



**CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP) CONCURRENCE REQUEST**

**Completion and submission of this form is voluntary. This form may be submitted to request concurrence from the Director of Fish and Wildlife pursuant to Public Resources Code section 21080.56.**

**The Lead Agency may submit this form (pdf) and all attachments via the Department’s [Environmental Permit Information Management System \(EPIMS\) Document Repository](#).**

**1. LEAD AGENCY**

Lead Agency Name:	CA Dept. Fish and Wildlife, Northern Region, Lands Program
Contact Person’s Name:	Shawn Fresz
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City, State, Zip:	Eureka CA 95501
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Contact Person’s E-mail:	Shawn.Fresz@wildlife.ca.gov

**2. PROJECT PROPONENT**

Check Box and Skip to Number 3 if Same as Lead Agency

Business/Agency/Organization:	CalTrout
Contact Person’s Name:	Darren Mierau
Street Address:	1380 9 <sup>th</sup> Street
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**3. PROJECT INFORMATION**

A. Project Name:	Cannibal Island Restoration Project (CIRP)
B. County or Counties:	Humboldt
C. Lat./Long. Coordinates:	40.653, -124.289
D. Estimated Project Start/End Dates:	TBD pending securing implementation funding, but targeting 2025-2026

E. Provide a brief description of the future discretionary Project approval the Lead Agency is considering (see CEQA Guidelines section 15352) and an approximate date range for when the Lead Agency may make that approval if the Lead Agency obtains a SERP concurrence from CDFW.

The California Department of Fish and Wildlife (CDFW) will be the Lead Agency and have discretionary approval pursuant to CEQA. Specifically, the Lead Agency will have discretionary authority over the issuance of a Right of Entry (ROE) permit to Project proponents to conduct the restoration work on the CDFW-owned Cannibal Island Unit of the Eel River Wildlife Area (ERWA). Issuance of the ROE permit will occur when implementation funding is secured, anticipated in 2025, and will be commensurate with the grant funding term.



F. Provide a brief description of the Project location, size, and funding sources. Please cite and attach any supporting documents.

The Project Area encompasses approximately 795 acres and is located 3 miles west of the town of Loleta, California (Attachment 1 - Project Description, Figure 2-1) within the Eel River estuary. The Project is in the Cannibal Island U.S. Geological Survey (USGS) 7.5-minute quadrangle, bounded by Cannibal Island Road to the south (County owned), the North Bay of the Eel River estuary and Mosley Slough to the west, and Sevenmile Slough to the north and northeast. The CDFW owned Cannibal Island Unit of the ERWA comprises the northern and western portion of the Project Area (approximately 462 acres), located on APNs: 310-043-001, 310-033-004, and 310-021-003, 310-021-004. The remaining ~332 acres are privately owned by two separate parties (APNs 310-043-003; 310-051-001; 310-043-004, -005, -006). Approximately 220 acres of the private property are held in Wetland Reserve Easements (WRE) by the Natural Resources Conservation Service (NRCS) (Attachment 1 – Project Description, Figure 2-3 – Ownership Boundaries). Project implementation requires the acquisition of the 220 acres of private property held in WREs on behalf of CDFW for incorporation into the Cannibal Island Unit of the ERWA. The landowners are fully supportive of this and have signed Letters of Intent.

Project planning, 65% design, and environmental permit preparation and submittal is being funded by a \$802,866 Watershed Grants Branch Proposition 1 Grant (Grant # Q1996009) awarded to CalTrout, which will be complete in September 2023. Funding for final design and implementation, and land acquisition has not yet been secured.

G. Provide a brief Project description, including any post-restoration work, operation and maintenance, or other related activities. Summarize the Project's expected environmental benefits (e.g., acres or stream-miles restored/enhanced, species benefitted, etc.). Please cite and attach any supporting documents.

Historically, much of the Project Area, which is located in the Eel River estuary, was comprised of estuarine tidal marsh and a network of tidal channels, which extended from the mouth of the Eel River to the base of Table Bluff. Beginning in the late 1800s the area was diked, isolated from tidal waters, and drained for agricultural purposes. The Project will restore a landscape of mostly diked agricultural land to a mosaic of natural habitats, including estuarine and tidal slough channels, brackish ponds, and native marsh by restoring the natural full tidal exchange and hydraulics and sediment transport. This will include the removal of old water control structures (dikes, culverts, flood gates), excavation of historic slough channels to accelerate the formation of high-quality aquatic habitat for listed fish species, and placement of excavated fill in appropriate locations to mimic natural marsh topography (natural levees and hummocks or tidal marsh ridges) and enhance wetland vegetation diversity. Placement of ¼ ton of rock will occur along a small section of channel to provide inset channel grade control to manage the tidal prism until the site elevations increase through natural accretion to be representative of a system with full tidal amplitude. Increased tidal exchange and connectivity will promote recovery and



maintenance of tidal marsh habitats that support a variety of native fish, wildlife, and plant species, including Sensitive Natural Communities (SNC), rare plants, and State and Federal Endangered Species Act-listed fish, such as Coho Salmon (*Oncorhynchus kisutch*), Chinook Salmon (*O. tshawytscha*), Steelhead Trout (*O. mykiss*), Longfin Smelt (*Spirinchus thaleichthys*), and Tidewater Goby (*Eucyclogobius newberryi*). Improvement of tidal channel networks will accommodate physical processes such as sediment transport and marsh plain accretion, thereby increasing the resilience of this landscape to sea level rise. The Project will enhance and reconnect full tidal exchange to approximately 500 acres of former tidal marsh habitat. Finally, a portion of the sediment excavated from slough channels and lowering existing degraded dikes will be re-used onsite to construct a set-back-levee necessary to facilitate the restoration project. The Cannibal Island Unit of the ERWA is owned and managed by CDFW to benefit native fish, wildlife, and plant resources, and the habitats upon which they depend for their ecological values. Consistent with CDFW’s mission and pursuant to the ERWA Land Management Plan (in development), ongoing management activities, including invasive species management and levee maintenance, will be conducted to promote and protect the self-sustaining ecological functions and habitats created and enhanced by this restoration project. See Attachment 1—Project Description, for a detailed description of project activities and accompanying figures.

H. CDFW recommends public outreach and coordination with California Native American tribes. Please provide a summary of engagement with tribes. Be careful not to include any sensitive or confidential information. Please cite and attach any supporting documents.

CDFW implements extensive outreach to tribes, agencies, NGO partners, landowners, and other interested parties on all restoration projects. CDFW conducted outreach to 11 tribes, including the Wiyot Tribe, Blue Lake Rancheria, Bear River Band of Rohnerville Rancheria, Big Lagoon Rancheria, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Hoopa Valley Tribe, Karuk Tribe, Round Valley Reservation/Covelo Indian Community, Shasta Indian Nation, Tsnungwe Council, and Yurok Tribe. Tribal consultation letters were sent on June 2, 2023 (see Attachment 2 – example SERP Tribal Consultation Letter) and included a 30-day consultation response period (with options for extensions) and the opportunity to receive in person or virtual presentations and site visits on the Project. A cultural resource investigation was prepared for the Project (Attachment 3a, Cannibal Island Cultural Resources Report 2021 and Attachment 3b, Addendum Cannibal Island Cultural Resources Report 2022 – these documents do not contain confidential information and are therefore attached) and no California Register of Historical Resources eligible historic resources or cultural resources were identified. Requirements for inadvertent discovery protocols will be incorporated into construction documents prior to bidding and ground disturbance. Inadvertent discovery protocols will include tribal notification. Six tribes declined to consult on the Project and four tribes did not respond to multiple outreach attempts from June 2 to August 11, 2023. A tribal cultural resources consultation was held via video conference with the Wiyot Tribe on August 11, 2023. Tribal representatives emphasized the importance of confidentiality as a component of Inadvertent Cultural Resources and Human Remains Discovery. CDFW and the CIRP team is committed to working closely with the Wiyot Tribe throughout all phases of the Project on both cultural and natural resource issues. On August 15, 2023, a representative of the Bear River Band of the Rohnerville Rancheria, provided email comments on the Project emphasizing the CIRP should follow the Inadvertent Discovery protocols outlined in the Cultural Resources Report 2021, which should include tribal notification. In response, CDFW reiterated its commitment that the CIRP will follow the protocols outlined in the report.



I. CDFW recommends public outreach and coordination with interested parties and public agencies. Please provide a summary of engagement with interested parties and public agencies. Please cite and attach any supporting documents.

Frequent outreach has also been conducted electronically and in-person with numerous local, state, and federal agencies. Most recently, an agency meeting was hosted by the project proponents CDFW, CalTrout, GHD and landowners on May 31, 2023, and included the County of Humboldt, California Coastal Commission, North Coast Regional Water Quality Control Board, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and the Natural Resource Conservation Service. Other agency outreach has included the Coastal Conservancy, and Bureau of Land Management. CDFW and project proponents have also conducted extensive adjacent landowner outreach and partnership in the planning of this project.

#### 4. REQUIRED DETERMINATIONS

Provide a full description for each determination below:

A. The Project is exclusively one or both of the following: (1) a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, or (2) a project to restore or provide habitat for California native fish and wildlife. Please cite and attach any supporting documents.

The Project will restore full tidal influence to the site promoting the creation and enhancement of variety of native habitat types by restoring natural hydrological exchange and sediment supply processes. Coastal salt marsh and brackish marsh provide high-value habitat for avifauna, invertebrates, and diverse plant species and communities. Mudflats provide high-value foraging habitat for shorebirds and fish. Subtidal channels and sloughs provide high-value habitat for salmonids, Tidewater Goby, Longfin Smelt, and culturally and commercially important species, such as Surf Smelt (*Hypomesus pretiosus*) and Dungeness crab (*Metacarcinus magister*). They also have the potential to support the growth of eelgrass (*Zostera marina*). Changes in topography and elevation in relation to tidal fluctuations as a result of the Project will result in the following habitat enhancements:

- Increase in subtidal channel and sloughs (net gain ~14 acres),
- Increase in full tidal intertidal channel and mudflat (net gain ~315 acres),
- Increase in full tidal coastal salt marsh and brackish marsh (net gain ~226 acres),

-Conversely there will be a reduction in habitats dominated by non-native species (agricultural pasture and ruderal), and restoration of these habitat types to full tidal coastal salt marsh and brackish marsh.

See Attachment 4 – Habitat Conversion Analysis for additional details on projected CIRP habitat benefits.



The critical ecosystem services provided by functioning estuary and tidal marsh habitat is well documented. As such, numerous federal, state, and local plans and policies relating to species and ecosystem recovery and climate resiliency call for the restoration of estuarine habitat. Specifically, these plans identify the importance of increasing estuary area, complexity, and connectivity to adjacent native habitats through the removal of tide gates and levees, reconnecting full tidal exchange through restored historic or new tidal channel networks, and controlling invasive species. Examples of supporting species recovery and climate resiliency plans that are consistent with the CIRP's goals include:

- 1) California Department of Fish and Wildlife. 2015. California Wildlife Action Plan – see sections on Anadromous Fishes and Embayments, Estuaries, Lagoons.
- 2) National Marine Fisheries Service. 2014. Southern Oregon-Northern California Coast (SONCC) Coho Salmon Final Recovery Plan. Implementation Program – see Section 6.2.3.
- 3) NOAA Fisheries. 2016. Coastal Multispecies Recovery Plan: Vol II California Coastal Chinook Salmon Evolutionarily Significant Unit (ESU) and Vol III Northern California Steelhead Distinct Population Segment (DPS). – see ESU and DPS Level Recovery Actions.
- 4) Eel River Forum. 2016. Eel River Action Plan – see Section 6
- 5) Ocean Protection Council. 2022. State Agency Sea-Level Rise Action Plan for California.

In recognition of the abundant science and policy supporting the restoration of estuary habitats, significant collaborative efforts are underway at the landscape scale in the Eel River estuary (e.g., Salt River, Ocean Ranch, Centerville Slough/Russ Creek), Humboldt Bay (e.g., McDaniel Slough, White Slough, Elk River, Wadulh), and elsewhere on the north coast to achieve this goal. The CIRP builds on years of evolving estuary restoration community experience on the north coast and has been designed to be consistent and share key features with neighboring and regional projects. For example, design features for the CIRP are partially derived from CDFW's Ocean Ranch Restoration Project (ORRP), which implemented approximately 570 acres of tidal wetland restoration in 2022. Monitoring of the ORRP is showing promising early results, with re-colonization of native marsh plant communities, natural deposition of large woody debris and other habitat forming processes, and extensive use of the site by waterfowl, shorebirds, and a broad assemblage of fish including juvenile Coho Salmon, Tidewater Goby, and Surf Smelt. Ultimately, restoring full tidal range to the CIRP area is expected to promote recovery and maintenance of tidal marsh habitats that support native fish, invertebrates, wildlife, and plant species, while also enabling marsh elevations to keep pace with sea level rise.

B. An eligible project may have incidental public benefits, such as public access and recreation. Please cite and attach any supporting documents.

CDFW has determined the Project may have incidental public benefits, which include improvements to public access and recreation, public safety, and public education. Following implementation of restoration construction activities, one staging area and one access route will be left in place to be utilized on a long-term basis for ongoing management, maintenance and monitoring of the Project and Wildlife Area. However, these features will also be optimized for public access and recreation purposes, including a public hiking trail, wildlife viewing area, parking, and interpretive educational signage. The repurposed staging areas/routes will also enhance the restoration benefits of the Project by focusing public foot-traffic and activity away from the most sensitive habitat. Finally, to contain the restoration project within the Project Area a set-back-levee, built from re-used sediment excavated on-site to reduce costs, will be constructed and a portion of an existing county road will be raised,



essentially acting as an extension of the set-back-levee. While necessary to contain the restoration project, the set-back-levee will also provide improved flood protection for agricultural lands adjacent to the project. Furthermore, raising the county road will provide improved public safety and emergency transportation access. Under current conditions the county road floods annually and can remain impassable for days to weeks hindering travel and emergency services for the local community and creating dangerous road conditions. See Attachment 1—Project Description, for a summary of Project components (including the interpretive walking trail and parking area).

C. The Project does both of the following: (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment. Please cite and attach any supporting documents.

Overview:

The Lead Agency has determined the CIRP 1) results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery, and 2) includes procedures and ongoing management for the protection of the environment.

Long-Term Net Benefits to Climate Resiliency:

The Eel River Delta has the highest rate of relative sea level rise on the coast of California, threatening to impact both natural and cultural resources as well as infrastructure. The CIRP will restore native estuary and coastal marsh habitat, which is widely recognized as a priority nature-based strategy for sea level rise and climate adaptation (Ocean Protection Council, 2022). Currently, the muted tidal regime at Cannibal Island results in significantly reduced sediment deposition within much of the Project Area, which makes it vulnerable to sea level rise. Increased tidal exchange and connectivity will promote natural sedimentation and marsh accretion that will allow marsh development to keep pace with sea level rise, thereby increasing the long-term climate resiliency of this important habitat and its myriad benefits. Project design includes creating marsh habitat areas from which additional native marsh can begin to build and designing flow circulation to maximize sediment deposition in key locations to enhance marsh accretion. Furthermore, marsh restoration projects have been shown to protect against storm surges, coastal erosion, and flooding events. Restored salt marshes have also been shown to absorb and slow energy waves which may protect nearby properties and infrastructure. Estuarine restoration provides improved water quality over the long term by increasing filtration, nutrient retention, and the removal of pollutants and toxins resulting in benefits to health and resilience of marine life and coastal ecosystems which in turn can benefit fisheries and recreational activities. Carbon sequestration is another important service provided by coastal wetlands (e.g., Crooks et al. 2014), which sequester more carbon per unit area than most other habitat types worldwide. As such, preservation and restoration/enhancement of tidal marsh habitats is an important mechanism to support local and global climate resiliency. Finally, re-establishing estuary habitats through restoration increases habitat diversity, which in turn promotes and supports life-history diversity in salmonid populations that can confer resilience to those populations under changing environmental conditions (e.g., Jones et al. 2014; Bottom et al. 2009).



References:

Bottom, D. L., Jones, K. K., Simenstad, C. A. and Smith, C. L. 2009. Reconstructing social and ecological resilience in salmon ecosystems. *Ecology and Society* 14, 5.

Crooks S, Rybczyk J, O’Connell K, Devier DL, Poppe K, Emmett-Mattox S, Environmental Science Associates. 2014. Coastal Blue Carbon Opportunity Assessment for the Snohomish Estuary: The Climate Benefits of Estuary Restoration. Report by Environmental Science Associates, Western Washington University, EarthCorps, and Restore America’s Estuaries.

Jones, K. K., T. J. Cornwell, D. L. Bottom, L. A. Campbell, and S. Stein. 2014. The contribution of estuary-resident life histories to the return of adult *Onchorynchus kisutch*. *Journal of Fish Biology* 85: 52–80.

Ocean Protection Council. 2022. State Agency Sea-Level Rise Action Plan for California.

Long-Term Net Benefits to Biodiversity:

Native salt and brackish marshes are important habitats for biodiversity and productivity and provide significant ecosystem services. This Project will restore estuary and coastal marsh habitat which will result in increased biodiversity. The Project will enhance native plant biodiversity through restoring natural tidal marsh ecological processes and functions that native plant communities are adapted to. Biodiversity will also be enhanced through the control of non-native dense-flowered cordgrass, which displaces native plant communities and decreases biodiversity. Non-native grass communities and ruderal areas will also be restored to salt and brackish marsh. CDFW and the California Native Plant Society evaluate and rank Natural Communities at the global and state levels using standardized protocols. Natural Communities with state (S) ranks 1-3 are considered Sensitive Natural Communities (SNC) in California. Specifically, this Project will result in an increase of coastal salt and brackish marsh habitat, which can be broadly characterized as the Northern Coastal Salt Marsh SNC (Holland, 1986) but includes the following SNC plant alliances: *Salicornia pacifica* alliance (S3), *Juncus lescurii* alliance (S2), and *Grindelia stricta* alliance (S2). Furthermore, the CIRP will promote the expansion of plants classified as rare under the California Rare Plant Ranking (CRPR), including Lyngbye’s sedge (*Carex lyngbyei*), Humboldt Bay owl’s clover (*Castilleja ambigua humboldtiensis*), and Point Reyes bird’s beak (*Chloropyron maritimum*). See Attachment 4 – Habitat Conversion Analysis for additional details on projected CIRP habitat benefits.

Restoration and enhancement of estuary and tidal marsh habitats also increases biodiversity by restoring degraded ecosystems that provide essential nursery and foraging grounds for a variety of fish and wildlife species. Currently, degraded physical aquatic habitat, poor fish passage, and water quality issues constrain the fish assemblage in the Project Area. Notably, pre-project fish monitoring did not detect Chinook or Coho Salmon, which would be expected to seasonally use functioning estuary habitat of similar landscape position as Cannibal Island. This is likely a result of poor water quality conditions, simplified physical habitat, and limited fish access. Increased tidal connectivity and design features will improve fish passage, physical habitat and water quality making the site suitable for a broader range of species throughout the year, including for salmonids and marine species using the estuary as nursery habitat, thereby promoting increased biodiversity of the fish assemblage. As noted earlier, this type of positive community response has been documented at several similar regional estuary restoration projects, such as Salt River, White Slough, and the ORRP. Establishment of fully functioning mudflat and tidal marsh habitats will also promote the colonization of invertebrate communities that support fish populations, waterfowl, and shorebirds. Estuary habitat in Humboldt Bay and the Eel River Delta is critically important for overwintering and seasonally migrating shorebirds on the Pacific Flyway (Colwell et al. 2020). Finally, sea level rise is a significant threat to coastal biodiversity and by restoring natural estuarine and marsh accretion processes the CIRP will protect biodiversity by mitigating the effects of sea level rise.

References:

Colwell, M.A., C. Poley and H. LeWinter. 2020. Humboldt Bay, California, USA Hosts A Globally Important Shorebird Community Year-Round. *Wader Study* 127(3).



Holland. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Department of Fish and Game, Sacramento, CA, USA.

#### Long-Term Net Benefits to Sensitive Species Recovery:

Estuaries and salt marshes provide critically important habitat for several State and Federal Endangered Species Act-listed fish, such as Coho Salmon (Southern Oregon / Northern California Coast ESU) - Federal and State Threatened), Chinook Salmon (California Coastal ESU – Federal Threatened), Steelhead Trout (Northern California DPS - Federal Threatened, Eel River Summer Steelhead - State Endangered), Longfin Smelt (State Threatened), and Tidewater Goby (Federal Threatened, State Species of Special Concern). The importance of estuaries for salmon, particularly as rearing habitat for juveniles, cannot be overstated. They provide important osmoregulation transition areas for migrating smolts, are rich in food resources resulting in significant growth for juvenile salmonids and promote life history diversity within salmonid populations that increases the productive capacity of the watershed and confers resilience to changing environmental conditions. Accordingly, numerous salmonid recovery plans call for the restoration of estuaries, identifying the importance of increasing estuary area, complexity, and connectivity to adjacent native habitats through the removal of tide gates and levees, and reconnecting full tidal exchange (e.g., CDFW 2015; NMFS 2014; NOAA 2016; Eel River Forum 2016). The objectives of the CIRP are directly aligned with the restoration recommendations of these planning and policy documents and will provide significant long-term benefits to the recovery of salmonids. Similarly, the Tidewater Goby is a small benthic fish that inhabits brackish waters of some California estuaries. Principal threats to the Tidewater Goby include loss and modification of habitat, water diversions, predatory and competitive introduced fish species, habitat channelization, and degraded water quality. The U.S. Fish and Wildlife Service 2005 Tidewater Goby Recovery Plan calls for restoration activities that mitigate these threats (USFWS, 2005). The CIRP directly addresses loss and modification of habitat, habitat channelization, and degraded water quality by reintroducing natural tidal hydrology, creating marsh habitat, and restoring historic channel sinuosity. As such the CIRP is expected to provide long-term benefits for Tidewater Goby. Furthermore, estuaries function as critical rearing habitat for a variety of pelagic fish species, including the State Threatened Longfin Smelt. In a survey of 16 north coast estuaries, Brennan et al. (2022) detected more larval Longfin Smelt in the Eel River estuary in 2020 than any other estuary sampled, which may represent the largest population of longfin smelt outside of San Francisco Bay. Restoration of tidal wetlands with connectivity to freshwater sources that can buffer early larval life stages from high salinities, such as in the Eel River estuary, is essential for the persistence of this species.

As noted earlier in this application, in addition to the recovery of fish species, the CIRP will also benefit numerous sensitive plant species. Specifically, this Project will result in an increase of coastal salt and brackish marsh habitat, which can be broadly characterized as the Northern Coastal Salt Marsh SNC (Holland, 1986) but includes the following SNC plant alliances: *Salicornia pacifica* alliance (S3), *Juncus lescurii* alliance (S2), and *Grindelia stricta* alliance (S2). Furthermore, the CIRP will promote the expansion of plants classified as rare under the California Rare Plant Ranking (CRPR), including Lyngbye's sedge (*Carex lyngbyei*), Humboldt Bay owl's clover (*Castilleja ambigua humboldtensis*), and Point Reyes bird's beak (*Chloropyron maritimum*). See Attachment 4 – Habitat Conversion Analysis for additional details on projected CIRP habitat benefits.

#### References:

Brennan, C.A., Hassrick, J.L., Kalmbach, A., Cox, D.M., Sabal, M.C., Zeno, R.L., Grimaldo, L.F., Acuña, S. 2022. Estuarine Recruitment of Longfin Smelt (*Spirinchus thaleichthys*) north of the San Francisco Estuary. *San Francisco Estuary and Watershed Science* 20, 3.





California Department of Fish and Wildlife. 2015. California Wildlife Action Plan – see sections on Anadromous Fishes and Embayments, Estuaries, Lagoons.

Eel River Forum. 2016. Eel River Action Plan – see Section 6

Holland. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Department of Fish and Game, Sacramento, CA, USA.

National Marine Fisheries Service. 2014. Southern Oregon-Northern California Coast (SONCC) Coho Salmon Final Recovery Plan. Implementation Program – see Section 6.2.3.

NOAA Fisheries. 2016. Coastal Multispecies Recovery Plan: Vol I California Coastal Chinook Salmon Evolutionarily Significant Unit (ESU) and Vol III Northern California Steelhead Distinct Population Segment (DPS). – see ESU and DPS Level Recovery Actions.

U.S. Fish and Wildlife Service. 2005. Recovery Plan for the Tidewater Goby (*Eucyclogobius newberryi*). U.S. Fish and Wildlife Service, Portland.

Procedures for the Protection of the Environment:

Avoidance and minimization measures are incorporated into all Project permit applications and can be found in Attachment 5 (Avoidance and Minimization Measures associated with NMFS and USFWS PBOs) and Attachment 6 (Avoidance and Minimization Measures associated with the SRGO). These measure will include but not be limited to the following:

-General Construction Season:

The general construction season will be from June 15 to October 15 or October 31 pending final permit approvals from regulatory agencies with applicable jurisdiction. Restoration, construction, fish relocation, and dewatering activities within any wetted and/or flowing channel shall only occur within this period.

- General Conservation Measures:

Ensure the use of specific BMPs such as: all materials placed in or over sloughs or other waters shall be nontoxic; water containing mud or silt from construction activities shall be treated by filtration or retention in a settling pond to avoid draining sediment-laden water back to the channel; and screens shall be installed on all water pump intakes and other water withdrawal structures in compliance with NMFS and USFWS fish-screening specifications. Dewatering and fish relocation will follow requirements established by NMFS, USFWS, and CDFW, as outlined in the NOAA Restoration Center Programmatic Biological Opinion, CDFW Lake and Streambed Alteration Agreement, and USFWS Programmatic Biological Opinion.

- Vegetation/Habitat Disturbance Protection Measures:

Native vegetation disturbance will be avoided and minimized to the extent practicable. For construction that occurs within the nesting bird season March 15 – August 1, pre-construction nesting bird surveys will be conducted, and nesting birds avoided. Disturbed areas will be revegetated with plant species appropriate to the site and erosion control implemented where necessary. Disturbance to existing grades and native vegetation shall be limited to the actual site of the project, necessary access routes, and staging areas.

Furthermore, the following permits are required, and the Project proponent will adhere to all permit conditions outlined in the permits:

- U.S. Army Corps of Engineers (USACE) Clean Water Act 404 coverage
- Regional Water Board Clean Water Act 401 Water Quality Certification
- CDFW Lake and Streambed Alteration Agreement
- California Endangered Species Act – Fish Game Code 1001
- California Coastal Commission Coastal Development Permit



- NOAA Restoration Center's Programmatic Biological Opinion coverage for salmonids and green sturgeon.
- USFWS Programmatic Biological and Conference Opinion coverage for tidewater goby.
- Humboldt County Public Works Encroachment Permit
- County of Humboldt Conditional Use Permit
- State lands Commission

Ongoing Management for the Protection of the Environment:

The Cannibal Island Unit of the ERWA is owned and managed by CDFW to benefit native fish, wildlife, and plant resources, and the habitats upon which they depend for their ecological values. Consistent with CDFW's mission, long-term management activities will be conducted to promote and protect the self-sustaining ecological functions and habitats created and enhanced by this restoration project. See Attachment 7 for the project Operations and Maintenance Plan, which outlines maintenance and monitoring actions identified for the project, including invasive plant species management, maintenance of tidal channels and flood conveyance gates, and levee maintenance. To facilitate adaptive management and to ensure goals and objectives are met, monitoring of Project components may include tidal marsh topography, surface water hydrology, fish monitoring, water quality, and photographic monitoring of vegetation communities and key project features (Attachment 7).

D. The Project does not include any construction activities, except for construction activities solely related to habitat restoration. Please cite and attach any supporting documents.

CDFW has determined that the Project does not include any construction activities other than those activities solely necessary to facilitate the completion of the restoration work. The restoration work will require access routes and staging areas for heavy equipment. Primary access routes will be developed on an existing road and along the tops of already existing levees to reduce project impacts. A staging area will be installed on the existing access road and pull-out. Following implementation of restoration activities, the main staging area and one access route will be left in place to be utilized on a long-term basis for ongoing management, maintenance and monitoring of the Project and Wildlife Area. These features will also be optimized for public access and recreation purposes. However, the repurposed staging areas/routes are primarily modified pre-existing features required to implement, monitor, and manage the restoration work and are not being constructed for any other purpose. Similarly, to contain the restoration project within the Project Area on CDFW owned land, a set-back-levee, built from re-used sediment excavated on-site to reduce costs, will be constructed and a portion of an existing county road will be raised. These containment features are being constructed solely to enable the restoration project to restore the full tidal prism at this location and promote the critical ecological processes associated with full tidal exchange.

**5. CERTIFICATION**

*I certify that I have the authority to determine whether a project is exempt pursuant to CEQA Guidelines section 15025(a)(1), and this Project meets all the requirements described in Public Resources Code section 21080.56, and that I have submitted all the determinations required therein necessary to obtain the concurrence of the Director of Fish and Wildlife.*



Fresz, Shawn@  
 Wildlife

Digitally signed by Fresz, Shawn@Wildlife  
 DN: DC=Gov, DC=Ca, DC=Dfg, DC=AD, OU=DFG Divisions, OU=(1) NR  
 .OU=Users, CN="Fresz, Shawn@Wildlife"  
 Reason: I am approving this document  
 Location:  
 P Date: 2024.02.07 11:32:33-08'00'  
 Foxit PDF Editor Version: 12.0.1

Date: 02/07/2024

Lead Agency Signature

Printed Name and Title: Shawn Fresz, R1 Lands and Wildlife Program Supervisor