

COASTAL CONSERVANCY

Staff Recommendation  
May 24, 2012

**SALT RIVER ECOSYSTEM RESTORATION PROJECT: TOSTE ACQUISITION**

Project No. 10-024-01  
Project Manager: Michael Bowen

**RECOMMENDED ACTION:** Authorization to disburse up to \$210,000 to the Salt River Watershed Council to acquire the approximately 23-acre Toste parcel near Ferndale, Humboldt County, for purposes of riparian restoration, agricultural open space and public access, consistent with the Salt River Ecosystem Restoration Project.

**LOCATION:** Ferndale, Humboldt County

**PROGRAM CATEGORY:** Resource Enhancement

---

**EXHIBITS**

- Exhibit 1: [Project Location, Site Map and Graphics](#)
  - Exhibit 2: [Salt River Ecosystem Restoration Project Design Detail](#)
  - Exhibit 3: [May 19, 2011 Staff Recommendation](#)
  - Exhibit 4: [Project Letters](#)
- 

**RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes disbursement of up to two hundred ten thousand dollars (\$210,000) to the Salt River Watershed Council (“Council”) to acquire the ~23-acre Toste property (Humboldt County Assessor Parcel No. 100-281-002) for future expansion of the Salt River Ecosystem Restoration Project.

1. Prior to the disbursement of any Conservancy funds for acquisition, the Council shall submit for review and approval by the Executive Officer all relevant acquisition documents including but not limited to, the appraisal, an agreement of purchase and sale, escrow instructions, and documents of title.
  2. The Council shall dedicate the property for agricultural open space, flood control, habitat conservation and public access in a manner acceptable to the Executive Officer and in accordance with Public Resources Code § 31116(b).
-

3. The Council shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property that has been reviewed and approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed acquisition is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources.
3. The acquisition remains consistent with the May 19, 2011 Conservancy authorization, as shown in the staff recommendation attached as Exhibit 3 to the accompanying staff recommendation.
4. The Conservancy finds that the project will not have any new significant environmental effects there we not identified in the Final Environmental Impact Report for the project which was adopted at the May 19, 2011 meeting the Conservancy.
5. The Salt River Watershed Council is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.”

---

**PROJECT SUMMARY:**

Staff recommends the Conservancy authorize the disbursement of up to \$210,000 to the Salt River Watershed Council (“Council”) for the purpose of acquiring the 23-acre Toste parcel, providing additional areas for riparian restoration, sediment management and agricultural preservation, and furthering the goals of the Salt River Ecosystem Restoration Project (“Salt River Project”) near Ferndale, Humboldt County (Exhibit 1). Acquisition of this property would enable restoration activities on site to advance the Salt River Project, managed by the Humboldt County Resource Conservation District (“RCD”) and now scheduled to commence in summer 2012. The subject parcel, described in greater detail below, is adjacent to the historic Salt River channel, and is therefore highly suitable for use for riparian restoration and public access.

The Council, comprising agricultural land owners fully supportive of the Salt River Project, has volunteered to dedicate its extensive expertise in land management towards assisting the RCD with this important transaction. Following acquisition, the Council, with the assistance of the RCD, will manage the land for Salt River Project purposes, including agricultural improvement, resource enhancement, and public access.

Management will include a combination of three features: 1) development of an extensive floodplain and riparian zone that serves as a sediment deposition area for the Salt River; 2) continuation of livestock grazing or other agricultural practices on that portion of the property

remaining outside of the riparian zone; and 3) development of suitable access to the site for both the RCD and public visitors to the area. As designed, approximately one-third of the parcel would be dedicated to the riparian zone, and the remainder would remain in active pasture or other agricultural uses. Grazing lease revenues will be dedicated to Salt River Project management, and will augment a planned charitable donation to the grantee by the landowner towards long-term maintenance of the property. Access will be designed in a fashion that neither conflicts with continued agricultural use, nor ecological function. That portion dedicated to riparian zone will host a variety of important habitat features including off-channel rearing ponds for juvenile salmonids, and native vegetation to host migratory songbirds and other species.

Because much of the Salt River Project construction occurs on private land, there are very few opportunities available for the Council or RCD to manage land solely for Salt River Project purposes, and even fewer opportunities for the public to observe the habitat improvements the Salt River Project will create. The proposed acquisition provides an excellent opportunity to ensure long-term access to the channel for habitat and hydraulic maintenance, while also guaranteeing perpetual public access for those interested in seeing the evolution of the landscape following implementation of the Salt River Project. This is particularly important to the City of Ferndale, a popular tourist destination that nevertheless offers few nearby places for tourists interested in taking walks, birdwatching, or other outdoor activities.

**The Grantee:** The Salt River Watershed Council is a 501(c)(3) nonprofit corporation that encourages long-term cooperative watershed management practices to sustain, protect, and improve water quality, drainage, aquatic and riparian habitat, and other natural resources, within the coastal Salt River Watershed. The Salt River Watershed Council was incorporated in 2008 to manage and maintain the project once it is completed. The Watershed Council comprises an all-volunteer Board of Directors with the mission to foster education and encourage public cooperation to restore, improve, protect and maintain ecosystem functions and agricultural, economic, and community sustainability in the Salt River Watershed

**Site Description:** The parcel is situated in the Eel River Delta, north of Ferndale, between the old community of Port Kenyon and the Salt River. It is bordered on the north side by the Salt River. The parcel is ~22.76 acres, and primarily level though it slopes northwards towards the Salt River. The land is primarily established pasture. The pasture is well fenced, and certified as “organic.” There are four dedicated streets leading from nearby Port Kenyon Road to the subject property. These streets have never been developed, and are not county maintained, but the rights of ways for public use still exist. As part of the Salt River Project construction the Council and RCD will develop at least one road to the site to ensure continued agricultural use and management and public access to the Salt River.

**Project History:** The Conservancy’s extensive and multi-decade involvement in helping develop the Salt River Project is described extensively in Exhibit 3. The Conservancy’s earlier grants and grant-raising activities enabled the RCD to develop more specific plans and strategies for construction, notably strategies to maximize sediment management opportunities in the project footprint in a way that met natural resource enhancement goals too. Establishing sediment management areas that included extensive riparian zones and functioning floodplains was one particular strategy identified by the RCD and its team of experts and agency partners. However, since most of the land in the project area is private, and since most landowners are already providing access for channel construction and establishment of riparian zones, none appeared willing to dedicate significant portions of their property to the project even with

adequate compensation. Moreover, none appeared willing to sell any land. The RCD set out to identify any landowners along the proposed Salt River channel who might be willing to sell property outright for the purposes of meeting project goals and objectives. Mike Toste was identified in this process. Mr. Toste, the RCD and the Northcoast Regional Land Trust—a local expert in conservation land transactions—negotiated for months until the terms of purchase were agreed upon. During the course of negotiations, the Salt River Watershed Council expressed an interest in serving as the grantee. All parties agreed that the Council’s composition of local agricultural interests provided the most suitable option for long-term land management.

In the interest of advancing the acquisition, the RCD has helped the owner appraise the value of the property, and work through various logistics associated with acquiring the property. Acquisition of the property must proceed now in order to incorporate the site into the Salt River Project and coordinate implementation activities with the construction that will commence in early summer 2012. The Council is now prepared to acquire the property for the benefit of the Salt River Project, and on behalf of the project proponents.

**PROJECT FINANCING**

<b>Coastal Conservancy</b>	\$210,000.00
Salt River Watershed Council	\$ 15,000.00
Humboldt Resource Conservation District	\$ 8,000.00
<b>Total Project Costs</b>	<b>\$233,000.00</b>

The anticipated source of Conservancy funds for this authorization is the Fiscal Year 2010/11 appropriation from the California Wildlife Protection Act of 1990 (Proposition 117), known as the Habitat Conservation Fund (HCF). Under State Fish and Game Code Section 2786(e) & (f), HCF Funds may be used for the acquisition, restoration, or enhancement of aquatic habitat for spawning and rearing of salmonids and for the acquisition, restoration, or enhancement of riparian habitat. As described in the [Final Environmental Impact Report \(FEIR\) for the Salt River Project](#), the project design includes additional channel bank planting and floodplain habitat features to improve salmonid habitat. (See Exhibit 3; FEIR at 2-26).

The Conservancy’s appropriation of HCF funds comes from the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Proposition 1E). Proposition 1E funds are available for the acquisition of interests in property located in a floodplain that cannot reasonably be made safe from future flooding and to enhance flood protection of adjoining lands while preserving or enhancing the wildlife value of the property. (Pub. Res. Code § 5096.825). The Toste parcel is located on the 100-year floodplain, floods frequently, and is an ideal candidate for sediment management and riparian restoration compatible with the goals of the Salt River Project. (See FEIR at 3.1-11). Since use of the property as described will alleviate flooding upstream on prime agricultural lands, as well as on nearby Port Kenyon road and homes thereon, the acquisition is consistent with the requirements of Proposition 1E funds.

The Salt River Watershed Council has secured significant matching funds relative to the size of their organization and the ability of the local community to support the project financially. Furthermore, the seller has indicated that following the acquisition he intends to donate

approximately \$25,000 to the Council for the express purpose of long-term maintenance and management of the property. This will result in a management endowment for the property that is consistent with the long-term goals of the Salt River Project.

**CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:**

The proposed acquisition would be undertaken pursuant to Chapter 6 of the Conservancy’s enabling legislation, Public Resource Code Sections 31251-31270, as follows:

Pursuant to § 31251, the Conservancy may award grants to nonprofit organizations to enhance coastal resources. This acquisition, located within the Coastal Zone, will make possible the future restoration of hydraulic connectivity between the upper and lower Salt River by providing a floodplain area for riparian habitat and sediment management within and surrounding the Salt River channel. This feature, in addition to the Salt River Project’s future restoration of hundreds of acres of salt marsh and freshwater habitat on the Riverside Ranch property and historic Salt River channel ensures that the acquisition and Salt River Project as a whole will benefit a variety of aquatic resources.

Pursuant to § 31252, the proposed acquisition is consistent with the County of Humboldt’s Local Coastal Program, which includes policies in favor of public action (in particular, the County, working with property owners and state and federal agencies) to resolve resource protection problems in the Eel River area, as described in the “Consistency with Local Coastal Program Policies” section below.

Consistent with § 31253, the amount of funding recommended for the proposed acquisition is based on the total amount of funding available for coastal resource enhancement projects, the fiscal resources of the applicant and its project partners, and the urgency of the acquisition relative to other eligible coastal resource enhancement projects.

The proposed project is consistent with the County of Humboldt Local Coastal Program (LCP) Eel River Area as described in the Consistency with Local Coastal Program Policies below.

**CONSISTENCY WITH CONSERVANCY’S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 4 Objective A** this acquisition will help the Conservancy “to protect 25,400 acres of significant coastal and watershed resource properties.” The parcel has been identified as a strategically important property for the implementation of the Salt River Project, and is therefore consistent both with earlier planning grants for the Salt River Project, as well as with the resource enhancement priorities established in the Strategic Plan. In addition, the acquisition and the proposed management scenario for the parcel is designed to foster the long-term viability of coastal agriculture in Humboldt County not only by reducing flooding of agricultural lands, but also by working with farmers and ranchers throughout the watershed to reduce the impacts of their operations on wildlife habitat and water quality.

Consistent with **Goal 5 Objective B** the acquisition will help future restoration and enhancement of 23 acres of coastal habitat within the context of the larger Salt River Project that would enhance 808 acres of coastal habitat, including ~334 acres of tidal salt and brackish marsh, 40 acres of mudflat/high marsh ecotone, 125 acres of riparian forest/scrub, 32 acres of freshwater wetland habitat, 76 acres of grassland, and more.

Consistent with **Goal 5 Objective C** the acquisition will reestablish an important link in a coastal watershed and promote future restoration of a once-significant terrestrial and aquatic wildlife corridor between inland habitat areas and the coast. Enabling future reestablishment of the channel through the Toste acquisition would help to restore 7.7 miles of the Salt River, including a significantly enhanced riparian corridor, thereby providing fish passage and terrestrial migration where it has not existed for decades.

Consistent with **Goal 6 Objective B** the acquisition will enable significant restoration of aquatic and terrestrial habitat in the Eel River Delta at the mouth of the Salt River, California's third largest coastal watershed.

Consistent with **Goal 6 Objective D**, the acquisition will enable the reestablishment of an important link in a coastal watershed and re-opening and improvement of conditions within 7.7 miles of coastal slough and freshwater habitat, an area that is critically important for the rearing of coastal salmon populations.

Consistent with **Goal 6 Objective F** the acquisition will help significantly improve water quality in the Eel River estuary by providing an important sediment management site within the Salt River watershed that will provide a watershed-wide approach to sediment management in the lower Eel Delta. It will also help protect and improve water quality by reestablishing the flood plain of the Salt River and thereby protecting the Ferndale Wastewater Treatment Plant downstream from flooding, and by ensuring that releases from the plant are not concentrated and undiluted in important rearing areas of the Eel estuary.

Consistent with **Goal 6 Objective G**, the property will provide an important sediment management site within the Salt River watershed that will provide a watershed-wide approach to sediment management in the lower Eel Delta, and in the Salt River watershed particularly. Sediment management figures prominently in this complex project, and is the essence of the proposed Adaptive Management Program described in the FEIR.

#### **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on November 20, 2011, in the following respects:

##### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** This project is supported by the City of Ferndale, the County of Humboldt, Assemblyman Wesley Chesbro, Congressman Mike Thompson, and others. Supporting agencies include the California Department of Fish and Game, the Wildlife Conservation Board, the United States Fish and Wildlife Service, the National Marine Fisheries Service, and others. (See Exhibit 4).

4. **Location:** The proposed acquisition is located in the Coastal Zone within the Eel River Delta, near Ferndale, California.
5. **Need:** One of the greatest limitations to Salt River Project success is the establishment of a suitable quantity of sediment management areas within the Salt River channel corridor. Few if any landowners in the area are willing to sell pasture, particularly in established parcels, for either the benefit of the Salt River Project or for any purposes other than livestock grazing. This acquisition opportunity is unusual and vital to the overall long-term success of the Salt River Project and Conservancy funds are essential to this acquisition.
6. **Greater-than-local interest:** The Salt River Project represents one of the most significant enhancement projects in northern California. Rare is the opportunity to restore hundreds of acres of tidal marsh and miles of historic channel at one time. The habitat benefits will accrue to Pacific salmon populations, migratory songbird populations, migratory waterfowl populations, and more. The benefits to the agricultural community of the Ferndale area will also be substantial, and significantly improve the economic outlook for this relatively depressed area. A vibrant estuarine ecosystem aside a thriving agricultural community benefits the entire State by providing ecosystem values, and high quality dairy products, both in a socially and environmentally sustainable fashion.
7. **Sea level rise vulnerability:** Much of the Salt River Project lies within a flood-prone area. Indeed, the frequent flooding of the project area has generated much interest in this project. The subject parcel, however, is located sufficiently far upstream along the Salt River to be relatively immune from sea level rise impacts for decades. The Salt River FEIR analyzed the potential sea-level rise impacts to the project and concluded: "In geologic terms, the impacts of sea-level rise may impart gradual changes, but will not likely significantly alter this large scale land-form generating process in such a tectonically active area." (FEIR 3.1-11).

#### **Additional Criteria**

8. **Urgency:** As described previously, few landowners in the area are willing to sell property for any reason. Opportunities to obtain land for sediment management purposes and habitat restoration goals are fewer still. This landowner has agreed to a fee simple acquisition, and is motivated by tax considerations to sell, but securing the property is key to enabling the RCD to vest its Coastal Development Permit for the project. Vesting is fundamental to going to bid, and essential for meeting the proposed 2012 construction season. Acquiring the property ensures the RCD the ability to incorporate the site into the final design, and to meet its 2012 construction season inclusive of the property.
9. **Resolution of more than one issue:** The Salt River Project seeks to resolve a myriad of issues. Key among them are: drainage problems on agricultural property; salt marsh habitat loss; freshwater channel/habitat in-filling; Aleutian cackling goose depredation on nearby properties; sediment erosion from upslope areas; non-compliance with discharge requirements from the Ferndale Sewage Treatment Plant, flooding of county infrastructure, and more. This acquisition will make possible future restoration that would contribute substantially towards resolving those issues.
10. **Leverage:** See the "Project Financing" section above.

11. **Conflict resolution:** As outlined in paragraph 9, above, the hydraulic dysfunction of the Salt River has either triggered or highlighted existing conflicts surrounding land use and management in the Ferndale area. Since public land acquisition of agricultural property has become a very contentious issue in Humboldt County, the involvement of the Council will help ensure that the property can be managed for both resource enhancement and agricultural values, thereby defusing much of the suspicion associated with public acquisition of agricultural land. The proposed acquisition and subsequent management of the property will help resolve most of these conflicts in a fashion that contributes towards balancing environmental restoration on a grand scale, with the enhancement of agricultural values in the Coastal Zone.
12. **Innovation:** Striking the balance described in “Conflict Resolution,” above, is a highly innovative approach. The approach has garnered tremendous social, technical, and financial support for the Salt River Project, and the proposed acquisition.
13. **Readiness:** Negotiations with the landowner are complete, and the Council is ready to acquire the property promptly.
14. **Realization of prior Conservancy goals:** The Conservancy and the RCD have only attempted to reach agreement with the landowner on purchase terms for two years. However, the Conservancy and the RCD have attempted to bring the Salt River Project to fruition for nearly twenty years. Never before has the Salt River Project advanced this far, and never before has sufficient funding been available for implementation. The Conservancy’s first major grant to the RCD enabled the RCD and the County of Humboldt to leverage millions of dollars in funding to implement a remarkable, multi-benefit project. The Conservancy’s ensuing grant to the County (\$300,000), combined with the County’s strong technical leadership, translated the project from a concept to a very real project ready for permit applications and CEQA analysis. These developments enabled the RCD to attract yet more funding for final design and implementation. Just as the Coastal Conservancy has provided the initial seed-money and significant additional funding to bring this project to its current status, providing this funding to enhance the project footprint will ensure that the Conservancy’s goals for this area will soon be realized.
15. **Return to Conservancy:** See the “Project Financing” section above.
16. **Cooperation:** The acquisition and the Salt River Project enjoy the full support and cooperation of the Council, the RCD and many others.
17. **Vulnerability from climate change impacts other than sea level rise:** The parcel lies adjacent to the historic Salt River channel, and it is surrounded by agricultural pasture. Significant impacts on the property due to climate change are unforeseen, and the uses intended through this project (public access, grazing, and possible additional wetland restoration) are not expected to be highly vulnerable to such impacts, should they occur.
18. **Minimization of greenhouse gas emissions:** Any construction proposed for the parcel will include measures identified in the Salt River Project’s Environmental Impact Report that avoid or minimize greenhouse gas emissions to the extent feasible and consistent with the project objectives. Preservation and restoration of riparian habitat and wetlands would serve to offset these and other emissions by acting as a carbon sink. The current staff recommendation authorizes only acquisition and will not cause any emission of greenhouse gases.

### **CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:**

The property is located within the Coastal Zone. The County of Humboldt Local Coastal Program (LCP) Eel River Area. The LCP notes that public action is required to resolve existing resource challenges such as agricultural preservation and habitat restoration identified in the LCP and present in the Salt River Project area. The proposed acquisition will help resolve these issues.

The LCP for the Eel River Area outlines several policies that relate to the preservation and restoration of sensitive coastal habitat, and the Salt River in particular, including: Policy 3.28: “Minimize the risk to life and property in areas of high geologic, flood and fire hazard”; Policy 3.34: “The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy and conflicts shall be minimized between agricultural and urban land uses”; Policy 3.41: “Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values”; Policy 3.41 1.a.(2): “The County shall continue to pursue opportunities to restore or enhance, if possible, in-stream flows”; Policy 3.41 F.6.a: “. . . long-term protection of riparian vegetation . . . should be provided. . . . To achieve these objectives, the County should work with property owners and affected State and Federal agencies”. ; Policy 3.41 G.7: “Natural drainage courses . . . shall be retained and protected from development which would impede the natural drainage pattern or have a significant adverse effect on water quality or wildlife habitat.”

The acquisition furthers the goals of the Salt River Project, and adheres to the letter and spirit of the LCP guidelines outlined above. Any augmentation of the Salt River Project to include additional pasture, riparian habitat, and improved channel features such as sediment management areas is consistent with the approved LCP guidelines.

### **COMPLIANCE WITH CEQA:**

The proposed property acquisition is part of the larger Salt River Project that underwent California Environmental Quality Act (“CEQA”) review last year. The Final Environmental Impact Report (FEIR) for the Salt River Project was adopted by the Conservancy at its May 19, 2011 meeting (See Exhibit 3). Although the FEIR did not identify this acquisition specifically, the project analyzed under the FEIR contemplated the establishment of sediment management areas along the channel, and evaluated acreages of agricultural and environmentally sensitive land necessary to achieve the sediment management goals of the project. The acquisition will provide 23-acres within the project footprint to be used for sediment management, public access, riparian restoration, and continued livestock grazing, all consistent with the analysis presented in the FEIR.

The FEIR envisioned a series of sediment management areas along the channel corridor capable of achieving sediment management goals for the project. The Toste Property was established early as a desirable location for a sediment management area, and the lead agency sought to purchase the property as described under **Project History**, above.

In the FEIR significant and mitigable impacts were identified in analyses of: Hydrology, Water Quality and Geomorphology; Biological Resources – Terrestrial/Upland/Riparian; Biological Resources – Aquatic; Air Quality; Agricultural Resources; Cultural Resources; Transportation,

and Hazards and Hazardous Materials. A summary of those impacts and the mitigation are provided here. For a more complete discussion of these impacts, see the FEIR and its Mitigation Monitoring and Reporting Program (FEIR, Appendix F, p. 5-1).

In summary, project objectives cannot be achieved without excavation and disturbance caused by the use of heavy equipment. This activity will have short and long-term impacts on a number of resources. However, the existing environment in the Salt River has been degraded and lost by sediment filling. Equipment will disturb and reset this degraded habitat, and at project completion, habitat will be improved by restoration of channel capacity, channelization of flows and floodplain connectivity.

### **Hydrology and Water Quality Impacts**

#### **a. Long and Short Term Impacts due to Project Construction**

The project proposes to modify the existing hydrology of the Salt River through channel modification. The project will have potentially significant but mitigable impacts to water quality associated with construction and could degrade water quality in the Eel River delta, at the mouth of the Salt River, if tidal and wetland circulation does not function as planned; this also would be mitigable to a less than significant level through adaptive management. Prior to construction of the project, the RCD will develop a Storm Water Pollution Prevention Plan (SWPPP) that addresses construction related impacts to water quality. Dewatering restrictions, use of Best Management Practices, contractor training, berm monitoring, and many other measures will ensure adequate prevention of water quality and hydrology impacts due to project construction.

#### **b. Potential Water Quality Circulation Impacts**

Since the inundation of Riverside Ranch may result in areas of poor water quality circulation, the RCD will implement a water quality monitoring and maintenance plan that provides for ongoing monitoring and corrective measures as needed.

### **Biological Resources**

#### **a. Terrestrial/Upland and Riparian Impacts**

##### *Plants*

Plant species of concern or listed plants do not occur in the Project area, on existing ranch roads or on County roads. No adverse effects to plant species of concern or listed plants will occur. However, the project would all result in the conversion of grasslands and seasonal wetlands, which provide habitat to some species, to tidal marsh, riparian forest and scrub, open water, and/or freshwater marsh. The land cover types that would be lost are common in the area, while the restored habitats are rare. Mitigation measures to address the impacts include seasonally appropriate excavation and replanting of vegetation, as well as establishment and use of a project-dedicated nursery for storage and replanting purposes.

##### *Terrestrial Wildlife*

Heavy equipment operation during the nesting season of birds could cause a disturbance or nesting failure. The nesting season for most birds in Humboldt County extends from March through July. The Project would be implemented in mid-July and later to minimize disturbance.

#### **b. Aquatic Impacts**

As with Hydrology and Water Quality, the most significant potential impacts to aquatic resources stem from decreased water quality due to construction/dredging activities. In addition, construction activities are also likely to entrap fish, disturb benthic habitat and potentially create habitat beneficial to non-native species. The development of the SWPPP, pursuing construction during the dry season, planning for fish relocation, fencing of work areas, removing invasive plants and diversion of concentrated runoff from channel banks will help lower project impacts to a less than significant level. Detailed mitigation measure related to impacts to the tidewater goby, an endangered species potentially in the project area are identified in the Mitigation and Monitoring Plan (See FEIR, App. F, pp 8-9).

### **Air Quality Impacts**

The project will necessitate extensive use of heavy equipment, thereby having significant impacts to air quality by increasing airborne dust and greenhouse gas emissions. However, the proposed marsh at Riverside ranch will also result in long-term improvements to air quality due to carbon sequestration. In order to ensure immediate-term compliance with the North Coast Air Quality Management District rules for particulates, mitigation measures for the project include numerous Best Management Practices and operational requirements.

### **Agricultural Impacts**

As explained extensively throughout the FEIR, the Project will provide benefits to agricultural resources and natural resources. By alleviating flooding in the project area on farm acreage that is either temporarily or permanently rendered un-farmable, the project will return to productivity a significant amount of productive acreage. By restoring productive farmland in the project area, the benefits accrue on-site, and in-kind.

Although approximately 273 acres of prime farmland will be taken out of production at Riverside Ranch, and 52-acres within the channel corridor, including on this parcel, these impacts will be more than offset by increases in productivity within the project footprint and in surrounding areas. Despite the defined conversion of acreage, it is anticipated that no net loss of agricultural productivity will occur in the project area. This trend is due to the increased conveyance of water, diminished ponding of water on pasture, and increased productivity of non-flooded pasture resulting from the project.

### **Cultural Resources**

Due to extensive earthmoving proposed for the project, the project has the potential to disturb archeological sites. The FEIR has detailed procedures for surveying, monitoring and a clear chain of notification is established to ensure the protection of any cultural resources inadvertently discovered during the project implementation. A qualified archaeologist will evaluate any remains, and make appropriate recommendations.

### **Transportation**

Construction activities are likely to increase traffic along local roads. In mitigation, final construction documents will contain a Traffic Control Plan designed to minimize the impact of heavy truck use upon the local road system will be adopted prior to project commencement.

### **Hazards and Hazardous Materials.**

Creation of enhanced wetland can cause the potential increase in mosquito production and flooding. Best Management Practices and operational constraints designed to ensure adequate water flow and mosquito control of managed marshes will be adopted and implemented.

**Conclusion**

Staff has independently reviewed the FEIS/FEIR in connection with the acquisition of the Toste property and concludes that the acquisition of the Toste property is included in the project analyzed in the FEIS/FEIR and does not present any new significant effects. Upon approval, staff will file a Notice of Determination for the project.