

COASTAL CONSERVANCY

Staff Recommendation
November 21, 2024

CANNIBAL ISLAND MARSH RESTORATION PROJECT

Project No. 24-033-01
Project Manager: Morgan Wright

RECOMMENDED ACTION: Consideration and authorization to disburse up to \$2,500,000 to California Trout, Inc. to undertake the Cannibal Island Marsh Restoration Project, consisting of restoring full tidal exchange to 500 acres of former tidal marsh habitat through the removal of degraded water control structures, re-excavation of historic slough channels, and enhancement of natural marsh topography at the Cannibal Island Unit of the Eel River Wildlife Area, Humboldt County.

LOCATION: Cannibal Island Unit, Eel River Wildlife Area, near Loleta, Humboldt County

EXHIBITS

- Exhibit 1: [Project Location Map](#)
 - Exhibit 2: [Project Photos, Maps, and Graphics](#)
 - Exhibit 3: [CEQA Statutory Exemption for Restoration Projects \(SERP\) Application and Exemption](#)
 - Exhibit 4: [Project Letters](#)
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RESOLUTION AND FINDINGS

Staff recommends that the State Coastal Conservancy adopt the following resolution and findings.

Resolution:

The State Coastal Conservancy hereby authorizes a grant of an amount not to exceed two million five hundred thousand dollars (\$2,500,000) to California Trout, Inc. (“the grantee”) to undertake the Cannibal Island Marsh Restoration Project, which will restore full tidal exchange to 500 acres of former tidal marsh habitat through the removal of degraded water control structures, excavation of historic slough channels, and enhancement of natural marsh topography at the Cannibal Island Unit of the Eel River Wildlife Area, Humboldt County.

Prior to commencement of the project, the grantee shall submit for the review and written approval of the Executive Officer of the Conservancy (Executive Officer) the following:

1. A detailed work program, schedule, and budget.
2. Names and qualifications of any contractors to be retained in carrying out the project.
3. A plan for acknowledgement of Conservancy funding.
4. Evidence that all permits and approvals required to implement the project have been obtained.
5. Evidence that the grantee has entered into agreements sufficient to enable the grantee to implement, operate, and maintain the project.
6. Prior to commencing the project, the grantee shall enter into and record an agreement pursuant to Public Resources Code 31116(d) sufficient to protect the public interest in the improvements.

Findings:

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

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources/integrated coastal and marine resource projects.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.
3. California Trout, Inc. is a nonprofit organization organized under section 501(c)(3) of the U.S. Internal Revenue Code.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a \$2,500,000 grant to California Trout Inc. (CalTrout) to undertake the Cannibal Island Marsh Restoration Project (project), which will restore full tidal exchange to 500 acres of former tidal marsh habitat through the removal of degraded water control structures, excavation of historic slough channels, and enhancement of natural marsh topography at the Cannibal Island Unit of the Eel River Wildlife Area, Humboldt County. The project area of 794-acres is located within the California Department of Fish and Wildlife (CDFW) managed Cannibal Island Unit of the Eel River Wildlife Area (ERWA) in Humboldt County (Exhibit 1). The habitat restoration will commence after the Wildlife Conservation Board (WCB) authorizes the acquisition of key property to expand the Cannibal Island Unit. The project will then remove degraded water control structures, excavate historic slough channels, and enhance natural marsh topography within the newly expanded ERWA.

The 950-acre Cannibal Island Unit of the ERWA includes the northern and western portion of the project area (approximately 462 acres), located on APNs: 310-043-001, 310-033-004, and 310-021-003, 310-021-004. The remaining ~332 acres of the project area are privately owned by two separate parties (APNs 310-043-003; 310-051-001; 310-043-004, -005, -006).

Approximately 220 acres of private property are subject to Wetland Reserve Easements held by the Natural Resources Conservation Service (NRCS). Project implementation requires the acquisition of the 220 acres of private property held in easements on behalf of CDFW for incorporation into the Cannibal Island Unit of the ERWA. WCB is currently scheduled to consider funding for the acquisition in November 2024.

The Cannibal Island Unit is located directly opposite the mouth of the Eel River, between the Ocean Ranch Unit and the Salt River Unit of the ERWA.

Cannibal Island, like much of the Eel Delta, was diked and drained over 150 years ago for agricultural use. The wetlands in the project area are disconnected from the mainstem Eel River and cut off from sediment sources and marine influence. Because of this, the marsh plain within has subsided three feet and existing aquatic habitat there has little agricultural or ecological value. By acquiring and reconnecting the project area to the greater Eel Estuary, the project will restore full estuarine function and habitat value within an expanded Eel River Wildlife Area.

The project represents a thoughtful, ecologically prioritized and durable planned retreat strategy from Sea Level Rise (SLR) for the surrounding area. Due to tectonic subsidence of the land surface, Humboldt Bay and the Eel River Estuary, where the community is located, suffers from the highest relative rate of SLR in California. The adjacent community suffers from flooding of Cannibal Island Road, residences, and working lands during high tides and storm events, impacts that are becoming more severe with SLR. The project restores full tidal exchange to more than 60% of the project area of formerly working lands, while also ensuring some future function of adjacent pasture and infrastructure outside of the project area. The project will protect the community near the project area from flooding and storm surges by directing flows away from sensitive infrastructure and valuable agricultural lands and into areas where they will restore critical habitat and allow for sediment accretion to keep pace with SLR. The project will protect sensitive cultural resources that are at risk from erosion and SLR.

The project will amplify ongoing or completed habitat restoration projects nearby in the Eel River Estuary, including the adjacent and Conservancy funded Ocean Ranch Restoration Project, Salt River Ecosystem Restoration Project, and Elk River Estuary Restoration Project in adjacent Humboldt Bay. Each of these projects have expanded and enhanced State Wildlife Areas and cumulatively these projects represent the ecological restoration of thousands of acres of historic estuary lost to the reclamation of the late nineteenth and early twentieth century.

The Eel River Estuary is critical habitat for listed juvenile salmonids and its restoration is prioritized in multiple recovery plans. Taken together, these landscape scale restoration projects contribute significantly to the recovery of listed salmonids and numerous marine species while reducing flooding of working lands, roads, and critical infrastructure and increased carbon sequestration. The project area and the adjacent unincorporated community

of Loleta are mapped as severely disadvantaged communities by the California Department of Water Resources based on very low median household incomes. The Eel River Estuary is of cultural significance to California Native American tribes and has been utilized for fishing, ceremony, and other purposes, and the project will be implemented in partnership with tribes. Wildlife and plant species of cultural significance such as salmonids, eel, and native vegetation will benefit from habitat restoration of Cannibal Island.

The project will restore 500 acres of tidal marsh habitat with full tidal exchange and sediment transport while reducing the flooding of Cannibal Island Road and adjacent working lands and residences. Vegetation mapping showed that the project area currently consists of 208.7 acres of non-native pasture grass, 26.2 acres of fresh to brackish wetlands, 52.9 acres of coastal brambles and other vegetation along levees, roadsides, and other developments, 395.8 acres of salt marsh consisting of pickleweed, gum plant, salt grass, and invasive dense-flowered cordgrass, and 110.1 acres of muted or fully tidal waters. Through the project, tidal influence will be restored to a variety of habitat types consisting of 13.7 acres of subtidal channels and sloughs, 314.7 intertidal channels and mudflats, and 226 acres of coastal salt marsh and brackish marsh.

Existing tide gates and culverts have partially failed, and existing dikes have been severely eroded and are continuing to degrade with SLR, putting the road, existing agricultural lands, and surrounding infrastructure at risk. Much of the existing dike network within the project area will be lowered to promote natural hydrology and habitat or be removed. The construction of a new 6,000-foot setback levee with onsite sediment and two new culverts will provide protection to adjacent productive agricultural land while allowing for the restoration of full tidal prism to 500 acres that is currently closed to tidal exchange. This feature will allow restoration of 60% of the project site while minimizing conflicts between restored habitat areas on the ERWA and working farmlands in the surrounding area.

The existing dike will be removed and replaced with the new setback levee, which will be approximately 3,200-3,800 feet inland from the westernmost section of the existing dike and approximately 5,200 feet from the ocean. Replacing the dike with the setback levee will expand tidal influence into the wetland and ensure decades of habitat evolution in the project area. The construction of the setback levee will connect the currently isolated and subsided area to the surrounding estuary marsh while maintaining the maximum amount of prime agricultural land in surrounding areas. The levee will allow restoration of 500 acres of degraded marsh habitat to high-quality wetland. The setback levee will also protect adjacent property owners and the community, without altering Eel River floodplain flow paths. The construction of the setback levee provides resilience to SLR for productive working lands and the community over a significant period, while restoring ecosystem processes including tidal exchange and sediment transport to the majority of the project site in order to support 500 acres of tidal marsh. The setback levee, hummocks, tidal marsh ridges, and marsh plain fill will be built with approximately 200,000 cubic yards of sediment excavated during construction, enabling the project to balance cut and fill on site, thereby rendering the project economically feasible.

Tidal marsh ridges will be constructed using excavated on-site sediment to fill the elevation gap between the subsided marsh and exterior marsh. This will allow high flows to overtop the marsh ridge and allow sediment to accrete naturally over time and over a large area. Marsh areas will be graded to create sloughs, brackish marsh, and terminal ponds that will promote habitat complexity and sediment accretion to provide habitat and fish passage for listed species such as Coho Salmon, Chinook Salmon, Steelhead trout, Tidewater Goby, Longfin Smelt, and many marine species. Placement of ¼ ton rock will occur along a section of channel to provide inset channel grade control to manage the tidal prism. This grade control is anticipated to be beneficial to manage tidal prism until the site elevations increase to be representative of a system with full tidal amplitude, which is expected to occur over 10-20 years. The rock would be placed over a 20-foot section where a former road crossing is located and failing culvert is proposed for removal.

To allow for full tidal exchange, 5,000 linear feet of existing dikes, nearly an equivalent length of the proposed berm, will be lowered to marsh plain elevation and will be recontoured with gradual slopes to provide transitional habitat for species responding to SLR. Large woody debris will be placed in some lowered areas as habitat features. Sections of the existing dike will be left in place to provide habitat and high tide refugia for shorebirds and waterfowl. Cannibal Island Road frequently floods during the winter months due to low elevation that ranges from 7 – 11 feet. 2,500 linear feet of Cannibal Island Road will be elevated to an elevation of 11 feet to address routine, long duration winter flooding. Elevating the road will provide future resiliency for the salt marsh to migrate vertically through increased sediment deposition, enhance access to Crab Park, a popular County Park, at its western end, and improve emergency ingress and egress during winter storm events and prolonged wet weather, as well as prevent tidal inundation over the road and onto adjacent agricultural lands to the south. The elevated road prism will include four gated drainage culverts to prevent the road from flooding from restoration activities and to improve drainage to adjacent properties to the south. An abandoned and severely damaged residential unit on CDFW property will be demolished, removed, and the area restored to salt marsh.

The project includes the removal of invasive dense-flowered cordgrass (*Spartina densiflora*) as part of an ongoing regional effort in the Eel River Estuary, Humboldt Bay, and the Mad River Estuary. Treatments may consist of mowing, grinding, flaming, and/or herbicide and are generally consistent with methods outlined in the approved Regional Spartina Eradication Plan. The invasive plant establishes extensive monocultural stands, reduces productivity, alters the benthic macroinvertebrate community, and reduces habitat for native plants. The project will increase biodiversity and promote recovery of rare plant species such as Lyngbye's sedge, Humboldt Bay owl's clover, and Point Reyes bird's beak. This effort will complement CDFW's invasives management program at the adjacent Ocean Ranch Unit, site of the Ocean Ranch Restoration Project.

Public access improvements consist of converting an existing turn-out into a trailhead parking lot with up to 8 parking stalls with maps and signage, and a new 2,000-foot trail that extends north on top of the existing dike along Mosely Slough. These improvements will provide the public with an "out-and-back" experience for visitors adjacent to the Crab Park Boat Launch.

The Coastal Commission approved a Coastal Development Permit for the project on 9/12/2024 and other permit applications are pending soon. 65% designs have been completed and the project includes 90% and 100% draft and final plans, technical specifications, Final Basis of Design Report, and preparation and submission of a Humboldt county Grading Permit, finalizing the operations and maintenance plan, proceeding with the bidding and award process and continued coordination with regulatory agencies.

Project partners have met with community members and are partnering with adjacent agricultural landowners. The project includes a monitoring program to track marsh accretion, native plant cover, and fish and wildlife use in the restored area. Meaningful tribal engagement was part of the project and is discussed in Project Selection Criteria #3 below.

Site Description: Just south of Humboldt Bay, the approximately 2,600-acre Eel River Wildlife Area (ERWA), which comprises several noncontiguous units, contains salt marsh, pasture, wet meadow, brackish marsh, and coastal scrub. It also includes one of the largest riparian forests remaining on California's north coast. The area is regularly used by raptors, waterfowl, and shorebirds. Cannibal Island is situated northeast of the mouth of the Eel River, near Loleta, in Humboldt County. The Eel is California's third largest river system and boasts one of California's largest coastal estuaries. The project area is immediately south of the recently restored Ocean Ranch Unit of the ERWA. The project area is bounded by Cannibal Island Road in the south, North Bay Slough on the west, Mosely Slough on the southwest, and Sevenmile Slough on the north and east.

Of the total 794-acre project area, CDFW currently owns and manages 462-acres of the project area as part of the Cannibal Island Unit of the ERWA. Pedrazzini and Hansen are private owners of three parcels comprising 332-acres of the project area. Of these 332 acres, 220-acres are planned for acquisition in fee by WCB for addition to the ERWA, and 112 acres will remain in private ownership. National Resources Conservation Service (NRCS) holds Wetland Reserve Program (WRP) easements over 220-acres of the privately owned property. The NRCS WRP easement is perpetual and restricts land uses to protect wetlands. However, NRCS has already issued Compatible Use Authorizations to Hansen and Pedrazzini for seasonal cattle grazing. Seasonal cattle grazing is authorized 5 – 7 months per year, however, grazing does not occur across the entirety of those properties because large areas have converted to salt marsh vegetation not suitable as cattle forage. The NRCS easement will remain on the 220-acres under CDFW ownership, and the degraded agricultural lands will be restored to tidal marsh and channel habitats. CDFW will apply for a Conditional Use Permit with NRCS for management of fish and wildlife habitat, which is considered a compatible use.

The project area that will remain privately owned consists of prime agricultural land as defined in state law. Hansen's two parcels are enrolled in Williamson Act contracts, one of which will require cancellation to conduct the project. While less acreage will be enrolled in Williamson Act Contracts, productivity on the remaining agricultural lands that are in the project area will be maintained as prime agricultural land. The setback levee will provide protection to prime agricultural lands that are otherwise at risk of flooding. Landowner support and permission is required to remove degraded water control structures and construct new features for project

implementation. The privately owned lands are within the project area as landowner support and permission is required to remove degraded water control structures and construct new features that will allow for project implementation. The privately owned buildings and associated structures, not held in the WRP easements, are excluded from project activities. The landowners are supportive of the project and acquisition and have signed letters of intent for CDFW to purchase. Poor drainage and the failure of tide gates and dikes has led to muted tidal exchange within the project area. Once historically farmed wetland pastures have been reverted to estuarine marsh. Due to the saline and water content of the soil, the agricultural productivity of the land in this area is low. Some functional pasture remains in higher elevations, particularly on the east side of the project area. The current viability of existing agricultural uses is limited, and the project will eliminate grazing in the CDFW owned portions of the ERWA. Cannibal Island Road is owned by the County of Humboldt. The newly expanded and restored Cannibal Island Unit of the ERWA will continue to be managed by CDFW. CDFW is leading acquisition efforts and restoration planning.

Grant Applicant Qualifications: California Trout Inc. is a 501(c)(3) nonprofit organization whose mission is to protect and restore wild trout, steelhead, salmon and their waters throughout California. California Trout has an extensive record of achievement on the North Coast and elsewhere, including the completion of the Mad River Floodplain Restoration and Public Access Project, Prairie Creek Habitat Restoration, multiple planning and implementation projects on the Elk River, and others. CalTrout has successfully managed multiple State and Federal grants for restoration design and implementation, including grants from the Conservancy, WCB, CDFW, National Oceanic and Atmospheric Administration (NOAA), United States Fish and Wildlife Service (USFWS).

The ERWA is managed by CDFW to benefit native fish, wildlife, and plant resources, and the habitats upon which they depend for their ecological values. CDFW has demonstrated an ambitious effort to expand and enhance wildlife areas and public access in Humboldt County, including at the Salt River Ecosystem Restoration Project and at the Ocean Ranch Restoration Project, both of which were heavily supported with Conservancy funding, and conducted in partnership between the two agencies. CDFW has a proven track record of maintaining large and complex restoration sites. The project's design is partially taken from CDFW's Ocean Ranch Restoration Project, which implemented 570 acres of tidal wetland restoration in 2022. The project expands on the Ocean Ranch Restoration Project by improving estuarine habitat while minimizing impacts to adjacent agricultural lands.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA:

The proposed project is consistent with the Conservancy's Project Selection Criteria, last updated on September 23, 2021, in the following respects:

Selection Criteria

1. Extent to which the project helps the Conservancy accomplish the objectives in the Strategic Plan.

See the “Consistency with Conservancy’s Strategic Plan” section below.

2. Project is a good investment of state resources.

The project will increase resilience from climate change impacts including SLR, flooding, and storm surges and provide increased opportunities for recreation within and adjacent to severely disadvantaged communities suffering from a history of environmental degradation and the highest rates of SLR in the state. The project will protect sensitive cultural resources that are at risk from erosion and SLR. The Eel River Estuary is of cultural significance to California Native American tribes and has been utilized for fishing, ceremony, and other purposes, and the project will be implemented in partnership with tribes. Wildlife and plant species of cultural significance such as salmonids and eels will benefit from habitat restoration of Cannibal Island, gaining valuable nursery habitat. CDFW allows for recreation and hunting within the project area, however, the area currently lacks maps and signage. The project will enhance public access to Crab County Park by elevating Cannibal Island Road and with a new trail segment in the ERWA that will include parking and interpretive signage.

3. Project includes a serious effort to engage tribes. Examples of tribal engagement include good faith, documented efforts to work with tribes traditionally and culturally affiliated to the project area.

CDFW began its formal consultation process in 2023 with California Native American tribes whose ancestral lands include the project area. A cultural resource investigation was conducted for the project area. CDFW tribal consultation letters were sent on June 2, 2023, and included a 30-day response period, an option for site visits, and in-person and virtual presentations. A teleconference meeting took place with one tribe on August 11, 2023, and another tribe provided email comments on August 15, 2023. The project will strengthen existing partnerships with tribes by continuing to collaborate on fish and wildlife monitoring, incorporating culturally important plants into the restoration, and designing culturally inclusive interpretive signage.

4. Project benefits will be sustainable or resilient over the project lifespan.

Cannibal Island’s ecological function was degraded historically by the reclamation activities of the past two centuries which eliminated or muted tidal exchange and reduced sediment deposition from the sediment rich Eel River. Agricultural productivity has decreased markedly due to an increased, though muted intrusion of saltwater and salt tolerant species. The project is specifically designed to make wildlife habitat and coastal agricultural communities nearby more resilient to climate change impacts over time by restoring coastal marsh habitat and full estuary function. The project addresses vulnerability to SLR by restoring full tidal prism and sediment accretion on the marsh plain over a broad area separated from the sea by marsh, McNulty Slough, and the north spit of the Eel River. Restored marsh habitat will keep pace with

some extent of SLR and provide protection from storms and flooding. Restored marshes will enhance resilience for endangered and threatened species, including commercially important species such as salmon, Dungeness crab, and other marine species. Cannibal Island Road frequently floods and raising the road will provide community resilience to climate change impacts, increase emergency service access and escape routes during storm events, increase public access opportunities at both State and county recreational facilities, and prevent tidal inundation of agricultural lands. Long-term management and maintenance activities will be the responsibility of CDFW, and this area will continue to be managed as part of the ERWA.

5. Project delivers multiple benefits and significant positive impact.

Restoration of Cannibal Island near the Eel River Delta, one of California’s largest coastal estuaries, is of national significance. It will result in 500 acres of restored or enhanced tidal wetland enhancement within a 794-acre project footprint that will provide benefits to many species, including anadromous salmonids, migratory waterfowl and shorebirds, and aid in the recovery of several threatened or endangered species. A restored tidal wetland will dramatically increase carbon sequestration. In addition, the project will expand and enhance existing access features while creating new and exciting recreational opportunities for the public to enjoy.

6. Project planned with meaningful community engagement and broad community support.

The project will increase resilience from climate change impacts including SLR, flooding, and storm surges and provide increased opportunities for recreation within and adjacent to severely disadvantaged communities suffering from a history of environmental degradation and the highest rates of SLR in the state. The design phase of the project was funded through the CDFW Restoration Grants Program and presented to a technical working group comprised of State and Federal representatives, private landowners, and CalTrout’s management team. Consultations took place with other private landowners and tribes and participants were provided with technical information as requested.

PROJECT FINANCING

Coastal Conservancy	\$2,500,000
Other Funding (to be determined)	\$7,500,000
Project Total	\$10,000,000

The anticipated source of the Conservancy funding is the FY 2023/2024 appropriation from the General Fund to the Conservancy for the purpose of “urgent sea level rise and coastal resilience needs using nature-based solutions and other strategies” (Budget Act of 2023, Chapter 12, Statutes of 2023 (SB 101) as amended by Chapter 38, Statutes of 2023 (AB 102)). The coastal resilience funds are available for the purposes set forth in Section 52 of Chapter 258 of the Statutes of 2021, which sets forth a detailed description of the purposes of the coastal resilience funds and includes coastal resilience projects along the coast, including coastal wetlands and watersheds, beaches, dunes, bluffs, bays, fisheries, and other wildlife, and

projects that build resilience for coastal communities, public access, and critical infrastructure. The proposed project is consistent with this funding source because it will protect prime agricultural lands, the surrounding agricultural community and roads from the impacts of SLR while also expanding and enhancing estuary habitat for the benefit of multiple species and restoring healthy ecosystem function.

The Conservancy will be the first funder for the restoration project and the recommended Conservancy grant amount does not cover the entire project cost. Conservancy staff are assisting Caltrout with seeking other funding for the remaining \$7,500,000 of project cost. This may include the Conservancy submitting applications to the Wildlife Conservation Board, NOAA Transformational Habitat Restoration and Coastal Resilience grants, USFWS National Coastal Wetlands Conservation grants and North American Wetlands Conservation Act grants. .

Unless specifically identified as “Required Match,” the other sources of funding and in-kind contributions described above are estimates. The Conservancy does not typically require matching funds or in-kind services, nor does it require documentation of expenditures from other funders or of in-kind services. Typical grant conditions require grantees to provide any funds needed to complete a project.

CONSISTENCY WITH CONSERVANCY’S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 6 of the Conservancy’s enabling legislation, Division 21 of the Public Resources Code (Sections 31251-31270), coastal resource enhancement projects.

Section 31251 authorizes the Conservancy to award grants to nonprofit organizations to enhance coastal resources that have suffered loss of natural value because of natural or human induced events. Grants may be for relocation of improperly located improvements and for corrective measures that will enhance the natural and scenic character of the areas. The project is consistent with section 31251 because it will relocate water control features and implement corrective actions that will restore coastal habitat that has been degraded by historic agricultural use, water control structures, and SLR. The project will enhance habitat for fish, wildlife, and plants, including endangered and threatened species by restoring full tidal exchange and re-creating a mosaic of tidal slough channels, brackish ponds, and native marsh vegetation. Section 31252 requires that areas proposed for resource enhancement be identified in a certified local coastal plan or program requiring public action to resolve existing or potential resource problems. The proposed project is consistent with the County of Humboldt Local Coastal Program Eel River Area Plan as described in the Consistency with Local Coastal Program Policies below.

Section 31253 requires that the amount of funding recommended for the project 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 project relative to other eligible coastal resource enhancement projects. The proposed funding source for this project is available for restoration projects in the Eel River watershed.

CONSISTENCY WITH CONSERVANCY'S [2023-2027 STRATEGIC PLAN](#):

Consistent with **Goal 3.2: Restore or Enhance Habitats**, the proposed project will restore and enhance 500 acres of coastal habitats, including tidal salt marsh, mudflats, and subtidal channels and sloughs.

Consistent with **Goal 4.1: Sea Level Rise Adaptation Projects**, the proposed project is designed to keep pace with SLR, restore wetland function, and provide SLR resilience for critical habitat and community infrastructure.

Consistent with **Goal 4.3: Multi-benefit Nature-Based Climate Adaptation**, the proposed project is multi-benefit and will increase climate resilience by enhancing coastal floodplains to keep pace with SLR and protect communities at risk from climate change impacts.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The County of Humboldt Local Coastal Program Eel River Area Plan (ERAP) was certified by the Coastal Commission in 1982. 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. It contains no reference to SLR, SLR adaptation planning, planned retreat, or natural conversion of agricultural lands. In its current form it presumes a static environment where agricultural operations can be neatly segregated in perpetuity from “environmentally sensitive habitat areas.” The property owners on Cannibal Island have clearly determined that this is not a tenable viewpoint and have sold WRP easements to NRCS and fee simple to the State. In any event, a discussion of ERAP policies follows.

Policy 3.28 requires planners to: “Minimize the risk to life and property in areas of high geologic, flood and fire hazard.” The project would minimize risk through the orderly withdrawal of agricultural operations from rapidly transitioning areas which are increasingly subject to high flood risk and SLR. The project will increase resilience from flooding and storm surges to severely disadvantaged communities by constructing a setback levee and raising Cannibal Island Road and will protect sensitive cultural resources that are at risk from erosion and SLR.

Policy 3.34 states that “(t)he maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the area’s agricultural economy and conflicts shall be minimized between agricultural and urban land uses”; The project team carefully analyzed the project area and determined which portions of the site could plausibly remain in agricultural production in coming years and decades. Similarly, they incorporated a berm that while not protective of the majority of the once prime and historically agricultural land within the project site, does provide a level of protection for the community’s adjacent agricultural

operations. The project is thus consistent with this section as it affords maximum protection of prime agricultural land in the Coastal Zone while addressing the very real impacts of SLR.

Policy 3.34 B states that management for watershed and fish and wildlife is a compatible use with agriculture. Consistent with this policy, the project will retain productive agricultural lands on the eastern portion of the project area and CDFW will continue to manage the ERWA for fish and wildlife habitat.

The proposed project will address habitat restoration in the Lower Eel River.

CEQA COMPLIANCE:

This project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.56(a)(1). This section exempts projects that conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend. Pursuant to Public Resources Code Section 21080.56(e), the lead agency using this exemption must obtain the concurrence of the Director of CDFW. CDFW is the lead agency for this project.

On April 29, 2024, the Director of CDFW concurred with CDFW's Northern Region Lands Program determination that the project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive. Specifically, the CDFW Director concurred that the project meets all of the following conditions: (1) 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; (2) the project has public benefits incidental to the project's fundamental purpose; (3) 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 (4) project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW posted its Concurrence on its CEQA Notices and Documents internet page.

This Concurrence was based on the best available science and supported by substantial evidence in CDFW's administrative record of proceedings for the project. That same administrative record is held by and has been reviewed by Conservancy staff. Among other things, such as the design to date, staff reviewed the avoidance and minimization measures, and best management practices (BMPs) dictated for inclusion in the project description to ensure compliance with the findings of the concurrence.

Avoidance and minimization measures include but are not limited to the following:

- The general construction season will be from June 15 to October 31. All restoration, construction, fish relocation, and dewatering activities within any wetted and/or flowing channel shall only occur within this period.

- Specific BMPs will be employed, including the following: all materials placed in or over sloughs or other waters shall be nontoxic; water containing mud or silt from construction activities will be treated by filtration or retained in a settling pond to avoid draining sediment-laden water back to the channel; and screens will be installed on all water pump intakes and other water withdrawal structures in compliance with National Marine Fisheries Service (NMFS) and USFWS fish-screening specifications
- Dewatering and fish relocation will follow requirements established by NMFS and USFWS, as outlined in Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson–Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the NOAA Restoration Center and U.S. Army Corps of Engineers’ Restoration Program for Northern California (NMFS Consultation No: WCRO-2021-02830) Programmatic Biological and Conference Opinion on the California Statewide Programmatic Restoration Effort (Service file No. 2022-0005149- S7), on the Statewide Programmatic Biological Assessment for Restoration: Multi-Agency Implementation of Aquatic, Riparian, Floodplain and Wetland Restoration Projects to Benefit Fish and Wildlife in California.
- Native vegetation disturbance will be avoided and minimized to the extent practicable. For construction that occurs within the nesting bird season March 15 – August 1, preconstruction nesting bird surveys will be conducted, and nesting birds will be avoided. Disturbed areas will be revegetated with plant species appropriate to the site and erosion control implemented where necessary. Disturbance to existing grades and native vegetation will be limited to the actual site of the project, necessary access routes, and staging areas.

Upon approval of the project, Conservancy staff will file a Notice of Exemption.