

CALIFORNIA COASTAL COMMISSION

NORTH COAST DISTRICT OFFICE
1385 EIGHTH STREET, SUITE 130
ARCATA, CA 95521
VOICE (707) 826-8950
FAX (707) 826-8960



Th8.1a

Filed: 3/13/2023
180th Day: 9/9/2023
Staff: M. Kraemer-A
Staff Report: 6/29/2023
Hearing Date: 7/13/2023

STAFF REPORT: MATERIAL AMENDMENT

Application No.: 1-10-032-A10

Applicant: Humboldt County RCD

Location: Across ~800 acres of agricultural lands under a variety of different ownerships, including the 440-acre Riverside Ranch owned by CA Department of Fish & Wildlife (CDFW), along 7.5 miles of the Salt River in the Eel River Delta, Ferndale area, Humboldt County.

**Description of Original:
Project Approved Under
CDP No. 1-10-032:** Construct the Salt River Ecosystem Restoration Project comprised of (1) Phase 1: restoring over 300 acres of estuarine, riparian, and freshwater wetland habitats on the lower 2.5 miles of the Salt River and on the 440-acre Riverside Ranch former dairy farm; (2) Phase 2: restoring hydraulic capacity, in-stream fish habitat, riparian vegetation, and improved water quality along an additional approximately 5 miles of the Salt River, ~2,900 feet of Francis Creek, and ~500 feet of Eastside Drainage; and (3) long-term maintenance and adaptive management activities to ensure the project meets its goals and objectives over multiple years.

**Description of Pending
Amendment No.
1-10-032-A10:** (1) Modify the Riverside Ranch setback berm and associated perimeter drainage ditch constructed in 2013 to improve drainage on adjacent agricultural lands during extreme Eel River flood events, and (2) authorize an additional five-year period of ongoing maintenance and adaptive management activities.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION

On October 5, 2011, the Commission approved CDP 1-10-032 for the Humboldt County Resource Conservation District (RCD) to implement the Salt River Ecosystem Restoration Project ([Exhibit 1](#)). Phase 1 of the project, constructed in 2013, involved restoring over 330 acres of estuarine marsh, estuarine aquatic, riparian, and freshwater wetland habitats on the lower 2.5 miles of the Salt River and on the 440-acre Riverside Ranch former dairy farm property owned and managed by CDFW. Phase 2 of the project, involving riverine restoration along an additional 5 miles of the Salt River, is still under construction ([Exhibit 2](#)). Project monitoring, including habitat restoration and adaptive management monitoring, has been in progress since 2014 and will be ongoing for at least 10 years post-construction.

As part of the tidal restoration project constructed under Phase 1, an 11,000-foot-long setback berm was constructed on Riverside Ranch to separate the restored estuarine habitat area from adjoining agricultural lands. The setback berm has a maximum height of 14.75 feet (NAVD88), three 60-inch diameter culverts with tide gates, and an outboard drainage channel along its perimeter. Adaptive management monitoring conducted under the project has revealed that the berm and its associated drainage system are contributing to water impoundment on adjacent agricultural lands during Eel River extreme flood events (32 feet NAVD88) ([Exhibit 5](#)). These drainage issues impact agricultural productivity, which is inconsistent with the project's primary purpose to reduce flooding and improve productivity on surrounding agricultural lands.

The applicant therefore proposes under this permit amendment to modify the permitted Riverside Ranch setback berm and associated drainage system constructed in 2013 to alleviate water impoundment and improve drainage on adjacent agricultural lands. Specifically, the proposed modifications involve (1) lowering the constructed berm to 11 feet along two segments totaling 4,300 feet in length; (2) reprofiling the constructed drainage ditch around the berm by deepening it (within its constructed channel width) along two segments that total 2,300 feet in length; and (3) installing two new 60-inch culverts with tide gates in the constructed berm similar to the three permitted gated culverts installed in 2013 ([Exhibit 3](#)).

The proposed modifications are anticipated to reduce peak water levels on the adjoining agricultural fields during the extreme flood level event while preventing the estuary from overtopping the setback berm during lower-level flood events. Although the berm's lowered elevation of 11 feet will remain sufficient to provide flood protection to agricultural lands inland of the berm from estuary water levels through 2060 (through the berm's 50-year design life), the height will not be adequate to provide flood protection during extreme flood levels when sea levels are a projected 3 feet higher near the end of the berm's design life. However, as the berm could be adaptively raised over time as needed, staff believes the proposed development minimizes risk consistent with Coastal Act section 30253. **Special Condition 20** (Assumption of Risk) included under the original permit will remain in full force and effect as a condition of this permit amendment to notify the applicant that the Commission is not liable for damage as a

result of approving the permit for development and to require the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. The proposed development will occur within and adjacent to freshwater and estuarine wetlands and will involve excavation, grading, and movement of substantial quantities of soil and construction materials. However, existing permit conditions requiring numerous mitigation measures for water quality and fish protection are adequate to ensure protection of water quality and marine resources consistent with sections 30230 and 30231.

Some of the soil material generated from the proposed berm and drainage modifications is proposed to be placed in the tidal marsh restoration area on areas that currently are dominated by invasive *Spartina*. These areas were permitted to receive fill material for estuarine marsh restoration purposes under the original permit but were not filled to the higher marsh elevations as designed at that time ([Exhibit 4](#)). Following placement of material at the completion of the construction season, the areas will be revegetated with a native seed mix appropriate for brackish marsh habitats. The areas will continue to be monitored pursuant to the final approved Habitat Mitigation and Monitoring Plan (HMMP) required by **Special Condition 2** and held to the restoration success thresholds identified in the final approved HMMP.

Finally, the proposed modifications will not interfere with or impact public access at Riverside Ranch, as the various public access amenities required by Special Condition 22 of the original permit have not yet been installed, and the property is not yet open to public access. The applicant proposes to use some of the excess soil material generated from the berm and drainage modifications to develop the public access improvements required by **Special Condition 22** and which were previously approved under the original permit. These include amenities for parking, trails, signage, and a boating put-in/take-out on the Salt River ([Exhibit 3](#)).

The existing permit as amended includes 33 special conditions. Staff recommends modifying and reimposing **Special Condition 5** to require submittal of final construction plans and adding **Special Conditions 34 and 35** to require demonstration of adequate property rights and submittal of other agency approvals prior to commencement of construction.

The standard of review is the Chapter 3 policies of the Coastal Act, with the certified Humboldt County LCP used as guidance. As conditioned, the project can be found consistent with the Chapter 3 policies of the Coastal Act, and staff recommends **APPROVAL** of the coastal development permit amendment application 1-10-032-A10 as conditioned. The motion and resolution can be found on page 5.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	5
II. STANDARD AND SPECIAL CONDITIONS.....	5
III. FINDINGS AND DECLARATIONS.....	7
A. CURRENT AMENDMENT REQUEST	7
B. PERMIT BACKGROUND	8
C. STANDARD OF REVIEW	9
D. APPLICANT’S LEGAL INTEREST IN SUBJECT PROPERTY	10
E. OTHER AGENCY APPROVALS.....	10
F. FLOOD HAZARDS.....	10
G. MARINE RESOURCES AND WATER QUALITY	14
H. DIKING, DREDGING, AND FILLING OF COASTAL WETLANDS AND WATERS	17
I. PUBLIC ACCESS	19
J. OTHER COASTAL RESOURCES	19
K. LENGTH OF PERMIT AUTHORIZATION.....	20
L. CALIFORNIA ENVIRONMENTAL QUALITY ACT	22

APPENDICES

[Appendix A – Substantive File Documents](#)

[Appendix B – All Permit Conditions as Amended through Amendment 1-10-032-A10](#)

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Overview Map Showing Project Construction to Date](#)

[Exhibit 3 – Preliminary Project Plans](#)

[Exhibit 4 – Unutilized Fill Areas from Original Approved Plans](#)

[Exhibit 5 – Hydraulic Assessment \(excerpt\)](#)

I. Motion and Resolution

Staff recommends that the Commission, after public hearing, approve a CDP amendment for the proposed development. To implement this recommendation, staff recommends a yes vote on the following motion. Passage of this motion will result in approval of the CDP amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: *I move that the Commission approve Coastal Development Permit Amendment Number 1-10-032-A10 pursuant to the staff recommendation, and I recommend a yes vote.*

Resolution to Approve CDP Amendment: *The Commission hereby approves Coastal Development Permit Amendment Number 1-10-032-A10 and adopts the findings set forth below on grounds that the development, as amended and subject to conditions, will be in conformity with the Chapter 3 policies of the Coastal Act. Approval of the amended permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. Standard and Special Conditions

Coastal Development Permit (CDP) No. 1-10-032 was approved on October 5, 2011 pursuant to five (5) standard conditions and thirty (30) special conditions. There have been seven immaterial amendments to the original permit and one material amendment (and one amendment application was submitted and later withdrawn). Special Conditions 31 through 33 were added conditions under CDP Amendment No. 1-10-032-A5, and changes were made to several of the original conditions under that permit amendment as well. [Appendix B](#) includes all standard and special conditions that apply to the amended development, as approved by the Commission in its original action and as modified and/or supplemented by all subsequent amendments, including this amendment, which is amending conditions as follows: Standard Conditions 1-5 and Special Conditions 1-4 and 6-33 remain in full force and effect. Special Condition 5 is modified as shown below. Special Conditions 34 and 35 are new conditions added to the permit under CDP Amendment No. 1-10-032-A10. New conditions and modifications to existing conditions imposed in this action are shown in ~~bold double strikethrough~~ text and bold double underlined text.

5. Final Construction Plans

- (A) PRIOR TO COMMENCEMENT OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the applicant shall submit, for the

review and approval of the Executive Director, final plans for Phase One (1) construction that substantially conform with the Phase 1 construction 75 percent plans prepared by Kamman Hydrology & Engineering, Inc. dated May 2011 and which are consistent with all Special Conditions of Coastal Development Permit No. 1-10-032;

(B) PRIOR TO COMMENCEMENT OF EACH CONSTRUCTION SEASON FOR LATER PHASES OF DEVELOPMENT OTHER THAN AUTHORIZED VEGETATION REMOVAL, the applicant shall submit, for the review and approval of the Executive Director, ~~both~~ all of the following:

1. Final plans for that season's construction activities that substantially conform with the Phase 2 construction 50 percent plans prepared by Winzler & Kelly and Michael Love & Associates dated May 2011 and which are consistent with all Special Conditions of Coastal Development Permit No. 1-10-032; ~~and~~

2. Final project plans for the construction of the Francis Creek culvert replacement at Port Kenyon Road that substantially conform with the preliminary plans prepared by Humboldt County dated January 7, 2011; and

3. Final plans for Riverside Ranch modifications to the setback berm and associated drainage improvements proposed under CDP Amendment 1-10-032-A10 that substantially conform with the preliminary plans prepared by GHD dated October 2022.

(C) The permittee shall undertake development in accordance with the approved final construction plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

...

34. Demonstration of Adequate Property Rights. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-10-032-A10, the applicant shall submit, for the review and written approval of the Executive Director, copies of landowner access agreements for all properties involved in the proposed amended development, including any properties proposed to receive excavated sediments for agronomic reuse. All landowner access agreements shall clearly demonstrate that the property owner grants permission to the applicant to undertake development on the property as conditioned by the Commission.

35. Other Agency Approvals. PRIOR TO ISSUANCE OF COASTAL DEVELOPMENT PERMIT AMENDMENT NO. 1-10-032-A10, the Permittee shall submit to the Executive Director written evidence that all necessary permits, permissions, approvals, or authorizations for the proposed development as amended have been granted by all other applicable agencies, including the State Lands Commission, North Coast Regional Water Quality Control Board,

California Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Marine Fisheries Service, or evidence that no such authorizations are required from each of these entities for the proposed development as amended. The Permittee shall inform the Executive Director of any changes to the project required by any other authorizations. Any such changes shall not be incorporated into the project until the Permittee obtains a further amendment to this permit, unless the Executive Director determines that no amendment is legally required.

III. Findings and Declarations

A. Current Amendment Request

The Applicant, the Humboldt County Resource Conservation District (RCD), proposes the following project modifications under the current permit amendment request:

- (1) Modify the permitted Riverside Ranch setback berm and associated outboard perimeter drainage ditch constructed in 2013 to alleviate water impoundment and improve drainage on adjacent agricultural lands during extreme Eel River flood events by:
 - a. lowering the constructed berm from approximately 14 feet to 11 feet (NAVD88) along two segments that total approximately 4,300 feet in length;
 - b. reprofiling the constructed drainage ditch around the berm by deepening it (within its constructed channel width) along two segments that total 2,300 feet in length (the northern segment is 800 feet long and southern segment is 1,500 feet long); and
 - c. installing two new culverts with tide gates in the constructed berm similar to the three permitted gated culverts installed in 2013.
- (2) Authorize an additional five-year period of ongoing maintenance and adaptive management activities throughout the project area pursuant to Special Condition 15.

Approximately 16,000 cubic yards (cy) of material from the berm lowering and 6,000 cy of material from the drainage ditch reprofiling are proposed to be placed in previously permitted fill areas within the upper reaches of the tidal restoration area (above MHHW, up to 9 feet in elevation) and in delineated upland areas on Riverside Ranch where public access improvements approved pursuant to Special Condition 22 (parking lot and boating access) are required ([Exhibit 3](#)).

The location of the proposed amended development is the California Department of Fish and Wildlife (CDFW) owned property known as Riverside Ranch (APN 100-091-008) on the lower Salt River two miles northwest of the City of Ferndale, Humboldt

County ([Exhibit 1](#)). Riverside Ranch is a unit of the CDFW Eel River Wildlife Area.¹ The proposed ongoing maintenance and adaptive management activities would occur throughout the project area at large.

B. Permit Background

Background on Permitted Project and Previous Amendments

The Salt River is a tributary to the Eel River Estuary located approximately five miles south of Humboldt Bay and 15 miles south of Eureka near the city of Ferndale. Historically, the Salt River was largely influenced by tidal action and was the principal slough tributary to the Eel River Estuary. In the 1800's, the Salt River had four freshwater tributaries that supported anadromous salmonids, seven smaller drainages, and several significant estuarine tributaries.

On October 5, 2011, the Commission approved CDP 1-10-032 for the Salt River Ecosystem Restoration Project (SRERP),² a multi-year, region-wide, collaborative restoration and flood alleviation project led by the RCD. At the time of the Commission's approval, the Salt River channel was largely undefined marshland, and only one of the river's tributaries (Francis Creek) supported limited habitat for some species of anadromous fish.

The approved project has three major components: (1) Phase 1 involves restoring over 300 acres of estuarine marsh, estuarine aquatic, riparian, and freshwater wetland habitats on the lower 2.5 miles of the Salt River and on the 440-acre Riverside Ranch former dairy farm property owned and managed by CDFW; (2) Phase 2 involves dredging and channel modifications to restore hydraulic capacity, in-stream fish habitat, riparian vegetation, and improve water quality along an additional approximately 5 miles of the Salt River, ~2,900 feet of lower Francis Creek, and ~500 feet of lower Eastside Drainage; and (3) long-term maintenance and adaptive management activities to ensure the project meets its goals and objectives to be performed over multiple years.

Phase 1 construction at Riverside Ranch and the lower Salt River commenced in 2013, and Phase 2 construction along the Salt River upstream from Riverside Ranch began in 2014. Due to the size of the Phase 2 project area (5+ miles of riverine restoration), limitations on construction timing (limited to the dry season period of approximately May-October), and disruptions in project progress due to funding limitations, landowner disputes, and, later, the Covid-19 pandemic, Phase 2 construction has taken longer than originally anticipated. To date, the project is approximately 85% complete, and there is approximately 1 mile of restoration remaining to be implemented ([Exhibit 2](#)). The timing for project completion is currently uncertain.

¹ See <https://wildlife.ca.gov/Lands/Places-to-Visit/Eel-River-WA>.

² The staff report and findings for approval of the original permit are accessible from the Commission's website: <https://documents.coastal.ca.gov/reports/2011/10/W10b-10-2011.pdf>.

Of the nine other amendments to the original permit submitted to date, seven have been immaterial, amendment -A5 was material, and amendment -A8 submitted in 2020 was subsequently withdrawn. Each of the seven immaterial amendments involved adding certain properties to the approximately 800-acre project area to accommodate the placement of excavated sediments from that year's riverine restoration work on agricultural uplands for beneficial reuse. Material amendment -A5 authorized (1) the installation of a new agricultural bridge and the relocation of a culvert crossing over the restored Salt River to replace historic/existing crossings and maintain continued access to agricultural lands under single ownership that are bisected by the river channel; (2) minor changes to the final approved Habitat Mitigation and Monitoring Plan related to amount and location of restored freshwater wetland habitats in the Phase 2 project area; and (3) extending the period of development authorization for post-construction repair and maintenance and adaptive management activities covered by the permit for up to 10 years.

Purpose of Proposed Amendment

Post-construction monitoring undertaken since completion of Phase 1 construction has shown that the 2-mile-long setback berm constructed around the 330-acre restored tidal marsh area impedes water flow and drainage and contributes to water impoundment on adjacent agricultural properties inland of the berm during and after extreme Eel River flood events. Pursuant to the final approved Adaptive Management Plan, the applicant completed a hydraulic evaluation of the constructed setback berm and associated outboard perimeter drainage ditch and determined that the berm elevation does not allow for utilization of available flood storage in the tidal marsh during Eel River flood events, and that the drainage and productivity of the adjacent agricultural lands are inhibited due to berm elevation and the flow capacity of existing tide gates. Therefore, the applicant proposes under this permit amendment request to modify the berm and drainage system to alleviate moderate and extreme flood impacts. The proposed modifications substantially conform to the original project plans, do not increase the footprint size of constructed project components, and are consistent with the goals of the SRERP to restore estuarine and riverine habitats and alleviate flooding on prime farmlands in the area.

C. Standard of Review

The overall project area of the SRERP is bisected by the boundary between the retained CDP jurisdiction of the Commission and the CDP jurisdiction delegated to Humboldt County by the Commission through the County's certified local coastal program (LCP). The portions of the project area within the Commission's retained jurisdiction include Riverside Ranch, the Salt River channel, and other areas within the original project limits.

Section 30601.3 of the Coastal Act authorizes the Commission to process a consolidated CDP application when requested by the local government and the applicant and approved by the Executive Director for projects that would otherwise require coastal development permits from both the Commission and from a local government with a certified LCP. Under the original permit request, the Humboldt

County Board of Supervisors adopted a resolution, and both the applicant and the County submitted letters requesting consolidated processing of the coastal development permit application by the Commission for the subject project, which was approved by the Executive Director.

The policies of Chapter 3 of the Coastal Act provide the legal standard of review for a consolidated coastal development permit application submitted pursuant to Section 30601.3. The local government's certified LCP may be used as guidance.

D. Applicant's Legal Interest in Subject Property

The project area affected by the permit amendment is owned by the California Department of Fish and Wildlife. As required by section 30601.5 of the Coastal Act, the applicant has submitted evidence that the property owner has been notified of the amended development as proposed in the CDP amendment application and has been invited to join the CDP amendment application as a co-applicant. In addition, as also required by section 30601.5, **Special Condition 34** is added to CDP Amendment 1-10-032-A10 to require the applicant to provide, as needed, updated Landowner Agreement(s) signed by the property owner(s) giving the RCD permission to undertake development approved under this permit amendment as conditioned by the Commission.

E. Other Agency Approvals

The original project required approvals from other agencies, including from the State Lands Commission, North Coast Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Army Corps of Engineers, and Endangered Species Act consultations from the U.S. Fish and Wildlife Service and NOAA-Fisheries. To address any amendments to these prior approvals that may be needed for the proposed amendment development, added new **Special Condition 35** requires submittal of these other agency approvals and consultations prior to commencement of construction. The applicant is required to inform the Executive Director of any changes to the project required by any other authorizations. Any such changes would not be incorporated into the project until the applicant obtains an amendment to this CDP, unless the Executive Director determines that no amendment is legally required.

F. Flood Hazards

Section 30253 of the Coastal Act states, in applicable part, as follows:

New development shall do all of the following:

- a. Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- b. Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of*

protective devices that would substantially alter natural landforms along bluffs and cliffs ...

Section 30270 of the Coastal Act states as follows:

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

In evaluating flood hazards for the Salt River Ecosystem Restoration Project and how the project would affect flooding in the flood-prone project area, which is located in the FEMA-defined floodplain and, in part, in the floodway, the hydraulic modeling completed for the project (as described in the Final Environmental Impact Report adopted for the project)³ determined that the project would not alter the Eel River floodway capacity or significantly increase the floodwater flow conveyance over existing conditions along the Salt River corridor and within the Eel River floodway. The hydraulic analysis at that time concluded that the project as designed would accelerate the drainage of floodway lands that had, prior to project construction, remained ponded throughout most winter seasons.

The hydraulic analysis also concluded that there would be little change in the nature and extent of flooding experienced by adjacent landowners as a result of the new setback berm around the outer edges of Riverside Ranch other than a more rapid drainage of flooded areas in the vicinity due to the construction of the outboard drainage ditch, increased conveyance of the lower Salt River channel, and the internal slough channel network proposed to be constructed within Riverside Ranch. It was thought that the proposed berm would provide adjacent landowners with superior flood protection over pre-construction conditions, and it was further concluded that the new berm would contain a high flow bypass to further accommodate drainage of adjacent properties during larger, more expansive Eel River floods.

However, a few years after completion of construction of the setback berm on Riverside Ranch in 2013, landowners and farm operators of agricultural lands adjacent to the new berm reported impaired drainage issues on their farmland properties. In response to these concerns, the RCD engaged the U.S. Fish and Wildlife Service for technical assistance, and, in cooperation with hydrology and engineering consultants, a surface water monitoring program was established on Riverside Ranch and surrounding properties. Monitoring occurred from 2017-2019, and results showed that (1) during low-magnitude flooding, water is impounded on adjacent agricultural properties, and drainage conveyance to the estuary is limited by stormwater infrastructure; and (2) during high magnitude and extended flood events, water levels on the agricultural lands adjoining the Riverside Ranch berm were substantially higher than on the estuary side

³ A copy of the FEIR adopted in February of 2011 is accessible from the OPC's website: http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20160629/4d_Salt_River/4d_ExhibitD_EIR.pdf.

of the berm suggesting that the berm impounds floodwaters from the Eel River and restricts outflow to the estuary.

Additional hydrologic studies subsequently were undertaken to assess the setback berm and drainage system during multiple rainfall events and Eel River flood levels and to develop an alternatives analysis for potential modifications to the berm/ditch system, or to the surrounding area, to alleviate identified flood impacts. The resulting Riverside Ranch Hydraulic Assessment (developed in November 2021 by GHD and Mike Love and Associates) concludes (in part):

- (1) Floodplain flows originating from the overtopping of the southern bank of the Eel River during extreme flood levels (~32 feet NAVD88) exceed the drainage capacity of the setback berm's constructed drainage system (i.e., which consists of outboard ditches and three 60-inch-diameter culverts). This results in higher peak water levels on the agricultural lands adjoining Riverside Ranch than in the restored tidal estuary on Riverside Ranch. The elevation of the setback berm (14.75 feet) does not allow for the utilization of available flood storage in the estuary when water levels on the agricultural lands exceed approximately 11 feet.
- (2) Floodplain flows from the Eel River flow east to west, towards the southern half of Riverside Ranch. Based on site topography and flow paths across the agricultural fields to the east, prior to construction of the setback berm, these flows would have continued westerly through Riverside Ranch before encountering what is now the lower elevation historical levee along the Salt River, thus providing floodwater storage within the historical Riverside Ranch and overtopping of the historic levee system.
- (3) The new setback berm provides flood protection to agricultural lands inland of the berm from peak estuary water levels (between 10.1 and 10.9 feet) that overtop the Salt River Slough levee, which has a lower top elevation than the Riverside Ranch setback berm.
- (4) Drainage of agricultural lands adjacent to Riverside Ranch is dependent on water levels, hydraulic gradient between the estuary and agricultural lands (on opposite sides of the Riverside Ranch setback berm), the volume of water stored on agricultural lands, and the capacity and flow line elevation of the drainage infrastructure. If water levels in the estuary are greater than water levels on the agricultural lands, tide gates on the culverts in the setback berm prevent flows from being conveyed to the agricultural lands, and all water on the agricultural lands is stored on those lands. When the water levels on the agricultural lands are greater than approximately 7 feet, flows spread out onto the fields creating a large storage volume, and this volume of water exceeds the capacity of the drainage system. Multiple tidal cycles are required to drain the agricultural lands. As inboard water levels in the Riverside Ranch estuary decrease below 7 feet, the constructed drainage system is then capable of draining water off the

agricultural fields in a single tidal cycle. The lowest water levels are governed by the culvert flowline elevations and elevation of tidal channels in the estuary.

[Exhibit 5](#) (excerpt from GHD and Mike Love and Associates “Riverside Ranch Hydraulic Assessment” November 2021) includes graphics that illustrate some of the above key findings.

Based on the key findings summarized above, the report then evaluated several alternatives with the goals of: (1) reducing peak water levels on adjacent agricultural lands during Eel River extreme flood level (~32 feet NAVD88), and (2) improving the rate of drain-off following storm events from the ditch system around the setback berm and the adjacent agricultural fields. All alternatives evaluated involved adaptive management of the constructed setback berm and associated drainage system involving (a) lowering the berm at different locations and to different elevations, (b) evaluating the potential addition or replacement of gated drainage culverts, and/or (c) reprofiling portions of the drainage ditch system associated with the setback berm.

Out of seven alternatives evaluated, the selected alternative involves the modifications proposed under this permit amendment request. The selected alternative is anticipated to minimize the difference between estuary (on Riverside Ranch) and agricultural (adjacent to Riverside Ranch) water levels during the peak of the extreme flood event (~32 feet NAVD88) by allowing flood flow on the agricultural fields to overtop the Riverside Ranch setback berm and flow to the estuary. This alternative also will reduce peak water levels on the agricultural fields during the extreme flood level event while preventing the estuary from overtopping the Riverside Ranch setback berm during lower-level flood events (~21-29 feet NAVD88). Furthermore, it is projected that this alternative will reduce the duration of flooding during the extreme flood level event by 35 hours in the northern agricultural fields and by 11 hours in the southern agricultural fields as well as between precipitation events, which is the greatest reduction in duration of flooding out of all alternatives evaluated.

To ensure the applicant implements the project consistent with the proposed preliminary plans, which will reduce flooding on surrounding agricultural lands consistent with the project goals and objectives as required by Special Condition 17 (final approved Agricultural Enhancement Monitoring Plan to monitor changes in agricultural productivity within and around the project area resulting from implementation of the proposed project), the Commission modifies and reimposes **Special Condition 5**. This condition requires submittal of final plans for the Executive Director’s review and approval prior to commencement of construction. The plans shall substantially conform to the proposed plans submitted with the application (Exhibit X) and also shall be consistent with all special conditions of this CDP.

Sea Level Rise

Under the original project, the new setback berm on Riverside Ranch was designed with a 50-year life to accommodate the added effects of projected sea-level rise (SLR) combined with the 10-year flood event. The berm’s top elevation extends to 14.75 feet (NAVD88) with 3:1 (horizontal to vertical) side-slopes. The current SLR projections for

the region⁴ project up to 3.1 feet of SLR by 2060 under the medium-high risk aversion scenario. Mean higher high water (MHHW) in the restored estuary on Riverside Ranch currently is at elevation of approximately 6.5 feet (NAVD88). Thus, the setback berm's top elevation of 14.75 feet is more than adequate to protect against wave erosion during extreme tides and storm events factoring in the anticipated 3-foot rise of sea-level projected over the 50-year design life of the structure.

However, the applicant now proposes to lower the berm to 11 feet (NAVD88) along two segments that total approximately 4,300 feet in length. Even with this lowering, the berm's top elevation will remain sufficient to provide flood protection to agricultural lands inland of the berm from estuary water levels through 2060 (through the berm's 50-year design life). Although the 11-foot berm height will not be adequate to provide flood protection during extreme flood levels when sea levels are 3 feet higher near the end of the berm's design life, the existing design and engineering of the berm is adequate to accommodate adaptive raising in elevation as needed (up to at least 15 feet or higher). In addition, as noted in the FEIR adopted for the project, vegetation that has established on the berm further protects against moderate flood events, and the RCD's practice of precluding cattle from accessing the berm (via livestock fencing installed along the base of the outboard length of the berm) further guards against associated erosion risks.

Assumption of Risk

Even though the project has been designed to minimize risks associated with flood hazards, some risk remains. The entire project area is located within the FEMA-mapped 100-year floodplain of the Eel River, and there is no way to avoid the risk of a large magnitude flood event in the future. Given that the applicant has chosen to implement the project despite the identified geologic and flooding risks in the area, the applicant must assume the risks. Thus, under the original permit the Commission imposed **Special Condition 20** (Assumption of Risk) to notify the applicant that the Commission is not liable for damage as a result of approving the permit for development and to require the applicant to indemnify the Commission in the event that third parties bring an action against the Commission as a result of the failure of the development to withstand the hazards. This condition will remain in full force and effect as a condition of this permit amendment.

As conditioned as discussed above, the Commission finds the proposed amended development is consistent with section 30253 of the Coastal Act.

G. Marine Resources and Water Quality

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special

⁴ Using the OPC's (2018) and the Commission's (2018) SLR guidance documents and associated tide gauge projections. The applicable tide gauge to reference for the project site is on the North Spit of Humboldt Bay.

biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act addresses the protection of coastal water quality and marine resources in conjunction with development and other land use activities. Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with the surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed amended development will occur within and adjacent to freshwater and estuarine wetlands, including the 330-acre restored estuary and nearby freshwater and riparian wetlands associated with the lower Salt River. The work will involve excavation, grading, and movement of significant quantities of soils and construction materials.

Under the original project, the applicant incorporated numerous mitigation measures for water quality protection into the project description for the SRERP. Special Conditions 3, 4, and 6 were included to require implementation of the various proposed measures to protect water quality. The Commission finds that reimposing these conditions (shown in [Appendix B](#)) without changes is appropriate to protect water quality and marine resources consistent with sections 30230 and 30231:

- **Special Condition 3** imposes various construction responsibilities that must be adhered to during construction including, but not limited to, the following: (a) during construction, all trash shall be properly contained, removed from the work site, and disposed of on a regular basis to avoid contamination of habitat during construction activities; (b) out-of-channel grading, excavation, and other earth-moving activities shall be conducted during the dry season period of June 1 through October 15 only, with limited allowances for earth-moving activities during the broader dry season period of April 15 through November 30; (c) in-channel construction and maintenance activities shall be limited to the dry season period of June 1 through November 30 only; (d) excess ground water shall not be pumped or discharged into wetland areas on surrounding fields outside of the project area footprint to prevent sediment-laden water from entering coastal waters or wetlands; (e) in-stream erosion and turbidity control measures shall be implemented during channel dredging activities; (f) any fueling and maintenance of construction equipment shall occur within upland areas or

within designated staging areas; (g) fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands; and (h) upon completion of construction activities and prior to the onset of the rainy season, all bare soil areas shall be seeded and mulched with weed-free rice straw.

- **Special Condition 4** requires submittal of a final SWPPP for the Executive Director's review and approval prior to each phase of construction. The SWPPP must demonstrate that (a) runoff from the project site shall not result in pollutants entering coastal waters or wetlands during construction or post-construction; (b) BMPs shall be used to prevent the entry of polluted stormwater runoff into coastal waters and wetlands during construction and post-construction; and (c) an on-site spill prevention and control response program shall be implemented to capture and clean-up any accidental releases of oil, grease, fuels, lubricants, or other hazardous materials from entering coastal waters or wetlands.
- **Special Condition 6** requires submittal of final debris disposal plans prior to commencement of each phase of development for the Executive Director's review and approval. The plans must demonstrate that (a) all temporary stockpiles of construction debris, excess sediments, vegetative spoils, and any other debris and waste associated with the authorized work shall be minimized and limited to areas within the proposed project footprint as depicted on the final approved construction plans required by Special Condition 5 and where they can feasibly be contained with appropriate BMPs to prevent any discharge of contaminants to coastal waters and wetlands; (b) all construction debris, excess sediments, vegetative spoils, and any other debris and waste expected to be generated by the authorized work shall be disposed of at an authorized disposal site(s) capable of receiving such materials; and (c) side casting or placement of any such material within coastal waters and wetlands is prohibited.

The applicant also included various fish protection measures as part of the project, because threatened tidewater gobies, salmonids, and other sensitive fish are known to occur in the project area and could be impacted by construction activities. Specifically, coffer dams will be erected prior to any dewatering activities in any channels, and a qualified biologist will relocate all native aquatic vertebrates out of the construction area into a flowing channel segment. Relocation of aquatic organisms is proposed to be performed in consultation with staff from NOAA-Fisheries, CDFW, and U.S. Fish & Wildlife Service. Fish screens will be installed upstream of coffer dams to prevent aquatic organisms from transfer into the bypass pipe proposed to be used to divert flowing water around the isolated work area. And a qualified biologist would then use appropriate methods to transfer aquatic organisms out of the work area. **Special Condition 7** (reimposed without changes, see [Appendix B](#)) requires the applicant to undertake the proposed amended development in accordance with the fish and aquatic resources protection measures and protocols detailed above and included in the February 2011 Final Environmental Impact Report (Mitigation Monitoring and Reporting Program) and the two Biological Assessments prepared for the project.

The Commission thus finds that the proposed amended development as conditioned will protect water quality and marine resources consistent with sections 30230 and 30231.

H. Diking, Dredging, and Filling of Coastal Wetlands and Waters

Section 30233 of the Coastal Act provides, in applicable part, as follows:

- a. *The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

...

(6) Restoration purposes.

...

- b. *Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation...*
- c. *In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary...*

Under the original permit, the Commission found that the diking, filling, and dredging of existing seasonal wetlands on Riverside Ranch for the purpose of restoring tidal marsh habitats and creating a new outboard ditch freshwater wetland were consistent with the requirements of section 30233. As the project would reestablish the estuarine and functional riverine and freshwater habitats that historically existed in the area and would provide extensive benefits to marine resources, including fish and estuarine marsh species, the filling and dredging activities were found to be for restoration purposes consistent with section 30233(a)(6).

The Commission included **Special Condition 2** to require the applicant to submit a final revised habitat mitigation and monitoring plan (HMMP) for the Executive Director's review and approval. The purpose of requiring the HMMP was to ensure that the proposed dredging and filling project will achieve the objectives for which it is intended. The final approved HMMP identifies several habitat restoration goals including (1) restoring minimum acreages of various habitats (e.g., tidal marsh, tidal slough, freshwater channel, riparian habitat); (2) increasing habitat diversity to support a wider assemblage of wildlife species; and (3) improving fish passage. Following completion of each project sub-phase, various environmental parameters are required to be assessed, pursuant to the final approved HMMP, over the course of respective 10-year monitoring periods to evaluate progress toward the realization of targeted restoration design criteria and to identify potential problems that may compromise the successful realization of identified goals.

Project monitoring has been in progress since 2014 in the Phase 1 project area on Riverside Ranch. According to the most recent quantitative monitoring report (from 2020), monitoring indicates that all habitats of interest throughout the Phase 1 restoration area currently meet or exceed respective minimum habitat area (acreage) success thresholds, though in some regions sampled, invasive species abundance exceeds minimum percent cover thresholds. Invasive dense-flowered cordgrass (*Spartina densiflora*) is particularly problematic in the tidal marsh restoration area on Riverside Ranch.

Under the proposed project modifications, the applicant would, as discussed, lower certain segments of the setback berm by three feet and reprofile sections of the existing outboard drainage ditches, which will generate approximately 22,000 cubic yards of material. Material generated from these modifications is proposed to be placed in large part in the upper reaches of the restored tidal marsh on areas that currently are dominated by invasive *Spartina*. These areas were permitted to receive fill material for estuarine marsh restoration purposes under the original permit, but due to a lack of available material during construction, certain areas were not filled to the higher marsh elevations as designed ([Exhibit 4](#)). Thus, placement of fill material in these wetland areas was accounted for under the original permit. Following placement of material at the completion of the construction season, the areas will be revegetated with a native seed mix appropriate for brackish marsh habitats. The areas will continue to be monitored pursuant to the final approved HMMP and held to the restoration success thresholds identified in the final approved HMMP. Therefore, the Commission concludes that the proposed diking, dredging, and filling for the project modifications is permissible under section 30233(a)(6) for “restoration purposes.”

The Commission further finds that the proposed project is the least environmentally damaging feasible alternative with respect to diking, dredging, and filling. As discussed above in the Flood Hazards finding, the hydraulic report ([Exhibit 5](#)) evaluated several alternatives in pursuit of an appropriate adaptive management action to reduce peak water levels on adjacent agricultural lands during extreme flood events and improve the rate of drain-off following storm events from the ditch system around the setback berm and the adjacent agricultural fields. Out of seven alternatives evaluated, the proposed modifications had the greatest reduction in duration of flooding out of all alternatives (reduced by 35 hours in the northern agricultural fields and by 11 hours in the southern agricultural fields as well as between precipitation events). The proposed alternative will not result in placement of any additional wetland fill beyond what already was evaluated and approved under the original permit, because (1) fill placed on the marsh plain will be restricted to previously approved areas, and (2) fill placed for public access improvements will be restricted to upland areas, as shown in the project plans and as discussed further below. Moreover, the proposed alternative will not expand the width of outboard perimeter drainage channels to be dredged but rather will reprofile (deepen) channels within the existing ditch footprints.

Finally, the Commission finds that with the imposition of **Special Conditions 3-7** discussed above (and shown in [Appendix B](#)), the proposed amended development includes feasible mitigation measures to minimize adverse environmental effects,

protect water quality, and avoid significant disruption to marine and wildlife habitats consistent with section 30233(a) and (b).

I. Public Access

Under the original permit, the Commission imposed public access requirements at Riverside Ranch, finding that existing public access in the project area was non-existent to severely limited, a large portion (over half) of the project area had recently been transferred to public ownership (CDFW's Riverside Ranch), and that the access policies of the Coastal Act required that development maximize public access and recreational opportunities. The Commission required (under Special Condition 22) the applicant to develop a public access plan for the CDFW property for the Executive Director's review and approval within two years of completion of Phase 1 construction. The plan had to provide (in part) for public parking; a pedestrian trail on top of and along at a minimum half the length of the setback berm; signage delineating the public access areas to facilitate public use; and a boating put-in and/or take-out access point for non-motorized boats.

Due to difficulties with coordination with CDFW and surrounding landowners, the applicant only recently submitted the required Public Access Plan for the Executive Director's review and approval. The proposed plan includes the various public access amenities required by Special Condition 22 ([Appendix B](#)), including amenities for parking, trails, signage, and a boating put-in/take-out on the Salt River ([Exhibit 3](#)). The applicant plans to construct the public access amenities at the same time as the berm and drainage modifications are constructed to maximize efficient use of available construction equipment and fill materials generated by and needed for both purposes.

The proposed berm and drainage modifications will not interfere with or impact public access, as the various public access amenities have not yet been installed, and the property is not yet open to public access. As the proposed reuse of excess materials generated from the berm and drainage modifications will provide for the development of the public access improvements required by Special Condition 22 (and which were previously approved under the original permit), the Commission finds that the amended development will not have any significant adverse effect on public access, and the amended development as proposed is consistent with the requirements of Special Condition 22 and with Coastal Act sections 30210, 30211, 30212, and 30214.

J. Other Coastal Resources

The original CDP 1-10-032 (base permit) analyzed the proposed project for consistency with Coastal Act policies related to (in addition to those discussed above) Coastal Rivers and Streams (section 30236); Agricultural Lands (sections 30241 and 30242); and Cultural Resources (section 30244) and found the project to be consistent with the Coastal Act on these points, subject to various conditions of approval.⁵ The existing

⁵ Under the original project approval, the Commission undertook conflict resolution to allow some adverse impacts to agricultural lands, and those findings are available from the Commission's website: <https://documents.coastal.ca.gov/reports/2011/10/W10b-10-2011.pdf>.

permit as amended includes 33 special conditions (some previously discussed above), which collectively require in part:

- Adherence to final approved plans, including, but not limited to, final Habitat Mitigation and Monitoring Plan (Special Condition 2), final stormwater pollution prevention plans (required to be updated for each subphase, per Special Condition 4), final construction plans (Special Condition 5), final debris disposal plans (required to be updated for each subphase, per Special Condition 6), rare plant mitigation and monitoring plans (Special Condition 11), sediment reuse plans (required for each agricultural property to receive excavated sediments for beneficial reuse per Special Condition 13), an agricultural enhancement monitoring plan (Special Condition 17), a public access plan for Riverside Ranch (Special Condition 22), an adaptive management plan (Special Condition 14) and annual plans for authorized maintenance/adaptive management operations (Special Condition 16);
- Adherence to numerous construction responsibilities and best management practices (Special Condition 3);
- Specific measures to protect sensitive fish, aquatic resources, sensitive bird nesting habitats, and cultural resources (Special Conditions 7, 8, 10 and 21); and
- Restrictions and standards for riparian vegetation removal and for revegetation of disturbed areas (Special Conditions 9 and 12).

These conditions (shown in [Appendix B](#), as amended herein) remain in full force and effect and will continue to apply to the proposed amended development. The changes to the authorized development proposed in this permit amendment do not alter the previous analyses or determinations of Coastal Act consistency and will not impact coastal resources beyond what has already been analyzed and conditioned to assure Coastal Act consistency in the base permit (as amended to date). As such, the proposed permit amendment can be found consistent with the applicable Coastal Act provisions.

K. Length of Permit Authorization

Given the scale of the restoration area and dynamic nature of the riverine and tidal environments that comprise the project site, Special Condition 15 of the existing permit authorizes the applicant to undertake a suite of maintenance and adaptive management activities on an ongoing basis, such as invasive species management, removing sediment to improve channel function, and maintaining culverts and tide gates. Activities are required to be undertaken pursuant to the final approved Adaptive Management Plan (AMP) required by Special Condition 14. Prior to undertaking any such activities, Special Condition 16 of the existing permit requires submittal of adaptive management plans to the Executive Director for review and approval to ensure such activities conform to the limitations specified in the approved final AMP.

Under the original permit, specific adaptive management activities allowed pursuant to Special Conditions 14-16 ([Appendix B](#)) were authorized to be undertaken for a period of five years from the date of Commission approval. As amended under CDP Amendment

1-10-032-A5, the current 5-year termination date for these activities is April 11, 2023. Special Condition 15 allows the Executive Director to approve one request for an additional five-year authorization period for ongoing maintenance and adaptive management activities (i.e., to allow such activities to continue through April 11, 2028), provided (in part) that the request would not alter the project description and/or require modifications of conditions due to new information or technology or other changed circumstances. If the request would alter the project description and/or require modifications of conditions due to new information or technology or other changed circumstances, an amendment to the CDP is required to authorize ongoing maintenance and adaptive management activities beyond April 11, 2023.

On January 11, 2023, the Executive Director received a request from the RCD to extend the authorization period for undertaking maintenance and adaptive management activities pursuant to the final approved AMP for an additional five years. Although the request involves no major changes to the project description, as discussed in the above findings, the request involves certain project modifications that necessitate changes to the project due to new information that has determined that the constructed setback berm on Riverside Ranch contributes to water impoundment issues on adjacent farmlands associated with extreme flood events. These project changes, though consistent with the management actions identified in the final approved AMP approved pursuant to Special Condition 14, necessitate changes to permit conditions (as discussed above, changes to Special Condition 5 and added new Special Conditions 34 and 35). Thus, as required by Special Condition 15, allowance of ongoing maintenance and adaptive management activities beyond April 11, 2023 may only be authorized pursuant to a permit amendment (rather than by the Executive Director).

Since the beginning of project construction, the applicant has periodically performed maintenance and adaptive management activities in the project area. These activities have involved (primarily) grazing management (e.g., short-term intensive cattle grazing to manage invasive species in flood plain restoration areas) and sediment management (i.e., removing sediment from the constructed sediment management area). In all cases, pursuant to Special Condition 16, the applicant has submitted an annual maintenance/adaptive management operations plan for the Executive Director's review and approval. These submittals have been found to be consistent with the final revised AMP and with other applicable CDP conditions. Submittals have followed the directives of Special Condition 16 to include maintenance plans, descriptions, updated biological surveys (if applicable), erosion and runoff control plans, maintenance schedule, and other required information. The applicant also has been monitoring the performance of the project constructed to date as required by the final approved AMP. The most recent AMP monitoring report (from 2022) concludes that the project is performing successfully and largely meeting project goals.

As demonstrated by project monitoring to date, adaptive management actions have been successfully undertaken to ensure the continued success of the project. Indeed, it was through the required AMP monitoring that the applicant recognized the need for the modifications proposed under this permit amendment, which align with the management actions identified in the final approved AMP. The Commission therefore authorizes

ongoing maintenance and adaptive management activities for an additional five years pursuant to Special Condition 15 (i.e., through April 11, 2028). Ongoing maintenance and adaptive management activities must be undertaken pursuant to the existing final approved AMP. Consistent with Special Condition 16, reimposed without changes and which remains in full force and effect, prior to undertaking any maintenance or adaptive management activities, the applicant must provide an annual operations plan for the Executive Director's review and approval. This will ensure that activities are consistent with the final approved AMP and with all terms and conditions of the CDP as amended.

L. California Environmental Quality Act

The RCD, as the lead agency for CEQA purposes, certified a Final Environmental Impact Report for the proposed project on February 24, 2011 (SCH No. SD2007-05-06). The RCD adopted an addendum to the EIR in March of 2018 and a second addendum to the EIR (for the proposed project modifications) in February of 2023.

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed above, the proposed project has been conditioned to be consistent with the policies of the Coastal Act. As specifically discussed in these above findings, incorporated herein, mitigation measures that will minimize or avoid all significant adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative, has no remaining significant environmental effects, either individual or cumulative, and complies with the applicable requirements of the Coastal Act to conform to CEQA.