Meeting Date: 12/16/25
Lease Number: 9433
Staff: J. Toy

Staff Report 12

LESSEE:

The Wildlands Conservancy

APPLICANT:

Natural Resources Conservation Service

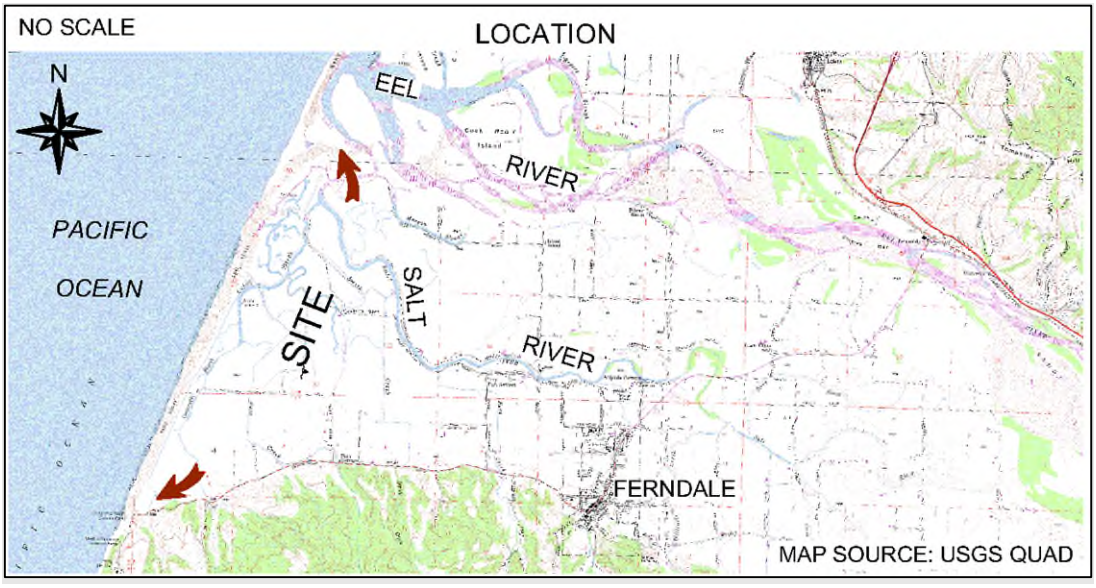
PROPOSED ACTION:

Termination of Lease PRC 9433, a General Lease – Other; and Issuance of a General Lease – Public Agency Use.

AREA, LAND TYPE, AND LOCATION:

Sovereign tide and submerged land in the Eel River Estuary and Centerville Slough and its tributaries, approximately four miles west of Ferndale, Humboldt County (as shown in Figure 1).

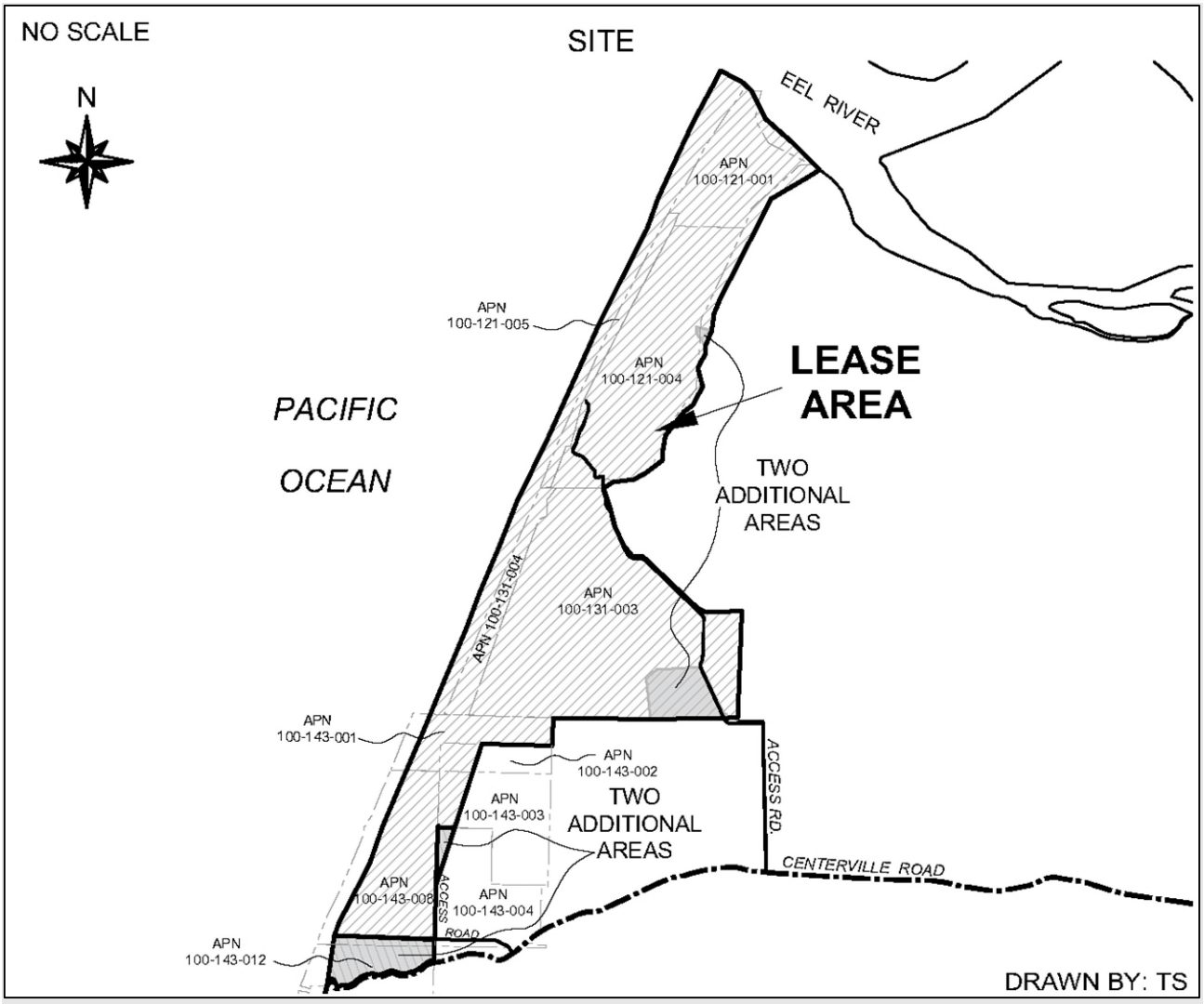
Figure 1. Location



AUTHORIZED USE:

Construction and use of the Russ Creek and Centerville Slough Restoration Project (Project), including habitat restoration, floodplain excavation and grading, back dune berms, sediment management and wetland mitigation areas, four gated culverts, riparian and dune habitat revegetation, two kayak launches, trails, interpretive area and signs, a vault toilet, and drainage on agricultural land; partial removal, reconstruction, and construction of set-back berms with access roads; rehabilitation of the existing Cutoff Slough tide gate and improvements to existing access roads; continued use of two existing bridges; short-term grazing for habitat management; removal of an existing levee, non-native beach grass, and three existing barns; and use of temporary construction use areas including cofferdams, diversion pipelines, and fish screens (as shown in Figure 2).

Figure 2. Site Map



NOTE: This depiction of the lease premises (above) is based on unverified information provided by the Applicant or other parties and is not a waiver or limitation of any State interest in the subject or any other property.

TERM:
20 years, beginning December 16, 2025.

CONSIDERATION:
Public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest; dredged materials may not be sold.

SPECIFIC LEASE PROVISIONS:

- While performing the Project activities, the Lessee will abide by mitigation measures and Best Management Practices to control turbidity and protect aquatic resources and habitats from excessive siltation in the general vicinity of the Lease Premises.
- Grading materials from the Lease Premises are the property of the State of California and shall not be sold. Lessee is not authorized to grade for purposes of commercial resale, environmental mitigation credits, or other private benefit without Lessor's prior written consent.
- Within 60 days of completing the restoration and rehabilitation Project, Lessee will provide Lessor with photographs, a set of as-built plans, and written confirmation which evidence completion of the Project and identify the contours of the restoration, rehabilitation, and enhancement activities on and adjacent to state land. Lessor shall then replace Exhibit A, Land Description, and Exhibit B, Site and Location Map, to the Lease as necessary to accurately reflect the final location of the authorized restoration and rehabilitation. Once approved by the Lessor's Executive Officer or designee, the revised Exhibits shall replace the Exhibits incorporated in the Lease at the time of Lease execution. The replaced Exhibits shall be incorporated in the Lease as though fully set forth therein.

BACKGROUND:

Much of the proposed Project area was originally comprised of estuarine salt marsh and a network of tidal channels including Centerville Slough, which extended from the mouth of the Eel River to the base of Wildcat Hills. Beginning in the 1860s, private landowners began developing the area for agricultural purposes. This development included draining, diking, and channelizing the existing sloughs. An extensive system of dikes and floodgates were installed to achieve flood protection over the last 150 years. With all the alterations and diversions over the years, it is difficult to determine the natural routing of Centerville Slough. While the Commission clearly has jurisdiction, given the limited amount of historical mapping and the extensive alterations over the years, the exact extent of the Commission's jurisdiction is difficult to determine, and additional research will likely not improve that determination. Commission staff feel the proposed lease area is the best determination of the Commission's jurisdiction based on the available evidence.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6321, 6321.2, 6501.1, and 6503; California Code of Regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On November 29, 2017, the Commission authorized a General Lease – Other, Lease PRC 9433, to The Wildlands Conservancy (Wildlands) for the construction and use of the Eel River Estuary Preserve Ecosystems Enhancement Project (Item 17, November 29, 2017). In 2018, that project was cancelled in favor of a new project proposal intended to encompass and expand upon the previous project's footprint and goals. The Wildlands lease will expire on November 28, 2042.

Wildlands has been collaborating with the Humboldt County Resource Conservation District (HCRCD) and the Applicant, the Natural Resources Conservation Service (NRCS), on the new project proposal, known as the Russ Creek and Centerville Slough Restoration Project (the Project). NRCS placed the Eel River Estuary Preserve (Preserve) owned by Wildlands and the adjacent privately owned lands used for agricultural grazing into Wetland Reserve Easements (Easements). As the holder of the Easements, NRCS is responsible for the

construction, use, and maintenance of the Project area. Wildlands is now applying for the termination of the General Lease – Other issued in 2017. Concurrently, the Applicant is applying for the issuance of a new General Lease – Public Agency Use for the Project located along Centerville Beach and between the Eel River and Wildcat Hills. The proposed Project area also includes off-easement construction activities to develop a portion of the freshwater wetland mitigation area, increase tidal wetland areas, reconnect the tidal hydrology to the restored Centerville Slough channel, restore coastal dune habitat, rehabilitate the Cutoff Slough tide gate, and improve access roads leading to the proposed Project area.

The Applicant, a federal entity within the United States Department of Agriculture, submitted a federal consistency determination to the California Coastal Commission (CCC) for the proposed Project. CCC staff initially recommended denying the consistency determination at their August 8, 2024 hearing. The Applicant requested postponement of the denial and extended the time available for the CCC to complete its review. The CCC later concurred with the Applicant's Consistency Determination and also approved a Coastal Development Permit (CDP) for the Project at their August 14, 2025 hearing. These actions followed minor design revisions to expand the project further south and east for additional wetland restoration, update the Cutoff Slough Tide Gate design, include removal of a third barn, and add a condition requiring the Applicant to seek input from the Wiyot Tribe on public access plans.

The Project area, as amended pursuant to the CCC requirements, currently contains pastures and a system of sloughs that are tributaries to the Eel River Estuary including Russ Creek, Shaw Creek, a seasonal drainage referred to as "Creamery Ditch," and an unnamed tributary. Much of the southern half of the Project, east of the former Centerville Slough, has been converted to pasture for agricultural purposes. The majority of the Project area has historically been and is currently used for dairy cattle grazing. The proposed Project reduces the amount of land in the Project area that is utilized for private agricultural purposes and would include an agricultural wetland area to be used for occasional livestock grazing, managed by the Applicant for the benefit of the local habitat. The conversion of the area to agricultural land beginning in the 1860s resulted in a reduction in flow of water from the Eel River in and out of the Eel River Estuary. This reduced flow, combined with sedimentation from freshwater tributaries, contributed to the infilling and narrowing of Centerville Slough. The proposed Project area, and area inland of the proposed Project area, currently experience storm waves that overtop the beach, carrying saltwater and sediment further inland than the proposed Project boundaries. Two

unused barns, the North and South barns, located inland of a proposed berm, are damaged and would be removed as part of the Project. A third barn, known as the Moranda Garage or the Halley barn/shed, located at the southern end of the Project area would also be removed.

Restoration activities include reestablishing Centerville Slough to reconnect the Eel River Estuary with former tidal wetlands and Russ and Shaw Creeks. Removal of the existing Inner Marsh levee would allow tidal flows and backwater flooding from the Eel River to move south into the restored salt marsh mosaic and Centerville Slough tidal network to improve ecosystem function while protecting agricultural uses to the east from flooding. A combination of back dune berms, restored tidal channels, and set-back berms will increase resiliency of the restored habitats for native fisheries and aquatic species; support water bird and wildlife species; protect adjacent agricultural lands; and provide additional public recreation and educational opportunities.

Ecological enhancements would result from restoring the connection of Centerville Slough to the Eel River, developing tidal and brackish marsh habitats, and constructing off-channel habitat for anadromous salmonids and other aquatic organisms. The Project would create new riparian, wetland, and open water habitat. It would also provide backwater pool habitat for refugia and winter rearing, all high priority elements for salmonid recovery.

The relatively small agricultural wetland area within one of the five easements would reserve livestock grazing rights subject to a Grazing Management Plan. Grazing is used as a land management strategy to provide shortgrass habitat for wintering waterbirds while avoiding the nesting season when taller, denser cover is needed for nesting birds. It is also used as a management tool to reduce weed species and provide a diversity of cover heights for fish, amphibians, mammals, and invertebrates. NRCS would perform annual site visits and meet with the landowners to provide recommendations and temporary authorizations. The landowners may conduct these activities or enter into an agreement for NRCS to perform any necessary activities. Grazing management would vary in timing, frequency, duration, and intensity; and could be excluded completely or limited to alternating years depending on conditions. Staff does not believe subleases to the private landowners are necessary, given the public benefit the managed grazing provides under the Project's direction, its seasonal and variable implementation, and the Commission's presently undetermined interest in this area due to limited historical records and site conditions.

Excavation of approximately four miles of Centerville Slough and levee lowering to re-connect the Eel River Estuary to the restored tidal wetlands and tributary streams would be needed. Centerville Slough would be extended 5,000 feet and be approximately 200-feet wide at its closest point to the proposed berm within the Preserve. Approximately 750,000 cubic yards of excavated material would be used to recontour the floodplain to 1) build the set-back berms, 2) raise subsided land closer to tidal marsh elevation, or 3) build low-profile tidal lagoon berms. Dredging and excavation would occur across two construction seasons, June 15th – October 15th of each year. The design of the excavated slough channel will be self-sustaining and is not anticipated to require future excavation. Temporary coffer dams would isolate work site sediment from being released into adjacent waters, and fish relocation would occur prior to construction.

The proposed four-mile set-back berm would be located to the east of the Centerville Slough marsh network and would bound the restoration area to increase tidal exchange within the restored area. Approximately 1,500 linear feet of the existing east-west berm at Angel's Camp would be lowered and the associated existing culvert would be removed. Portions lowered to a marsh plain elevation would be recontoured to tidal marsh elevations. The berm removal would allow for 29 acres of tidal wetlands to be reconnected. Approximately 700 feet of Centerville Road would be raised to 15 feet in elevation to reduce potential flooding from this tidal restoration area.

A new Russ Creek channel would be constructed, starting where it crosses the Preserve property boundary, through the Russ Creek tide gate and into the restored marsh to connect with the new Centerville Slough tidal network.

The Project area also includes diked former tidelands that are separated from the estuarine wetlands by a series of dikes and the Cutoff Slough tide gate. The structure was first built in the late 1800s and replaced in 1979. The tide gate currently provides the only anthropogenic conduit of drainage from the Project area and adjacent agricultural areas into the Eel River. The structure is equipped with six top-hinge tide gates that leak and limit aquatic organism passage to and from the Eel River. Along with approximately two miles of dikes, the tide gate protects an estimated 2,000 acres of productive agricultural lands. Minor repairs to the existing Cutoff Slough tide gate structure would be made as part of the Project and include gate replacement and structural retrofits. The gate replacements will include "fish-friendly" side-hinge style gates which are generally desirable for aquatic organism and debris passage. At least one gate would be equipped with an auxiliary door that can be adaptively set to remain open or closed and

managed for low flow fish passage. The tide gate design would be finalized through consultation and cooperation with the National Marine Fisheries Service (NMFS), the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW) pursuant to federal and state Endangered Species Act consultations.

The Preserve provides free public access and educational programs to the general public. The Project also proposes improvements to access roads and the parking area; and construction of a pathway compliant to the Americans with Disabilities Act, larger trail network atop the berms, interpretive signage (describing Wiyot cultural history of the Project area, ecological setting and compatible agricultural uses, and related restoration actions), vault toilet, lighting, fencing, and two kayak launches providing access to Centerville Slough and to the larger Eel River Estuary. After completion of the Project, the Preserve would be able to remain open year-round instead of closing for four months out of the year due to flooding, and access would be increased from 3-days to 7-days per week while Wildlands staff is on-duty.

The kayak launches would be approximately ten feet wide with all-weather graveled slopes extending from the bank of the slough to the slough channel to facilitate launching of kayaks and small non-motorized watercraft. Interpretative signage would be installed at each kayak launch site informing visitors of appropriate kayaking locations and tidal conditions. Kayak launches would provide visitors with opportunities to access the beach and the Eel River Estuary water trail network from the Preserve. Pedestrians would be able to access approximately 3.8 miles of trails with vistas that include the coastal dunes as a result of the completed project.

Current beach access through the Preserve is only allowed via reservation or a Wildlands led tour and therefore has not been regularly available to the general public. There is a single access road to the beach that is inaccessible during the winter due to flooding, causing reservations to be closed typically December through March. During snowy plover nesting season, Wildlands advises visitors to avoid accessing the beach area; therefore, public beach access is further limited during the months of March through September. This limited access point would be removed in order to restore Centerville Slough and tidal wetlands; however, a kayak launch would be available for kayaks to cross Centerville Slough and land in an area where beach access is available. The Project will not impact beach access at Centerville Beach County Park, which is the closest public beach access point to the project.

Wildlands would continue providing guided tours oriented towards the education of visitors and school children about nature, wetlands, estuary systems, and agriculture as practiced in the Coastal Zone up to two times a week. They would also promote recreational activities such as equestrian use, hiking, nature viewing, biking, kayaking, and beach access while maintaining hunting access. Public access would be limited (via signage and staff patrols) to designated locations such as the existing parking area, established footpaths, access roads, berm tops, kayak launches, and areas not protected by the Wiyot Tribe to protect cultural lands, habitat, and to support visitor safety. Public access to adjacent parcels privately held for cattle grazing would also be restricted.

The proposed Project would provide local, regional, and statewide benefits, through salmonid habitat restoration and rehabilitation, habitat creation and ecosystem enhancement, and enhanced public access and educational resources which are consistent with the Public Trust Doctrine. Reasonable time, place, and manner restrictions on public use of the Project area to protect public health, safety, and the restored estuary and habitats (including the intermittently grazed lands) do not substantially interfere with Public Trust uses.

Given the undetermined extent of the Commission's jurisdiction, patented land acquired by private parties, and the overall local, regional, and statewide public benefit of the proposed project, staff recommends that the Commission authorize the lease, with the consideration being the public use and benefit, and with any benefit to private parties being incidental and allowable consistent with Public Resources Code section 6303. The lease includes certain provisions protecting the public's use of the proposed lease area. The proposed lease does not grant the lessee exclusive rights to the lease premises and is limited to a 20-year term that allows the Commission flexibility to determine if the Public Trust needs of the area have changed over time. Furthermore, post-project monitoring will take place after project completion to evaluate project outcomes, implementation, and influences on habitat conditions.

CLIMATE CHANGE:

INTRODUCTION:

The climate crisis and rising sea levels are impacting coastal California now. As underscored in the State of California Sea Level Rise Guidance (Ocean Protection Council, 2024), the combination of extreme weather events and the persistent and accelerating rise in sea levels will lead to increased coastal hazards, such as wave

runup, storm surges, flooding, and erosion. Shorelines will move inland due to rising seas, exposing more of the natural and human-built environment to coastal hazards. The resulting damage will occur repeatedly and incrementally over years and, in extreme cases, over the span of a few large winter storms. These impacts may affect the restoration project that will include dredging and construction of setback levees subject to the proposed lease, located at the confluence of the Eel River and the Pacific Ocean.

DATA & PROJECTIONS:

Sea levels along most of the California coast rose four to eight inches during the last century, and this trend will accelerate throughout this century. The current rate of sea level rise is triple the rate of the last century. There is growing confidence that by 2050 sea levels will be approximately ten inches higher than they were in 2000. The severity of sea level rise beyond 2050 is contingent on future levels of greenhouse gas emissions. The California Ocean Protection Council updated the State of California Sea Level Rise Guidance in 2024 to provide a synthesis of the best available science on sea level rise projections and rates for multiple emissions scenarios. To apply a precautionary approach, Commission staff evaluated the "intermediate-high" and "high" scenarios due to the vulnerability and exposure of the lease location and the continued global reliance on fossil fuels. The Crescent City tide gauge was used for the projected sea level rise scenario for the lease area, as listed in Table 1.

Table 1. Projected Sea Level Rise for Crescent City

Year	Intermediate-High (feet)	High (feet)
2040	0.3	0.4
2060	1.0	1.5
2080	2.3	3.4
2100	3.9	5.6

Source: Table 1, State of California Sea-Level Rise Guidance: 2024 Update
Note: Projections are with respect to a 2000 baseline.

ANALYSIS:

According to the Environmental Impact Report (EIR), the proposed Project's boundary is approximately 1,150-acres. The habitat enhancement activities are designed and intended to reestablish hydraulic connectivity between Centerville Slough and upland stream channels that include Russ Creek, Shaw Creek, and other tributaries. The Project considers future climate change projections for sea

level rise in its design. Collectively, the dredging of a new Centerville Slough main channel and tributaries subject to full tidal influence is intended to improve and increase the region's adaptability and resiliency to climate change impacts by improving hydrologic function in the lower Eel River and associated tributaries. In addition, the levee design will prevent levee overtopping in the short term (10-30 years) by adding two feet of protection. However, the levee design may be exposed to overtopping in the long term (100-200 years).

RECOMMENDATIONS:

Nature-based strategies (also referred to as 'natural shoreline infrastructure'), accommodation strategies (e.g., elevating or flood-proofing structures), and relocating vulnerable structures further inland can reduce the exposure of structures and improve their resilience to sea level rise. Unlike seawalls or revetments, these approaches can be effective long-term because they have minimal interference with dynamic coastal processes, which will help to maintain the width of beaches and provide a wider buffer against the effects of sea level rise.

Please refer to Section 4 of the Commission's report Shoreline Adaptation and the Public Trust for more information about various shoreline adaptation strategies and their advantages and disadvantages for mitigating coastal hazards and protecting Public Trust resources. Any future construction or activities on State land would require a separate authorization from the Commission.

Regular maintenance, as referenced in the terms of the lease, may reduce the likelihood of severe structural degradation or dislodgement. Pursuant to the proposed lease, the Lessee acknowledges that the lease premises and adjacent upland (not within the lease area) are located in an area that may be subject to the effects of climate change, including sea level rise and rising groundwater levels.

CONCLUSION:

For all the reasons above, staff believes issuance of this lease will not substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the proposed lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of a lease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law. The lessee has no right to a new lease or renewal of any previous lease.

2. This action is consistent with the "Leading Climate Activism", "Meeting Evolving Public Trust Needs", and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

3. Termination of the lease is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

   Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, sections 15060, subdivision (c)(3), and 15378, subdivision (b)

4. An EIR, State Clearinghouse No. 2022040559, was prepared for this Project by HCRCD and certified on August 10, 2023. As part of its project approval, HCRCD made a Statement of Facts and Findings and adopted a Mitigation Monitoring and Reporting Program. The HCRCD then prepared an Addendum to the EIR to address changes to the proposed Project, pursuant to the CEQA Guidelines (Cal. Code Regs., tit 14, § 15164), and adopted the Addendum on November 7, 2025. Staff has reviewed the Addendum and the EIR, and the changes to the proposed Project do not create substantial changes to the project, to the circumstances in which the project occurs, or present other new information that would require a subsequent or supplemental EIR.

   Staff has reviewed these documents and prepared an independent Mitigation Monitoring Program (MMP) (attached, Exhibit A) that incorporates HCRCD's document. Staff recommends adoption of Exhibit A by the Commission.

   Staff also prepared Findings made in conformance with the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096), which determined that all potential impacts within the Commission's leasing jurisdiction would be less than significant or less than significant with mitigation. Staff recommends the Commission adopt the Findings contained in the attached Exhibit B.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, *et seq*., but such activity will not affect those significant lands. Based upon participation from the agency nominating such lands through the CEQA review and permitting process, it is Staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

- Humboldt County
- U.S. Army Corps of Engineers
- National Oceanic and Atmospheric Administration
- State Water Resources Control Board
- U.S. Fish and Wildlife Service
- California Coastal Commission

EXHIBITS:

A. Mitigation Monitoring Program

B. Statement of Findings

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2022040559, was prepared for this project by HCRCD and certified on August 10, 2023. Then, an Addendum to the EIR was adopted on November 7, 2025, by HCRCD. Find that the Commission has reviewed and considered the information contained therein; that in the Commission's independent judgment, the scope of activities to be carried out under the lease to be issued by this authorization have been adequately analyzed; that none of the events specified in Public Resources Code section 21166 or the CEQA Guidelines

section 15162 resulting in any new or substantially more severe significant impact have occurred; and, therefore no additional CEQA analysis is required.

Adopt the Mitigation Monitoring Program, as contained in the attached Exhibit A.

Adopt the Findings, made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained in the attached Exhibit B.

Determine that the project, as approved, will not have a significant effect on the environment.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the term of the lease; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370*, et seq*.

AUTHORIZATION:

1. Authorize termination of Lease Number PRC 9433, a General Lease – Other, issued to The Wildlands Conservancy, effective December 15, 2025.
2. Authorize issuance of a General Lease – Public Agency Use to the Applicant beginning December 16, 2025, for a term of 20 years, for the construction and use of the Russ Creek and Centerville Slough Restoration Project; consideration being the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests; grading material shall be used for the benefit of the Project and may not be sold.
3. Authorize the Executive Officer or designee to replace exhibits in the lease upon submission, review, and approval of as-built plans and post-completion reports detailing the final location of the restoration and rehabilitation activities and other improvements, following project completion.

EXHIBIT A

CALIFORNIA STATE LANDS COMMISSION
MITIGATION MONITORING PROGRAM
Russ Creek and Centerville Slough Restoration Project
(A4684, State Clearinghouse No. 2022040559)

The California State Lands Commission (Commission or CSLC) is a responsible agency under the California Environmental Quality Act (CEQA) for the Russ Creek and Centerville Slough Restoration Project (Project). The CEQA lead agency for the Project is the Humboldt County Resource Conservation District (District).

In conjunction with approval of this Project, the Commission adopts this Mitigation Monitoring Program (MMP) for the implementation of mitigation measures for the portion(s) of the Project located on State lands. The purpose of an MMP is to impose feasible measures to avoid or substantially reduce the significant environmental impacts from a project identified in an Environmental Impact Report (EIR) or a Mitigated Negative Declaration (MND). State CEQA Guidelines section 15097, subdivision (a), states in part:

> *In order to ensure that the mitigation measures and project revisions identified in the EIR or negative declaration are implemented, the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects. A public agency may delegate reporting or monitoring responsibilities to another public agency or to a private entity which accepts the delegation; however, until mitigation measures have been completed the lead agency remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the program.*

The lead agency certified an EIR, State Clearinghouse No. 2022040559, adopted a Mitigation Monitoring and Reporting Program (MMRP) for the whole of the Project (see Exhibit A, Attachment A-1), and remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with its program. The Commission's action and authority as a responsible agency apply only to the mitigation measures listed in Table A-1 below. The full text of each mitigation measure, as set forth in the MMRP prepared by the CEQA lead agency and provided in Attachment A-1, is incorporated by reference in this Exhibit A.

Table A-1. Project Impacts and Applicable Mitigation Measures

Potential Impact	Mitigation Measure (MM)[1]
AQ-1	AQ-1
AQ-C-1	AQ-1
BIO-1	BIO-1 through BIO-7
BIO-2	BIO-8, BIO-9
BIO-3	BIO-10
CR-2	CR-1
CR-3	CR-2
GEO-2	GEO-1
GEO-3	GEO-1
GEO-4	GEO-1, HWQ-1, HWQ-3, WQ-6
GEO-6	GEO-2
HAZ-1	HHM-1, HHM-3, HHM-4
HAZ-2	HHM-1, HHM-3, HHM-4, HWQ-3
HWQ-1	HWQ-1, HWQ-2, HWQ-3, WQ-1, WQ-2, WQ-3, WQ-6, WQ-7, HMM-4
HWQ-3	HWQ-1, HWQ-2, HWQ-3
HWQ-5	HWQ-1, HWQ-2, HWQ-3, WQ-6, WQ-7, HMM-4
TCR-1	CR-1, CR-2

[1] See Attachment A-1 for the full text of each MM taken from the MMRP prepared by the CEQA lead agency.

ATTACHMENT A-1

Mitigation Monitoring and Reporting Program
Adopted by the Humboldt County Resource Conservation District

Mitigation Monitoring and Reporting Program

Humboldt County Resource Conservation District (HCRCD) - Russ Creek and Centerville Slough Restoration Project

SCH No. 2022040559

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
Aesthetics			
N/A	N/A	N/A	N/A
Agriculture and Forestry Resources			
N/A	N/A	N/A	N/A
Air Quality			
Mitigation Measure AQ-1: Dust Control Measures During Construction The contractor shall implement the following BMPs during construction; the BMPs shall be included as notes on final construction plans: • All exposed surfaces (e.g., parking areas, staging areas, soil piles, active graded areas, excavations, and unpaved access roads) shall be watered in areas of active construction or as necessary in conjecture with other dust suppression methods (such as gravel application) to appropriately control dust. The County or NCUAQMD may require additional treatment in periods of high wind or other circumstances causing visible dust to be generated by the construction site. • All vehicle speeds on unpaved roads shall be limited to 15 mph, unless the unpaved road surface has been treated for dust suppression with water, rock, wood chip mulch, or other dust prevention measures.	**Monitors:** • HCRCD • HCRCD's Contractor	**Reporting Actions:** ☐ Verify requirements are included in final plans and specifications. **Schedule:** ☐ Prior to and during construction, check jobsite compliance as necessary.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
• All haul trucks transporting soil, sand, or other loose material off-site on public roads shall clean all side boards and headboards of material and be adequately wetted and covered. • Use of mud rumbler mats will be required to reduce off-site tracking of mud and dirt. All visible mud or dirt track-out onto adjacent paved public roads shall be removed using wet power vacuum street sweepers at least once per day, as necessary. The use of dry power sweeping is prohibited. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The NCUAQMD's phone number shall also be visible to ensure compliance with applicable regulations.			
Biological Resources			
Mitigation Measure BIO-1: Avoidance, Minimization, and Mitigation for Tidewater Goby To mitigate for direct and indirect impacts on Tidewater Goby, the following avoidance and minimization measures will be incorporated into the Project: • Construction activities will be phased and conducted in a sequence that minimizes impacts to Tidewater Goby. Construction also will be limited to dry-season work windows (June 15 through October 15) to reduce the amount of goby habitat affected and minimize the impact on water quality. Although dry-	**Monitors:** • HCRCD • HCRCD's Biologist & Contractor	**Reporting Actions:** ☐ Verify completion and documentation of fish relocation, if necessary; verify protection measures are implemented.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
season work windows may coincide with spawning and larval development, the footprint of available Goby habitat may be smaller because summer conditions typically are drier, reducing the area in which Tidewater Goby may be present. In addition, conducting work during the dry season will minimize the impact on water quality from sediment generated by construction activities and from spills that could occur during construction and maintenance of the Project (e.g., oil, fuel, hydraulic fluid). • Phase Project construction so Tidewater Goby can be relocated to sites in the Project Area but away from areas targeted for restoration. During excavation, Tidewater Goby may be crushed by equipment or debris or may be removed from channels or marshes unintentionally by equipment. Mortality can be minimized by capturing and relocating Tidewater Goby out of construction areas. Relocating Tidewater Goby from areas targeted for restoration to habitat outside of the immediate restoration area before construction begins is intended to protect individual fish; however, improper capture and handling may result in injury or mortality. In addition, Tidewater Goby that need to be relocated should be taken to areas that have suitable habitat (e.g., where Tidewater Goby are known to thrive). Therefore, the capture and handling of Tidewater Goby will be conducted by qualified biologists, and suitable habitats for relocation will be identified before construction begins. • Where dewatering needs to occur, all pump intakes will be screened with 1.6 mm (1/16 inch) screen, and only qualified biologists will conduct Goby rescue during dewatering.		**Schedule:** ☐ During construction.	
Mitigation Measure BIO-2: Conduct Pre-construction Avian Surveys for Nesting Passerine Birds and Avian Species of Special Concern To mitigate for direct and indirect impacts on nesting birds, the following avoidance and minimization measures will be incorporated into the Project:	**Monitors:** • HCRCD • HCRCD's Biologist & Contractor	**Reporting Actions:** ☐ Verify completion and documentation of surveys; verify disturbance buffers and	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
• Clearing of shrubs or other vegetation, if necessary for construction or maintenance, shall be conducted during the fall and/or winter months from August 16 to March 14, outside of the active nesting season for migratory bird species (i.e., March 15 to August 15) if feasible. No trees will be removed for this Project. If vegetation removal or ground disturbance cannot be confined to the non-breeding season, the applicant shall have a qualified biologist conduct pre-construction surveys within the impact area for ground disturbance, vegetation removal and/or maintenance activities, to check for nesting activity of migratory, raptors, and special-status bird species. The biologist shall conduct the pre-construction surveys within the 7-day period prior to vegetation removal and ground-disturbing activities. If ground disturbance and vegetation removal work lapses for 15 days or longer during the breeding season, a qualified biologist shall conduct a supplemental avian pre-construction survey before Project work may be reinitiated. • If active nests are detected within the construction or maintenance (operation) footprint or within 500 feet of construction activities, the applicant shall flag the buffers that are supporting breeding and will not begin ground disturbing work or vegetation removal inside the buffers until the nests have fledged. Construction activities shall avoid nest sites until the biologist determines that the young have fledged, or nesting activity has ceased. If nests are documented outside of the construction (disturbance) footprint, but within 500 feet of the construction area, buffers will be implemented if deemed appropriate in coordination with CDFW. In general, the buffer for common species would be a minimum of three feet, the buffer for sensitive species would be 300 feet, and the buffer for raptors would be 500 feet.		protection measures are implemented. **Schedule:** ☐ Pre-construction and during construction if needed.	
Mitigation Measure BIO-3: Avoid, Minimize, and Mitigate for Potential Impacts to Western Snowy Plover	**Monitors:** • HCRCD	**Reporting Actions:** ☐ Verify that protection and avoidance	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
To mitigate for direct and indirect impacts on Snowy Plover, the following avoidance and minimization measures will be incorporated into the Project: • Construction and maintenance activities associated with the construction of Back Dune Berms would be conducted between September 1 and March 1, outside of the plover nesting season. The area of impact, defined as permanent or semi-permanent change in elevation or conversion to > 30 percent vegetation cover, would also occur outside of USFWS-designated critical habitat for Snowy Plover. This would result in no net loss nor temporal loss of suitable Western Snowy Plover breeding habitat.	• HCRCD's Biologist & Contractor	measures are in final specifications; verify protection measures are implemented. **Schedule:** ☐ Pre-construction and during construction if needed.	
Mitigation Measure BIO-4: Mitigate for Potential Impacts to Northern Red-legged Frog and Western Pond Turtle Although direct impacts to Northern Red-legged Frog breeding habitat are not anticipated because the duckponds will remain in freshwater conditions, measures for this species are included because individual frogs may disperse for considerable distances and could enter construction areas. • A qualified biologist will perform a pre-construction survey for the Northern Red-legged Frog, and Western Pond Turtle within seven days prior to commencement of ground disturbance. The survey shall be limited to within 50 feet of suitable habitat within the Project footprint. Suitable habitat would be determined by the qualified biologist. The qualified biologist would inspect any work areas containing fresh surface water (not including puddles resulting from rainfall) to ensure tadpoles or frogs are not present. If they are present, the qualified biologist would implement a rescue and relocation operation to move any tadpoles or frogs to a safe location in nearby suitable habitat. • In the event that a Northern Red-legged Frog or Western Pond Turtle is observed in an active construction zone, the contractor shall halt construction	**Monitors:** • HCRCD • HCRCD's Biologist & Contractor	**Reporting Actions:** ☐ Completion and documentation of surveys, if necessary; verify protection measures are implemented. **Schedule:** ☐ Pre-construction and during construction.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
activities in the area and the frog and/or turtle shall be moved to a safe location in similar habitat outside of the construction zone. • Construction within areas of standing fresh water shall be limited to the period of the year between July 1 and October 30 to avoid disturbance to breeding frogs unless a qualified biologist evaluates the areas of standing water and determines they are not suitable habitat, or the absence of eggs and tadpoles is confirmed.			
Mitigation Measure BIO-5: Mitigate for Potential Impacts to Salmonid Species To mitigate for direct and indirect impacts on salmonid species, the following avoidance and minimization measures will be incorporated into the Project: • The in-water construction and maintenance work window will be limited to June 15th through October 15th to avoid or minimize impacts to juvenile salmonids. Before potential de-watering activities begin in creeks or channels within the Project Area, the qualified Biologist shall ensure that native aquatic vertebrates and larger invertebrates, if feasible, are relocated out of the construction footprint into a flowing channel segment by a qualified fisheries biologist. In deeper or larger areas, water levels shall first be lowered to manageable levels using methods to ensure no impacts to fisheries and other special status aquatic species. A qualified fisheries biologist or aquatic ecologist shall then perform appropriate seining or other trapping procedures to a point at which the biologist is assured that almost all individuals within the construction area have been caught. These individuals shall be kept in buckets with aerators to ensure survival. They shall then be relocated to an appropriate flowing channel segment or other appropriate habitat as identified by the qualified Biologist in consultation with NOAA Fisheries and CDFW. Federally threatened salmonid species that occur within the Project Area include natal or non-natal Coho Salmon, Steelhead, and Chinook Salmon.	**Monitors:** • HCRCD • HCRCD's Biologist & Contractor	**Reporting Actions:** ☐ Verify completion and documentation of fish relocation, if necessary; verify protection measures are implemented. **Schedule:** ☐ During construction.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
Mitigation Measure BIO-6: Mitigate Impacts to Sensitive-Listed Plant Species The following mitigation is addressed collectively for all special status plant species. Significant impacts to special-status plant species present or likely to be present in the Project Area shall be avoided or minimized by complying with the following requirements for all special status plant species: • Pre-construction and maintenance surveys: Potential habitat for special-status plant species shall be surveyed in appropriate seasons prior to temporary road construction, excavation/dredging, fill, drainage, or flooding activities associated with Project construction and maintenance. Surveys shall be performed by a qualified field botanist. Populations shall be mapped and flagged if the population is located adjacent to or within construction areas and avoidance is feasible. • The locations of any special status plant populations to be avoided shall be clearly identified in the contract documents (plans and specifications)	**Monitors:** • HCRCD • HCRCD's Biologist & Contractor	**Reporting Actions:** ☐ Completion and documentation of surveys, verify requirements are in final specifications; verify applicable mitigation and monitoring is implemented. **Schedule:** ☐ Pre-construction, during construction, and post-construction.	
Mitigation Measure BIO-8: Mitigate Impacts to Sensitive Listed Habitats Through Avoidance and Re-establishment • Intact Dune Mat vegetation will be protected during construction primarily by pre-construction surveys and avoidance. A qualified biologist will survey sandy habitats in and around ground disturbance and staging areas for intact Dune Mat vegetation. Dune Mat vegetation will be flagged and avoided by all vehicles and personnel. If high quality Dune Mat cannot be avoided, it will be mitigated at a ratio of no less than 1:1 in a suitable location.	**Monitors:** • HCRCD • HCRCD's Biologist & Contractor	**Reporting Actions:** ☐ Completion and documentation of surveys. **Schedule:** ☐ Pre-construction.	
Mitigation Measure BIO-9: Mitigate Impacts to Sensitive Listed Habitats Through Control of Invasive Species • In order to reduce the likelihood of dense-flowered cordgrass (Spartina) colonizing restored tidal marsh, existing populations in and adjacent to (north of the tide gates) the Project footprint shall be controlled prior to construction	**Monitors:** • HCRCD	**Reporting Actions:** ☐ Verify requirements are in final specifications.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
using manual, mechanical, and/or approved chemical methods, and in compliance with appropriate methods analysed and disclosed in the Regional Invasive Spartina Management Plan and the associated EIR (HTH 2013b). During the operation period of the Project, removal of cordgrass would be conducted under the authority of the Regional Invasive Spartina Management Plan and the associated PEIR. • All vehicles and equipment would be required to be cleaned and weed-free before entering the Project Area.	• HCRCD's Biologist & Contractor	**Schedule:** ☐ During construction.	
Mitigation Measure BIO-10: Mitigate Temporary and Short-term Impacts to Wetlands Through Construction Minimization and Avoidance Measures • At least 0.85 acre of uplands will be seeded with hydrophytic vegetation (FAC, FACW, OBL ratings according to the WMVC wetland plant list) to create one-parameter wetlands in the Project Area. Up to 0.41 acre will be seeded around the margin of the upland pasture and up to 0.44 acre will be seeded on the east side of the new levee (Figure 3.4-5). Straw mulch will be placed on seeded areas. • The locations of sensitive habitats including wetlands to be avoided shall be clearly identified in the contract documents (plans and specifications). • Before clearing and grubbing commences, disturbance areas shall be flagged to clearly define the limits of the work area. These areas shall be clearly identified on the contract documents (plans and specifications). • Selected contractors shall sign a document stating that they have read, understand, and agree to the required resource avoidance measures, and shall have construction/maintenance crews participate in a training session on sensitive resources. • A qualified biologist shall be on-site to observe activities, as appropriate, when construction or maintenance in or adjacent to sensitive habitat including	**Monitors:** • HCRCD • HCRCD's Biologist & Contractor	**Reporting Actions:** ☐ Verify requirements are in final specifications; verify completion and documentation of training; verify applicable compensatory mitigation is implemented; check jobsite compliance as necessary. **Schedule:** ☐ Pre-construction, during construction, and post-construction.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
wetlands occurs. Site disturbance shall be minimized to the greatest extent feasible by using existing disturbed areas for access roads and staging areas and concentrating the area of disturbance associated with restoration actions within the minimum space(s) necessary to complete the Project. Where feasible, temporary measures for access or construction, such as the use of temporary tracks or pads, shall be used to minimize impacts. Revegetation activities shall take place at seasonally appropriate times based on habitat types, and as soon as feasible following habitat disturbance, to restore disturbed areas to pre-project conditions or better.			
Cultural Resources			
Mitigation Measure CR-1: Protocols for Inadvertent Discovery of Cultural Resources • If cultural or historic-era resources (for example: chipped or ground stone, historic debris, building foundations, or bone) are encountered during construction activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (Title 14 CCR 15064.5 (f)). Project representatives shall be immediately notified and work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action. The qualified archaeologist shall evaluate the discovery and, in consultation with the landowner and lead agency, develop a plan for treatment of the resources that is deemed appropriate and feasible. Such treatment may include avoidance, curation, documentation, excavation, preservation in place, or other appropriate measures. If the archaeological resources are Native American, representatives of the appropriate culturally affiliated tribe shall also be enlisted to help evaluate the find and suggest appropriate treatment.	**Monitors:** • HCRCD • HCRCD's Archaeologist & Contractor	**Reporting Actions:** ☐ Verify requirements are in final specifications; documentation of inadvertent discoveries, if any. **Schedule:** ☐ During construction.	
Mitigation Measure CR-2: Protocols for Inadvertent Discovery of Human Remains	**Monitors:**	**Reporting Actions:**	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
• If human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). Project representatives shall be immediately notified. The Humboldt County coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the NAHC (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.	• HCRCD • HCRCD's Archaeologist & Contractor	☐ Verify inclusion of language in final plans and specifications; documentation of inadvertent discoveries, if any. **Schedule:** ☐ Prior to and during construction.	
Energy			
N/A	N/A	N/A	N/A
Geology and Soils			
Mitigation Measure GEO-1: Implement Recommendations in the Geotechnical Report • The Humboldt County Resource Conservation District shall ensure that the Project is designed to comply with the recommendations in the Project's geotechnical report (LACO 2022) to ensure seismic stability, implementation of recommendation specific to grading and excavation, erosion control protections, and adherence to the California Building Code (CBC). The geotechnical recommendations are proposed to be incorporated in the final	**Monitors:** • HCRCD • Engineer of Record	**Reporting Actions:** ☐ Verify requirements are included in final plans and specifications. **Schedule:** ☐ Pre-construction.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
plans and specifications and implemented during construction. Professional inspection by a qualified engineer or geologist of foundation and excavation, earthwork and other geotechnical aspects of site development shall be performed during construction in accordance with the current version of the CBC.			
Mitigation Measure Spartina PEIR WQ-6: Designate Ingress/Egress Routes • Temporary ground disturbance associated with site ingress/egress, staging, stockpiling, and equipment storage areas could occur in areas outside and adjoining work areas. Where areas adjacent to staging and stockpile areas are erosion prone, the extent of staging and stockpile shall be minimized by flagging their boundaries. An erosion/sediment control plan shall be developed for erosion prone areas outside the work area where greater than 0.25 acre (0.1 hectare) of ground disturbance may occur as a result of ingress/egress, access roads, staging and stockpile areas. The erosion/sediment control plan shall be developed by a qualified professional and identify BMPs for controlling soil erosion and discharge for Project-related contaminants. The erosion/sediment control plan shall be prepared prior to any ground disturbing activities and implemented during construction (H.T. Harvey & Associates and GHD 2013, page 128).	**Monitors:** • HCRCD • HCRCD's Spartina Removal Contractor	**Reporting Actions:** ☐ Develop erosion and sediment control plan; check jobsite compliance as necessary. **Schedule:** ☐ Prior to and during construction.	
Mitigation Measure GEO-2: Protect Paleontological Resources during Construction Activities • If fossils are encountered during construction (i.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants), construction activities within 50 feet (15 meters) of the find shall be stopped. The HCRCD and property owners shall be immediately notified, and a professional paleontologist shall be retained to evaluate the potential resource, assess the nature and importance of the find, and document the discovery as needed. Based on the	**Monitors:** • HCRCD • HCRCD's Construction Contractor	**Reporting Actions:** ☐ Document inadvertent discovery, if any, and notify State Lands Commission as needed.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
scientific value or uniqueness of the find, the HCRCD may allow work to continue after the paleontologist has recorded the find or may recommend salvage and recovery of the material if it is determined that the find should, but cannot, be avoided. The paleontologist shall make recommendations for any necessary treatment that is consistent with currently accepted scientific practices. The HCRCD will work with a qualified paleontologist to determine the appropriate final disposition for any fossils found onsite. The final disposition of any paleontological resources recovered on state lands under the jurisdiction of the State Lands Commission must be approved by the State Lands Commission.		**Schedule:** ☐ During construction.	
Greenhouse Gas Emissions			
N/A	N/A	N/A	N/A
Hazards and Hazardous Materials			
Mitigation Measure Spartina PEIR HHM-1: Worker Injury from Accidents Associated with Use of Manual and Mechanical Equipment • A health and safety plan shall be developed to identify and educate workers engaged in activities that involve heavy equipment associated with construction or invasive plant management activities under the Project. Appropriate safety procedures and equipment, including hearing, eye, hand and foot protection, and proper attire, shall be used by workers to minimize risks associated with use of heavy equipment. Workers shall receive safety training appropriate to their responsibilities prior to engaging in such work.	**Monitors:** • HCRCD • HCRCD's Spartina Removal Contractor	**Reporting Actions:** ☐ Develop health and safety plan; verify completion and documentation of training; check jobsite compliance as necessary. **Schedule:** ☐ Prior to and during construction.	
Mitigation Measure Spartina PEIR HHM-3: Worker Health Effects from Herbicide Application	**Monitors:**	**Reporting Actions:**	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
• Appropriate health and safety procedures and equipment, as described on the herbicide or surfactant label, including personal protective equipment (PPE) as required, shall be used by workers to minimize risks associated with herbicide application methods. Mixing and applying herbicide will be done in accordance with label directions and shall be conducted or supervised by certified or licensed herbicide applicators.	• HCRCD • HCRCD's Spartina Removal Contractor	☐ Check jobsite compliance as necessary. **Schedule:** ☐ During construction.	
Mitigation Measure Spartina PEIR HHM-4: Avoid Health Effects to the Public and Environment from Herbicide • For areas targeted for application of herbicide that are within 500 feet (152 meters) of human sensitive receptors (i.e., houses, schools, hospitals), prepare and implement a herbicide drift management plan to reduce the possibility of chemical drift into populated areas. The Plan shall include the elements listed below. To minimize risks to the public, mitigation measures for herbicide application methods related to timing of herbicide use, area of treatment, and public notification, shall be implemented by entities engaging in treatment activities as identified below: • Herbicide will be applied in accordance with the manufacturer's label. • CDFW will coordinate with the County Agricultural Commissioner to identify and avoid impacts to any nearby sensitive areas (e.g., schools, hospitals) that require notification prior to herbicide applications. • CDFW will identify nearby sensitive habitat and, where feasible, establish buffer zones to avoid affecting sensitive receptors. • Herbicide will be applied using the coarsest droplet size possible that maintains sufficient plant coverage while minimizing drift into adjacent areas. • Herbicide shall not be applied when winds exceed 10 miles per hour or when inversion conditions exist (consistent with the herbicide labels); or when wind	**Monitors:** • HCRCD • HCRCD's Spartina Removal Contractor	**Reporting Actions:** ☐ Prepare a herbicide drift management plan; verify public notification as needed. **Schedule:** ☐ During construction.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
could carry spray drift into inhabited areas. Refer to Section 3.3 (Air Quality) for discussion on inversions. • Public access to treatment sites will be restricted during treatment windows. • No surfactants containing nonylphenol ethoxylate will be used.			
Hydrology and Water Quality			
Mitigation Measure HWQ-1: Manage Construction Storm Water The Project and operations shall obtain coverage under State Water Resources Control Board Order No. 2009-0009-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, as amended by Order No. 2012-0006. In compliance with the NPDES requirements, a Notice of Intent (NOI) shall be prepared and submitted to the NCRWQCB, providing notification and intent to comply with the State of California General Permit. In addition, a Project specific Water Pollution Control Plan or functional equivalent will be prepared for pollution prevention and control prior to initiating site construction activities. The Project specific Water Pollution Control Plan shall identify and specify the use of erosion sediment control measures for avoidance of pollutants in stormwater runoff during construction related activities, and will be designed to address water erosion control, sediment control, off-site tracking control, wind erosion control, non-stormwater management control, and waste management and materials pollution control. A sampling and monitoring program shall be included in the Project specific Water Pollution Control Plan that meets the requirements of the NCRWQCB to ensure the included measures are effective. A Qualified Storm Water Pollution Prevention Plan Practitioner shall oversee implementation of the Plan, including visual inspections, sampling and analysis, and ensuring overall compliance.		**Reporting Actions:** ☐ Submit Notice of Intent to the NCRWQCB; prepare a Storm Water Pollution Prevention Plan (SWPPP) or Project specific Water Pollution Control Plan; stormwater monitor reporting as needed; check jobsite compliance as necessary. **Schedule:** ☐ Prior to and during construction.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
The operations associated with the Monitoring and Maintenance Plan include but not limited to activities associated with sediment management and channel maintenance are not anticipated to require preparation and implementation of the Project specific Water Pollution Control Plan as per section I (C) of Order No. 2009-0009 DWQ ,which lists activities that are not covered under the general permit: (24) Routine maintenance to maintain the original line and grade, hydraulic capacity, or original purpose of the facility and (25) Disturbance to land surfaces solely related to agricultural operations such as disking, harrowing, terracing and levelling and soil preparation.			
Mitigation Measure HWQ-2: Implement Contractor Training for Protection of Water Quality All contractors performing demolition, construction, grading, operations or other work that could cause increased water pollution conditions at the site (e.g., dispersal of soils) shall receive training regarding the environmental sensitivity of the site and need to minimize impacts prior to the commencement of ground disturbing activities. Contractors also shall be trained in implementation of stormwater measures included in the Project specific Water Pollution Control Plan and other Project permits for protection of water quality. The training shall be provided by a qualified Project engineer, water quality specialist, and/or biologist.		**Reporting Actions:** ☐ Verify completion and documentation of training. **Schedule:** ☐ Immediately prior to construction.	
Mitigation Measure HWQ-3: In-Stream Erosion and Water Quality Control Measures During Channel Excavation and Operations Where excavation occurs to widen, deepen, construct, or maintain Project channels, ditches, drainage structures, and gated culverts, in-stream erosion and turbidity control measures shall be implemented. These measures include installation and maintenance of in-stream turbidity curtains, cofferdams and silt-fence along channel banks as specified in Project designs, specifications and erosion control plans. Additionally:		**Reporting Actions:** ☐ Verify requirements are in final specifications; verify completion; check jobsite compliance as necessary.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
• Sufficient erosion control supplies will be maintained on site at all times, available for prompt use in areas susceptible to erosion during rain events; • Disturbance of existing vegetation will be minimized to only that necessary to complete the work; • The contractor will make adequate preparations, including training and providing equipment, to contain oil and/or other hazardous materials spills; • Dewatering operations will be conducted where needed, with water disposed of appropriately (e.g., allowed to settle in an isolated area, or discharged to an upland location where it will not discharge back to surface waters); • Vehicle and equipment maintenance will be performed off-site whenever practical; and • All erosion and sediment control measures shall be maintained until disturbed areas are stabilized.		**Schedule:** ☐ During construction.	
Mitigation Measure Spartina PEIR WQ-1: Managed Herbicide Control Herbicides shall be applied directly to plants and at low or receding tide to minimize the potential application of herbicide directly on the water surface, as well as to ensure proper dry times before tidal inundation. Herbicides shall be applied by a certified applicator and in accordance with application guidelines and the manufacturer label. The Control Program shall obtain coverage under the statewide General NPDES Permit for the Discharge of Aquatic Pesticides for Aquatic Weed Control in Waters of the United States.	**Agencies:** • HCRCD • HCRCD's Spartina Removal Contractor	**Reporting Actions:** ☐ Verify requirements are in final specifications. **Schedule:** ☐ Prior to and during construction.	
Mitigation Measure Spartina PEIR WQ-2: Minimize Herbicide Spill Risks Herbicides shall be applied by or under the direct supervision of trained, certified or licensed applicators. Herbicide mixtures shall be prepared by, or under the direct supervision of trained, certified or licensed applicators. Storage of herbicides and surfactants on or near project sites shall be allowed only in accordance with a spill prevention and containment plan approved by the	**Agencies:** • HCRCD • HCRCD's Spartina	**Reporting Actions:** ☐ Verify requirements are in final specifications. **Schedule:**	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
NCRWQCD; on-site mixing and filling operations shall be confined to areas appropriately bermed or otherwise protected to minimize spread or dispersion of spilled herbicide or surfactants into surface waters.	Removal Contractor	☐ Prior to and during construction.	
Mitigation Measure Spartina PEIR WQ-3: Minimize Fuel and Petroleum Spill Risks Fueling operations or storage of petroleum products shall be maintained off-site, and a spill prevention and management plan shall be developed and implemented to contain and clean up spills. Transport vessels and vehicles, and other equipment (e.g., mowers) shall not be serviced or fueled in the field except under emergency conditions; hand-held gas-powered equipment shall be fueled in the field using precautions to minimize or avoid fuel spills within the marsh. For example, gas cans will be placed on an oil drip pan with a PIG® Oil-Only Mat Pad placed on top to prevent oil/gas contamination. Only vegetable oil-based hydraulic fluid will be used in heavy equipment and vehicles during Spartina control efforts. When feasible, biodiesel will be used instead of petroleum diesel in heavy equipment and vehicles during Spartina control efforts. Other, specific BMPs shall be specified as appropriate to comply with the Basin Plan and the other applicable Water Quality Certifications and/or NPDES requirements.	**Agencies:** • HCRCD • HCRCD's Spartina Removal Contractor	**Reporting Actions:** ☐ Verify requirements are in final specifications. **Schedule:** ☐ Prior to and during construction.	
Mitigation Measures Spartina PEIR WQ-7: Removal of Wrack Tidal flushing is anticipated to alleviate wracking throughout the Project Area. During site specific planning, tidal circulation will be visually assessed. In areas with relatively low tidal circulation, it will either be assumed that dissolved oxygen levels are depressed or monitoring will be conducted to determine if dissolved oxygen levels are depressed. In treatment areas located within or adjacent to waters known or expected to have depressed dissolved oxygen, if wrack greater than ¼ acre is generated during Project implementation, the	**Agencies:** • HCRCD • HCRCD's Spartina Removal Contractor	**Reporting Actions:** ☐ Verify removal of wrack in qualifying areas. **Schedule:** ☐ During construction.	

Mitigation Measures (MM)	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Verification (Initials/Date)
wrack shall be removed from the treatment areas subject to tidal inundation or mulched finely and left in place.			
Land Use and Planning			
N/A	N/A	N/A	N/A
Noise			
N/A	N/A	N/A	N/A
Public Services			
N/A	N/A	N/A	N/A
Recreation			
N/A	N/A	N/A	N/A
Transportation			
N/A	N/A	N/A	N/A
Tribal Cultural Resources			
N/A	N/A	N/A	N/A
Wildfire			
N/A	N/A	N/A	N/A

EXHIBIT B

CALIFORNIA STATE LANDS COMMISSION
STATEMENT OF FINDINGS

1.0 INTRODUCTION

The California State Lands Commission (Commission or CSLC), acting as a responsible agency under the California Environmental Quality Act (CEQA), makes these findings to comply with CEQA as part of its discretionary approval to authorize issuance of a General Lease – Public Agency Use lease, to Natural Resource Conservation Service, for use of sovereign land associated with the proposed Russ Creek and Centerville Slough Restoration Project (Project). (See generally Pub. Resources Code, § 21069; State CEQA Guidelines, § 15381.)[1] The Commission has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The Commission also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions. (Pub. Resources Code, §§ 6301, 6306, 6009, subd. (c).) All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the common law Public Trust.

The Commission is a responsible agency under CEQA for the Project because the Commission must approve a lease for the Project to go forward and because the Humboldt County Resource Conservation District (District), as the CEQA lead agency, has the principal responsibility for approving the Project and has completed its environmental review under CEQA. The District analyzed the environmental impacts associated with the Project in a Final Environmental Impact Report (EIR) (State Clearinghouse [SCH] No. 2022040559) and, in August 10, 2023, certified the EIR and adopted a Mitigation Monitoring and Reporting Program (MMRP)and Findings. Subsequently, the District prepared an EIR Addendum and adopted it on November 7, 2025. The EIR Addendum addressed Project changes required by the California Coastal Commission Coastal Development Permit and determined that the changes do not require a Subsequent EIR because the

[1] CEQA is codified in Public Resources Code section 21000 et seq. The State CEQA Guidelines are found in California Code of Regulations, title 14, section 15000 et seq.

environmental impacts of the modified set-back berm alignment, southern property-Angel's Camp Addition, Cutoff Slough Tide Gate design update and additional barn/structure removal remained similar to those originally analyzed in the EIR.

The Project involves reestablishing the Centerville Slough tidal system by dredging a new Centerville Slough main channel and tributaries subject to full tidal influence; reestablishing hydraulic connectivity between Centerville Slough and upland stream channels that include Russ Creek, Shaw Creek, and other tributaries; and constructing a system of set-back levees to protect adjacent agricultural lands from tidal flooding, Eel River flooding, and dune overwash.

The District determined that the Project as a whole could have significant environmental effects on the following environmental resource areas:

Air Quality;
Biological Resources;
Cultural Resources;
Geology and Soils;
Hazards and Hazardous Materials;
Hydrology and Water Quality;
Tribal and Cultural Resources

All Project components are within the Commission's jurisdiction, and the associated resources areas noted above could experience significant environmental effects from the Project.

In certifying the Final EIR and Addendum and approving the Project, the District imposed various mitigation measures for Project-related significant effects on the environment as conditions of Project approval and concluded that Project-related impacts would be substantially lessened with implementation of these mitigation measures such that the impacts would be less than significant.

As a responsible agency, the Commission complies with CEQA by considering the EIR and Addendum and reaching its own conclusions on whether, how, and with what conditions to approve a project. In doing so, the Commission may require changes in a project to lessen or avoid the effects, either direct or indirect, of that part of the project which the Commission will be called on to carry out or approve. In order to ensure the identified mitigation measures and/or Project revisions are implemented, the Commission adopts the Mitigation Monitoring Program (MMP) as set forth in Exhibit A as part of its Project approval.

2.0 ADMINISTRATIVE RECORD OF PROCEEDINGS AND CUSTODIAN OF THE RECORD

These Findings are supported by substantial evidence contained in the EIR and other relevant information provided to the Commission or existing in its files, all of which is contained in the administrative record. The administrative record is located at the California State Lands Commission, 100 Howe Avenue, Suite 100-South, Sacramento, CA 95825. The custodian for the administrative record is the California State Lands Commission Division of Environmental Science, Planning, and Management.

3.0 FINDINGS

The Commission's role as a responsible agency affects the scope of, but not the obligation to adopt, findings required by CEQA. Findings are required under CEQA by each "public agency" that approves a project for which an EIR has been certified that identifies one or more significant impacts on the environment. (Pub. Resources Code, § 21081, subd. (a); State CEQA Guidelines, § 15091, subd. (a).) Because the EIR certified by the District for the Project identifies potentially significant impacts that fall within the scope of the Commission's approval, the Commission makes the Findings set forth below as a responsible agency under CEQA. (State CEQA Guidelines, § 15096, subd. (h); *Riverwatch v. Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186, 1202, 1207.

While the Commission must consider the environmental impacts of the Project as set forth in the EIR, the Commission's obligation to mitigate or avoid the direct or indirect environmental impacts of the Project is limited to those parts which it decides to carry out, finance, or approve. (Pub. Resources Code, § 21002.1, subd. (d); State CEQA Guidelines, §§ 15041, subd. (b), 15096, subds. (f)-(g).) Accordingly, because the Commission's exercise of discretion involves only issuing a General Lease – Public Agency Use for this Project, the Commission is responsible for considering only the environmental impacts related to lands or resources subject to the Commission's jurisdiction. With respect to all other impacts associated with implementation of the Project, the Commission is bound by the legal presumption that the EIR fully complies with CEQA.

The Commission has reviewed and considered the information contained in the Project EIR. All significant adverse impacts of the Project identified in the EIR relating

to the Commission's approval of a General Lease – Public Agency Use, which would allow dredging and construction of setback levees, are included herein and organized according to the resource affected.

These Findings, which reflect the independent judgment of the Commission, are intended to comply with CEQA's mandate that no public agency shall approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects unless the agency makes written findings for each of those significant effects. Possible findings on each significant effect are:

1. Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the Commission. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.[2]

A discussion of supporting facts follows each Finding.

- Whenever Finding (1) occurs, the mitigation measures that lessen the significant environmental impact are identified in the facts supporting the Finding.
- Whenever Finding (2) occurs, the agencies with jurisdiction are specified. These agencies, within their respective spheres of influence, have the responsibility to adopt, implement, and enforce the mitigation discussed.

The mitigation measures are briefly described in these Findings; more detail on the mitigation measures is included in the Final EIR. For the full text of each mitigation measure (MM), please refer to Exhibit A, Attachment A-1.

[2] See Public Resources Code section 21081, subdivision (a), and State CEQA Guidelines section 15091, subdivision (a).

A. Summary of Findings

Based on the EIR, the proposed Project will have No Impact on the following environmental resource areas:

Mineral Resources
Population and Housing
Utilities and Service Systems

The EIR subsequently identified the impacts to the following resource areas as Less Than Significant:

Aesthetics
Agricultural Resources
Energy
Greenhouse Gas Emissions
Land Use Planning
Noise
Public Services
Recreation
Transportation
Wildfire

For the remaining potentially significant effects, the Findings are organized by significant impacts within the EIR resource areas as presented below.

B. Potentially Significant Impacts

The impacts within the Commission's jurisdiction, identified in Table B-1, were determined in the Final EIR to be potentially significant absent mitigation. After application of mitigation, however, all impacts were determined to be less than significant (LTSM).

Table B-1 – Significant Impacts by Resource Area

Environmental Resource Area	Impact Nos. (LTSM)
Air Quality	AQ-1, AQ-C-1
Biological Resources	BIO-1, BIO-2, BIO-3
Cultural Resources	CR-2, CR-3
Geology and Soils	GEO-2, GEO-3, GEO-4, GEO-6
Hazards and Hazardous Materials	HAZ-1, HAZ-2
Hydrology and Water Quality	HWQ-1, HWQ-3, HWQ-5
Tribal and Cultural Resources	TCR-1

C. IMPACTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The impacts identified below were determined in the Final EIR to be potentially significant absent mitigation; however, the impacts were determined to be less than significant with mitigation (LTSM).

1. AIR QUALITY

CEQA Finding No. 1

Impact:	**AQ-1. Conflict with or obstruct implementation of the applicable air quality plan.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in the generation of fugitive dust throughout the project area during earth moving and stockpiling activities as part of construction. Operation of the Project will include invasive vegetation management, which may include earth disturbance and excavation and result in exposed soil. The EIR identified measures that would suppress the generation of fugitive dust from the project area, reduce off-site tracking of mud and dirt, and minimize equipment idle time.

Implementation of MM AQ-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM AQ-1: Dust Control Measures during Construction.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 2

Impact:	**AQ-C-1. Project Cumulative Projects Result in a Cumulatively Considerable Contribution to Cumulative Impacts Related to Air Quality.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in a cumulatively considerable net increase of fugitive dust during construction. The EIR identified measures that would suppress the generation of fugitive dust from the project area, reduce off-site tracking of mud and dirt, and minimize equipment idle time.

Implementation of MM AQ-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM AQ-1: Dust Control Measures during Construction.

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

2. BIOLOGICAL RESOURCES

CEQA Finding No. 3

Impact:	**BIO-1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activities proposed as part of the Project have the potential to result in direct and indirect impacts to populations of Tidewater Goby, raptors, migratory birds, Western Snowy Plover, Northern Red-legged Frog, Western Pond Turtle, salmonids, and their habitats. The EIR identified measures that would incorporate avoidance and minimization measures, including dry-season work windows and specimen relocation, into the project to mitigate for direct and indirect impacts to the species listed above.

Implementation of MMs BIO-1 through BIO-7 has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-1: Avoidance, Minimization, and Mitigation for Tidewater Goby

MM BIO-2: Conduct Pre-construction Avian Surveys for Nesting Passerine Birds and Avian Species of Special Concern

MM BIO-3: Avoid, Minimize, and Mitigate for Potential Impacts to Western Snowy Plover

MM BIO-4: Mitigate for Potential Impacts to Northern Red-legged Frog and Western Pond Turtle

MM BIO-5: Mitigate for Potential Impacts to Salmonid Species

MM BIO-6: Mitigate Impacts to Sensitive-Listed Plant Species

MM BIO-7: Mitigate Impacts to Beach Layia

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 4

Impact:	**BIO-2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in the conversion of brackish marsh, muted tidal wetlands, and brackish pasture into full tidal wetlands and freshwater pasture. The EIR identified measures that would protect intact Dune Mat vegetation through pre-construction surveys and avoidance and by controlling existing populations of dense-flowered cordgrass using manual, mechanical, and/or approved chemical methods.

Implementation of MMs BIO-8 and BIO-9 has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-8: Mitigate Impacts to Sensitive Listed Habitats Through Avoidance and Re-establishment

MM BIO-9: Mitigate Impacts to Sensitive Listed Habitats Through Control of Invasive Species

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 5

Impact:	**BIO-3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in the filling of existing wetlands. The proposed project could also result in short-term temporary impacts to permanent, seasonal, and transitional wetlands. The EIR identified measures that would create new wetland through seeding with hydrophytic vegetation, identify and avoid sensitive habitats, and include observation of construction activities by a qualified biologist.

Implementation of MM BIO-10 has been incorporated into the Project to reduce this impact to a less than significant level.

MM BIO-10: Mitigate Temporary and Short-term Impacts to Wetlands Through Construction Minimization and Avoidance Measures

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

3. CULTURAL RESOURCES

CEQA Finding No. 6

Impact:	**CR-2. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in impacts to buried historical or archaeological resources that could not be observed during the field survey. The EIR identified measures that would provide a process for evaluation of any unknown resources encountered during construction.

Implementation of MM CR-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM CR-1: Protocols for Inadvertent Discovery of Cultural Resources

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 7

Impact:	**CR-3. Disturb any human remains, including those interred outside of dedicated cemeteries.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to result in the discovery of buried human remains. The EIR identified measures for identification, consultation, and avoidance.

Implementation of MM CR-2 has been incorporated into the Project to reduce this impact to a less than significant level.

MM CR-2: Protocols for Inadvertent Discovery of Human Remains

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

4. GEOLOGY AND SOILS

CEQA Finding No. 8

Impact:	**GEO-2. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, including on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the project have the potential to contribute to property loss, injury, or death from seismic ground shaking. The EIR identified measures that require adherence to the recommendations in the geotechnical report so that the Project is designed and constructed in conformance with applicable design standards that would reduce the risk to life or property during a seismic event.

Implementation of MM GEO-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-1: Implement Recommendations in the Geotechnical Report

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 9

Impact:	**GEO-3. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, landslides, or otherwise unstable or expansive soils.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to contribute to property loss, injury, or death from seismic-related ground failure. While, the Project includes the installation of a berm with gated culverts that would be at a minimal risk of collapse from ground shaking and liquefaction, the EIR still identified measures that require adherence to the recommendations in the geotechnical report so that the Project is designed and constructed in conformance with applicable design standards that would reduce the risk to life or property during a seismic event.

Implementation of MM GEO-1 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-1: Implement Recommendations in the Geotechnical Report

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 10

Impact:	**GEO-4. Result in substantial soil erosion or loss of topsoil.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Grading, earthwork, and stockpiling activities proposed as part of the Project have the potential to result in increased potential for erosion or loss of topsoil on and off-site. The EIR identified measures that require adherence to the recommendations in the geotechnical report to control erosion during construction activities.

Implementation of MMs GEO-1, HWQ-1, HWQ-2, HWQ-3, and WQ-6 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-1: Implement Recommendations in the Geotechnical Report

MM HWQ-1: Manage Construction Storm Water

MM HWQ-2: Implement Contractor Training for Protection of Water Quality

MM HWQ-3: In-Stream Erosion and Water Quality Control Measures During Channel Excavation and Operations

MM WQ-6: Designate Ingress/Egress Routes

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 11

Impact:	**GEO-6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction activities proposed as part of the Project have the potential to result in the disturbance or damage of previously undiscovered paleontological resources. The EIR identified measures that would provide a process to avoid, evaluate, and/or provide data recovery for any unknown resources encountered during construction.

Implementation of MM GEO-2 has been incorporated into the Project to reduce this impact to a less than significant level.

MM GEO-1: GEO-2: Protect Paleontological Resources during Construction Activities

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

5. HAZARDS AND HAZARDOUS MATERIALS

CEQA Finding No. 12

Impact:	**HAZ-1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction and operation activities proposed as part of the Project have the potential to create a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials including petroleum products for

construction equipment and vehicles, hydraulic fluids, paints, and concrete curing compounds. The EIR identified measures that would establish procedures for the safe transportation, use, storage, disposal, and post-release clean-up of any hazardous waste in the event of an accidental spill. Implementation of MMs HHM-1, HHM-3, and HHM-4, has been incorporated into the Project to reduce this impact to a less than significant level.

MM HHM-1: Worker Injury from Accidents Associated with Use of Manual and Mechanical Equipment

MM HHM-3: Worker Health Effects from Herbicide Application

MM HHM-4: Avoid Health Effects to the Public and Environment from Herbicide

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 13

Impact:	**HAZ-2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction and operation activities proposed as part of the Project have the potential for an accidental release of the herbicide Imazapyr, used for vegetation management and treatment of invasive cordgrass during operational activities, to the soil or surface water. The EIR identified measures to be implemented during both the construction and operation phases that would establish procedures for the safe post-release clean-up of any hazardous waste in the event of an accidental spill.

Implementation of MM HHM-1, HHM-3, HHM-4, and HWQ-3 has been incorporated into the Project to reduce this impact to a less than significant level.

MM HHM-1: Worker Injury from Accidents Associated with Use of Manual and Mechanical Equipment.

MM HHM-3: Worker Health Effects from Herbicide Application Appropriate.

MM HHM-4: Avoid Health Effects to the Public and Environment from Herbicide

MM HWQ-3: In-Stream Erosion and Water Quality Control Measures During Channel Excavation and Operations

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

6. HYDROLOGY AND WATER QUALITY

CEQA Finding No. 14

Impact:	**HWQ-1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Construction and operation activities proposed as part of the Project have the potential to leave soils exposed to rain or surface water runoff that may carry soil contaminants (e.g., nutrients or other pollutants) into waterways adjacent to the site, degrade water quality, and potentially violate water quality standards for specific chemicals, dissolved oxygen, suspended sediment, or nutrients. The EIR identified measures that would reduce the potential for additional sources of fine sediments and other pollutants to enter surface waters and create turbidity or otherwise degrade water quality.

Implementation of MMs HWQ-1, HWQ-2, HWQ-3, WQ-1, WQ-2, WQ-3, WQ-6, WQ-7, and HHM-4 has been incorporated into the Project to reduce this impact to a less than significant level.

MM HWQ-1: Manage Construction Storm Water

MM HWQ-2: Implement Contractor Training for Protection of Water Quality

MM HWQ-3: In-Stream Erosion and Water Quality Control Measures During Channel Excavation and Operations

MM WQ-1: Managed Herbicide Control

MM WQ-2: Minimize Herbicide Spill Risks

MM WQ-3: Minimize Fuel and Petroleum Spill Risks

MM WQ-6: Designate Ingress/Egress Routes

MM WQ-7: Removal of Wrack

MM HHM-4: Avoid Health Effects to the Public and Environment from Herbicide

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 15

Impact:	**HWQ-3. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to increase the tidal prism in the Project Area and alter tidal and fluvial drainage patterns on- and off-site. The changes to the drainage pattern proposed by the Project could lead to increased erosion on- and off-site of the Project area. The EIR identified measures that would reduce the potential for additional sources of fine sediments and turbidity to enter surface waters of the Project area.

Implementation of MM HWQ-1, HWQ-2, and HWQ-3, has been incorporated into the Project to reduce this impact to a less than significant level.

MM HWQ-1: Manage Construction Storm Water

MM HWQ-2: Implement Contractor Training for Protection of Water Quality

MM HWQ-3: In-Stream Erosion and Water Quality Control Measures During Channel Excavation and Operations

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

CEQA Finding No. 16

Impact:	**HWQ-5. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Activities proposed as part of the Project have the potential to be a source of substantial additional polluted runoff associated with ground disturbance and post-construction erosion, including fine sediments which have been contaminated through historic agricultural processes. The EIR identified measures to prevent fine sediments and turbidity from entering surface waters of the Project during construction activities, and minimize risk due to release of herbicides to the environment during vegetation management throughout the operational phase of the project.

Implementation of MM HWQ-1, HWQ-2, HWQ-3, WQ-6, WQ-7, and HHM-4 has been incorporated into the Project to reduce this impact to a less than significant level.

MM HWQ-1: Manage Construction Storm Water

MM HWQ-2: Implement Contractor Training for Protection of Water Quality

MM HWQ-3: In-Stream Erosion and Water Quality Control Measures During Channel Excavation and Operations

MM WQ-6: Designate Ingress/Egress Routes

MM WQ-7: Removal of Wrack

MM HHM-4: Avoid Health Effects to the Public and Environment from Herbicide

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

7. TRIBAL AND CULTURAL RESOURCES

CEQA Finding No. 17

Impact:	**TCR -2. Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1?**
Finding(s):	(1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant environmental effect as identified in the EIR.

FACTS SUPPORTING THE FINDING(S)

Ground disturbing activities proposed as part of the Project have the potential to have a significant effect on tribal cultural resources. The EIR identified measures that would provide a process for avoidance, evaluation, and/or data recovery for any previously unknown resources encountered during construction.

Implementation of MMs CR-1 and CR-2 has been incorporated into the Project to reduce this impact to a less than significant level.

MM CR-1: Protocols for Inadvertent Discovery of Cultural Resources

MM CR-2: Protocols for Inadvertent Discovery of Human Remains

LEVEL OF SIGNIFICANCE AFTER MITIGATION. With the mitigation described above, this impact is reduced to a less than significant level.

E. FINDINGS ON ALTERNATIVES

The Commission, as a responsible agency and pursuant to State CEQA Guidelines section 15096, subdivision (g)(2), finds there are no feasible Project alternatives within its powers that would substantially lessen or avoid any outstanding significant effects that the Project, as proposed, would have on the environment.

4.0 CONCLUSION

Based upon the objectives identified in the EIR and the detailed mitigation measures imposed upon the Project, the Commission has determined the mitigation measures found in Exhibit A, Mitigation Monitoring Program, are sufficient to warrant approving the Project.