

# 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: Contra Costa  
 \_\_\_\_\_  
 \_\_\_\_\_

**From:** (Public Agency): \_\_\_\_\_  
 California Department of Water Resources  
 \_\_\_\_\_  
 715 P Street, Sacramento CA 95814

(Address)

Project Title: Marsh Creek Improvements Project

Project Applicant: Department of Water Resources

Project Location - Specific:

Lat: 37.999364 N, Long: -121.694629 W

Project Location - City: Oakley Project Location - County: Contra Costa

**Description of Nature, Purpose and Beneficiaries of Project:**

During the 2023 winter storms, the Department of Water Resources (DWR) became aware of a sudden and unexpected channel bank and bed scour and erosion within an approximately 1,000 linear foot (LF) reach of Marsh Creek and the distributary channel within DWR's Dutch Slough Tidal Marsh Restoration Project. Emergency temporary repairs included the placement of 1,740 tons of 18-inch minus rock protection to shore up a near-vertical eroded bank to protect the existing levee on the left (west) bank. The Project proposes improvements to permanently stabilize the eroding creek bed and banks and reduce future erosion under high flow conditions. On the left bank of Marsh Creek, the emergency rock armoring will be replaced with vegetated rock slope protection (RSP) along approximately 1000 linear feet. On the right bank of Marsh Creek, the slope will be graded to remove an existing earthen bench will be removed and the bank will be stabilized with brush matting, a biotechnical bank treatment along approximately 600 feet. The eroded left bank of the of the distributary channel will be rebuilt and stabilized with vegetated RSP along with approximately 200 linear feet. Approximately 850 linear feet of channel bed will be raised to pre-storm elevations using graded rock and native bed material to reduce future erosion potential. Bioengineering methods including vegetated RSP, brush mats, and willow pole plantings will be used as much as possible to provide improved riverine habitat value, aesthetics, and long-term sustainability, as compared to emergency measures.

Name of Public Agency Approving Project: Department of Water Resources

Name of Person or Agency Carrying Out Project: Reclamation District (RD) 2137

**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: 15269

**Reasons why project is exempt:**

This is an emergency project as described in State Guidelines (Sec. 15269) example (a) projects to maintain, repair, restore ... property and facilities damaged because of a disaster in which a state of emergency has been proclaimed by the Governor pursuant to California Emergency Services Act Sections 8558(b) and 8625 of the California Government code. Several Governor State of Emergency Proclamations and Executive Orders have been issued since January 4, 2023, to August 4, 2023, providing exemptions to certain State environmental regulations, including California Environmental Quality Act, Fish and Game 1600 et seq, and Clean Water Act Section 401, for emergency activities including levee repairs.

**Lead Agency**

Contact Person: Katherine Bandy Area Code/Telephone/Extension: (916) 661-8031

**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: Katherine Bandy Date: 2/23/2024 Title: Program Manager I

Signed by Lead Agency      Signed by Applicant

