

COASTAL CONSERVANCY

Staff Recommendation
December 3, 2015

**EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING**

Project No. 12-018-02
Project Manager: Michael Bowen

RECOMMENDED ACTION Conservancy augmentation of its April 18, 2013 authorization to disburse up to an additional \$175,000 to California Trout, Inc. to include Russ family properties in the planning for the Eel River Estuary and Centerville Slough Enhancement Project, (formerly known as the Eel River Estuary Preserve Restoration Project), Humboldt County.

LOCATION: Ferndale, Humboldt County

PROGRAM CATEGORY: Resource Enhancement

EXHIBITS

- Exhibit 1: [Project Location, Site Map and Graphics](#)
Exhibit 2: [April 18, 2013 Conservancy Authorization](#)
Exhibit 3: [Project Letters](#)
-

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31111 and 31251-31270 of the Public Resources Code:

“The State Coastal Conservancy hereby augments its April 18, 2013 authorization to disburse an additional amount up to one hundred seventy five thousand dollars (\$175,000) to California Trout, Inc. (“CalTrout”) in order to include the Russ family properties in the preparation of planning documents for the Eel River Estuary and Centerville Slough Enhancement Project, (formerly known as the Eel River Estuary Preserve Restoration Project). Prior to the disbursement of funds, CalTrout shall submit for the review and approval of the Executive Officer a revised workplan, including budget and schedule, landowner access agreement, and the names and qualifications of any subcontractors to be employed on the project.”

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 the proposed project remains consistent with the Conservancy’s April 18, 2013,

*EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING*

findings with respect to Project Selection Criteria and Guidelines; Division 21 of the Public Resources Code (Sections 31111 and 31251-31270); and the nonprofit status of California Trout, Inc.; and it further finds that the proposed project is consistent with the Conservancy's 2015 revised Strategic Plan; and with its 2014 revisions to the Project Selection Criteria and Guidelines.”

PROJECT SUMMARY:

Staff recommends the Conservancy augment its April 18, 2013 authorization to disburse up to \$175,000 to California Trout, Inc. (“CalTrout”) to include properties owned by the Russ Ranch & Timber LLC and Jack and Linda Russ (“Russ family properties”) in the Eel River Estuary and Centerville Slough Enhancement Project (formerly known as the Eel River Estuary Preserve Restoration Project) (“proposed Project”). The additional funding will augment CalTrout’s April 18, 2013 grant of \$300,000 and the Executive Officer’s 15% augmentation of \$45,000 to expand the existing project footprint to include approximately 600 acres of Russ family properties. (See Exhibit 1). With this addition, the new project footprint will encompass a total of approximately 1,850-acres surrounding the entire historic Centerville Slough Complex of the Eel River Estuary. If approved, CalTrout will amend its prior work plan scope for the April 18, 2013 project grant in order to complete designs, environmental analysis, and permit applications for the proposed Project near Ferndale, Humboldt County (See Project Location: Exhibit 1). A new project description was included in a re-scoping of the Project, the Notice of Preparation for which was re-issued November 13, 2015 for environmental analysis pursuant to the California Environmental Quality Act (CEQA).

The April 18, 2013 Conservancy authorization for the proposed Project, comprised an ecosystem based wetland restoration project on the 1,250-acre Eel River Estuary Preserve (“EREP”) owned by The Wildlands Conservancy (TWC). (See Exhibit 2). Initial planning entailed several years of outreach to adjacent property owners and analysis of conditions surrounding the EREP, due in large part to the understanding that the hydraulic connections between the properties function irrespective of property boundaries.

The proposed Project would include the Russ family properties into the Project area, thereby providing a more comprehensive hydraulic and ecologically-superior restoration approach for the region. Among other things, the inclusion of the new project component enables the Project proponents to extend the restoration of historic Centerville Slough, located south of the EREP, onto Russ family properties, to reestablish improved hydrologic connectivity for Russ Creek all the way from its headwaters in the Wildcat Hills on the south to the Eel River Estuary on the north. This approach will ensure that drainage and sediment management improvements associated with the Project benefit all property owners in the area, and will include a more comprehensive environmental analysis of the area. Finally, adding the Russ family properties into the existing planning effort and its environmental analysis will also result in a significant cost savings compared to separately designing, analyzing and permitting a project on that property.

For the EREP, CalTrout secured \$700,233 in funds from the California Department of Fish and Wildlife’s Fishery Restoration Grant Program and \$300,000 in funds from the April 18, 2013 Conservancy matching grant to pursue the EREP Restoration project solely on land owned by

*EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING*

TWC (See Exhibit 2). The EREP project footprint was limited to only TWC's property because efforts to secure the inclusion of adjacent property owners had been unsuccessful.

As time passed, interest in participating in the EREP project increased. The Conservancy's April 18, 2013 authorization was augmented by \$45,000 under the Conservancy's delegated authority to its Executive Officer to determine the feasibility of expanding the EREP footprint to include and benefit adjacent property owners. The feasibility study results were positive and the adjacent property owners requested the opportunity to participate in the EREP project, including the environmental analysis for project elements and operations on their property. The Conservancy will likely be the lead agency under CEQA for this proposed Project, and this opportunity to expand the Project and increase cooperation in the region is welcome.

Restoration of fish and wildlife habitat in the 1,250-acre EREP is tremendously exciting. The addition of Russ family properties to the south offers an historic opportunity to restore the entire Centerville Slough complex, and an extensive portion of the Eel River Delta while also protecting and enhancing agricultural resources in an era of sea level rise and other threats.

The proposed Project goals remain consistent with the Conservancy's April 18, 2013 authorization. (See Exhibit 2). The goals are: 1) maintenance and enhancement of agricultural productivity and ecological function within the lower Eel River Floodplain; 2) maintenance and enhancement of hydraulic connectivity, drainage and establishment of a flood protection corridor and bypass across the properties; 3) dune enhancement to restore ecological services and flood protection from wave breach events; 4) enhancement of aquatic habitat for Pacific salmon and other species; and 5) enhancement of habitat for resident and migratory birds.

CalTrout developed the proposed Project and assembled a uniquely qualified team of experts to complete final design in preparation for the environmental analysis and possible adoption of an Environmental Impact Report, and to develop information for the permit applications necessary to proceed with the proposed Project. After the completion of this planning, a variety of agencies are interested in funding the proposed Project implementation. In particular, the U.S. Fish and Wildlife Service has committed to providing the Russ family with the technical expertise necessary to develop project components on their property, a valuable match to the proposed Project worth many thousands of dollars. (See Project Financing section, below). If the proposed Project is authorized for funding, it would be rescoped under CEQA by the end of December 2015, and preconstruction activities could begin in late 2016.

Site Description: Extending from the mouth of the Eel River, south to Centerville Road at the base of the Wildcat Hills, the newly proposed Project area encompasses much of an historic reclamation district established by early pioneers in the late nineteenth century. That district included what is now the 1,250-acre Eel River Estuary Preserve (formerly Connick Ranch/Occidental Marsh), the 742-acre O'Rourke Foundation Property (formerly Bertha Russ Lytel Foundation, formerly Occidental Ranch), and 600-acres owned predominantly by the Russ family (formerly a variety of smaller ranches and dairies at the end of Centerville Road, near Centerville Beach). All affected and included properties are bounded by a system of levees that render the area a distinct hydrologic unit (Exhibit 1).

This area is described in greater detail in the Conservancy's April 18, 2013 authorization (See Exhibit 2).

*EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING*

Project History: The early history of the project area is described extensively in Exhibit 2 and the proposed Project remains consistent with the Conservancy's April 18, 2013 authorization (See Exhibit 2). The proposed Project would expand the geographic scope of the Project. The proposed augmentation of the Conservancy's April 18, 2013 authorization is due to the fact that TWC and the Conservancy met extensively with adjacent property owners to explore areas of common interest, and determine if an expanded enhancement project might benefit all the parties. The Conservancy, in concert with TWC and the Russ family, developed a scope of work for possible work in and around the EREP, though the progress was delayed in large part due to data processing needs associated with determining the elevations of the area and thus the feasibility of any proposed project.

As the preliminary analysis at the EREP progressed, and as all parties involved began to recognize the cost and complexity of any enhancement effort at the mouth of the Eel River, CalTrout began discussions with TWC and the Conservancy about the feasibility of pursuing a grant from the California Department of Fish and Wildlife. CalTrout submitted an application for funding, and an award for the project was announced in February 2013. Due to a variety of concerns expressed by adjacent property owners, concerns which related either to perceived risks of flooding or concerns about public access, the proposed enhancement project was limited to the EREP, and designed explicitly to avoid any adverse impacts to adjacent property owners.

Since the April 18, 2013 Conservancy authorization of the EREP, and at the request of the California Department of Fish and Wildlife and the other members of the project team, the Conservancy agreed in 2014 to be the CEQA lead agency for the proposed Project. The Conservancy filed a Notice of Preparation in December 2014, and held a public scoping meeting in Fortuna to present the proposed EREP Project. The adjacent landowners expressed concerns about the EREP and its potential significant impacts on their agricultural operations. Conservancy staff, with significant input from U.S. Fish and Wildlife Service, engaged increasingly with the adjacent landowners to seek input on design elements that would benefit all property owners in the area.

Soon it was apparent that the EREP project description needed additional analysis and potentially re-scoping to fully define the proposed Project. Russ family members expressed increasing interest in partnering on the EREP Project, and in August 2015, Conservancy staff and the Russ family agreed to include the Russ family properties in the EREP.

A key aspect of the proposed Project remains the restoration of the Centerville Slough complex in order to achieve hydrologic connectivity between the Eel River estuary and the former slough and surrounding marsh in a manner that will improve drainage of agricultural properties and enhance aquatic and terrestrial habitats. Efforts to restore tidal prism that also increase transport of sediment within the system are also a significant aspect of the nearby Conservancy-funded Salt River Ecosystem Restoration Project.

Since the Conservancy's April 18, 2013 authorization, other efforts to enhance the Eel River Delta have progressed. The Humboldt County Resource Conservation District continued its third construction season this spring on the Salt River Ecosystem Restoration Project. The

*EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING*

proposed Project would complement the Salt River Ecosystem Restoration Project and presumably, when implemented, the proposed Project would restore more of this expansive estuarine setting and improve conditions for salmon and steelhead while also improving conditions for agricultural operations. The Russ family, TWC and CalTrout now seek the Conservancy's assistance in the proposed Project to leverage the earlier success of the Salt River Ecosystem Restoration Project to provide agricultural, natural resource, and recreational benefits to the Centerville Slough portion of the Eel River Delta.

CalTrout has demonstrated the capacity and acumen necessary to navigate the development of this complex and ever-evolving proposed Project. Its prior grant management, as well as for other Conservancy and California Department of Fish and Wildlife grants for fish passage improvement projects and other efforts, demonstrate the capability and administrative capacity to continue to serve as the grantee for this proposed Project.

PROJECT FINANCING

Proposed Authorization

Coastal Conservancy	\$175,000.00
U.S. Fish and Wildlife Service (design services)	\$100,000.00
U.S. Department of Agriculture (NRCS Design services)	\$100,000.00

Prior Authorizations

California Department of Fish and Wildlife	\$700,233.00
Coastal Conservancy	\$345,000.00

Total Project Costs **\$1,420,233.00**

The funding for the proposed project is expected to come from the Conservancy's FY 2008/09 appropriation from the Habitat Conservation Fund (under the "California Wildlife Protection Act of 1990" – Proposition 117). The Conservancy is authorized to use Habitat Conservation Fund monies for the acquisition, restoration, or enhancement of aquatic habitats for spawning and rearing of anadromous salmonids and trout resources (Fish & Game Code § 2786(e)). As required by the Habitat Conservation Fund, it is contemplated that public access will be provided to the extent that it is compatible with habitat protection.

The 2011/12 appropriation to the Conservancy from the Habitat Conservation Fund was, in turn, derived from the "Disaster Preparedness and Flood Prevention Bond Act of 2006" (Proposition 1E), which may be used by the Conservancy for the protection, creation and enhancement of flood protection corridors through flood plain mapping and related activities (Public Resources Code § 5096.825.). Consistent with the April 18, 2013 authorization, discussed in the Project History section (Exhibit 2), this proposed Project is located in the Eel River/Salt River flood plain and is subject to repeated flooding that is only increasing with time. The proposed Project will assess flooding, complete an elevation map (LiDAR survey), develop a numerical model that enables the project team to evaluate various hydrological scenarios compatible with

*EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING*

achieving the project goals, and propose a suite of design alternatives to alleviate flooding, protect against sea level rise and provide for habitat enhancement in the proposed Project area.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed Project remains consistent with the April 18, 2013 Conservancy authorization with respect to Public Resources Code sections 31111 and 31251-270.

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

The proposed augmentation remains consistent with the Conservancy's April 18, 2013, authorization and is consistent with the June 25, 2015 update of the Strategic Plan. The proposed Project is consistent with three of the first four major actions identified for the North coast in the next five years. These are the protection of working landscapes throughout the region, the development of projects that sequester carbon, and the focus of fishery restoration efforts on the restoration of basic river processes such as floodplain connectivity and barrier removal.

More specifically, the proposed Project, and augmentation, is consistent with **Goal 4 Objectives A, B and C** in that it will provide for habitat enhancement and the protection of at least 1,850-acres of a significant coastal area and working lands that are compromised by hydraulic dysfunction and threatened by sea level rise.

Consistent with **Goal 6 Objective A**, the proposed Project will develop a plan for a project that fosters the long-term viability of coastal working lands. One of the key features of the proposed Project is the development of an arrangement for drainage, sediment management, sea-level rise planning and infrastructure maintenance that is mutually acceptable to both TWC and the Russ family.

Consistent with **Goal 7 Objective B**, the proposed Project will develop as part of the environmental analysis process site-specific, regional and landscape-level vulnerability assessments from sea level rise and extreme storm events, and develop plans and strategies to address that threat. Already the project team has commenced a draft dune vulnerability assessment that is informing the project design process and helping the project team design integrate sea level rise adaptation planning into the proposed Project.

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

The proposed Project remains consistent with the Conservancy's April 18, 2013 authorization and with the October 2, 2014 update of the Project Selection Criteria and Guidelines 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. **Promotion and implementation of state plans and policies:** The proposed Project is consistent with the following state plans and policies concerning restoration of riparian habitat and increasing natural production of the coastal salmon populations that depend upon that habitat for certain life history stages.
 - a. The proposed Project directly advances the established priorities for acquisition and habitat restoration identified in the *Coastal Wetland Series #9 “Natural Resources of the Eel River Delta.”* This report was “(p)repared under contract with the California Coastal Zone Conservation Commission with funds granted by the National Ocean and Atmospheric Administration” in October 1974. Among other things, the report recommends that “(s)reams tributary to the delta and capable of supporting anadromous fish be returned to a productive state, wherever possible, by means of stream rehabilitation” (pg. 15). The report also notes that “(i)n the past delta wetlands have been isolated, degraded or destroyed by unauthorized diking and levee construction. This illegal practice has removed vital fish and wildlife habitat, such as mudflats, salt marsh and riparian vegetation, from the delta estuarine ecosystem” (pg. 16). Although the majority of reclamation that occurred in the Project area was legally done, its adverse environmental effects were nonetheless pronounced. Reversing that degradation is fundamental to the proposed Project and directly relates to the recommendations of this report.
 - b. The Eel River is identified in the *Steelhead Restoration and Management Plan for California.* That plan in turn cites the California Department of Fish and Game (now Fish and Wildlife) (“CDFW”) development of both a “long-term watershed plan for the Eel River Basin,” and an Eel River “Action Plan” that would “identify more immediate measures necessary to restore steelhead and salmon in the Eel River system. The paragraph concludes by stating that ““(s)pecific measures to restore steelhead populations will be treated more extensively in this document.” (pg. 151). Neither of these documents are known to have been produced. However, in 2005, CDFW did complete a report entitled “Salt River Watershed Assessment.” That report recommended, among other things, “(t)he removal or modification of tide gates and levees in the Salt River Basin for the purpose of improving fish passage, water quality, habitat diversity and channel flushing” (pg. 9). Finally, the Steelhead Plan does advise that “(h)abitat improvement projects should be focused on the many areas throughout the State where steelhead habitat is severely degraded and restoration work is sorely needed” (p. 74). Estuarine and floodplain habitat such as that within the Project area is amongst the most degraded, rare and yet necessary areas to support the growth and survival of juvenile salmonids and countless other species.
 - c. The proposed Project is consistent with the CDFW’s *Recovery Strategy For California Coho Salmon* in that one of the second highest priority

*EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING*

- recommendation of that plan for the entire Eel River is to “reestablish estuarine function, restore and maintain historical tidal areas, backwater channels and salt marsh (ER-HU-11, pg. 9.57).
- d. The proposed Project is consistent with federal National Marine Fisheries Service **2014, *Final Recovery Plan for the Southern Oregon/Northern California Coast Evolutionarily Significant Unit of Coho Salmon (*Oncorhynchus kisutch*)***. That report states that “lack of floodplain and channel structure, impaired estuary function” are the key limiting factors for coho salmon production in the mainstem Eel River. Top recover priorities in the basin include “setback or remove dikes and levees, restore salt marsh and tidal sloughs, and reconnect tidal channels and wetlands” (p. 26-1).
- e. Finally, the proposed Project is consistent with the ***California Water Action Plan***, a collaborative effort of the California Natural Resources Agency, the California Environmental Protection Agency, and the California Department of Food and Agriculture. This plan was developed to meet three broad objectives: more reliable water supplies, the restoration of species and habitat, and a more resilient, sustainably manager water resources system. It lays out the state’s challenges, goals and actions needed to put California’s water resources on a safer, more sustainable path. The plan identifies ten overarching strategies to protect our resources, include two particular to this proposed Project that the Conservancy can help implement: 4) *Protect and restore important ecosystems (restore coastal watersheds and strategic coastal estuaries to restore ecological health and nature system connectivity to benefit local water systems and help defend against sea level rise, eliminate barriers to fish migration)* and 7) *Increase flood protection (encourage flood projects that plan for climate change and achieve multiple benefits)*.
3. **Consistency with purposes of the funding source:** See the “Project Financing” section, above.
4. **Support of the public:** The proposed Project enjoys the support of the landowners participating in the project, U.S. Congressman Jared Huffman, State Senator Mike McGuire, Assemblyman Jim Wood, the County of Humboldt, and many resource agencies including the CDFW, U.S. Fish and Wildlife Service, NOAA Fisheries and others. (See Exhibit 3).
5. **Location:** The proposed Project site is within the coastal zone, and will benefit numerous coastal resources by providing coastal salmon populations with sufficient estuarine and floodplain habitat to fulfill their life history patterns.
6. **Need:** Habitat degradation in the Eel River Delta has contributed significantly to the decline of the Eel River’s salmon populations. As upstream demands on water increase, the need for adequate estuarine habitat for rearing become even more pronounced. The proposed Project received a significant grant from California Department of Fish and Wildlife due to the recognition of the need for and opportunity to restore wildlife habitat in the Eel River Delta.

7. **Greater-than-local interest:** The expansion of the proposed Project illustrates the mutual benefit of and growing interest in restoration opportunities in the Eel River Delta that improve habitat while protecting coastal agricultural resources from episodic flooding, sea level rise and other threats. The habitat benefits will accrue to Pacific salmon populations, migratory songbird and waterfowl populations, and more. A vibrant estuarine ecosystem aside a thriving agricultural community benefits the entire State by providing ecosystem values, and high quality agricultural products, both in a socially- and environmentally-sustainable fashion.
8. **Sea level rise vulnerability:** The proposed Project's planning effort will take into account sea level rise vulnerability. It is known that the entire project area is low-lying and prone to inundation and flooding, and tide heights and tidal datums increase over time with sea level rise. The National Ocean Survey (NOS) estimates a 4.73 millimeter per year sea level rise (equivalent to 1.55-feet in 100-years) at the Humboldt Bay gauge. However, The Pacific Institute predicts that mean sea level along the California coast will rise from 1.0-1.4 meters by the year 2100 (Pacific Institute 2009; IPCC, 2007; USACE, 2009). The National Academy of Science reported in 2012 that for the Washington, Oregon, and California coast north of Cape Mendocino, sea level is projected to change between falling 4 centimeters to rising 23 centimeters by 2030, falling 3 centimeters to rising 48 centimeters by 2050, and rising between 10 to 143 centimeters by 2100. Citing Russell, 2012, the Humboldt Bay Shoreline Inventory, Mapping and Sea Level Rise Vulnerability Assessment states that "based upon the Humboldt Bay North Spit gauge record, since 1977, Humboldt Bay is subsiding, and its average rate of relative sea level rise, 4.72 mm/yr (18.6 inches per century), is greater than anywhere else in California (Russell 2012). On the other hand, it is also notable that the proposed Project area—the Eel River Delta—lies in an area subject to dramatic levels of aggradation and seismic uplift, rendering challenging any effort to predict relative sea level rise vulnerability. Perhaps more germane to consideration of this proposed Project, the NAS report also underscores the increased likelihood of greater damage to the coast from frequent storm surges and large waves. As noted in a dune assessment recently completed for the proposed Project assessment, the proposed Project area, separated from the ocean by a narrow dune network, is highly susceptible to this increased risk.

The proposed Project contains features that will decrease vulnerability to all of these factors and will include restored dune height to protect low lying areas from high waves at Centerville Beach, and tidal slough hydrological connection that promotes hydraulic function including tidal fluctuation and drainage. Another proposed Project element is sloped setback berms to protect prime agricultural areas and enable gradual colonization of new habitats by shifting species. Finally, the addition of new tidegates and modification of existing ones will help land managers adapt to changing conditions over time, exercising a planned retreat strategy that promotes natural resource enhancement and concentration of agricultural operations in safer areas. Although the extent of tidal influence up any newly restored channels will increase over time as a direct result of rising sea levels, the proposed Project will provide improved hydraulic connectivity, and better aquatic habitat—and drainage—regardless of sea level rise. Overall, the proposed Project design is fully expected to help protect the Project area's agricultural economy and vibrant ecology in the context of rapidly rising seas.

Additional Criteria

9. **Urgency:** The aquatic habitat of the southern Eel Delta has been in decline for more than a century, and Pacific salmon populations are at critically low levels. Moreover, a significant cost-savings and efficiency can be achieved by combining planning and enhancement opportunities on adjacent properties with willing landowners. Both of these elements are part of the proposed Project.
10. **Resolution of more than one issue:** The proposed 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; resolution of regulatory challenges associated with maintaining existing drainage networks; and sediment erosion from upslope areas.
11. **Leverage:** The recent commitment by the U.S. Fish and Wildlife Service and the Natural Resources Conservation Service to make their technical staffs available for project design on Russ family properties provides a huge cost savings to the Project team, and leverages the technical and biological expertise of two of the Conservancy's most important project partners on the Northcoast.
12. **Innovation:** The proposed Project will necessarily involve innovative approaches to sea level rise adaptation, many of which remain controversial in Humboldt County. The Project team will work closely with the landowners and key agencies, particularly the Coastal Commission, to ensure the success and soundness of approaches taken here.
13. **Conflict resolution:** The Project area features an inherent conflict between landowners about land use and management. Whereas The Wildlands Conservancy's mission is public access and recreation, the adjacent landowners are principally focused on agricultural production with as little interference from the public as possible. However, all landowner parties in the proposed Project areas recognize that many of the threats to either pursuit—notably sea level rise and hydraulic dysfunction—place all of them at risk, and that management of those threats must take precedence in order for any practical use of the area to continue. Their mutual desire to work together on this area of consensus is crucial to the future agricultural productivity, ecological well-being and accessibility of this area.
14. **Readiness:** CalTrout has demonstrated its ability and desire to commence and complete the project in a timely manner.
15. **Realization of prior Conservancy goals:** The Conservancy has for more than twenty years sought opportunities to balance agricultural productivity and resource enhancement in the Eel River Delta. Never before has the opportunity advanced this far, never before has the opportunity to access this enhancement site been available, and never before has sufficient funding been available for design work to realize an enhancement vision for the area. The proposed grant will ensure that the Conservancy's goals for this area will be realized, and a variety of entities have expressed keen interest in funding enhancement implementation in this area when that possibility is realized.
16. **Cooperation:** The proposed Project was developed cooperatively by the Project team for the Eel River Estuary Preserve Project, and family members of the Russ family. The U.S. Fish

and Wildlife Service played a critically important role in helping to develop and communicate the project features of mutual benefit.

17. **Vulnerability from climate change impacts other than sea level rise:** The Project site lies within a designated freshwater emergent wetland, and is surrounded by tidally-influenced slough channels. Climate change impacts will most likely be significant, though unforeseeable. One of the likely changes is to vegetation and wildlife communities. The proposed Project will evaluate a number of design elements, such as gradual elevation changes, to accommodate shifting vegetation communities. Other benefits envisioned as a result of the proposed 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:** This is a planning grant and, as such, is not expected to produce significant greenhouse gas emissions. The proposed Project design elements will include measures to avoid or minimize greenhouse gas emissions to the extent feasible and consistent with the Project objectives. Preservation and restoration of the wetlands could serve to offset these and other emissions by acting as a carbon sink.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The proposed Project remains consistent with the Conservancy's April 18, 2013 authorization with respect to consistency with the local coastal program policies. However, the future projects developed in the proposed Project likely would be subject to a coastal development permit under consolidated review from the California Coastal Commission; therefore, the Coastal Act, not the local coastal program, would provide the policy guidance for permitting those future projects.

However, the County of Humboldt Local Coastal Program (LCP) Eel River Area Plan (ERAP) was certified by the Coastal Commission in 1982 and last updated in 1995. The ERAP outlines numerous policies pertaining to the preservation and restoration of sensitive coastal habitat, but it also includes strong provisions in support of agriculture. All of these policies have influenced the development of the proposed Project which will result in the development of final designs to address agricultural preservation and habitat restoration within the Coastal Zone generally, and within the jurisdiction of Humboldt County's ERAP area, particularly.

Nonetheless, there is significant fear within Ferndale's agricultural community that enhancement efforts at the EREP will result in wholesale conversion of prime agricultural lands to non-agricultural uses. Public Resources Code section 30242 (the Coastal Act) limits conversion of agricultural land to non-agricultural uses. Conversion to non-agricultural uses is allowed only where agriculture is either infeasible, or where such conversion would preserve prime agriculture elsewhere and be compatible with continued agricultural use on surrounding lands. (See § 30242.) Section 30242 has strongly influenced the overall design approach of the proposed Project.

Moreover, the proposed Project area is located primarily in transitional agricultural lands, where development and conversion is even more strongly restricted in favor of maintaining prime agricultural productivity. Thus, per the guidelines of ERAP Section 3.41 C, it is essential that the

*EEL RIVER ESTUARY AND CENTERVILLE SLOUGH ENHANCEMENT PROJECT:
EXPANDED PROJECT DESIGN AND PERMITTING*

Project be developed to adhere to the principal uses in agriculture exclusive designation, notably the production of food, fiber or plants.

With regard to the protection and enhancement of natural resources, Section 3.34 B states that management for watershed and fish and wildlife is a compatible use with agriculture. The proposed Project would clearly seek to manage the area for fish and wildlife as an incidental use, in addition to management for agriculture as a principal use.

In addition to the above guidelines, it is worthwhile noting the following Coastal Act policies that are highly compatible with the proposed Project. 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.”

In all respects, the proposed Project will adhere to the letter and spirit of the LCP guidelines and Coastal Act policies.

COMPLIANCE WITH CEQA:

The proposed Project involves only data gathering, planning, environmental analysis, permit applications and feasibility analyses for possible future actions and is thus statutorily exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to 14 California Code of Regulations section 15262 (feasibility studies of future actions which the agency has not approved, adopted, or funded) and is also categorically exempt under section 15306 (data collection). The proposed Project will incorporate environmental considerations.

Staff will file a Notice of Exemption upon approval.