian habitat also supports a diverse population of animals in and adjacent to the Project area, including VELB and Swainson's hawk. Long-term management of invasive species will decrease competition for resources among native species and contribute to the overall health and biodiversity within the Project area. The property is also within an Area of Conservation Emphasis for Terrestrial Connectivity as mapped by CDFW.

Long-term Net Benefits to Sensitive Species Recovery: The Project will preserve, create, monitor, and manage native habitat in a manner that maximizes VELB habitat benefits and contributions to recovery. The Project directly addresses habitat degradation and loss, which is the main cause of the decline of VELB. Restored and preserved habitats in the Project area also have the potential to assist in the long-term recovery of other sensitive species in the region, including Swainson's hawk, which is known to nest within the Deer Creek riparian system. The connectivity corridor created by the Project will counteract fragmentation and aid in sensitive species recovery. The long-term management of invasive plant species will reduce competition for native species and will make the preserved and restored habitats less susceptible to invasive species that can harm and displace sensitive native species.

In addition, nonnative species removal, habitat enhancements, and long-term management of the reservoir area are expected to result in long-term net benefits to northwestern pond turtle, proposed for listing as threatened under the ESA, and many other species. These benefits are not associated with mitigation credit sales and are expected to contribute to sensitive species recovery.

Procedures for the Protection of the Environment: Riparian restoration planting will only occur within the existing grape production area on the property, which currently has a relatively low potential to support sensitive species. Based on soil testing results, no soil amendments will be needed prior to native species planting. All site preparation, equipment staging, irrigation installation staging, and planting staging will be done on the main access road along the north side of the Project area and will be at least 300 feet from the existing riparian habitat to avoid disturbance. Minimal herbicide use is expected, and any herbicide use will be conducted with all necessary permits and licenses, as required for herbicide application in Sacramento County.

Ongoing Management for the Protection of the Environment: The conservation bank will be placed under a conservation easement held by CWA, ensuring the land is protected in perpetuity. CWA will establish a habitat stewardship account to fund the easement monitoring in perpetuity. A Long-Term Management Plan has been created for the Project that outlines the habitat management, monitoring, and reporting that will

be conducted annually, in perpetuity. Long-term management practices include but are not limited to: non-native invasive species control, vegetation management, trash removal, grazing scheduling, and maintaining site security through signage and locked access gate. No herbicide use is expected to be needed in the long-term management of the Project. Should herbicide be needed, use will be conducted with all necessary permits and licenses, as required for herbicide application in Sacramento County. Bank management activities will be funded through a non-wasting management endowment fund, which will be held by CWA.

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.

   Restoration-related activities include minor ground preparation (disking), temporary irrigation system installation in conjunction with existing irrigation infrastructure, and installation of native vegetation. Other than shallow disking, no earth work will be needed to prepare the site for planting as the Project area is relatively flat and level, and the native vegetation to be planted requires the same site conditions as the existing grape vines.

Scope and Reservation of Concurrence

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

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

This Concurrence is not a determination by the CDFW Director that all projects to establish a conservation or mitigation bank necessarily meet the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive. If in the future CDFW receives lead agency determinations requesting concurrence from the CDFW Director that other projects to establish a conservation or mitigation bank meet those criteria, the CDFW Director will evaluate those requests on a case-by-case basis.

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

By: Signed by: 19042A1B72454D8... _____ Date: 4/20/2026

Meghan Hertel, Director
California Department of Fish and Wildlife