

5. Other CEQA Required Sections

5.1 Environmental Issues Determined Not to Be Significant

CEQA Guidelines Section 15128 requires an Environmental Impact Report (EIR) to briefly describe any possible significant effects that were determined not to be significant and were, therefore, not discussed in detail in the Draft EIR. For the purposes of this Draft EIR, an evaluation of mineral resources and population and housing were eliminated from further consideration during the scoping phase of the environmental analysis for the reasons presented below.

5.1.1 Mineral Resources

There are no existing mining operations in the Project Area. The Project Area is primarily comprised of fine silt, sand and water, and contains no known mineral resources available for extraction. There are no Surface Mining and Reclamation Act-designated parcels located within the Project Area. Although Humboldt County has not yet been included in the California Mineral Land Classification System by the State Mining & Geology Board to designate lands containing mineral deposits of regional or statewide significance, it is highly unlikely the Project Area would qualify for this designation. Therefore, no impact to mineral resources would result.

5.1.2 Population and Housing

The proposed Project would not add any new homes or businesses, nor extend any new roads or development-related infrastructure on the site. The Project would not displace any housing or people, on or adjacent to the site. No aspect of the Project would induce substantial population growth or displace substantial numbers of housing or people. Therefore, no impact to population and housing would result. For further discussion of the Project's growth-inducing impacts, refer to Section 5.3 below.

5.2 Energy Use

To guarantee that energy implications are considered in project decisions, Appendix F, Energy Conservation, in the CEQA Guidelines requires that EIRs "include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy." An evaluation of potential impacts related to the energy consumption of the Project and the applicability of state or local plans for renewable energy and energy efficiency is discussed in Section 3.16 (Energy).

5.3 Growth Inducement

The CEQA Guidelines require that an EIR evaluate the growth inducing impacts of a proposed project. The CEQA Guidelines describe growth-inducing impacts in the following manner:

“Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas). Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.” (CEQA Guidelines Section 15126.2[d]).

The Project is designed to restore the natural tidal prism, improve connectivity of tidal and freshwater habitats, and control and eradicate invasive plants within the Project Area. The Project does not involve construction of new housing that would result in direct growth inducement.

Construction of the tidal restoration portion of the Project is expected to occur over two seasons, approximately 120 days each between May and October, likely for the years 2021 through 2022. Given the relatively moderate construction period spread out over two seasons, and workforce needs (less than 30 construction personnel per day), no new housing or services would be needed to support the temporary employment demand.

Management of invasive plants and periodic maintenance of infrastructure, including road, parking area, and trail maintenance, would be completed by limited CDFW staff. No increase in population is anticipated as a result of job opportunities resulting from Project implementation. The Project would also not remove an obstacle to additional growth and development in the area, such as removing a constraint on a required public utility or increasing capacity in the Project Area. For these reasons, the Project would not induce population growth and does not include characteristics that would encourage or facilitate other growth inducement activities.

5.4 Significant and Unavoidable Impacts of the Proposed Project

Section 15126.2(c) of the CEQA Guidelines require that an EIR identify any significant environmental effects that cannot be avoided if the Project were implemented, including those that can be mitigated but not reduced to a level of insignificance.

The analysis presented in Chapter 3, Environmental Setting, Impacts, and Mitigation Measures, concludes that implementation of the proposed Project would result in two significant and unavoidable impacts.

Under Impact HWQ-3, which evaluates the potential for the Project to alter the existing drainage pattern of the site or result in substantial erosion on- or off-site, it was determined that the Project could result in significant and unmitigatable erosion off-site. Proposed breaches to McNulty Slough, and the resulting changes in hydraulics, would result in increased flow velocities in upper McNulty Slough that would increase the potential for bed scour and bank erosion. Specifically, the

velocity and shear stress results from the hydraulic model indicate that the eastern levee of McNulty Slough, which is in private ownership, could be adversely impacted by increased erosion potential under the Project, which would be a significant impact (AECOM 2019). To reduce this impact, CDFW considered armouring the eastern levee, constructing a setback levee on the eastern bank, and widening or deepening McNulty Slough. The legal feasibility of the armouring the eastern levee of McNulty Slough and setting back the levee is uncertain, because the eastern levee of McNulty Slough is on private property and CDFW does not have a right of access to the property. As a result, the feasibility of these mitigation measures is questionable considering they would require CDFW to implement a Project action on property it does not own, does not have legal responsibility for, and cannot foreseeably purchase or acquire. In addition, based on the hydraulic modelling results, it was determined that dredging would not effectively reduce water velocities and potential for erosion, and would result in additional potentially significant impacts on sensitive habitats, fish and wildlife, and water quality. Therefore, the off-site erosion impact is considered both significant and unmitigable.

Under Impact HWQ-4, which evaluates the potential impact of flooding on- or off-site, it was determined that the Project could result in flooding of private agricultural fields east of the Project Area if the levee on the eastern side of McNulty Slough was breached or otherwise compromised as a result of changes in hydraulics resulting from the Project. As described above, several mitigation measures were evaluated to protect the existing levee, however none were determined to be feasible. Therefore, without mitigation, the potential impact remains significant and unmitigable.

5.5 Significant Irreversible Environmental Changes

Section 15126.2(d) of the CEQA Guidelines requires that an EIR include a discussion of significant irreversible environmental changes that would result from project implementation. The CEQA Guidelines describe irreversible environmental changes in the following manner:

“Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.” (CEQA Guidelines Section 15126.2[d]).

Construction activities associated with the Project would result in an irretrievable and irreversible commitment of natural resources through the use of construction materials, such as gravel and pavement for the proposed public access facilities. The Project would also require the commitment of energy resources to fuel and maintain construction equipment (such as gasoline, diesel and oil) during the construction period.

Following construction, daily activities would likely see a minor increase in energy consumption when the recreational amenities are available to the public. The presence of a multi-use trail, non-motorized boat put-in, and other recreational components is anticipated to generate approximately 30-40 additional trips to the Project Area per week, compared to existing conditions. Additionally, maintenance activities would require use of CDFW vehicles and use of hand-held tools, and some heavy equipment. Although the Project would utilize fossil-fuel powered equipment and vehicles, the use of maintenance equipment would be periodic and short-term and the vehicle use would only be increased slightly compared to existing conditions. Therefore, operation of the Project would not result in a significant increase in dependence on non-renewable energy resources or in substantial increases in peak or base-period energy use.