

COASTAL CONSERVANCY

Staff Recommendation

April 17, 2025

LOWER EEL RIVER WETLANDS ACQUISITION

Project No. 25-001-01

Project Manager: Morgan Wright

RECOMMENDED ACTION: Authorization to disburse up to \$1,272,250, of which \$972,250 is from the U.S. Fish and Wildlife Service’s National Coastal Wetlands Conservation Grant Program, to the City of Fortuna to complete pre-acquisition tasks and acquire 237 acres along the Lower Eel River in Fortuna, Humboldt County; and to prepare plans and designs for a park on a portion of the property, and to prepare a management plan for the other portion of the property. The City of Fortuna will retain 7.2 acres for open space, public access, and recreation, and the remaining 230 acres will be transferred to the Wiyot Tribe for the preservation of open space; protection, restoration, and enhancement of natural resources and habitat for fish and wildlife; protection of cultural resources; and to the extent compatible with habitat protection, providing public access and California Native American tribal cultural use and access.

LOCATION: APNs 106-091-040, 200-362-005, and 106-091-044, Fortuna, Humboldt County

EXHIBITS

Exhibit 1: [Project Location Map](#)

Exhibit 2: [Site Photographs](#)

Exhibit 3: [Project Letters](#)

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 one million two hundred seventy-two thousand two hundred fifty dollars (\$1,272,250), of which \$972,250 is from the U.S. Fish and Wildlife Service’s National Coastal Wetlands Conservation Grant Program funds, to the City of Fortuna (“the grantee”) to complete pre-acquisition tasks and acquire 237 acres along the Lower Eel River in Fortuna, Humboldt County; and to prepare plans and designs for a park on a portion of the property, and to prepare a management plan

for the other portion of the property. The City of Fortuna will retain 7.2 acres for open space, public access, and recreation, and the remaining 230 acres will be transferred to the Wiyot Tribe for the preservation of open space; protection, restoration, and enhancement of natural resources and habitat for fish and wildlife; protection of cultural resources; and to the extent compatible with habitat protection, providing public access and California Native American tribal cultural use and access.

1. Prior to the disbursement of funds for the acquisition, the grantee shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer):
 - a. All relevant acquisition documents for the acquisition including, without limitation, the appraisal, purchase and sale agreement, deed, escrow instructions, environmental or hazardous materials assessment, and title report;
 - b. A baseline conditions report; and
 - c. Evidence that sufficient funds are available to complete the acquisition.
2. The grantee shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The property acquired under this authorization shall be managed and operated by the City of Fortuna for open space, public access and recreation; and by the Wiyot Tribe for the preservation of open space; protection, restoration, and enhancement of natural resources and habitat for fish and wildlife; protection of cultural resources; and to the extent compatible with habitat protection, providing public access and California Native American tribal cultural use and access. The property shall be permanently dedicated to those purposes by an appropriate instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly-viewable area, the design and location of which are to be approved by the Executive Officer.

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 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resources projects.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria.

STAFF RECOMMENDATION

PROJECT SUMMARY:

Staff recommends the Conservancy authorize disbursement of up to \$1,272,250, of which \$972,250 is from the U.S. Fish and Wildlife Service's National Coastal Wetlands Conservation Grant Program funds to the City of Fortuna (City) to complete pre-acquisition tasks and acquire 237 acres along the Lower Eel River in Fortuna, Humboldt County; and to prepare plans and

designs for a park on a portion of the property and a management plan for the other portion of the property (the “project”). The City will retain 7.2 acres for open space, public access, and recreation (“City acquisition purposes”), and the remaining 230 acres will be transferred to the Wiyot Tribe (Tribe) for the preservation of open space; protection, restoration, and enhancement of natural resources and habitat for fish and wildlife; protection of cultural resources; and to the extent compatible with habitat protection, providing public access and California Native American tribal cultural use and access (“Tribal acquisition purposes”). The City will retain approximately 7 acres of uplands to facilitate the establishment of a riverfront park with pedestrian and boating access and environmental education opportunities. Tribal management of the 230-acres will ensure compliance with the Tribal acquisition purposes and will facilitate the elimination of inappropriate uses and associated contamination on the property.

The Eel River is California’s third largest watershed, and the Lower Eel River is a critical coastal wetlands area for multiple listed species and riparian birds. The project area includes extensive wetland habitat; 89.52% of the 237-acre project area is made up of nationally decreasing wetland types. The project area includes riverine habitat, freshwater forested/scrub wetland, and freshwater emergent marsh and ponds. The project continues historic efforts to protect and restore the Lower Eel River, an effort involving multiple local, state and federal agencies, tribes, and non-profits.

The project will ensure protection of the property and management of access and use of the area, which currently suffers from inappropriate uses, including trash dumping, firearm use, illegal firewood gathering, and poaching of fish from a deep hole in this reach of river. By ensuring protection and management of access, the project will manage unrestricted off-highway vehicle (OHV) use which has increased turbidity and threatened snowy plover nesting habitat on gravel bars. Sediment deposition from upstream sources exacerbated by OHV use has simplified and degraded stream habitat, filling in holes that provided critical salmonid habitat and shifting this reach from a riffle-pool network to extended shallow riffle reaches.

The Tribe, in partnership with the County of Humboldt and the City, will allow public access to its 230 acres and will increase enforcement to reduce inappropriate activity. The Tribe will prepare a management plan for its 230 acres that will address management of public access to protect habitat. Access management will likely include closing the County road access at dusk, restricting access to daytime hours, and establishing a staff presence in the area. Outside of this project, the Tribe will work with California Department of Fish and Wildlife, Eel River Recovery Project, and other conservation partners to plan, permit, and implement habitat restoration and enhancement on the property. Acquisition of the property will facilitate potential restoration projects such as invasive pampas grass removal; restoration of 25 acres of cottonwood gallery riparian forest; and in-stream habitat restoration through addition of large woody debris, excavation of the mainstem channel to connect habitat during dry season summer flows and to construct deep resting pools and side channels suitable for juvenile rearing. The Tribe will manage the process-based restoration. Acquisition of the property will also enable the Tribe to access its ancestral lands for tribal access that is compatible with habitat protection.

The project will expand public access to the river on the lands retained by the City. After acquisition, the City will plan a new park, to be called the Riverwalk Park, which will increase recreational opportunities for the low-income residents in the southern part of the city. There is a lack of recreational opportunities and river access in Fortuna and most activities are restricted to organized events. The park will provide additional space for recreation and current concepts are for walking paths and access to the Riverwalk Trail, a picnic and barbeque area, fenced dog park, a playground, and plaza. Riverfront land in Fortuna is extremely limited with most of the land being occupied by farmland and industrial buildings. The park will provide the community and the public with prime viewing of salmon runs and other wildlife. The park is expected to have a dock in the future with a kayak entry point. Anticipated recreational activities include school field trips and summer camps at the park. Interpretive signage at the park will highlight Eel River wildlife as well as tribal history and cultural significance of the area. Other activities include kayaking, educational tours, watching the salmon migration, community events and festivals, and passive recreation, including birdwatching and other wildlife viewing. Passive recreation will be permitted in the Tribe's parcels as well, but access and use will be managed to prevent inappropriate uses.

The project will preserve an old-growth cottonwood gallery forest, facilitate restoration of riparian forest and habitat enhancement for listed salmonids, which might include partnering with commercial gravel extraction operations for habitat enhancement, and return ancestral lands on the Eel River to the Wiyot Tribe.

Commercial gravel extraction has historically taken place within and near the project area at various sites along the Lower Eel River. The County of Humboldt Extraction Review Team, which regulates gravel extraction, developed recommendations for gravel extraction as a habitat enhancement tool as early as 2013. Recommended techniques currently include: (1) Fish Access Channel: channel excavation that may include pools and incorporate large wood designed to temporarily improve fish migration access; and (2) Riparian Enhancement Extraction: pit excavated down to moist gravel on floodplain surfaces too dry to support beneficial riparian plants, such as willows, cottonwoods, and alders. Techniques are designed to enhance riparian vegetation and native amphibians without supporting non-native bullfrogs. These techniques have been implemented at other sites in the Lower Eel River and the Van Duzen River, a major tributary, in 2021-2022. Whether these techniques will be used in the project area will be determined during preparation of the management plan or later.

The City of Fortuna has a willing seller letter from the landowner. The City of Fortuna and the landowner are working toward completion of the required documents for site acquisition such as a purchase and sale agreement, updated appraisals, and a baseline conditions report. A concept level site plan for the Riverwalk Park has been completed through a California Natural Resources Agency (CNRA) Riverwalk Parkways grant, and outreach for the design phase has been completed. Outreach consisted of in-person public meetings, an online survey, and direct contact with City staff. On October 11, 2021, a public meeting was hosted where participants were encouraged to provide their design ideas through a comment session and break out tables. Another public meeting was hosted on October 20, 2021, where attendees discussed design ideas through a comment session on voted-on preferred features of the design. The online survey was posted on social media, on physical flyers, shared during the first public

meeting, and sent to community groups. The online survey consisted of open response and multiple-choice questions and was offered in both English and Spanish.

The planning component of the project includes (1) preparing initial plans and designs for the future park on the City's 7.2 acres of upland; and (2) preparing a management plan for tribal and public access and future restoration and enhancement of habitat on the Tribe's 230 acres. The project also includes completion of pre-acquisition tasks for the entire acquisition such as the appraisal, environmental assessments, preparation of the baseline conditions report, escrow costs, a lot line adjustment, and other tasks.

Site Description: The property is made up of three parcels (APN's 106-091-040, 200-362-005, and 106-091-044) that span a portion of the Lower Eel River in Fortuna, with seven acres on the east side, and 230 acres of the project area on the west side of the Eel River. Parcel 106-091-041 consists of 93 acres and 106-091-044 is 91.09 acres; both are zoned Agricultural Exclusive and Natural Resources. The entirety of these two parcels will be part of the 230 acres acquired by the Wiyot Tribe. Parcel 200-362-005 consists of 53.78 total acres and 46.58 acres that span the river and portions to the west of the river is zoned as Natural Resources, whereas the 7.2 acres of uplands on the eastern side of the river is zoned as Freeway Commercial. The 7.2 acres will be rezoned as Public Facilities upon acquisition to the City. A lot line adjustment will be required to split the 7.2 acres retained by the City, from the remaining acres to be acquired by the Wiyot Tribe. The boundary of the lot line adjustment will likely be the middle of the river so both the City and the Wiyot can maintain river access. Commercial, rural, and agricultural land use surrounds the site.

Grant Applicant Qualifications: The City has experience administering grant funds for other projects, and has exhibited a strong interest recently in expanding public access opportunities in this part of Humboldt County.

The Tribe has worked closely with the Conservancy on habitat restoration projects, cultural monitoring and land acquisition projects. The Tribe will soon receive title to the Samoa Dunes and Wetlands property as well as a key parcel of land (Chwunuchguk) near the mouth of the Elk River.

Amy Nilsen, the City Manager of the City, will lead planning for the acquisition of the property and for future establishment of the Riverwalk Park. Adam Canter, the Natural Resource Director for the Tribe, and Michelle Vassel, the Tribal Administrator for the Tribe, will manage the transfer of the property to the Tribe, project management, and facilitation of future public access, interpretive signage and habitat enhancement. Other partners include CNRA (funder), County of Humboldt (access coordination), and the Eel River Recovery Project (educational and interpretive component). California Department of Fish and Wildlife has also provided significant guidance and input to the project team.

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 proposed acquisition is a good investment of state resources because: (1) it will contribute to meeting the state’s natural and working lands conservation goals and engage a California Native Tribe as called for in the Governor’s 30 x 30 Executive Order; (2) it will advance state and regional water quality improvement goals; and (3) it will advance a longstanding goal of the California Department of Fish and Wildlife by acquiring Lower Eel River gallery forest and protecting and enhancing the biodiversity of habitats for state and federal endangered, threatened, and sensitive species.

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.

One of the most important aspects of the project is tribal ancestral land return. Returning this ancestral land to the Tribe will allow tribal members to conduct important ceremonies, as well as stewarding, restoring, and utilizing land that is sacred to them. It will be a key step towards healing the land and the people and wildlife that depend on it. The Tribe has worked closely with the Conservancy and the City to develop this project. The Lower Eel River is of great cultural significance to the Tribe and has long been utilized by the Tribe for fishing, ceremony, and other purposes. The Tribe has been engaged in monitoring and management to support the Pacific lamprey population in the Eel River watershed and across the region. The Tribe’s reservation lands are near the project area, but currently the Tribe does not own any property on the Eel River. Tribal elders have expressed concerns with their safety when accessing the river because of the current uses of unrestricted and hazardous activities at the property. The project will provide the Tribe with riverfront property on their ancestral lands to facilitate habitat restoration and enhancement as well as for ceremonial purposes. Additionally, the project will educate visitors about the anadromous fish populations that are so important to the Tribe. The Tribe requested a government-to-government consultation to discuss this and other projects, and that consultation occurred on March 13, 2025.

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

The project will result in the protection of 212 acres of declining wetlands, 17.5 acres of riverine habitat, and 7.2 acres of associated uplands in perpetuity via a fee acquisition. The property will be protected with long-term commitment to the restoration and conservation of wetlands and associated habitats. The property will be protected through appropriate recorded instruments as well as grant agreements with the Conservancy and CNRA. The City will hold and manage the upland property for open space, public access and recreation in perpetuity, while the Tribe will hold and manage the riparian wetlands parcels for protection, restoration, and enhancement of fish and wildlife habitat, and tribal and public access.

5. Project delivers multiple benefits and significant positive impact.

The project will facilitate the planning of a new park for the City and return land to the Tribe via a fee simple acquisition, providing the public and tribal members with river access for cultural and recreational activities. The project will protect and enhance habitats and public access to the river. In addition, the project will facilitate enhancement of valuable habitat restoration, including essential habitat for critically endangered coho and Chinook salmon, and protect the valuable habitat from invasive species.

Listed salmonids and many other fish species show signs of recovery in the Eel River, but migration, spawning, and rearing habitat are all constrained. The river corridor needs protection to promote habitat enhancement. Summer fish habitat is degraded due to aggradation and simplification of the channel, lack of pool connectivity, and lack of large wood, and is at risk from OHV use which increases turbidity, dumping, wood poaching, and other destructive activities, such as shooting gas cannisters, on the property. Preserving the property will benefit many listed and other fish species directly. Protection of the shoreline and aquatic habitat will also benefit bird species such as Snowy Plover that utilize these areas for nesting and wintering, or foraging.

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

The project is part of an ongoing effort to protect and restore habitat in the Eel River Delta and Lower Eel River with collaboration from California Department of Fish and Wildlife, National Oceanic Atmospheric Administration (NOAA), US Fish and Wildlife Service (USFWS), Humboldt County, the City of Fortuna, Eel River Restoration Project, Conservancy, the Humboldt County Resource Conservation District, and others. Discussions about protection and management of this section of the Lower Eel River began decades ago but increased in 2015 due to a deterioration in water quality that year.

The City held public meetings to get input on planning a riverfront park on the 7 acres of uplands beginning in 2018 and has incorporated public input into the park design. The Tribe has discussed Lower Eel River protection and habitat restoration at its Council meetings, where there was strong support. The Tribal Council regularly discusses efforts to monitor and restore natural resources in the Eel River watershed, including at its public meetings on February 12, April 8, and June 10, 2024. Lower Eel River Restoration planning was discussed at the February 12, 2024, meeting.

PROJECT FINANCING

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|---|--------------------|
| Coastal Conservancy | \$300,000 |
| USFWS NCWC grant (<i>via</i> a grant to the Conservancy) | \$972,250 |
| CA Natural Resources Agency (Required Match) | \$620,194 |
| Project Total | \$1,892,444 |

The expected source of Conservancy funds for this project is an appropriation to the Conservancy from a Fiscal Year 2023/2024 appropriation from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Proposition 68,

Public Resources Code Sections 80000-80173). Chapter 9 of Proposition 68 appropriates funds for “protection of beaches, bays, wetlands, and coastal watershed resources” in accordance with Division 21, including acquisition of land in or adjacent to the California coastal zone with open space, recreational, biological, cultural, scenic, or agricultural values. PRC § 80120(c). “Protection” includes actions to improve access to public open space areas and allow for the continued use and enjoyment of property or natural resources. (Section 80002(l)). Consistent with the purposes of this funding source, the proposed project consists of acquisition of 237 acres of wetland, upland, and riverine habitat adjacent to the coastal zone that has open space, recreational, biological, cultural, and scenic value. The project also consists of management planning and design work that protects wetland and coastal watershed by improving access to the property’s open space areas and allows for continued use and enjoyment of its natural resources.

In addition to Conservancy funds, staff seeks authorization to disburse funds from a U.S. Fish and Wildlife Service’s National Coastal Wetlands (NCWC) Grant of \$1,000,000, awarded in 2025. The NCWC Grant provides for the Conservancy to utilize \$27,750 for grant management purposes. The project funding includes \$646,492 of in-kind and cash match, which is greater than the required base match for the USFWS NCWC grant.

The cost of fee acquisition of the project area is the largest expense, totaling \$1,592,444.

The source of \$620,194 in CNRA funds is a River Parkway grant, which will count as cash match for the USFWS NCWC funds.

The City of Fortuna will provide \$10,000 of in-kind match to the USFWS NCWC grant to manage acquisition of the project area including, negotiations with the landowner, coordinating with funders, and preparing pre-acquisition studies. The County of Humboldt will provide \$3,000 in match to the USFWS NCWC grant consisting of staff time for planning and implementation of access management.

The Eel River Recovery Project, a non-profit, is committing \$10,698 of in-kind match to the USFWS NCWC grant for staff and volunteer time for education and outreach.

The Tribe will contribute \$2,600 of in-kind match to the USFWS NCWC grant to manage the property acquisition and transfer.

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 authorization is consistent with the purposes and objectives of Chapter 5.5 of Division 21 of the Public Resources Code, regarding improving and protecting coastal and marine habitats (Section 31220).

Section 31220(a) authorizes the Conservancy to provide grants for coastal watershed resources protection projects, if the projects meet one or more of the objectives detailed in Section 31220(b).

Consistent with Section 31220(b), the project will achieve the following objectives: protect fish and wildlife habitat within a coastal watershed (Section 31220(b)(2)); reduce unnatural erosion and sedimentation of a coastal watershed (Section 31220 (b)(4)); acquire coastal wetlands and watershed lands, including watershed lands draining to sensitive coastal or marine areas (Section 31220(b)(6); and provide public access compatible with resource protection and restoration objectives (Section 31220(b)(8). The project will acquire property interests that will enable public and tribal access while protecting 237 acres of watershed lands containing critical habitat for snowy plover, green sturgeon, steelhead trout, Chinook and coho salmon, and important habitat for pacific lamprey, bald eagle, and western yellow-billed cuckoo.

Section 31220(c) requires projects funded pursuant to the section to have a monitoring component and be consistent with the Water Quality Control Plan, if applicable. Consistent with this section, the project is consistent with the Water Quality Control Plan for the North Coast Region as described in the Consistency with Local Watershed Management Plan/State Water Quality Control Plan section below.

Consistent with Section 31220(a), staff has consulted with the State Water Resources Control Board in the development of the project to ensure consistency with Chapter 3 (commencing with section 30915) of Division 20.4 of the Public Resources Code, regarding the clean beaches grant program.

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

Consistent with **Goal 1.2 Return Power to Tribes**, the proposed project will provide ownership and management responsibility of 230 acres of coastal ancestral land to the Wiyot Tribe.

Consistent with **Goal 2.5 Enhance Recreational Amenities**, the proposed project will acquire and transfer 7-acres to the City of Fortuna for the establishment of a new park.

Consistent with **Goal 3.1 Conserve Land**, the proposed project will protect 237 acres of land to protect coastal resources and enhance habitat.

CONSISTENCY WITH LOCAL WATERSHED MANAGEMENT PLAN/STATE WATER QUALITY CONTROL PLAN:

Projects undertaken pursuant to Section 31220 of the Public Resources Code must be consistent with the following, if available and relevant: Integrated Watershed Management Programs; local watershed management plans; and water quality control plans, adopted by the state and regional water boards.

The proposed project helps implement the following 2007 North Coast Integrated Regional Water Management Plan Goal:

Goals 3: Ecosystem Conservation and Enhancement

- Objective 6 - Conserve, enhance, and restore watersheds and aquatic ecosystems, including functions, habitats, and elements that support biological diversity

- Objective 7 - Enhance salmonid populations by conserving, enhancing, and restoring required habitats and watershed processes

Acquiring the properties will facilitate the planning and implementation of restoration projects to restore aquatic ecosystems and enhance salmonid populations.

The proposed project is also consistent with the Water Quality Control Plan for the North Coast (adopted by the Regional Water Quality Control Board North Coast Region in 1988 and last updated in 2018) in that it will enhance wildlife habitat, habitat for rare, threatened and endangered species, and spawning, reproduction and/or early development of habitat in the Eel River.

The Water Quality Control Plan for the North Coast designates wildlife habitat, rare, threatened, and endangered species habitat, and spawning, reproduction and/or early development habitat as beneficial uses of the Eel River Hydrologic Unit (Water Quality Control Plan for the North Coast, Table 2-1, pp. 2-8 to 2-12).

CEQA COMPLIANCE:

The proposed acquisition is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.28, which exempts transfers of ownership in land in order to preserve and restore natural conditions and to preserve open space or lands for park purposes. The proposed project will preserve, and allow restoration of, the existing natural resources and habitats of the property and it will preserve open space and lands for park purposes. This statutory exemption applies even if physical changes to the environment or changes in the use of land are a reasonably foreseeable consequence of the acquisition, provided that environmental review otherwise required by this division occurs before any project approval that would authorize physical changes being made to that land. In this case, there will be compliance with CEQA before any physical changes are made to the property.

The planning component of the proposed project is statutorily exempt from review under CEQA pursuant to 14 CCR California Code of Regulations Section 15262, which exempts planning and feasibility studies for possible future actions that have not yet been approved, adopted, or funded. The proposed planning consists of preparing (1) initial plans and designs for the future park on the City's 7.2 acres of upland; and (2) a management plan for access and future restoration on the Tribe's 230 acres.

The planning component of the project is also categorically exempt under Section 15306, which exempts data collection and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource. Consistent with Section 15306, the data collection and resource evaluation components of the project will not cause major or serious disturbance to the environment.

The proposed acquisition is also exempt from CEQA review pursuant to 14 CCR Section 15316, which exempts transfers of ownership in land to establish a park where the land is in a natural condition and the management plan for the park has not yet been prepared. The proposed project will transfer land in its natural condition to the City of Fortuna to plan a park for which a management plan has not yet been prepared.

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