FINDINGS OF FACT
OF THE
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

AS THE

LEAD AGENCY PURSUANT TO THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(PUB. RESOURCES CODE, §21000 ET SEQ.)
FOR THE
OCEAN RANCH RESTORATION PROJECT

AS ANALYZED IN THE

OCEAN RANCH RESTORATION PROJECT
ENVIRONMENTAL IMPACT REPORT (SCH 2018062020)

FEBRUARY 26, 2021

I. INTRODUCTION

The California Department of Fish and Wildlife ("Department") has prepared these findings to comply with the California Environmental Quality Act ("CEQA"; Pub. Resources Code, § 21000 et seq.). The Department is the "lead agency" under CEQA for the Ocean Ranch Restoration Project ("Project") because of its land ownership and management responsibilities at the Ocean Ranch Unit ("ORU") of the Eel River Wildlife Area ("ERWA"), where the Project is located, and as the proponent for implementing the Project. (See, generally, Pub Resources Code, §§ 21002.1, subd. (d), 21067; 14 Cal. Code Regs, § 15051; CEQA Guidelines, § 15367; see also 14 Cal. Code Regs., § 783.3, subd. (b).)[1] The Department makes these findings under CEQA as part of its discretionary decision as the landowner and manger to implement the Project.

The Ocean Ranch Restoration Project Draft Environmental Impact Report ("Draft EIR") was made available for public review on September 17, 2020. The 45-day public review period for the Draft EIR ended on November 2, 2020. The Ocean Ranch Restoration Project Final Environmental Impact Report ("Final EIR"), which includes responses to comments on the Draft EIR and errata to the Draft EIR, was provided electronically to all public agencies who commented on the Draft EIR on February 9, 2021, consistent with CEQA Guidelines § 15088(b). An electronic copy of the Final EIR was provided at the same time to all other entities that commented on the Draft EIR and was posted to the Project website.

The EIR analyzed the environmental effects of the Project as initially proposed and alternatives, and identified mitigation measures to avoid or minimize all significant environmental effects. Based on the analysis provided in the EIR, and in consideration of comments received on the Draft EIR, the Department selects Alternative 2, Estuarine Restoration with Limited Breaches to McNulty Slough, for implementation subject to the mitigation monitoring and reporting program ("MMRP"). This alternative meets all of the restoration objectives of the Project while avoiding adverse hydraulic impacts in McNulty Slough and to adjacent private landowners. As described below, Project approval will allow for restoration of estuarine and dune functions within 850-acres located north of the mouth of the Eel River and northwest of the community of Loleta in Humboldt County, California.

II. PROJECT DESCRIPTION

The ORU encompasses approximately 933 acres and is generally bound by the Pacific Ocean to the west, Table Bluff to the north, McNulty Slough to the east, and North Bay to the south. The ORU, which is part of the approximate 2,600 acre ERWA, is owned by the Department and is managed as fish and wildlife habitat and for public recreational uses.

[1] The CEQA Guidelines referenced herein are found in Title 14 of the Cal. Code Regs. § 15000 et seq.

Restoration activities proposed by the Project would occur within an 850 acre restoration area within the ORU ("Project Area"), which includes approximately 571 acres of saltmarsh ("estuarine restoration area") and 279 acres of coastal dunes ("dune restoration area") along the north spit of the Eel River. The goals of the Project are to restore and expand natural estuarine and dune functions in the Project Area to assist in the recovery and enhancement of habitat for native fish, wildlife and plant species. Additional objectives of the Project include maintaining the existing level of flood protection for adjacent private landowners; controlling invasive plant species, such as dense-flowered cordgrass (*Spartina densiflora*) and European beachgrass (*Ammophila arenaria*); and maintaining and improving public access.

Restoration components to increase the hydrologic connectivity and habitat complexity within the 571-acre estuarine restoration area consist of construction of new external levee breaches to North Bay and McNulty Slough; excavation of new tidal channels to convey tidal flows through the restoration area and from the external breach to North Bay; removal of internal levees to improve tidal exchange and water quality; creation of high marsh habitat to facilitate establishment of native salt marsh plant communities; creation of habitat transition slopes along portions of the perimeter levee to provide habitat migration areas (i.e., sea level rise resiliency) and additional wind/wave erosion protection of the levee; construction of habitat ridges and ditch blocks to guide tidal channel formation and redirect the path of water; and installation of large wood, side channels and sills to increase habitat complexity and the availability of shallow, low-velocity habitat features preferred by species such as Tidewater Goby (*Eucyclogobius newberryi*).

To control invasive dense-flowered cordgrass in the estuarine restoration area, several treatment methods would be employed including mechanical removal (e.g., mowing, grinding or tilling, and excavation); prescribed fire (in accordance with an approved burn plan from CAL FIRE); and/or application of the herbicide Imazapyr. Control of dense-flowered cordgrass would utilize one primary treatment, such as prescribed burning or herbicide application, and one secondary treatment, such as mowing or grinding, in the first year with follow-up treatments implemented annually thereafter (as needed and as funding allows). The method(s) ultimately used to treat dense-flowered cordgrass would consider seasonality, weather, tides, labor availability, cost, and other factors.

Enhancement of dune function within the 279-acre dune restoration area would be accomplished by eradication of invasive plant species, primarily European beachgrass, and reestablishment of native dune mat plant communities. European beachgrass treatment methods could include prescribed burning (in accordance with an approved burn plan from CAL FIRE); application of the herbicide Imazapyr; manual removal using hand tools; and/or mechanical removal using heavy equipment. European beachgrass management efforts would be concentrated in a Primary Treatment Area comprising the northern 2.6 miles of dunes within the dune restoration area, and generally corresponding to the 207 acres having the highest European beachgrass cover. The Secondary Treatment Area would comprise the southerly one mile of dunes within the dune restoration area corresponding with the 72 acres having lower European beachgrass cover. Removal of European beachgrass from the Primary Treatment Area would generally occur over a six-year period in two phases. Phase 1 would treat five approximately 400-meter long plots, each spatially separated by approximately 400-

meters, beginning at the northern boundary of the dune restoration area. Phase 2 would treat an additional five approximately 400-meter long plots covering areas not treated during Phase 1, as well as any re-sprouts in the initial Phase 1 treatment areas. Treatment methods would generally be used in combination, meaning that a treatment area may initially be burned to remove thatch, followed by an herbicide application to kill rhizomes, with remaining plants manually removed or re-applied with herbicide if they re-sprout after initial treatments. Similar to the Primary Treatment Area, removal of European beachgrass from the Secondary Treatment Area would occur over several years and could utilize all of the treatment methods noted above. Treatments in the Secondary Treatment Area would take advantage of natural breaks in the plant communities and would likely reflect a "spot treatment" approach, rather than removal of European beachgrass from contiguous plots.

The Project would also improve public access and recreational amenities in the Project Area. Specifically, it would provide an improved parking area and access road at Table Bluff Road; a new parking area that would include Americans with Disabilities Act ("ADA") compliant parking; a gate system that allows for vehicle access to the estuarine restoration area during daylight hours; new picnic tables; a formalized non-motorized multi-use trail system to provide access within the estuarine restoration area, and from the estuarine restoration area to the Pacific Ocean; a new non-motorized boat put-in; and a refurbished kiosk and interpretive display conspicuously located in the new parking area. Public access would continue to be allowed year-round during daylight hours, and seasonal hunting opportunities would be maintained. Public access to the dune restoration area and Pacific Ocean would not be impacted by the Project.

III. CEQA PROCESS

The Department requested input on the scope and content of the Draft EIR through publication of a Notice of Preparation ("NOP") on June 13, 2018. The public scoping period included a public scoping meeting on July 9, 2018 to inform agencies and interested parties about the Project, to solicit input on environmental issues germane to the Project, and to develop Project alternatives. The 30-day scoping period ended on July 16, 2018.

The Department prepared administrative drafts of the EIR with the assistance of various consultants under contract to Ducks Unlimited, Inc. ("DU"), the primary recipient of state and federal planning grant dollars awarded for the Project. All administrative drafts of the EIR were independently reviewed by Department staff who provided direction on the approach to the impact analyses, including decisions on significance findings, as well as the range of alternatives considered in the EIR. Both technical staff and management staff within the Department participated in review and development of the Draft EIR.

The Draft EIR was made available for public review on September 17, 2020. The document was made available for review at the Humboldt County Planning and Building Department, located at 3015 H Street, Eureka, California, and on the Department's Project website. The Draft EIR was sent to the State Clearinghouse for distribution to State agencies, and was distributed to Local, State, and Federal Responsible and Trustee Agencies and Tribal Governments. The general public was advised of the availability of the Draft EIR through a Notice of Availability ("NOA") posted at the Humboldt County

Clerk's Office as required by law, and through a posting in the local newspaper, the Times-Standard, on September 18, 2020. One online public hearing to receive comments on the Draft EIR was held on October 13, 2020 at 6:00 p.m., consistent with Executive Order N-33-20. The Department received seven comment letters/emails on the Draft EIR which included 90 individual comments.

The Final EIR, which includes responses to comments on the Draft EIR and errata to the Draft EIR, was provided electronically to all public agencies who commented on the Draft EIR on February 9, 2021, consistent with CEQA Guidelines § 15088(b). An electronic copy of the Final EIR was provided at the same time to all other entities that commented on the Draft EIR. The errata identified in the Final EIR were minor and did not constitute "significant new information" requiring recirculation (Pub. Resources Code, § 21092.1; CEQA Guidelines §15088.5). Rather, the errata in the Final EIR were provided to clarify, amplify, and make insignificant modifications to an otherwise adequate EIR (CEQA Guidelines § 15088.5(b)).

The EIR consists of both the Draft EIR (September 2020) and Final EIR, including the response to comments (February 2021). The EIR provides the substantial evidence for these Findings and is incorporated by reference. The EIR is available for review on the Department's Project website.

IV. SCOPE OF FINDINGS

Findings are required by each "public agency" that approves a "project for which an environmental impact report has been certified which identifies one or more significant effects on the environment[.]" (Pub. Resources Code, § subd. (a); CEQA Guidelines, § 15091, subd. (a); see also Pub. Resources Code, § 21068 (significant effect on the environment defined); CEQA Guidelines, § 15382 (same).) The Draft EIR for the Project identifies various potentially significant effects the Department expects to occur with its approval of the Project, along with mitigation measures and alternatives designed to reduce or avoid those effects. The Department has prepared and adopts these findings as set forth below to comply with its related obligations under CEQA.

V. FINDINGS REQUIRED UNDER CEQA

As noted above, CEQA requires all public agencies to adopt findings before approving a project for which an EIR was prepared where the prospect of significant effects on the environment exists. These findings 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 which identifies one or more significant effects thereof unless the agency makes one or more of the following findings:

1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

3) Economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the EIR.

(Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).)

These findings are also intended to comply with the requirement that each finding by the Department be supported by substantial evidence in the administrative record of proceedings, as well as accompanied by a brief explanation of the rationale for each finding. (Id., § 15091, subds. (a), (b); see also Discussion following CEQA Guidelines, § 15091.) To that end, these findings provide the written, specific reasons supporting the Department's decision pursuant to CEQA to certify the EIR and adopt Alternative 2 for implementation.

VI. LEGAL EFFECTS OF FINDINGS

These findings are not merely informational. They constitute a binding set of obligations as adopted by the Department that will come into effect at the time the Project is implemented. Likewise, the mitigation measures set forth below are referenced in the MMRP adopted concurrently with these findings, and they will be implemented as required by the EIR. (See Pub. Resources Code, § 21081.6, subd. (a)(1); 14 Cal. Code Regs., § 15097.).

VII. ADMINISTRATIVE RECORD OF PROCEEDINGS

For purposes of these findings, the record of proceedings for the Department's discretionary approval of Alternative 2 consists, at a minimum, of the following documents:

- Any draft environmental documents which were released for public review, including the Draft EIR, as well as all related appendices and any studies or other documents relied upon in any environmental document prepared for the EIR and either made available to the public during a public review period or included in the Department's non-privileged files on the Project;
- All notices issued to comply with CEQA or the CEQA Guidelines including but not limited to scoping notices and notices of availability of the Draft EIR;
- All staff reports and related non-privileged documents prepared by the Department with respect to its compliance with CEQA and the CEQA Guidelines for the Project;
- All written testimony or documents submitted by any person to the Department relevant to these findings and the Department's discretionary actions with respect to the Project;
- All written non-privileged comments received in response to, or in connection with, environmental documents prepared for the Project;
- All written non-privileged evidence or correspondence submitted to, or transferred from, the Department with respect to compliance with CEQA or with respect to the Project;

- The documentation of the final decision by the Department, including all documents cited or relied on in these findings adopted pursuant to CEQA and the CEQA Guidelines;
- Any other written materials relevant to the Department's compliance with CEQA and the CEQA Guidelines, or the Department's decision with respect to the Project, including non-privileged internal agency communications, such as staff notes and memoranda related to the Project or to compliance with CEQA or the CEQA Guidelines;
- Matters of common knowledge to the Department, including but not limited to Federal, State, and local laws and regulations; and
- Any other materials required to be in the Department's record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The custodian of the documents comprising the record of proceedings is the California Department of Fish and Wildlife, located at 619 Second Street, Eureka, California. All related inquiries should be directed to the Department at orurestoration@wildlife.ca.gov.

The Department has relied on all the documents listed above in exercising its independent judgment and reaching its decision with respect to the Project. Without exception, any documents set forth above not found in the Department's files for the Project fall into one of two categories. Certain documents reflect prior planning or legislative decisions of which the Department was aware in approving the Project. (See City of Santa Cruz v. Local Agency Formation Comm. (1978) 76 Cal.App.3d 381, 391-392; Dominey v. Department of Personnel Administration (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice of Department staff, whom then provided advice to the decision makers at the Department with respect to the Project. For that reason, all such documents form part of the underlying factual basis for the Department's decision related to the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); Browning-Ferris Industries v. City Council of City of San Jose (1986) 181 Cal.App.3d 852, 866; Stanislaus Audubon Society, Inc. v. County of Stanislaus (1995) 33 Cal.App.4th 144, 153, 155.)

VIII. MITIGATION MONITORING AND REPORTING PROGRAM

As noted above, and as consistent with CEQA and the CEQA Guidelines, the Department is adopting an MMRP as part of its final action pursuant to CEQA and associated with selection of Alternative 2 for implementation. (See Pub. Resources Code, § 21081.6, subd. (a)(1); 14 Cal. Code Regs., § 15097.) The Department will use the MMRP to track compliance with mitigation measures imposed by the Department to offset the potentially significant effects of the Project.

IX. SUMMARY OF FINDINGS

CEQA and the CEQA Guidelines require the Department to address and adopt findings regarding all of the significant environmental effects expected with approval of the Project. As described below, the EIR identified significant environmental effects that would result from implementation of the Project. The Department concluded that some of these

significant effects could be avoided through adoption of feasible mitigation measures, and that others could only be avoided by the adoption of a feasible environmentally superior alternative. The Department hereby makes the findings set forth in Section IX (Effects Reduced to Less than Significant Levels with Mitigation) and Section X (Environmental Effects Found to be Significant and Unavoidable for the Project as Originally Proposed) with respect to the Project effects.

X. EFFECTS REDUCED TO LESS THAN SIGNIFICANT LEVELS WITH MITIGATION

The EIR identified fifteen (15) potentially significant effects that, with mitigation, can be reduced to less-than-significant levels. Table 1, below, lists these 15 potentially significant effects, mitigation measures that reduce each impact, and the Finding(s) required pursuant to CEQA (Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).). Potential effects that were found to be less than significant without mitigation are not described in Table 1. Table 1 does not provide the full analysis of each environmental impact contained in the Draft and Final EIR. Instead, Table 1 provides a summary description of each impact, the applicable mitigation measures identified in the EIR, and the Department's Findings on the significance of each effect after application of the proposed mitigation measures. Supporting analyses and rationale for the Findings and conclusions, as well as the full text of the mitigation measures, are contained in the Draft and Final EIR. Each proposed mitigation measure discussed in this section of the Findings is assigned a title correlating it with the environmental category used in the MMRP.

As summarized in Table 1, the Department finds, pursuant to CEQA Guidelines § 15091 (a)(1), that for each of these 15 potentially significant impacts, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Additionally, the Department considers all mitigation measures to be feasible. The Department adopts all mitigation measures summarized in Table 1 and reiterated in the MMRP and finds that they will avoid or substantially lessen all potentially significant effects of the Project, as further discussed in the EIR.

In making these Findings, the Department ratifies, adopts and incorporates into these Findings, the analyses and explanations in the Draft and Final EIR and ratifies, adopts and incorporates in these Findings the determinations and conclusions of those documents relating to the environmental impacts derived from the Project, and mitigation measures proposed for the Project.

XI. ENVIRONMENTAL EFFECTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE FOR THE PROJECT AS ORIGINALLY PROPOSED

Through the preparation of the EIR, the Department determined that two impacts related to Hydrology and Water Quality (Impacts HWQ-3 and HWQ-4), which relate to off-site erosion and flooding, respectively, would be significant and unavoidable under the Project as originally proposed. This significance finding was based on the results of a Project-specific two-dimension computational hydraulic model which was developed to consider the effects of design alternatives on tidal prism, flow efficiency, and water surface elevation both within the Project Area and offsite. As described in Section 3.9, Hydrology

and Water Quality, of the Draft EIR, the hydraulic model results indicate that the Project as originally proposed would increase flow velocities in upper McNulty Slough and the potential for bed scour and bank erosion in that channel segment. Erosion of the eastern levee of McNulty Slough, including the toe of the eastern levee, is considered a potentially significant impact detrimental to privately owned agricultural lands and would require mitigation.

Several alternatives to mitigate that impact were considered in the Draft EIR: (1) armor the eastern levee of McNulty Slough; (2) construct a setback levee on the eastern bank; (3) enlarge the McNulty Slough channel; and (4) modify the Project design as originally proposed. The legal feasibility of the first two measures—armoring or setting back the levee—is uncertain. The levee is on private property and the Department has no right of access to the property. Thus, the feasibility of those alternatives is questionable considering they would require the Department to implement a Project action on property it does not own, does not have legal responsibility for, and cannot foreseeably purchase or acquire.

Hydraulic modelling was used to explore how dredging upper McNulty Slough could reduce velocities and the potential for erosion along the eastern levee. The model results showed that peak flood tide velocity would still increase above existing conditions, suggesting, dredging upper McNulty Slough would not effectively reduce velocities and the potential for erosion along the eastern levee. Additionally, dredging of McNulty Slough would result in potentially significant environmental impacts to sensitive species and habitats, not limited to Tidewater Goby, salmonids, eelgrass, and increases in turbidity. Significant off-hauling of dredged materials would likely be required, which would increase greenhouse gas and air quality emissions. The cost of implementing this type of mitigation—including equipment, labor, materials testing for potential contamination, and possible mitigation for environmental impacts—would significantly add to the cost of the Project. Dredging McNulty Slough may also be a temporary solution to long-term levee erosion risk because sediments may redeposit into dredged areas, causing future increases in velocity and bed shear stress. Given channel dredging in upper McNulty Slough would not mitigate the erosion potential and would be undesirable for other reasons, including construction infeasibility and/or cost infeasibility, this alternative was not further considered an effective or viable mitigation measure.

Since bank armoring and levee setback may be legally infeasible and dredging of McNulty Slough may not mitigate the erosion potential, the potential impact of erosion along the eastern levee of McNulty Slough on private property under the Project as originally proposed was found to be significant, unavoidable, and unmitigable. As a result, the Department evaluated the effectiveness of modifying the original Project design to avoid potential hydraulic impacts in McNulty Slough. Alternative 2, Estuarine Restoration with Limited Breaches to McNulty Slough, described in Chapter 4, Alternatives, of the Draft EIR, reflects the Project alternative that reduced the effects of Impacts HWQ-3 and HWQ-4 from significant and unavoidable to less than significant without mitigation.

As summarized in Table 1, the Department finds, pursuant to CEQA Guidelines § 15091 (a)(1), that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant and unavoidable environmental effects identified in the EIR. Specifically, the Department finds that by selecting Alternative 2,

the potential significant and unavoidable impacts associated with Impacts HWQ-3 and HWQ-4 are reduced to a less than significant level without mitigation. The Department further finds that the selection of Alternative 2 meets the "substantive mandate" of CEQA by substantially lessening the significant environmental effects of the Project. Alternative 2 is a feasible alternative and identified by the Department as the environmentally superior alternative.

XII. SIGNIFICANT AND UNAVOIDABLE EFFECTS

The selection of Alternative 2 reduces the Impacts of HWQ-3 and HWQ-4 from significant and unavoidable to less than significant without mitigation. The Department has no need or obligation to issue a statement of overriding considerations pursuant to CEQA Guidelines §15093.

XIII. CUMULATIVE EFFECTS

A cumulative impact refers to the combined effect of "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts" (CEQA Guidelines § 15355). As defined by the State of California, cumulative impacts reflect "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." (CEQA Guidelines § 15355, subdiv. (b).) Under CEQA, an EIR must discuss the cumulative impacts of a project when the project's incremental contribution to the group effect is "cumulatively considerable." An EIR does not need to discuss cumulative impacts that do not result in part from the project evaluated in the EIR.

The EIR considered the potential cumulative effects of the Project on each resource category analyzed in Chapter 3, Environmental Setting, Impacts, and Mitigation Measures. The majority of cumulative effects discussed in the EIR would be associated with the combined effects of the Project with other ecological enhancement or restoration projects and infrastructure improvement projects which could result in concurrent short-term impacts during construction (e.g., turbidity, wetland disturbance, elevated noise levels, and construction emissions from heavy equipment). These potential cumulative impacts would be temporary and reduced to a less than significant level through the avoidance and minimization measures required for the Project and included in the MMRP (see Chapter 3 of the Draft EIR). In the long-term, the Project would increase the quality and area of tidally inundated habitat in the Eel River Estuary, and enhance the ability for the Project Area to support native dune mat and tidal marsh species, including plants, wildlife, fish and other aquatic species. Accordingly, with implementation of the mitigation measures provided in the MMRP, the Project's contribution to cumulative impacts would be less than significant.

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen significant cumulative effects identified in the EIR. The Department finds that all Mitigation Measures provided in the MMRP are feasible. The Department hereby adopts those Mitigation Measures and finds that they will

substantially lessen potentially significant cumulative effects of the Project, as further discussed in the EIR.

XIV. ALTERNATIVES

CEQA and the CEQA Guidelines require that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines §15126.6[a]). In addition, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (Pub. Resources Code § 21002).

A. Alternatives Considered But Rejected

The Draft EIR considered but eliminated from further consideration three alternatives to the Project.

- **Partial Estuarine Restoration**. This alternative would restore tidal function to a portion (317 acres) of the estuarine restoration area but would maintain the rest (156 acres) as brackish estuarine marsh. Invasive plant management would be the same as the Project, and public access improvements would be comparable to the Project with locations of trails and the non-motorized boat put-in shifted to accommodate different levee alignments. Management of about 156 acres of the Project Area as freshwater wetlands would require repair and long-term maintenance of water control infrastructure, including levees and tide gates. This alternative was eliminated from further consideration because it would not restore tidal function or channel complexity, or improve estuarine habitat, within a large portion (33 percent) of the Project Area, inconsistent with Project objectives, and because current staff and funding levels limit the ability for CDFW to provide long-term maintenance and management support for on-site water control infrastructure and levees.
- **Full Estuarine Restoration**. This alternative would restore full tidal inundation to the Project Area by removing all external and internal levees and constructing an internal tidal channel network. Invasive plant management would be the same as the Project, but estuarine public access would be reduced and/or limited to public use by boat. This alternative was eliminated from consideration due to the amount of earthwork and associated off-site sediment disposal that would be required (i.e., about four linear miles of internal and external levees would need to be removed), and because removing levees would not provide a comparable level of flood protection to adjacent landowners and could result in adverse hydraulic impacts and erosion to the eastern levee of McNulty Slough.
- **No Invasive Plant Management / Eradication**. This alternative would not actively manage or eradicate invasive plant species from the Project Area. The estuarine restoration portion and public access components of this alternative would be the same as the Project. Under this alternative, European beachgrass and dense-flowered cordgrass would continue to outcompete native plant

communities and likely expand their abundance and distribution in the dunes and estuary, respectively. This alternative was eliminated from further consideration because the Project objectives of restoring and expanding natural estuarine and dune functions in the restoration area cannot be fully achieved without the management and control/eradication of invasive plant species.

B. Alternatives Evaluated In The EIR

Three alternatives to the Project were evaluated in the EIR.

- **Alternative 1 - No Project Alternative**: Under the No Project Alternative, there would be no changes to the current management of the Project Area and no modifications to the Project Area would be expected. Currently the Department does not actively manage (i.e., repair and maintain) the internal and external levee system and water control structures in the Project Area, and does not actively manage habitat or control invasive plant populations. Under the No Project Alternative, the estuarine wetlands and sloughs in the Project Area would continue to exist as shallow saltmarsh and brackish wetland habitat. The limited freshwater wetlands would remain unchanged but given sea level rise projections for the Project Area, would likely become increasingly saline or brackish in the coming decades. The dune habitat would remain the same and continue to be primarily dominated by European beachgrass.
- **Alternative 2 - Estuarine Restoration with Limited Breaches to McNulty Slough**: Alternative 2 was developed by the Department to address the potentially significant and unavoidable hydraulic impacts associated with the Project as originally proposed. As described in Section II above, under Alternative 2, hydrologic connectivity and estuarine function would be restored to 571-acres in the Project Area through the excavation of new tidal channels to convey tidal flows through the restoration area; removal of internal levees to improve tidal exchange and water quality; creation of high marsh habitat to facilitate establishment of native salt marsh plant communities; creation of habitat transition slopes along portions of the perimeter levee to provide habitat migration areas (i.e., sea level rise resiliency) and additional wind/wave erosion protection of the levee; construction of habitat ridges and ditch blocks to guide tidal channel formation and redirect the path of water; and installation of large wood, side channels and sills to increase habitat complexity and the availability of shallow, low-velocity aquatic habitat features. Under Alternative 2, only two external levee breaches – one to North Bay and a second to McNulty Slough – would be constructed to minimize potential flooding and erosion on adjacent properties. For the same reasons, external levees along McNulty Slough would not be lowered under Alternative 2. Control/eradication of invasive plants species would target dense-flowered cordgrass in the 571-acre tidal restoration area though mechanical removal, prescribed fire, and/or application of the herbicide Imazapyr. European beachgrass would be eradicated from the 279-acre dune restoration area using prescribed burning; application of the herbicide Imazapyr; and/or manual or mechanical removal. Public access improvements would improve parking areas and the access road; provide a new non-motorized trail system and boat put-in; and enhance recreational amenities, including interpretive signs and picnic tables.

- **Alternative 3 - No Herbicide Use**: Alternative 3 would not use herbicide to control and/or eradicate invasive plants from the Project Area. Rather, invasive plant treatment techniques would be limited to the use of prescribed burning and/or manual/mechanical removal. All other Project components, including estuarine restoration and the public access improvements would be the same as the Project.

XV. FINDINGS REGARDING ALTERNATIVES TO THE PROJECT

A. Alternative 1 – No Project

Under Alternative 1, the No Project Alternative, there would be no changes to the current management of the Project Area and no modifications to the Project Area would be expected. The No Project Alternative would have similar impacts to the proposed Project in terms of Public Services, Land Use, and Agriculture because no additional public services would be required; the existing land use would remain as wetlands and wildlife habitat; and site conditions would remain incompatible with agriculture operations. The No Project Alternative would have lesser impacts than the proposed Project for all other resource categories except for Biological Resources and Hydrology and Water Quality, where the ongoing degradation of infrastructure (levees and water control structures), the continued muting of tidal exchange, and the expansion of invasive plant populations would degrade both surface water quality and habitat for native species.

Finding: The Department finds that Alternative 1 would not meet any of the Project objectives.

B. Alternative 2 – Estuarine Restoration with Limited Breaches to McNulty Slough

As noted above, Alternative 2 was developed by the Department to address the potentially significant and unavoidable hydraulic impacts associated with the Project as originally proposed. The Project evaluated in the EIR included restoring tidal function to the estuarine restoration area by constructing three breaches to McNulty Slough and one to North Bay, and lowering portions of the eastern perimeter levee along McNulty Slough. Internal estuarine restoration actions, invasive plant management activities, and public access components were comparable to Alternative 2. As described above, based on the results of the Project-specific hydraulic model used to inform the EIR analysis, it was determined that the Project design as originally proposed would increase flow velocities in upper McNulty Slough and the potential for bed scour and bank erosion. Because this potentially significant impact could not be mitigated, the Department identified an alternative design that would reduce these potentially significant impacts to a less than significant level. That alternative was described as Alternative 2 in the Draft EIR.

The EIR found that Alternative 2 would have equivalent impacts to the Project as originally proposed for all resource categories except Hydrology and Water Quality, where it would result in a less than significant impact.

Finding: The Department finds that Alternative 2 meets the objectives of the Project and reduces all of the significant and unavoidable hydraulic impacts identified in the EIR for the Project as originally proposed to a less than significant level. Based on the whole record, the Department finds that Alternative 2, which is feasible, is environmentally

superior to the Project as originally proposed, and rejects the Project as originally proposed and evaluated in the EIR on those grounds. The Department has selected Alternative 2 for implementation, subject to the MMRP.

C. Alternative 3 – No Herbicide Use

Alternative 3 would have equivalent impacts as the Project for most resource categories with the exception of Energy, Air Quality, and Greenhouse Gas Emissions, where it would present greater environmental impacts resulting from increased reliance on heavy equipment and gas-powered handheld equipment to remove invasive plants from treatment areas. An emphasis on the use of heavy machinery to eradicate European beachgrass would also result in additional physical disturbance of the dunes, which could slow reestablishment of native dune mat communities and exacerbate adverse effects on sensitive species in the area.

Finding: Alternative 3 would achieve the overall Project objectives, although less efficiently than the Project as originally proposed and Alternative 2, and would avoid potential environmental impacts associated with herbicide use. However, based on the whole record, the Department finds that Alternative 3 would result in additional environmental impacts when compared to Alternative 2, including significant and unavoidable hydraulic impacts in McNulty Slough. Accordingly, the Department finds that Alternative 2, which is also feasible, is environmentally superior to Alternative 3, and rejects Alternative 3 on those grounds.

XVI. FINDINGS

The Department's findings set forth in the preceding sections have identified all of the adverse project-level and cumulative environmental impacts and the feasible mitigation measures which can reduce impacts to less than significant levels. The findings have also analyzed alternatives to the Project as originally proposed to determine whether there are feasible alternatives to the Project as originally proposed or whether they might reduce or eliminate any potentially significant impacts of the proposed action.

The Department finds that Alternative 1 does not meet the Project objectives. The Department also finds that Alternative 2 is environmentally superior to the Project as originally proposed and Alternative 3 because it avoids two significant and unavoidable impacts while simultaneously meeting all of the Project goals.

The Department has reviewed and considered the information contained in the EIR, finds that the EIR reflects its independent judgment and discretion, finds that the EIR was completed in compliance with CEQA, and hereby certifies the EIR.

In so doing, the Department adopts these findings of fact as set forth above, approves Alternative 2 for purposes of CEQA, and adopts the MMRP.

DocuSigned by:
Curt Babcock
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Tina Bartlett
Regional Manager
California Department of Fish and Wildlife, Northern Region

February 26, 2021

Table 1: Findings for Potentially Significant Environmental Effects Avoided or Reduced with Incorporation of Mitigation and/or Significant and Unavoidable Effects Avoided through Adoption of a Feasible Environmentally Superior Alternative

Air Quality

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Finding
AQ-1: The Project will conflict with or obstruct implementation of the applicable air quality plan.	AQ-1: Dust Control Measures During Construction	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions in Mitigation Measure AQ-1 are feasible. The Department hereby adopts that Mitigation Measure and finds it will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. This Mitigation Measure will be implemented. (See Section 3.3 [Air Quality] of the Draft EIR)

Biological Resources

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
Impact BIO-1: The Project will 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	BIO-1a: Avoidance and Minimization Measures for Fish and other Aquatic Species BIO-1b: Conduct Pre-construction Nest Surveys for Ground Nesting Special-status and Migratory Avian Species	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures BIO-1a through BIO-1f, HHM-2, HHM-4, WQ-1, and WQ-2 are feasible. The Department hereby adopts those Mitigation

Potentially Significant Environmental Effect	**Mitigation Measure(s) Reducing Effect to Less than Significant**	**Findings**
regulations, or by the CDFW or USFWS.	BIO-1c: Avoid and Minimize Potential Impacts to Western Snowy Plover BIO-1d: Avoid and Minimize Potential Impacts to Northern Red-legged Frog and Northwestern Pond Turtles BIO-1e: Minimize Impacts to Special-Status Plant Species BIO-1f: Avoid and Minimize Impacts to Special-Status Plant Species during Prescribed Burns HHM-2: Accidents Associated with Release of Chemicals and Motor Fuel HHM-4: Avoid Health Effects to the Public and Environment from Herbicide WQ-1: Managed Herbicide Control WQ-2: Minimize Herbicide Spill Risks	Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.4 [Biological Resources] of the Draft EIR)
Impact BIO-2: The Project will 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 CDFW or USFWS.	BIO-1e: Minimize Impacts to Special-Status Plant Species BIO-1f: Avoid and Minimize Impacts to Special-Status Plant Species during Prescribed Burns	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures BIO-1e and BIO-1f are feasible. The Department herby adopts those Mitigation Measures and finds that they will avoid

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
		or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.4 [Biological Resources] of the Draft EIR)
Impact BIO-3: The Project will 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.	BIO-3: Mitigate Temporary and Short-term Impacts to Aquatic Resources Through Construction Minimization and Avoidance Measures	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measure BIO-3 are feasible. The Department hereby adopts this Mitigation Measure and finds it will avoid or substantially lessen this potentially significant environmental effect of the Project, as discussed in the EIR. This Mitigation Measure will be implemented. (See Section 3.4 [Biological Resources] of the Draft EIR)
Impact BIO-4: The Project will interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	BIO-1a: Avoidance and Minimization Measures for Fish and other Aquatic Species. BIO-1b: Conduct Pre-construction Nest Surveys for Ground Nesting Special-status and Migratory Avian Species BIO-1c: Avoid and Minimize Potential Impacts to Western Snowy Plover	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures BIO-1a through BIO-1d are feasible. The Department herby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as discussed

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
	BIO-1d: Avoid and Minimize Potential Impacts to Northern Red-legged Frog and Northwestern Pond Turtles	in the EIR. These Mitigation Measures will be implemented. (See Section 3.4 [Biological Resources] of the Draft EIR)

Cultural Resources

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
CR-1: The Project will cause a substantial adverse change in the significance of a historical or archaeological resource pursuant to Section 15064.5.	CR-1: Environmental Awareness Training CR-2: Protection of the Welapl Site CR-3: Protection of the 1929 USC&GS Complex CR-4: Protect Archaeological Resources During Construction	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures CR-1 through CR-4 are feasible. The Department hereby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.5 [Cultural Resources] of the Draft EIR)
CR-2: The Project will disturb human remains, including those interred outside of formal cemeteries.	CR-5: Protect Human Remains if Encountered during Construction	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measure CR-5 are feasible. The Department herby adopts that Mitigation Measure

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
		and finds it will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. This Mitigation Measure will be implemented. (See Section 3.5 [Cultural Resources] of the Draft EIR)

Geology and Soils

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
GEO-2: The Project will result in substantial soil erosion or loss of topsoil.	HWQ-1: Implement Best Management Practices to Protect Water Quality HWQ-2: Erosion and Water Quality Control Measures During Channel Excavation and Ground Disturbance WQ-6: Designate Ingress/Egress Routes	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures HWQ-1, HWQ-2, and WQ-6 are feasible. The Department hereby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.6 [Geology and Soils] of the Draft EIR)

Potentially Significant Environmental Effect	**Mitigation Measure(s) Reducing Effect to Less than Significant**	**Findings**
GEO-3: The Project will be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.	HWQ-1: Implement Best Management Practices to Protect Water Quality HWQ-2: Erosion and Water Quality Control Measures During Channel Excavation and Ground Disturbance WQ-6: Designate Ingress/Egress Routes	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures HWQ-1, HWQ-2, and WQ-6 are feasible. The Department hereby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.6 [Geology and Soils] of the Draft EIR)
GEO-5: The Project will directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	GEO-1: Protect Paleontological Resources during Construction Activities	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measure GEO-1 are feasible. The Department hereby adopts this Mitigation Measure and finds it will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. This Mitigation Measure will be implemented. (See Section 3.6 [Geology and Soils] of the Draft EIR)

Hazards and Hazardous Materials

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
HAZ-1: The Project will create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	HHM-1: Worker Injury from Accidents Associated with Use of Manual and Mechanical Equipment HHM-3: Worker Health Effects from Herbicide Application HHM-4: Avoid Health Effects to the Public and Environment from Herbicide	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures HHM-1, HHM-3 and HHM-4 are feasible. The Department hereby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.8 [Hazards and Hazardous Materials] of the Draft EIR)
HAZ-2: The Project will 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.	HHM-2: Accidents Associated with Release of Chemicals and Motor Fuel HHM-5: Health Effects to Workers, the Public and the Environment Due to Accidents Associated with Use of Hazardous Materials WQ-2: Minimize Herbicide Spill Risks	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures HHM-2, HHM-5, and WQ-2 are feasible. The Department hereby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.8 [Hazards and Hazardous Materials] of the Draft EIR)

Hydrology and Water Quality

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
HWQ-1: The Project will violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.	HWQ-1: Implement Best Management Practices to Protect Water Quality HWQ-2: Erosion and Water Quality Control Measures During Channel Excavation and Ground Disturbance HWQ-3: Removal of Wrack HHM-2: Accidents Associated with Release of Chemicals and Motor Fuel HHM-4: Avoid Health Effects to the Public and Environment from Herbicide WQ-2: Minimize Herbicide Spill Risks WQ-6: Designate Ingress/Egress Routes	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures HWQ-1, HWQ-2, HWQ-3, HHM-2, HHM-4, WQ-2, and WQ-6 are feasible. The Department hereby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.9 [Hydrology and Water Quality] of the Draft EIR)
HWQ-3: The Project will 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 will result in substantial erosion or siltation on- or off-site.	No Feasible Mitigation Available for Project as proposed. Mitigation Unnecessary Upon Selection of Alternative 2	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that by selecting Alternative 2, the potential significant and unavoidable impacts associated with Impact HWQ-3 are reduced to a less than significant level without mitigation. The Department further finds that the selection of Alternative 2 meets the “substantive mandate” of CEQA by substantially lessening the significant

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
		environmental effects of the Project. Alternative 2 is a feasible alternative and identified by the Department as the Environmentally Superior Alternative. (See Chapter 4 [Alternatives Description and Analysis] of the Draft EIR)
HWQ-4: The Project will 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 will substantially increase the rate or amount of surface runoff in a manner which will result in flooding on- or off-site.	No Feasible Mitigation Available for Project as proposed. Mitigation Unnecessary Upon Selection of Alternative 2	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that by selecting Alternative 2, the potential significant and unavoidable impacts associated with Impact HWQ-4 are reduced to a less than significant level without mitigation. The Department further finds that the selection of Alternative 2 meets the "substantive mandate" of CEQA by substantially lessening the significant environmental effects of the Project. Alternative 2 is a feasible alternative and identified by the Department as the Environmentally Superior Alternative. (See Chapter 4 [Alternatives Description and Analysis] of the Draft EIR)
HWQ-5: The Project will 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,	HWQ-1: Implement Best Management Practices to Protect Water Quality HWQ-3: Removal of Wrack WQ-6: Designate Ingress/Egress Routes	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures HWQ-1, HWQ-3, and WQ-6 are feasible. The Department hereby adopts

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
in a manner which will create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.		these Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.9 [Hydrology and Water Quality] of the Draft EIR)

Tribal Cultural Resources

Potentially Significant Environmental Effect	Mitigation Measure(s) Reducing Effect to Less than Significant	Findings
TCR-1: The Project will cause a substantial adverse change in the significance of a tribal cultural resource listed or eligible for listing in the California Register of Historical Resources, or determined by the lead agency to be significant pursuant to subdivision (c) of the Public Resources Code Section 5024.1.	TCR-1: Protect Unknown Tribal Cultural Resources CR-1: Environmental Awareness Training CR-2: Protection of the Welapl Site	Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this significant environmental effect as identified in the EIR. The Department finds that the required actions described in Mitigation Measures TCR-1, CR-1, and CR-2 are feasible. The Department hereby adopts those Mitigation Measures and finds that they will avoid or substantially lessen this potentially significant environmental effect of the Project, as further discussed in the EIR. These Mitigation Measures will be implemented. (See Section 3.15 [Tribal Cultural Resources] of the Draft EIR)