

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 25-

Record Number PLN-2023-18855

Assessor Parcel Numbers: Portion of 310-021-003-000, 310-021-004-000, 310-033-004-000, 310-043-001-000, 310-043-003-000, 310-043-004-000, 310-043-005-000, 310-043-006-000, and 310-051-001-000

Resolution by the Planning Commission of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the California Trout Inc. Conditional Use Permit.

WHEREAS, California Trout Inc. submitted an application and evidence in support of approving a Conditional Use Permit for major restoration of Cannibal Island and the surrounding area in the Eel River estuary; and

WHEREAS, the County Planning Division has reviewed the submitted application and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments, and recommendations; and

WHEREAS, the Planning Division, as the lead agency under CEQA has determined that the project is statutorily exempt from CEQA review pursuant to Section 21080.56 of the CEQA Guidelines, which provides a statutory exemption for certain restoration projects (SERP). A concurrence determination was made by the Director of the California Department of Fish & Wildlife (CDFW) on May 29, 2024 (Concurrence No. 21080.56-2024-051-R1); and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on April 3, 2025; reviewed, considered, and discussed the application for a Conditional Use Permit; and reviewed and considered all evidence and testimony presented at the hearing.

Now, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

- 1. FINDING:** **Project Description:** Conditional Use Permit application for major restoration of Cannibal Island and the surrounding area in the Eel River estuary. Project components will include: removal of an abandoned two-story residential structure; deepening 5,000 linear feet of existing dikes and removal of failed culverts that

currently separate full- and muted-tidal areas; reconnection of full tidal exchange to approximately 500 acres of former tidal marsh habitat and construction of inter-tidal lagoons with tidal marsh ridges and inter-tidal channels to create diverse tidal habitats, inset channel rock grade control will be placed along a 20-foot section of channel at the existing road cross along Senestraro Lane to provide passive management of the tidal prism; construction of a new earthen setback levee approximately 6,000 linear feet long, equipped with up to two gated culverts to separate tidal wetlands from agricultural lands; elevation of the existing road for approximately 2,500 feet and installation of up to four gated culverts; relocation of approximately 200,000 cubic yards of excavated sediment, to be reused within the project area; treatment and removal of Dense-flowered cordgrass; improvement of public access and visitor experience; and all post-construction management to maintain project objectives. The Project will require a Coastal Development Permit from the California Coastal Commission

EVIDENCE: a) Project File: PLN-2023-18855

2. FINDING: **CEQA:** The requirements of the California Environmental Quality Act have been met. The Humboldt County Planning Commission has considered the project and finds the proposed project is statutorily exempt from CEQA review pursuant to Section 21080.56 of the CEQA Guidelines.

EVIDENCE: a) Section 21080.56 applies to projects proposed to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend.

b) The Statutory Exemption for Restoration Projects (SERP) is a statutory exemption for fish and wildlife restoration projects that meet certain requirements. Being the lead agency for this Conditional Use Permit, CDFW Northern Region Lands Project entered the SERP

consultation process with CDFW. On April 29, 2024, the Director of CDFW concurred with the Northern Region Lands Project determination that the Cannibal Island Restoration Project qualified as a statutorily exempt restoration project under the California Environmental Quality Act (CEQA).

FINDINGS FOR CONDITIONAL USE PERMIT

3. FINDING: The proposed development is in conformance with the Eel River Area Plan.

EVIDENCE: a) The subject properties are planned Agriculture Exclusive and Natural Resources in the Eel River Area Plan. The proposed project is for major restoration of Cannibal Island and the surrounding area in the Eel River estuary. All of the proposed work will require a Coastal Development Permit (CDP) from the California Coastal Commission (CCC). The project will enhance wildlife habitats and protect agricultural lands for long term agricultural use. Approximately 44.4 acres of Prime Agricultural Land exists within project area. Under the Project, these areas would not be converted out of Prime Agricultural Land, rather the agricultural productivity is anticipated to increase in these areas due to the installation of a complementary set-back levee which would reduce flooding and saltwater impaction to these Prime Agricultural Lands. Therefore, despite the defined land conversion, no net loss of agricultural productivity will occur in the project area, and in fact, a net increase is anticipated. For these reasons, the project is consistent with the land use designations of Agriculture Exclusive and Natural Resources.

b) The project is in conformance with the goals and policies of the Housing Element in that the proposal does not involve development of housing and serves to preserve and enhance natural resource areas.

- c) The vast majority of the project area is regularly flooded and comprised of jurisdictional wetlands and other waters. A portion of the slough channel connecting the interior of Cannibal Island with North Bay will be graded to support restoration of the dendritic channel network that once connected the interior salt marsh of Cannibal Island with tidal influence from North Bay. The project does involve Construction activities including the removal of outdated water control structures, excavation of slough channels, the placement of rock, removal of the dike network, raising of Cannibal Island Road. Construction occurs in hazard areas including the 100 year flood zone and within an area of potential liquefaction. Although there will be temporary and permanent impacts, the functional improvement of the tidal marsh will increase substantially through the transition from muted tidal inundation to restored full tidal inundation. Impacts to wetlands will result in a less than significant impact. The project site has a low fire hazard rating according to Fire Hazard map.
- d) An informational note has been included with the Conditions of Approval indicating the steps to be taken should cultural resources and/or human remains be discovered during ground disturbing activities.
- e) Permitting within the Coastal Zone for Humboldt County occurs in compliance with the Eel River Area Plan. The Eel River Area Plan (ERAP) provides specific examples of ESHA within the County coastal zone. Examples of ESHA for this project include:
- a. *Rivers, creek, and associated riparian habitats;*
 - b. *Estuaries, sloughs, and wetlands;*
 - c. *Rookeries for herons and egrets;*
 - d. *Harbor seal pupping areas;*
 - e. *Critical habitats for rare or endangered species listed on State or Federal Lists.*

The proposed project, including watershed management, fish and wildlife habitat management,

and wetland restoration is consistent with the uses allowed under the ERAP. A Wetland Delineation, Biological Study, Botanical Study, Habitat Conversion Analysis, Soils Analysis, Habitat Conservation Analysis, Agricultural Resource Assessment, and Restoration Plan, have been conducted within the project area over the last several years. Impacts to and mitigation measures to address terrestrial, upland, riparian and aquatic impacts are specified in the Cannibal Island Restoration Project Agricultural Resource Assessment. The proposed Project would not conflict with the ERAP because management for watershed, and management for fish and wildlife habitat are considered compatible with agricultural operations under the ERAP. These impacts of the restoration actions have been determined to be less than significant with the identified mitigation measures implemented.

- f) In the long-term, project improvements would blend into the existing surrounding viewshed of open pasturelands, wetlands and forested areas. The project's proposed additional wetlands, levees, and channels would be consistent with surrounding natural resource and agricultural land and would not impact the quality of character of any Scenic Route views. The proposed project's potential long-term benefits to the scenic vista include the creation of open water, marsh and wetland features that would support a diverse community of vegetation and associated wildlife habitat.

4. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located, and the proposed development conforms to all applicable standards and requirements of these regulations.

EVIDENCE: a) The proposed project is for major restoration of Cannibal Island and the surrounding area in the Eel River estuary. All of the proposed work will require a

Coastal Development Permit (CDP) from the California Coastal Commission (CCC). The restoration work on NR and AE zones lands requires a Conditional Use Permit (CUP). The primary goal of the Cannibal Island Restoration Project is to restore and expand natural estuarine functions and processes that promote recovery of habitat for native fish, invertebrates, wildlife, and plant species compatible with surrounding working lands and public access. This is consistent with the principal and conditional uses permitted under the NR and AE zones and the associated combining zone designations (see discussion below).

- b) Coastal Wetland Areas (W): The project will ultimately enhance wetlands and restore tidal marsh and riparian floodplain corridors. To avoid impacts to aquatic resources the project proponents have worked closely with the Department of Fish and Game, the Army Corps of Engineers and many other resource protection agencies.
- c) Flood Hazard Areas (F): No structural development is proposed. The ecosystem restoration project will alleviate numerous flooding problems.
- d) Streams and Riparian Corridors Protection (R): Impacts to and mitigation measures to address terrestrial, upland, riparian and aquatic impacts are specified in the Cannibal Island Restoration Project Agricultural Resource Assessment. These impacts have been determined to be less than significant with the identified mitigation measures implemented.
- e) Transitional Agricultural Lands (T): The proposed project will reduce the frequency and duration of inundation areas affecting farmlands. Agricultural operations will continue on lands adjacent to the proposed project area. As documented in the attached Agricultural Resources Assessment, properties within the Project Area are enrolled in Williamson Act contracts, however no Prime Farmland exists within the

Project Study Area (PSA) utilizing NRCS designations, and approximately 44.4 acres of Prime Agricultural Land exists within the eastern portions of the PSA utilizing the Humboldt County General Plan definition. The Project would not result in the conversion of any Prime Agricultural Land. As discussed in the Wetland Fill Memo, implementation of the Project will result in 4.61 acres of wetland fill due to the setback levee, elevation of Cannibal Island Road and installation of the parking lot. However, a total of 7.48 acres of uplands have been identified for wetland creation, resulting in a wetland creation ratio of 1.6 to 1, and no net loss of wetlands.

Supplemental Resource Protection Impact Findings

5. FINDING:

Conditionally Permitted Uses in an AE Zone

The proposed use will not impair the continued agricultural use on the subject property, or on adjacent lands, or the economic viability of agricultural operations on the site.

EVIDENCE: a)

As documented in the attached Agricultural Resources Assessment, properties within the Project Area are enrolled in Williamson Act contracts, however no Prime Farmland exists within the Project Study Area (PSA) utilizing NRCS designations, and approximately 44.4 acres of Prime Agricultural Land exists within the eastern portions of the PSA utilizing the Humboldt County General Plan definition. The Project would not result in the conversion of any Prime Agricultural Land. As discussed in the Wetland Fill Memo, implementation of the Project will result in 4.61 acres of wetland fill due to the setback levee, elevation of Cannibal Island Road and installation of the parking lot. However, a total of 7.48 acres of uplands have been identified for wetland creation, resulting in a wetland creation ratio of 1.6 to 1, and no net loss of wetlands.

6. FINDING:

Anadromous Fish Streams

Minimum stream flows necessary to protect the anadromous stream population will be maintained;

Environmentally sensitive habitat areas will be protected against any significant disruption of habitat values; and

Channelizations, dams, or other substantial alterations of rivers and streams will incorporate the best mitigation measures feasible.

EVIDENCE: a) The project 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. Notably, 60.1 acres of Dense-flowered Cordgrass Marsh, 90.4 acres of Agricultural Pasture primarily dominated by non-native grasses, and 10.1 acres of Ruderal comprised of upland non-native species, will be restored to Coastal Salt Marsh and Brackish Marsh, thereby expanding this valuable habitat type, and shrinking low quality habitat types. Additionally, a net increase (13.7 acres) of Subtidal Channels and Sloughs will create more habitat for existing eelgrass populations to expand and provide additional fish habitat.

7. FINDING:

Coastal Streams and Riparian Areas

There are no significant adverse effects on habitat areas;

There is no less environmentally damaging feasible alternative; and

The best mitigation measures feasible have been provided to minimize adverse environmental effects.

EVIDENCE: a) Although there will be wetlands filled, the nature of direct temporary and permanent impacts are entirely for the purpose of habitat restoration and

improvement. Based on the current design, the Project will permanently impact approximately 4.61 acres of three-parameter jurisdictional wetlands to (1) construct the proposed setback levee, (2) increase the footprint of the roadway prism to raise Cannibal Island Road, (3) construct a new parking lot for public recreational access, and (4) due to placement of rock riprap along a 20-foot segment of channel at the existing road crossing in the interior of Cannibal Island Road. The Project will establish approximately 7.48 acres of three-parameter wetlands from existing uplands within the Project Island at Senestraro Lane. The Project will establish approximately 7.48 acres of three-parameter wetlands from existing uplands within the Project.

8. FINDING:

Coastal Transitional Agricultural Land

There is no less environmentally damaging feasible alternative;

The best feasible mitigations are included; and

The functional capacity of the wetland will be maintained.

EVIDENCE: a)

Under the Project, these areas would not be converted out of Prime Agricultural Land, rather the agricultural productivity is anticipated to increase in these areas due to the installation of a complementary set-back levee which would reduce flooding and saltwater impaction to these Prime Agricultural Lands. Collectively, the majority of grazeable acreage under Williamson Act contracts would decrease following Project implementation, however the installation of the set-back levee and tidal marsh restoration would increase the resiliency of agricultural productivity on remaining grazeable lands, are considered complementary to agricultural production.

9. FINDING:

Coastal Vegetation Removal, Major

There is no less environmentally damaging feasible alternative;

The plan includes the best mitigation measures feasible;
and

The vegetation removal will result in no significant adverse impacts to habitat values.

- EVIDENCE:** a) Construction activities associated with the restoration component is expected that the Project will result in a loss of muted tidal habitats (muted Coastal Salt Marsh and Brackish Marsh, and muted Intertidal Channel and Mudflats), which do not host the density of sensitive plant species detected in the Project Area. Additionally, dense-flowered cordgrass marsh was mapped primarily outside of the dikes, in areas of full tidal influence. Dense-flowered cordgrass will be treated during Project implementation, thereby opening the habitat up to be restored to full tidal influence. The proposed Project will restore full tidal influence to a variety of habitat types, and based on modelled changes in topography and elevation in relation to tidal fluctuations within the Project Area, will result in a net increase of full tidal Subtidal Channels and Sloughs (+13.7 acres), Intertidal Channel and Mudflats (+314.7), and Coastal Salt Marsh and Brackish Marsh (+226 acres).

10. FINDING:

Coastal Wetland

There is no less environmentally damaging feasible alternative;

The best mitigation measures feasible have been provided to minimize adverse environmental effects;
and

The required mitigation will maintain or enhance the functional capacity of the wetland or estuary.

- EVIDENCE:** a) The project involves major restoration of Cannibal Island and the surrounding area in the Eel River estuary.

The primary goal of Project is to restore and expand natural estuarine functions and processes that promote recovery of habitat for native fish, invertebrates, wildlife, and plant species compatible with surrounding working lands and public access. The project proposes adequate mitigation to protect valuable resources.

11. FINDING:

Coastal Wetland Buffers

Development will be sited and designed to prevent impacts which would significantly degrade wetland habitat areas, and shall be compatible with the continuance of such habitat areas; and

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms shall be maintained, and where feasible, restored.

EVIDENCE: a)

The project area lands have been managed for livestock grazing, but land subsidence and tide gate failure has reduced the functionality of much of the landscape for agricultural purposes. The project includes wildlife friendly livestock exclusion fencing to protect the 6,000 ft setback levee along the eastern edge of the of the salt marsh. The overall biological productivity within the remaining grazeable area would increase and the resiliency to future flooding would increase.

12. FINDING:

The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; or materially injurious to property or improvements in the vicinity.

EVIDENCE: a)

All reviewing referral agencies have approved or conditionally approved the proposed development. No detrimental effects to public health, safety and welfare were identified. The proposed development is not expected be detrimental to property values in the vicinity nor pose any kind of public health hazard.

13. FINDING: The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

EVIDENCE: a) The project does not include any residential development and will not reduce the residential density below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.

Decision

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Planning Commission does hereby:

- Adopt the findings set forth in this resolution; and
- Approve the California Trout Inc. Conditional Use Permit subject to the conditions of approval attached hereto as Attachment 1A.

Adopted after review and consideration of all the evidence on **April 3, 2025**.

The motion was made by COMMISSIONER _____ and seconded by COMMISSIONER _____ and the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

DECISION:

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.

John H. Ford, Director
Planning and Building Department