

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

**INITIAL STUDY /
MITIGATED NEGATIVE DECLARATION**

I. BACKGROUND

PROJECT TITLE: Canebrake Vineyards
Application to Appropriate Water

APPLICATION: 30363

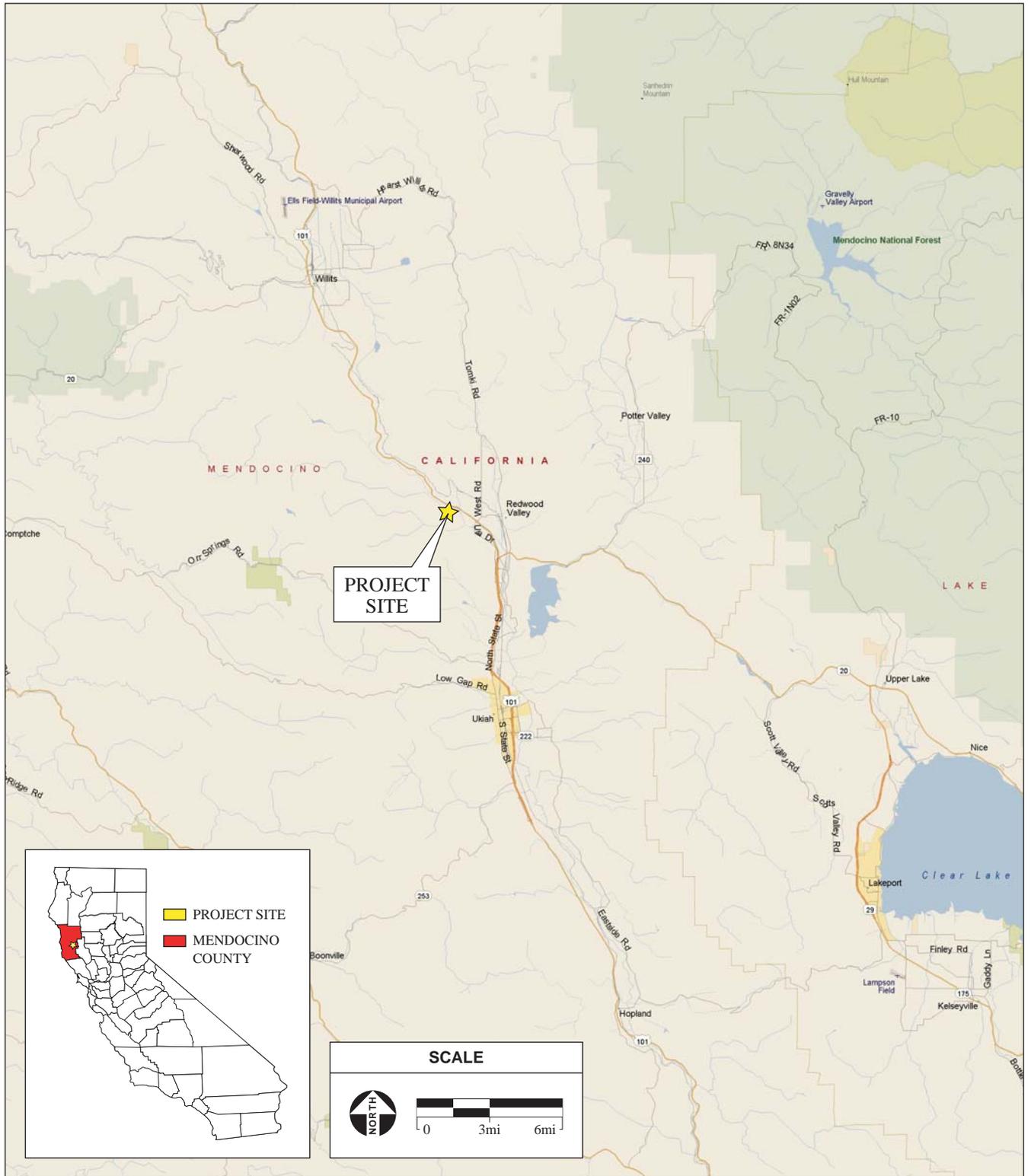
APPLICANT: Tim and Shawna Todd
Canebrake Vineyards
PO Box 779
Redwood Valley, CA 95470

GENERAL PLAN DESIGNATION: Range Lands

ZONING: Rangeland District

Introduction

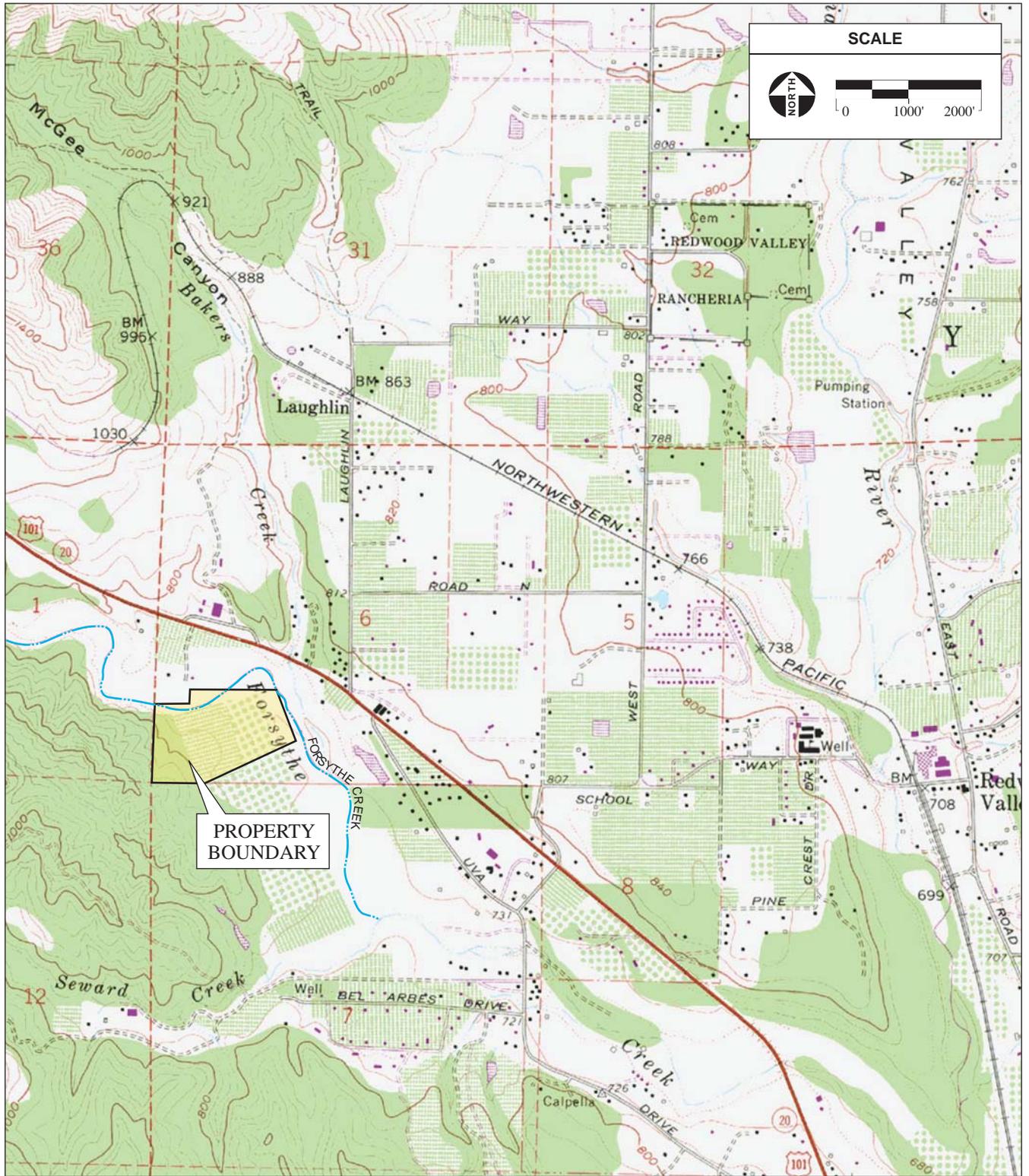
The Canebrake Vineyards property (project site) is located approximately two miles west of the community of Redwood Valley, off U.S. Highway 101, in Mendocino County, California (**Figure 1**). The project site consists of 46 acres located within Township 16N, Range 12W, Section 6 of the "Redwood Valley, California" U.S. Geological Survey (USGS) 7.5 minute topographic quadrangle (**Figure 2**). Water Right Application 30363 (proposed project) was filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on May 10, 1994 for the diversion of ten acre-feet per annum (afa) of water to storage from Forsythe Creek tributary to the West Fork of the Russian River thence the Russian River.



SOURCE: Microsoft Street & Trips, 2003 ; AES, 2004

Canebrake Vineyards Water Rights Application / 203536 ■

Figure 1
Regional Location



SOURCE: "Redwood Valley, CA" USGS 7.5 Minute Topographic-
 Quadrangle, Section 1, T16N, R13W, & Section 6, T16N, R12W,
 Mt Diablo Baseline & Meridian ; AES, 2004

Canebrake Vineyards Water Rights Application / 203536 ■

Figure 2
 Site and Vicinity

Project Description

Application 30363 proposes the diversion of ten afa of water to storage, at a rate not to exceed 0.5 cubic feet per second (cfs), from December 15 to March 31. A copy of water right Application 30363 is on file with the Division. A summary is outlined in **Table 1** and illustrated in **Figure 3**. Water would be diverted from Forsythe Creek to an existing offstream reservoir. Water would be used for irrigation and frost protection of 25 acres of existing vineyard, as described in **Table 2**. A pump installed at the Point of Diversion (POD) on Forsythe Creek would transport water to the reservoir via an existing 500-foot, four-inch diameter underground pipeline. A second pump installed at the reservoir would transport water for irrigation of the proposed POU via an existing 50-foot, 12-inch diameter pipeline.

The requested POD is located 1,000 feet north and 600 feet east of the southwest corner of Section 6, Township 16N, Range 12W, MDB&M. The reservoir has a vertical height from the downstream toe of the slope to the spillway level of ten feet, a dam length of 200 feet, and an approximate surface area when full of one acre.

TABLE 1 – SUMMARY OF APPLICATION 30363¹

Application	Diversion	Diversion Amount (acre-feet)	Diversion Season	Proposed Place of Use (acres)	Purpose of Use
30363	To Storage	10	December 15 to March 31	25	Irrigation and Frost Protection

TABLE 2 – PROPOSED PLACE OF USE²

Use Within	Section	Township	Range	B & M	Acres	Cultivated
SW ¼ of SW ¼	6	T16N	R12W	MD	18	Yes
SE ¼ of SW ¼	6	T16N	R12W	MD	7	Yes
Total:					25	

Project Background and Environmental Setting

At the time the application for the proposed project was filed, the project site consisted of an offstream pit-type reservoir, grassland and forested areas. Forested areas include wooded embankments along Forsythe Creek, which transects the northern portion of the project site. The reservoir was constructed in the later half of 1993 with a capacity of approximately 10 acre-feet (af). Approximately 25 acres of land consisting primarily of grassland was developed into vineyard from 1995 to 1996. This development included the installation of two pumps, one located at Forsythe Creek and another at the reservoir, as well as a water diversion pipeline from Forsythe Creek to the existing reservoir and an irrigation pipeline from the reservoir to vineyard areas. The reservoir currently captures water from sheet flow runoff, which is used to irrigate the vineyard. The purpose of the proposed project is to provide a reliable source of



SOURCE: GoogleEarth Aerial, 2007; AES 2007

Canebrake Vineyards Water Rights Application / 203536 ■

Figure 3
Project Features

water to irrigate and frost protect the vineyard areas via the diversion of water from Forsythe Creek and storage in the reservoir.

A public notice was issued for the proposed project on July 29, 1994. On August 18, 1994, Salmon Unlimited of California submitted a protest against Application 30363 with the position that the proposed appropriation of water would adversely affect environmental and fishery resources. Trout Unlimited of California and United Anglers of California submitted similar protests on September 6, 1994. No protest dismissal conditions were offered, and the protests are pending the completion of the environmental document. The California Department of Fish and Game (DFG) also submitted a protest on September 6, 1994 on similar grounds as the other protests. The DFG offered several protest dismissal conditions for the protection and preservation of fish and wildlife resources and for the maintenance of riparian habitat, to which the Applicant agreed. The protests were accepted in 1994 by the Division and have not yet been resolved.

The project site is located in south-central Mendocino County. This area is located in the California Coast Range geomorphic province, which is considered a seismically active region. Elevations at the project site range from 222 meters above mean sea level (msl) to the northeast along Forsythe Creek to 277 meters above msl in the southwestern corner of the project site. At the time of the application, habitats at the project site consisted predominantly of grassland areas, but also oak woodland, black oak forest, and riparian woodland.

The climate in the area is relatively mild, a result of being moderated by the Pacific Ocean. In Ukiah, approximately eight miles south of the project site, the average low temperature in the winter is 36.4 degrees Fahrenheit, while the average high temperature in the summer is 90.0 degrees Fahrenheit. The average annual precipitation is 37.33 inches, including 0.2 inches of snowfall³. Precipitation in the Russian River watershed is distinctly seasonal, with about 80 percent of the total occurring during the five month period from November to March. The project site is located in an area of the Russian River watershed drained by Forsythe Creek and the Russian River. These streams are considered by the U.S. Environmental Protection Agency (EPA) to be impaired from effects of sedimentation and temperature⁴. In addition, these streams are home to anadromous fishes. The sustainability of anadromous fishes in the Russian River watershed depends upon a variety of factors including habitat conditions, flow, water temperature, gravel substrate, water quality, migration corridors, and habitat availability.

Regulatory Environment

The State Water Board is the lead agency under the California Environmental Quality Act (CEQA) with the primary authority for project approval. In addition, the following responsible and trustee agencies may have jurisdiction over some or the entire proposed project:

- U.S. Fish and Wildlife Service (USFWS) – Federal Endangered Species Act (ESA) Compliance
- National Marine Fisheries Service (NMFS) – Federal ESA Compliance
- California Department of Fish and Game – California Endangered Species Act (CESA) Compliance or Streambed Alteration Agreement
- North Coast Regional Water Quality Control Board – Section 401 Water Quality Certification
- U.S. Army Corps of Engineers (USACE) - Section 404 Permit

II. ENVIRONMENTAL IMPACTS

The environmental factors checked below could be potentially affected by this project. See the checklists on the following pages for more details.

- | | | | | | |
|-------------------------------------|-----------------------------|-------------------------------------|------------------------------------|-------------------------------------|-------------------------------|
| <input type="checkbox"/> | Land Use and Planning | <input type="checkbox"/> | Transportation and Circulation | <input type="checkbox"/> | Public Services |
| <input type="checkbox"/> | Population and Housing | <input checked="" type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Utilities and Service Systems |
| <input type="checkbox"/> | Geology and Soils | <input type="checkbox"/> | Mineral Resources | <input type="checkbox"/> | Aesthetics |
| <input checked="" type="checkbox"/> | Hydrology and Water Quality | <input type="checkbox"/> | Hazards | <input checked="" type="checkbox"/> | Cultural Resources |
| <input type="checkbox"/> | Air Quality | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Recreation |
| <input type="checkbox"/> | Agriculture Resources | <input checked="" type="checkbox"/> | Mandatory Findings of Significance | | |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Geology and Soils. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated in the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines & Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternate wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County is located within the California Coast Range geomorphic province. The predominant geologic unit in this area is the Franciscan Assemblage, which characteristically is highly fractured and deformed from folding, faulting, and metamorphism.

According to the Mendocino County Soil Survey⁵, the middle portion of the project site consists of Pinole gravelly loam, two to eight percent slopes. The soil is well drained, with slow to medium water runoff and slight to moderate erosion hazard. The western portion of the project site consists of Xerochrepts-Haploxeralfs-Argixerolls complex, 30 to 50 percent slopes. This complex consists of approximately 40 percent Xerochrepts, 30 percent Haploxeralfs and 20 percent Argixerolls. The remaining ten percent includes small areas of Redvine soils on ridgetops, Yorktree soils that are on hills and are underlain by sedimentary rock, and eroded soils. Also included are small areas of soils that have slopes of less than 30 percent or more

than 50 percent. The complex is moderately to well drained, with rapid surface runoff and high to very high erosion hazard. The eastern portion of the project site consists of Talmage very gravelly sandy loam, zero to two percent slopes. This soil is somewhat excessively drained with very low surface runoff and a slight erosion hazard.

The California Coast Range geomorphic province is one of the more geologically and seismically active regions of the State of California. The San Andreas Fault poses the most serious seismic hazard in Mendocino County from fault rupture along its trace and potential to generate severe ground shaking throughout many portions of the County. The San Andreas Fault is estimated to be capable of an estimated magnitude 8.3 earthquake. The recently discovered Maacama Fault may pose a hazard to Mendocino County as serious as the San Andreas Fault because it is located along the Ukiah-Willits population corridor. The proposed project is located in the immediate vicinity of the Maacama Fault. Estimates of the Maacama Fault's capability range from a low of 6.5 to a high of 8.1 magnitude⁶. The project site is also located within an Alquist-Priolo Earthquake Fault Rupture Hazard Zone⁷. There are numerous inactive faults throughout the Franciscan Assemblage rocks. Except for the weakened nature of rocks along these inactive fault traces, inactive faults typically present no particular geologic or seismic hazards⁸.

Landslides are extremely common in the hills of Mendocino County. Historically some landslides have been caused by earthquakes, but most have resulted from water saturating the steep unstable slopes of the Franciscan Assemblage. Landslides should be considered a factor in any hillside grading or development where slopes are 20 percent or greater. The project site is located in an area designated with high potential for landslides⁹.

Liquefaction of soils can increase damage from groundshaking. However, the project site is located in an area designated with low to medium potential for liquefaction¹⁰.

Question A

The proposed project involves the diversion to storage of ten af of water in an existing offstream reservoir and the use of this water to irrigate 25 acres of vineyard. Construction of the reservoir was complete before water right Application 30363 was filed, but installation of the pumping facilities, vineyard planting, and construction of the pipeline from the POD to the reservoir were completed subsequent to filing of the application. Construction of the proposed project has been completed since the time that the application was filed, and no further construction activities would occur. Although the project site lies in an Alquist-Priolo fault zone and could be affected by groundshaking, the proposed project does not include features that would place people or structures at risk. Impacts from geologic hazards such as landslides or ground failures are expected to be less than significant.

Questions B-E

No further construction activities associated with the proposed project would occur at the project site. During operation of the proposed project, water would be transported using existing pumps and pipelines. The existing conditions of soils and runoff at the project site would not be altered. Previous development of the vineyard areas involved the conversion from grassland areas with slopes ranging from zero to eight percent. The pipeline from the POD to the reservoir was also constructed with the vineyard conversion, buried beneath the vineyard area. The drainage pattern would have been altered by the planting of vines. Due to the conversion of vineyard from a similar land use on relatively flat terrain, the drainage pattern is not considered to have been significantly altered. The project proposes the use of drip irrigation and overhead sprinklers with an average application rate of less than one af per acre. Significant erosion, runoff, or loss of topsoil is not expected to occur due to the relatively low water use, and because water would be applied to relatively level terrain.

The proposed project is located in an area with a high landslide hazard. However, no further construction activities would occur, and previous construction of the proposed project involved the conversion of vineyard from a similar land use on relatively flat terrain, which is not considered to have significantly altered the stability of geology and soils on the project site. The proposed project does not include features that would place people or structures at risk to expansive soils. The proposed project does not include septic tanks or wastewater disposal systems.

Findings

Impacts to geology and soils as a result of the proposed project are considered less than significant.

2. Air Quality. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County is located within the North Coast Air Basin and is under the jurisdiction of the Mendocino County Air Quality Management District. The climate of the region may be considered transitional, with climates varying from those found in the coastal and interior areas. The climate may be coastal in character part of the day, or for a week or a month. The climate may also be dominated for various periods by air masses characteristic of the interior areas, including dry and warm summers¹¹.

Air quality in the project area is a function of the criteria air pollutants emitted locally, the existing regional ambient air quality, and the meteorological and topographic factors that influence the intrusion of pollutants into the area from sources outside the immediate vicinity.

Federal

The 1977 federal Clean Air Act (CAA) required the EPA to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. NAAQS have been established for the six “criteria” air pollutants, ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, respirable particulate matter, and lead. EPA publishes criteria documents to justify the choice of standards.

Pursuant to the 1990 Clean Air Act Amendments (CAAA), the EPA has classified air basins (or portions thereof) as either “attainment” or “non-attainment” for each criteria air pollutant, based

on whether or not the NAAQS have been achieved. Mendocino County is designated as either attainment or unclassified for all criteria air pollutants¹².

State

The California Air Resources Board (CARB) regulates mobile emissions sources and oversees the activities of County Air Pollution Control Districts and regional Air Quality Management Districts. CARB regulates local air quality indirectly by State Ambient Air Quality Standards (SAAQS) and vehicle emission standards by conducting research activities, and through its planning and coordinating activities.

California has adopted ambient standards that are more stringent than the federal standards for the criteria air pollutants. Under the California Clean Air Act, patterned after the federal CAA, areas have been designated as attainment or non-attainment with respect to SAAQS.

Mendocino County is designated as nonattainment/transitional for ozone, nonattainment for PM₁₀, and attainment or unclassified for carbon monoxide, nitrogen dioxide, sulfur dioxide and lead¹³.

Questions A-E

The proposed project does not involve further construction activities. Operation of the proposed project involves the diversion and storage of 10 af of water, and irrigation of 25 acres of vineyard. No new substantial emissions or odors would be generated. No impact would occur.

Findings

Impacts to air quality as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
3. Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site, including through alteration of the course of a stream or river, or substantially increase the rate or volume of surface runoff in a manner that would:				
i) result in flooding on- or off-site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater discharge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) provide substantial additional sources of polluted runoff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Place housing or other structures which would impede or re-direct flood flows within a 100-yr. flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Expose people or structures to a significant risk of loss, injury, or death involving flooding:				
i) as a result of the failure of a dam or levee?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) from inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Would the change in the water volume and/or the pattern of seasonal flows in the affected watercourse result in:				
i) a significant cumulative reduction in the water supply downstream of the diversion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) a significant reduction in water supply, either on an annual or seasonal basis, to senior water right holders downstream of the diversion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) a significant reduction in the available aquatic habitat or riparian habitat for native species of plants and animals?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv) a significant change in seasonal water temperatures due to changes in the patterns of water flow in the stream?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v) a substantial increase or threat from invasive, non-native plants and wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Russian River watershed drains an area of about 1,485 square miles. Forsythe Creek transects the northern portion of the project site and drains all 46 acres of the property. Forsythe Creek is tributary to the West Fork of the Russian River thence the Russian River. Portions of the project site located adjacent to Forsythe Creek are subject to flooding from a 100-year storm event¹⁴.

Tsunamis have caused major damage to Mendocino County's harbors and coastline in the past. A tsunami height of 23 feet occurring once every 100 years has been predicted for the

Mendocino coast. The proposed project is located in an area designated with low tsunami potential¹⁵.

Questions A and D

No further construction activities associated with this project would occur at the project site. The project is not regulated, nor is it expected to be regulated, under Waste Discharge Requirements. During operation of the proposed project, water would be pumped from Forsythe Creek and conveyed to an offstream reservoir during the winter period, then pumped from the reservoir and used to irrigate vineyards during the irrigation season. Forsythe Creek is listed on the State Water Board's 303(d) list as sediment and temperature impaired. Sources of the impairment include agriculture, hydro-modification, dam construction, and removal of riparian vegetation, among others. Irrigation of vineyard and storm water runoff have the potential to introduce sediment to Forsythe Creek. Water withdrawal has the potential to exacerbate temperature conditions by reducing the creek's ability to assimilate heat.

As described in the Geology and Soils section above, significant erosion and runoff from the project site is not expected to occur. The cumulative reduction in Forsythe Creek flow caused by the proposed project and all other water development projects in the area are relatively low (**Table 3**). Imposition of permit terms ensuring that only ten acre-feet of water are diverted each year (including terms requiring water diversion and use monitoring), establishing a maximum rate of diversion, and requiring a minimum bypass flow (which must be met prior to diversion) would minimize potential water temperature impacts associated with water extraction. Similarly limiting diversion to the winter period, when stream temperatures are cooler, would significantly reduce the projects potential impact on water temperature. Imposition of permit terms establishing a buffer zone around Forsythe Creek and requiring the applicant to prevent soil, silt and sediment from entering watercourses, would further minimize the potential for pollutant discharge to the creek.

Question B

The proposed project does not involve the use of groundwater supplies. Groundwater recharge on the project site would not be altered since no changes would occur to the existing conditions of geology, soils or runoff. No impacts to groundwater would occur.

Question C

No further construction activities associated with this project would occur at the project site. As discussed in the Geology and Soils section, the existing conditions of the drainage pattern and runoff at the project site would not be altered, and previous construction of the proposed project is not expected to have significantly altered the drainage pattern of the project site or resulted in substantial erosion. During operation of the proposed project, water would be transported using existing pumps and pipelines, and drip lines and overhead sprinklers would be used for

irrigation. To ensure that sediments and debris onsite are not provided to receiving waters, permit terms outlined in Question G of this section, shall be included in any permit or license issued pursuant to Application 30363.

Question E

The proposed project does not involve the development of housing or other structures within the 100-year flood zone.

Question F

The existing reservoir is not under the jurisdiction of the Division of Safety of Dams as it stores less than 50 af of water, and has a dam less than 25 feet in height. Failure of the dam could result in localized flooding within or near the drainage channel located near the offstream reservoir or flooding of vineyard areas; however, the proposed project does not involve the development of housing or other structures. Additionally, the proposed project would not result in any inundation due to a tsunami or a seiche since the project site is not located within a potentially affected coastal area, or located near a large body of water. The proposed project is not located within an area associated with hazardous mudflow events. Potential impacts are considered less than significant.

Question G

For the proposed project, the *Revised Cumulative Flow Impairment Index Analysis for Application 30363 of Todd (Forsythe Creek and Russian River Watersheds, Mendocino County)* was prepared by Wagner and Bonsignore in 2007¹⁶. This document is available on file with the Division. The Division accepted the analysis on April 27, 2007. The purpose of the Cumulative Flow Impairment Index (CFII) analysis is to evaluate the cumulative effect of Application 30363 on seasonal streamflows. Based on the location of the POD for Application 30363, 13 points of interest (POIs) were identified in a letter from the DFG dated February 1, 2006, as described below:

POI Location

- 1 The point on Forsythe Creek immediately below the POD.
- 2 The point on Forsythe Creek immediately above its confluence with Baker Creek.
- 3 The point on Forsythe Creek immediately below the confluence of Baker Creek and Forsythe Creek.
- 4 The point on Forsythe Creek immediately above its confluence with Seward Creek.
- 5 The point on Forsythe Creek immediately below the confluence of Seward Creek and Forsythe Creek.
- 6 The point on Forsythe Creek immediately above its confluence with the Unnamed Stream near Bel Arbes Drive.

- 7 The point on Forsythe Creek immediately below the confluence with the Unnamed Stream near Bel Arbes Drive.
- 8 The point on Forsythe Creek immediately above its confluence with the west fork of the Russian River.
- 9 The point immediately below the confluence of Forsythe Creek and the west fork of the Russian River.
- 10 The point on the Russian River immediately below its confluence with the Unnamed Stream originating from the east.
- 11 The point on the Russian River immediately above its confluence with York Creek.
- 12 The point on the Russian River immediately below its confluence with York Creek.
- 13 The point on the Russian River immediately above its confluence with the east fork of the Russian River.

The analysis includes diversions proposed under Application 30363, as well as the face value of recorded water rights within the watersheds of the POIs during the period of October 1 to March 31. Streamflow was evaluated for each POI from three different diversion scenarios: Case A considers diverters senior to Application 30363, Case B considers diverters senior to and including Application 30363, and Case C considers diverters senior to and including Application 30363 and diverters junior to Application 30363. The CFII is measured as the percentage of streamflow demanded under each scenario, which is computed by dividing the total face value of water rights of record for the period of October 1 through March 31 (demand) by the estimated seasonal unimpaired flow for the period of December 15 through March 31 (supply).

Results of the streamflow analysis are shown in **Table 3** below. For Cases A and B the CFII values at all POIs are less than 3.0 percent. For Case C the CFII for POIs one through eight are less than 2.3 percent and for POIs nine through 13 the values are greater than ten percent, but less than or equal to 14.0 percent. Case C includes Water Right Applications 31495 and 31496 of the Redwood Valley County Water District (RCVWD), which is among the most junior of all pending water right actions, and constitute approximately 67 percent of the face value of all diverters of record in the watershed for POIs nine through 13. If RCVWD's applications were not considered, the CFII of all remaining rights would be about 3.2 percent at POI nine, and about 3.8 percent at POI 13. The CFII at POIs between these points would be of a similar magnitude.

Unappropriated water exists at the proposed point of diversion because the CFII for Application 30363 and all senior records is less than 14 percent (under the most impaired condition at the most impaired location). Therefore, approval of the application should not adversely affect any senior water right holders. Before the Division can issue a water right permit, it must find that there is unappropriated water available to supply the applicant. In determining the amount of

water available for diversion, the Division must take into account, whenever it is in the public interest, the amounts of water required to maintain instream beneficial uses such as fish and wildlife resources. An assessment of the project's potential impacts to instream biological resources is provided in the Biological Resources section of this document.

TABLE 3 – CUMULATIVE EFFECTS ON STREAMFLOW¹⁷

POI	Estimated Unimpaired Flow (acre-feet)	Case A – CFII (%)	Case B – CFII (%)	Case C – CFII (%)
1	32,273	0.16	0.19	1.6
2	>33,273	≤0.77	≤0.80	≤2.3
3				
4				
5				
6				
7				
8	51,860	0.49	0.51	1.5
9	83,606	2.1	2.2	12.7
10	>83,606	≤3.0	≤3.0	≤14.0
11				
12				
13	100,661	2.5	2.5	11.6

To ensure that water is diverted in accordance with the project description and to minimize the project's potential to cause impacts to hydrology and water quality, the following permit terms, substantially as follows, shall be included in any permit or license issued pursuant to Application 30363:

- *The maximum rate of diversion to offstream storage shall not exceed 0.5 cfs.*
- *The capacity of the reservoir covered under this permit shall not exceed ten af.*
- *The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of ten afa to be collected from December 15 of each year to March 31 of the succeeding year*
- *Before storing water in the reservoir, Permittee shall install a staff gage in the reservoir, satisfactory to the Chief of the Division of Water Rights, for the purpose of determining water levels in the reservoir. This staff gage must be maintained in operating condition as long as water is being diverted or used under this permit.*

Permittee shall record the staff gage readings on the last day of each month and on December 15 annually. Permittee shall record the maximum and minimum water surface elevations and the dates that these water levels occur each water-year between October 1 and September 30. Permittee shall maintain a record of all staff gage readings and shall submit these records with annual progress reports, and whenever requested by the Division.

The State Water Board may require the release of water that cannot be verified as having been collected under a valid basis of right.

- *Prior to diversion or use of water under this permit, Permittee shall install an in-line flow meter, satisfactory to the Chief of the Division of Water Rights that measures the instantaneous rate and the cumulative amount of water withdrawn from the Reservoir. This in-line flow meter must be maintained in operating condition as long as water is being diverted or used under this permit. Permittee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these records with annual progress reports, and whenever requested by the Division.*
- *For the protection of fish and wildlife, under all bases of right, Permittee shall during the period from December 15 through March 31 bypass a minimum of 64 cfs. Under all bases of right Permittee shall bypass the total streamflow from April 1 through December 14. The total streamflow shall be bypassed whenever it is less than 64 cfs.*
- *Prior to the start of construction, or diversion or use of water under this permit, the Permittee shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:*
 - a. *A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes, etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.*
 - b. *A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity, including any necessary calibration.*
 - c. *A time schedule for the installation and rating of these facilities.*
 - d. *A description of the frequency of data collection and the methods for recording bypass flows and storage levels.*
 - e. *An operation and maintenance plan that will be used to maintain all facilities in good condition.*
 - f. *A description of the events that will trigger recalibration of the monitoring devices, and the process that will be used to recalibrate.*

The Permittee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan.

Permittee shall maintain all measurements and other monitoring required by this condition. Permittee shall provide measuring and monitoring records to the Chief of the Division of Water Rights within 15 days upon request by the State Water Resources Control Board, the Division Chief, or other authorized designees of the State Water Resources Control Board.

Diversion or use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.

- *Permittee shall prevent any debris, soil, silt, cement that has not set, oil, or other such foreign substance from entering into or being placed where it may be washed by rainfall runoff into the waters of the State.*

- *Based on the information contained in the Division's files, approximately 10 acre-feet per year of riparian water has been used on the place of use. Diversion of water is not authorized under this permit if in the future the Permittee diverts more than 10 acre-feet per year of water under riparian right. With the Chief of the Division's approval, Permittee may use additional water under basis of riparian right on the authorized place of use, provided that Permittee submits reliable evidence to the Chief of the Division quantifying the amount of water that Permittee likely would have used under the basis of riparian right absent the appropriation authorized by this permit. The Chief of the Division is hereby authorized to approve or reject any proposal by Permittee to use water under the basis of riparian right on the place of use authorized by this permit.*
- *Permittee shall report any non-compliance with the terms of the permit to the Chief of the Division of Water Rights within three days of identification of the violation.*

Findings

The proposed project could result in potentially significant impacts to hydrology and water quality. However, with implementation of the identified permit terms, potential impacts would be considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
4. Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the DFG or USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the DFG or USFWS?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the federal Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in the North Coast Ranges region of the California Floristic Province on the border between the Outer North Coast Range and Inner North Coast Range subregions. The Outer North Coast Range generally has high rainfall and is dominated by forest habitat (mainly redwood, mixed-evergreen, and mixed-hardwood). The Inner North Coast Range has relatively low rainfall and typical vegetation communities include chaparral and pine or oak woodlands. Serpentine soils occur throughout the Inner North Coast Range subregion¹⁸.

Analytical Environmental Services (AES) prepared the report *Canebrake Vineyards Biological Site Assessment* for the proposed project¹⁹; a copy of the report is on file with the Division. Summary information is provided below.

Biological surveys were timed such that the project was surveyed during the blooming period of each special-status plant species with potential to occur onsite. Habitat and bloom-period surveys were conducted on August 16, 2006 and May 9, 2007. Blooming periods were identified using California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Plants of California* (2001) and *Inventory of Rare and Endangered Plants*, on-line edition (2006).

Surveys were focused on the proposed POU; however, the remainder of the project site was surveyed to determine the locations of different vegetation communities and informally determine the location of wetlands and drainages. Vegetation communities were assessed for their potential to provide suitable habitat for special-status species. The vineyard habitat was surveyed to sufficiently determine whether there was potential for special-status species and wetlands to occur based on topography, hydrology, and the vegetation occurring between the vineyard rows. Areas within the vineyards that appeared to support wetland habitat or special-status species were more closely surveyed.

Habitat types occurring within the project site include: annual grassland, Oregon oak woodland, black oak forest, riparian woodland, vineyard, and ruderal/developed ruderal grassland/valley and foothill grassland. A habitat map of the property is presented in **Figure 4**. Photographs of the project site are presented in **Figures 5** and **6**. These habitat types are discussed below.

Habitats

Wildlife observed within the project site during field surveys includes mammals, reptiles, and birds. Wildlife species observed include: western fence lizard (*Sceloporus occidentalis*), coyote (*Canis latrans*) scat, mule deer (*Odocoileus hemionus*) tracks, mallard (*Anas platyrhynchos*), American crow (*Corvus brachyrhynchos*), Nuttall's woodpecker (*Pica nuttalli*), California towhee (*Pipilo crissalis*), turkey vulture (*Cathartes aura*), mourning dove (*Zenaida macroura*), and western tanager (*Piranga ludoviciana*).

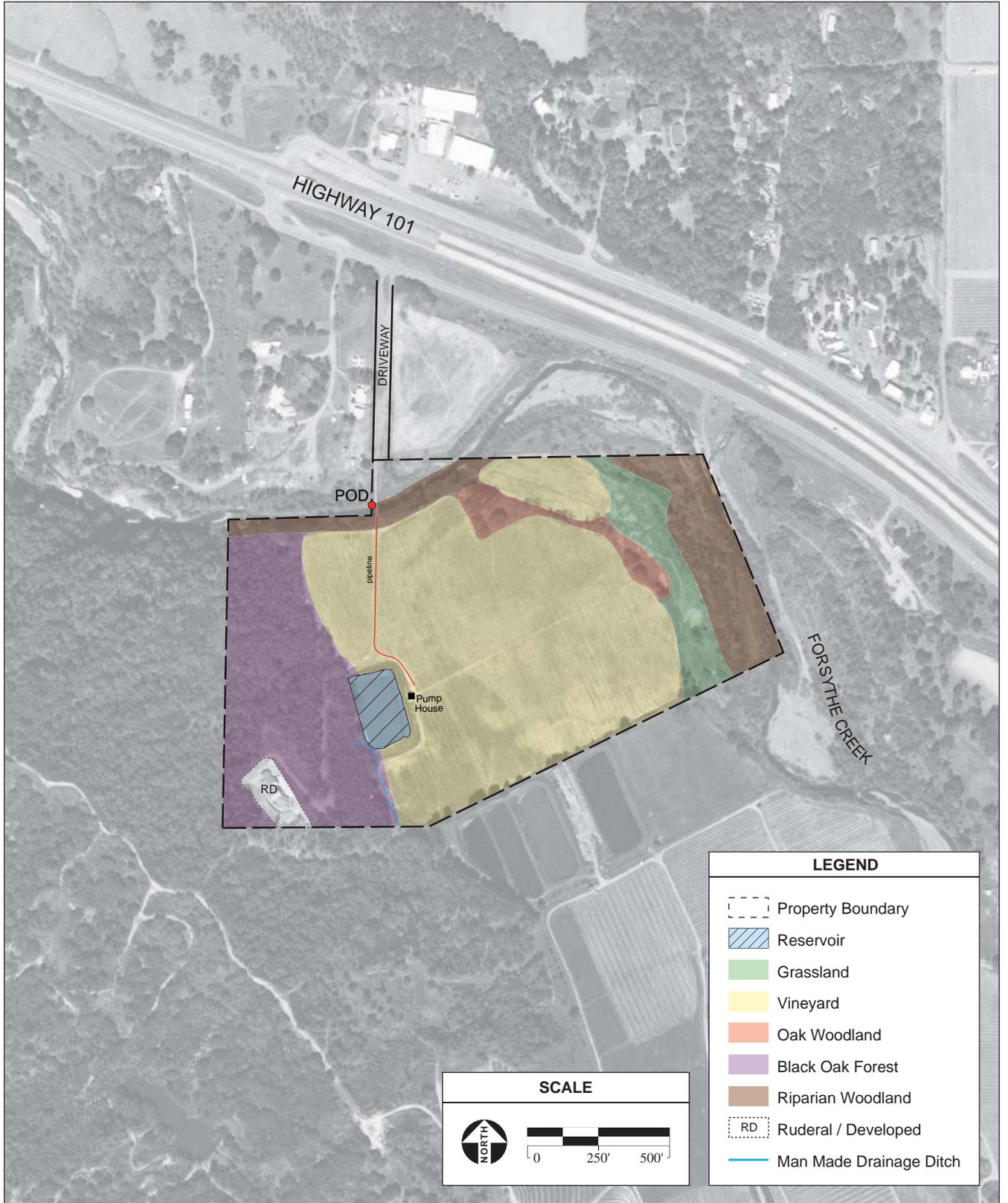




PHOTO 1

A photograph of the grassland habitat in the eastern side of the project site.



PHOTO 3

A photograph of the potentially-jurisdictional wetland surrounded by grassland. Riparian woodland habitat can be seen in the background.



PHOTO 2

A photograph of wetland 2 at the foot of the berm surrounding the pit reservoir.



PHOTO 4

A photograph of the Oregon oak woodland that occurs on the project site.



PHOTO 5

A photograph of the black oak forest. Note that the majority of the trees are relatively young and that the canopy has not yet fully closed.



PHOTO 7

A photograph of the developed vineyard habitat and the pit reservoir. The riparian woodland is visible in the background at the edge of the vineyard.



PHOTO 6

A photograph of Forsythe Creek and its riparian woodland taken during the field assessment in August 2006.



PHOTO 8

A photograph of the existing POD in Forsythe Creek.

Annual Grassland

Annual grassland occurs on the eastern side of the project site, and the vineyard appears to have been converted from annual grassland habitat. Characteristic species in this habitat include annual grasses and forbs. Typical grasses found within this habitat include: oat (*Avena* sp.), blue wildrye (*Elymus glaucus*), Medusa head (*Taeniatherum caput-medusae*), Italian ryegrass (*Lolium multiflorum*), and barley (*Hordeum* sp.).

Oregon Oak Woodland

Oregon oak woodland occurs on the eastern side of the project site and contains Oregon white oak (*Quercus garryana*), black oak (*Q. kelloggii*), and interior live oak (*Q. wislizenii*). The shrub layer is comprised of coyote brush (*Baccharis pilularis*) and various fern species, while grasses in the understory are the same species as occur in the neighboring annual grassland.

Black Oak Forest

Black oak forest dominates the western portion of the project site on an east-facing slope. The canopy layer is primarily comprised of black oak, (*Quercus kelloggii*), with madrone (*Arbutus menziesii*) and Douglas-fir (*Pseudotsuga menziesii*) intermixed. No snags, brush piles, or trees with cavities were observed in the black oak forest during the field assessments. The shrub layer is patchy and largely dominated by poison oak (*Toxicodendron diversiloba*). The herbaceous layer contains a variety of annual grasses, such as oat (*Avena* sp.) and Italian ryegrass (*Lolium multiflorum*), as well as flowers such as blue dicks (*Dichelostemma capitatum*) and woodland madia (*Madia madioides*).

Riparian Woodland

The riparian woodland surrounds Forsythe Creek, which flows along the northern and eastern sides of the project site. Typical species in the riparian woodland include California blackberry (*Rubus ursinus*), big-leaf maple (*Acer macrophyllum*), willow (*Salix* sp.), and alder (*Alnus* sp.).

Vineyard

The project site contains 25 acres of vineyard. This habitat appears to be regularly tilled for weed control, resulting in very few species occurring in this area. Species that do occur are annuals such as rose clover (*Trifolium hirtum*), European silver hairgrass (*Aira caryophylla*), and curly dock (*Rumex crispus*).

Ruderal/Developed

Small portions of the project site have been developed, creating roads, a house, and a pump station. These developed areas have experienced ground disturbance and contain little natural vegetation.

Special-Status Species

For the purposes of this Initial Study, “special-status” includes those plants or animals that have been designated by federal or state agencies as rare, endangered, or threatened. Plant species listed by the CNPS are also included in this assessment.

An inventory of regionally occurring special-status plant and animal species was compiled based on the results of a California Natural Diversity Database (CNDDDB) list of special-status species occurrences for the Redwood Valley quadrangle and three surrounding quadrangles within five miles of the project site (Laughlin Range, Orrs Springs, and Ukiah), a CNPS list of special-status plant species occurrences for the Redwood Valley quadrangle and three surrounding quadrangles within five miles of the project site (Laughlin Range, Orrs Springs, and Ukiah), and a USFWS list of special-status species that occur or could potentially be affected by development in the Redwood Valley quadrangle.

Table 4 shows the special-status plants and animals or critical habitat found within a five-mile radius of the project site, or associated with the habitat types occurring within the project site, which have the potential to be present on the project site or utilize the project site. The name, regulatory status, habitat requirements, and period of identification are shown in **Table 4**.

TABLE 4 – SPECIAL-STATUS SPECIES WITH THE POTENTIAL TO BE PRESENT OR UTILIZE THE PROJECT SITE

SCIENTIFIC NAME COMMON NAME	REGULATORY STATUS USFWS/DFG/CNPS	HABITAT REQUIREMENTS	PERIOD OF IDENTIFICATION
PLANTS			
<i>Fritillaria roderickii</i> Roderick's fritillary	--/CE/1B	Occurs in coastal bluff scrub, coastal prairie, and valley and foothill grassland; elevations 15-400 meters.	March - May
<i>Hesperolinon adenophyllum</i> glandular western flax	--/--/1B	Occurs in chaparral, woodland, and grassland, usually in serpentine soil; elevations 150-1315 meters.	May - August
<i>Lasthenia burkei</i> Burke's goldfields	FE/CE/1B	Occurs in meadows, seeps, vernal pools and other mesic habitats; elevations 15-600 meters.	April - June
<i>Limnanthes bakeri</i> Baker's meadowfoam	--/CE/1B	Occurs in wet places, including vernal pools, meadows, seeps, and other wetlands and mesic sites in valley and foothill grassland; elevations 175-910.	April - May
<i>Navarretia leucocephala</i> ssp. <i>bakeri</i> Baker's navarretia	--/--/1B	Occurs in cismontane woodland, lower montane coniferous forest, meadows, seeps, grassland, and vernal pools, generally in mesic areas; elevations 5-1740 meters.	April - July
<i>Pleuropogon hooverianus</i> North Coast semaphore grass	--/CT/1B	Occurs in open, mesic areas in broadleaf upland forest, North Coast coniferous forest, meadows, and seeps; elevations 10-671 meters. Often found in marshy areas in redwood groves.	April - August
<i>Sanguisorba officinalis</i> great burnet	--/--/2	Occurs in bogs, fens, broadleaved upland forest, North Coast coniferous forest, meadows, seeps, marshes, swamps, and riparian forest, often in serpentine soils; elevations 60-1400 meters.	July - October
ANIMALS			
Fish			
<i>Oncorhynchus kisutch</i> Central California coast coho salmon	FT/CE/--	Spawning; streams with pool and riffle complexes. Breeding requires cold water and gravelly streambeds.	November - February

SCIENTIFIC NAME COMMON NAME	REGULATORY STATUS USFWS/DFG/CNPS	HABITAT REQUIREMENTS	PERIOD OF IDENTIFICATION
<i>Oncorhynchus mykiss</i> central California coastal steelhead	FT/--/--	Spawning: streams with pool and riffle complexes. For successful breeding, require cold water and gravelly stream bed.	Consult Agency
<i>Oncorhynchus tshawytscha</i> California coastal Chinook salmon	FT/--/--	Spawning: streams with pool and riffle complexes. For successful breeding, require cold water and gravelly streambed.	Consult Agency
Amphibians			
<i>Rana boylei</i> foothill yellow-legged frog	--/CSC/--	Inhabits rocky streams in a variety of habitats including woodlands, riparian, coastal scrub, chaparral, and wet meadows. Rarely encountered far from permanent water sources.	March - May
Reptiles			
<i>Emys marmorata</i> <i>marmorata</i> northwestern pond turtle	--/CSC/--	Ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Requires basking sites and suitable upland habitat for egg laying. Nest sites most often characterized as having gentle slopes (<15%) with little vegetation or sandy banks. Elevations range from 0 to approximately 1,525 meters.	All Year

STATUS CODES

FEDERAL: U.S. Fish and Wildlife Service

FE Federal Endangered
FT Listed as Threatened by the Federal Government

CNPS: California Native Plant Society

List 1B Plants rare or endangered in California and elsewhere
List 2 Plants rare or endangered in California, but more common elsewhere

STATE: California Department of Fish and Game

CE Listed as Endangered by the State of California
CT Listed as Threatened by the State of California
CSC California Species of Special Concern

State and Federally Listed Species

Roderick's Fritillary (*Fritillaria roderickii*)

Roderick's fritillary, a member of the lily family (Liliaceae), is a slender perennial that arises from a bulb, with narrow, basal leaves and nodding, greenish-brown to purplish-brown flowers. Its blooming period is from March through May. This species grows in coastal bluff scrub, prairie, or grassland. In Mendocino County, this species occurs in grassland or prairie habitat on clay soils.

Eight occurrences of Roderick's fritillary are listed in the CNDDDB, and seven of them are located in Mendocino County. The nearest known occurrence is 6.5 miles west of the project site in hard-packed clay soil on the side of a trail. This species has the potential to occur in the grassland habitat on the project site. Roderick's fritillary was not observed during the May 2007 survey conducted at the project site.

Glandular Western Flax (*Hesperolinon adenophyllum*)

Glandular western flax, a member of the Linaceae family; is an annual with small, yellow flowers with yellow anthers. It grows at elevations ranging from 150 to 1,315 meters above msl and has a blooming period from May through August. This species occurs in chaparral, cismontane woodland, and valley and foothill grassland, generally on serpentine soils. In Mendocino

County, this species is known to occur in serpentine chaparral, in white oak woodland, and at the borders of coniferous forest.

The closest known occurrences of this species are 8.5 and ten miles northwest of the project site. This species has the potential to occur in the oak woodland and grassland habitats at the project site, though no serpentine soils were observed on the project site. Glandular western flax was not observed during the August 2006 or May 2007 surveys conducted at the project site.

Burke's Goldfields (*Lasthenia burkei*)

A small annual in the sunflower (Asteraceae) family, this species has small, yellow, sunflower-like heads with yellow disk and ray flowers. The ray-flower petals have bright yellow tips, with the rest of the petal being a darker yellow. This species grows in vernal pools and wet meadows in southern Mendocino, southern Lake, and northeastern Sonoma Counties. Its blooming period is from April through June.

The nearest known occurrence of this species is eight miles south of the project site near Ukiah. It is the only known occurrence of this species in Mendocino County and this particular population is currently thought to be extirpated. Suitable habitat for this species occurs in the wetlands at the project site. Burke's goldfields were not observed during the May 2007 field assessment conducted at the project site.

Baker's Meadowfoam (*Limnanthes bakeri*)

Baker's meadowfoam is an annual member of the meadowfoam (Limnanthaceae) family. It has four to five pale yellow petals with white tips per flower. It has a blooming period from April through May. It grows in large clumps in vernal pools or marshes in the Outer North Coast Range, with all known populations occurring in Mendocino County. Populations in Mendocino County occur in irrigated pastures, wet meadows, wetland swales, and in drainage ditches.

The three nearest populations of this species are all 9.75 miles from the project site. The southern population is in a wetland connected to the Russian River. Another is located along a drainage in grassland habitat, and one in roadside wetlands. Suitable habitat for this species occurs in the wetlands at the project site. Baker's meadowfoam was not observed during the May 2007 field assessment conducted at the project site.

Baker's Navarretia (*Navarretia leucocephala* ssp. *bakeri*)

Baker's navarretia is an annual, and a member of the phlox family (Polemoniaceae). Like other members of *Navarretia*, its flower-clusters are heads with spine-tipped bracts and, in overall appearance, look spiny. Its flowers can be blue or white. It has a blooming period from April through July. The plant inhabits vernal pools, meadows and seeps, montane coniferous forest,

and cismontane woodland. A California endemic, it occurs in the northern California Coast Range and the western Sacramento Valley, up to approximately 1,700 meters^{20, 21}. Populations in Mendocino County occur in vernal pools, wet meadows, and occasionally along drainage ditches.

The nearest occurrence of this species is approximately two miles northwest of the project site in wetlands surrounded by grassland habitat. Suitable habitat for this species occurs in the wetland habitats at the project site. This species was not observed during the May 2007 field assessment conducted at the project site.

North Coast Semaphore Grass (*Pleuropogon hooverianus*)

This perennial grass species, a member of the Poaceae family, can grow to be 1.5 meters in height and grows below 500 meters in elevation. Its blooming period is from April through June. It occurs in wet areas (such as seeps) in meadows, coniferous forest, and broadleaved forest. The North Coast semaphore grass is known from occurrences in Mendocino, Sonoma and Marin Counties, and it is generally found close to the coast. In Mendocino County, this species is known to occur in freshwater marshes, along drainages, and in wet areas in grassland and meadow habitats.

Nine populations of this species occur between 7.5 and 8.25 miles southwest of the project site. One population occurs in vineyard areas. This species has the potential to occur in the wetland habitats in the project site. North Coast semaphore grass was not observed during the May 2007 field assessment conducted at the project site.

Great Burnet (*Sanguisorba officinalis*)

Related to cinquefoil, a group within the rose (Rosaceae) family, the great burnet (*Sanguisorba officinalis*) is a perennial herb with thick rhizomes and erect stems up to a meter tall. The basal leaves are alternate and pinnately compound. Inflorescences are head-like on spikes, the heads being conic in shape. Its blooming period is from July through October. It occurs in bogs along the coast from Tillamook County, Oregon to Mendocino County, California²². Plants from northern California may belong to *Sanguisorba officinalis* ssp. *Microcephala*²³. Suitable habitats include broadleaf upland forest, meadows and seeps, and North Coast coniferous forest. This species is generally found in open, wet areas. In Mendocino County, populations of this species are predominately known to occur in bog habitat.

The CNPS database lists a population of this species occurring in the Ukiah USGS topographic quadrangle, between 1.25 and ten miles south of the project site. This species has the potential to occur in the wetland habitats in the project site. Great Burnet was not observed during the August 2006 field assessment conducted at the project site.

Special Status Fish

Coho Salmon (Oncorhynchus kisutch)

Like other species of salmon, coho salmon are anadromous. Coho salmon migrate out of the marine environment into the inland freshwater rivers and streams from which they were born to spawn. Coho spawn only once in their lifetime, at approximately three years of age, and then die. They spawn in small shallow streams with riffle complexes and stable, silt-free gravel substrates. The migrations occur from November through January. Spawning typically begins in late January and extends through February. Juveniles tend to immigrate out to the marine environment one year after birth. The Central California Coast Evolutionary Stable Unit (ESU) includes all naturally spawned populations of coho salmon from Punta Gordon in northern California south to and including the San Lorenzo River in central California, as well as populations in tributaries to the San Francisco Bay, excluding the Sacramento/San Joaquin River system and four other artificial propagation programs. The range of the Central California Coast coho ESU includes portions of Alameda, Contra Costa, Marin, Mendocino, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma counties. Critical habitat has been designated for the Central California Coast coho ESU (May 5, 1999; Federal Register 64:24049).

Central California Coastal Steelhead (Oncorhynchus mykiss)

Steelhead is the anadromous form of rainbow trout. In California, steelhead were historically present in all permanent streams from San Diego County north to the Klamath River drainage, including the Sacramento-San Joaquin system. The central California coastal ESU of steelhead includes coastal populations of winter-run steelhead from the Russian River in Sonoma County, California, south to Aptos Creek in Santa Cruz County, California²⁴.

Steelhead are divided into two basic life history patterns: summer and winter. Winter-run steelhead begin upstream migration when winter rains provide large amounts of cold water for migration and spawning. They generally spawn in tributaries to main rivers, often ascending long distances, but returning to the ocean after spawning. Summer steelhead (also known as spring-run steelhead) typically enter rivers as immature fish while flows are receding in the spring, and migrate to deep pools in headwater reaches. They spend the summer in these headwater pools, where they mature to spawn in winter or spring²⁵.

Steelhead in the central California coast ESU are winter-run steelhead. Adults begin upstream migration any time between December and March, with activity generally peaking in January and February. Juveniles spend their first one-to-two years in cool, clear, fast-flowing permanent streams and rivers where riffles predominate over pools and where ample cover from riparian vegetation or undercut banks is present¹³.

NMFS designated critical habitat for the central California coast steelhead in February, 2000 (65 Federal Register 7764-7787). The critical habitat designation includes accessible reaches within the Russian River. According to data presented in CalFish²⁶, Forsythe Creek is considered critical habitat by NMFS for this species. Presence of the central California coast steelhead is assumed in this drainage.

California Coastal Chinook Salmon (*Oncorhynchus tshawytscha*)

The California coastal ESU of Chinook salmon spawns in larger coastal streams from Redwood Creek in Humboldt County, California south to the Russian River in Sonoma County, California (64 Federal Register 249-250)²⁷. The largest run is in the Eel River watershed, though significant runs also occur in the San Joaquin, Tuolumne, Cosumnes, American, Feather, Sacramento, and Pit River watersheds. This anadromous salmon enters rivers from late summer to early fall to spawn as soon as it reaches the spawning grounds. Coarse gravel and cold waters are required for spawning. Juveniles emerge in the spring and move downstream.

Chinook salmon generally spawn at an age of three to five years. Chinook are divided into two basic life history strategies: stream-type and ocean-type. Stream-type juveniles spend a long time (usually more than one year) in fresh water, and adults run up streams before they have reached full maturity. Ocean-type juveniles spend a relatively short time (three to 12 months) in fresh water, and adults spawn soon after entering fresh water. Chinook salmon are also divided into four groups based on timing of spawning migration: fall-run, late-fall-run, winter-run, and spring-run²⁸.

California coastal Chinook salmon are fall-run, ocean-type fish. Spawning migration peaks in September and October. Spawning occurs from late September to December, peaking in October and November. Juveniles emerge from December to March and spend one to seven months in-stream before emigrating to the ocean. Juvenile emigration peaks in spring (March to April). In riverine habitat, juveniles tend toward shallow edges, where heavy cover or emergent vegetation is present²⁹.

NMFS designated critical habitat for the California coastal Chinook salmon in February, 2000 (65 Federal Register 7764-7787). The critical habitat designation includes all accessible river reaches in the Russian River watershed. NMFS also considers these reaches to be Essential Fish Habitat. Forsythe Creek is critical habitat for this species below its confluence with Mill Creek³⁰. Presence of California coastal Chinook salmon is assumed in this portion of Forsythe Creek.

Special Status Amphibians

Foothill Yellow-legged Frog (*Rana boylei*)

This species inhabits partially shaded, rocky streams at low to moderate elevations, in areas of chaparral, open woodland, and forest. Ideal habitat consists of an open perennial stream with rocky or bedrock habitat and small pools. However, the species has been known to occur in small perennial streams with cobble size rocks and riffles. Breeding occurs from March through May, in pools of the perennial streams with the eggs usually attached to gravel or rocks at the edge of pools or streams. Much of a foothill yellow-legged frog's life is spent in or near a stream's margin.

The nearest known occurrence of this species is 3.75 miles south of the project site in an open, slow-moving creek. Other populations in Mendocino County occur in creeks or rivers with cobbles and riparian habitat. The various riparian habitats include coniferous forest, mixed hardwood and conifer, deciduous forest, oak woodland, willow riparian scrub, and several occurrences in streams with sparse riparian vegetation. Suitable habitat occurs in Forsythe Creek, which has a cobbly bed and riparian woodland. This creek contained approximately four inches of flowing water during the August 2006 field assessment and contains scattered deeper pools.

Special Status Reptiles

Northwestern Pond Turtle (*Clemmys marmorata marmorata*)

This species is an aquatic turtle found along ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. They prefer habitats with stable banks and open areas to bask in as well as underwater cover provided by logs, large rocks, bulrushes, or other vegetation. During warmer periods they may be found basking along shorelines or within the vegetation along the edges of these environments. This species usually leaves the aquatic site to reproduce, to aestivate, and to overwinter. Recent fieldwork has demonstrated that western pond turtles may overwinter on land or in water, or may remain active in water during the winter season; this pattern may vary considerably with latitude and habitat type and remains poorly understood.

This species is known to occur 1.75 miles northeast of the project site in the west fork of the Russian River, 0.8 miles north of Redwood Valley. At this location, West Fork Russian River has riparian vegetation dominated by willow and alder (*Alnus* sp.). Suitable migration habitat for this species occurs in Forsythe Creek, though there are no suitable basking sites on the banks of the creek near the project site. The reservoir also provides suitable habitat for this species, including suitable basking habitat. Additionally, unidentified turtles have been observed in this area³¹. This species therefore has the potential to occur along Forsythe Creek and in the reservoir.

Migratory and Nesting Birds

The black oak forest, oak woodland, and riparian woodland habitats all contain suitable habitat for nesting birds. The grassland habitat provides suitable habitat for some ground-nesting birds. These birds are protected under the Migratory Bird Treaty Act.

Waters of the U.S.

“Waters of the U.S.” are defined as:

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands; or
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use or degradation of which could affect interstate or foreign commerce including any such waters.

“Wetlands” are defined as:

Waters of the U.S. or isolated features that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

During the field assessment, the biologists conducted an informal wetland survey. This survey provides a general idea of the location of water features onsite as defined above. To formally delineate these features a USACE wetland delineation would be required. The project site contains one Class I stream (Forsythe Creek), two seasonal drainages, four seasonal wetlands, and a reservoir. One of these seasonal wetlands is located on the adjacent property to the south and could not be affected by the proposed project. The locations of the drainages and reservoir are shown on the Habitat Map (**Figure 4**). The wetlands boundaries were determined from the local hydrology. The wetlands were surveyed for special-status species and a Cowardin plant survey to determine the presence of hydric soils. Typically test pits are dug to formally identify the location of hydric soils. However, the Cowardin plant survey is useful to informally indicate the probable location of hydric soils on the project site.

Forsythe Creek contains clear, flowing water and is characterized by a channel with various deep pockets. The channel bed measures approximately 20 feet in width and is composed of 50 percent cobble and 50 percent gravel of varying sizes. The banks range from very steep slopes with soil to shallow slopes predominately composed of cobble. Adjacent to and within the project site, the creek is surrounded by the riparian woodland described above. North and

east of the project site boundary, the creek is surrounded by riparian scrub habitat, dominated by coyote brush, poison oak, and willow. During both field assessments (August 2006 and May 2007) the creek contained flowing water approximately four inches.

Two drainages are located southwest of the reservoir and appear to be man-made drainage ditches. They contain no wetland plant species and likely only contain water during precipitation events.

Four wetland features occur on or near the project site, all of which correspond to the Palustrine Emergent Habitat in the Cowardian system³². One occurs at the foot of the berm surrounding the reservoir, and likely was created by seepage from the reservoir. This feature contains curly dock (*Rumex crispus*), rush (*Juncus* sp.), and Italian ryegrass (*Lolium multiflorum*). A second wetland feature occurs on the adjacent parcel along the southern boundary of the project site, adjacent to the berm surrounding a reservoir on the neighboring property. This feature is dominated by Himalayan blackberry and moss and, given the surrounding topography, appears to have been created by seepage from the neighboring reservoir. A third wetland feature occurs in the Oregon oak woodland adjacent to the vineyard habitat. This feature contains rush, moth mullein (*Verbascum blattaria*), and Italian ryegrass. Water also ponds on the dirt road adjacent to the wetland, but no plant species were observed here. The fourth wetland feature occurs in the southeastern corner of the project site. This feature appears to be dominated by reed canary grass (*Phalaris arundinacea*) and Himalayan blackberry. Water flows from this feature into a drainage that flows into Forsythe Creek. Of the four wetland features observed on or near the project site, the first three are man-made and isolated. Only the fourth wetland feature, which occurs outside of the proposed POU, has the potential to be considered jurisdictional by the USACE.

One wetland and Forsythe Creek have the potential to be considered jurisdictional waters of the U.S., and may be subject to USACE regulation under Section 404 of the Clean Water Act. These two features may also be subject to DFG regulation under Sections 1600 –1616 of the Fish and Game Code. The wetland is outside of the POU for the proposed project and would not be disturbed.

Potential impacts to anadromous fish and other sensitive aquatic Life

Questions A, B, and D

No further construction associated with this project would occur at the project site, therefore, substantial habitat modification would not occur. No state or federal listed special-status species occurring in the project area were identified at the project site during field assessments; however, potential habitat for sensitive species exists in Forsythe Creek and its riparian corridor.

In 2002, NMFS and DFG developed Draft Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams (DFG-NMFS Draft Guidelines), dated June 17, 2002³³. The DFG-NMFS Draft Guidelines were recommended for use by permitting agencies (including the State Water Board), planning agencies, and water resources development interests when evaluating proposals to divert and use water from northern California coastal streams. The DFG-NMFS Draft Guidelines apply to projects located in the geographic area of Sonoma, Napa, Mendocino, and Marin Counties, and portions of Humboldt County. The DFG-NMFS Draft Guidelines recommend that terms and conditions be included in new water right permits for small diversions to protect fishery resources in the absence of site-specific biologic and hydrologic assessments. The DFG-NMFS Draft Guidelines, in large part, recommend:

1. Assessing the cumulative impacts of multiple diversion projects on downstream fisheries habitat by calculating the CFII to estimate the cumulative effects of existing and pending projects in a watershed of interest;
2. Limiting new water right permits to diversions during the winter period (December 15 through March 31) when stream flows are generally high;
3. Providing a minimum bypass flow downstream of diversions not less than the February Median Flow as calculated at the points of diversion;
3. That new storage ponds be constructed offstream and that permitting of new or existing onstream storage ponds be avoided; and
4. Where appropriate, water diversions be screened in accordance with NMFS and DFG screening criteria.

The results of the Water Availability Analysis (WAA)/CFII Report prepared for the proposed project are summarized above in the Hydrology and Water Quality section. The proposed project includes an offstream reservoir and would not result in cumulative flow reduction that exceeds the recommendations contained in the DFG-NMFS Draft Guidelines. Additionally, the season of diversion comports with the DFG-NMFS Draft Guidelines. A minimum bypass flow equal to the February Median Flow will be imposed as a term in any permit or license issued for Application 30363. A permit term requiring fish screening at the POD would also be included as a permit requirement to eliminate the potential for fish entrainment at the diversion pump. Approval of the project would therefore be consistent with the DFG-NMFS Draft Guidelines and significant impacts to anadromous fish would not be expected to occur as a result of the proposed diversion.

As stated above, other sensitive aquatic species have been identified in the vicinity of the proposed project (e.g., foothill yellow-legged frog and northwestern pond turtle), which could be adversely affected by reduced stream flows or through habitat encroachment. The proposed minimum bypass (64 cfs) will eliminate the potential for flow related impacts to non-fish aquatic

life. In order to protect sensitive habitats on the project site and for the protection of fisheries and other aquatic resources, the following additional permit terms, substantially as follows, shall be included in any water right permits, licenses or orders issued pursuant to Application 30363.

- *No water shall be diverted under this permit except through a fish screen on the intake to the diversion structure, satisfactory to meet the physical and operational specifications of the California Department of Fish and Game and the National Marine Fisheries Service to protect Steelhead Trout, Coho Salmon, and Chinook Salmon listed as endangered or threatened under the California Endangered Species Act (Fish and Game Code sections 2050 to 2098) and the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544)]. Construction, operation, and maintenance costs of the required facility are the responsibility of the permittee/licensee.*
- *For the protection of riparian habitat, Permittee shall establish a setback as shown on Setback Map No. SB-01, dated February 12, 2008 on file with the Division of Water Rights. The setback shall be at least 50 feet wide along Forsythe Creek as measured from the centerline of the creek. No ground disturbing activities shall occur within the setback area, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas, with the exception of occasional equipment access reasonably necessary for continued operation of the vineyard. Equipment access through the setback shall be limited to previously disturbed areas of the setback when possible and is only allowed when other means of access are not available. Equipment access through the setback area shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Planting and irrigation of native riparian vegetation within the setback area is allowed. Permittee shall restrict cattle or other domestic stock access to the riparian area. These requirements shall remain in effect as long as water is being diverted under this permit.*
- *This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code, §§ 205-2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.*

Potential Impacts to federally-protected wetlands as defined by Section 404 of the federal Clean Water Act

Question C

The four seasonal wetlands or the two drainages identified on the project site would not be affected by the proposed project if they were avoided. Therefore, a permit term establishing a buffer around the four wetlands would ensure that they are not disturbed by project operations. Since the POD is located on Forsythe Creek, the proposed project could alter the streambed resulting in adverse affects to water quality within the creek and downstream reaches. The Applicant applied for a 1602 Streambed Alteration Agreement with DFG in 2004. The

Streambed Alteration Agreement shall be obtained from the DFG prior to the diversion of any water from Forsythe Creek. The following permit terms, substantially as follows, shall be included in any water right permit or license issued pursuant to Application 30363:

- *For the protection of wetland habitat, Permittee shall establish a setback as shown on Setback Map No. SB-02 dated February 12, 2008 on file with the Division of Water Rights. The setback shall extend at least 10 feet from the periphery of the three wetlands depicted on Setback Map No SB-02. No ground disturbing activities shall occur within the setback area, including, but not limited to, grading, herbicide spraying, roads, fencing, and use or construction of storage areas, with the exception of occasional equipment access reasonably necessary reservoir maintenance. Equipment access through the setback area shall incorporate best management practices to minimize disturbance to water, soils, and vegetation. Planting and irrigation of native wetland vegetation within the setback area is allowed. Permittee shall restrict cattle or other domestic stock access to the setback area. An existing road runs along the eastern periphery of the wetland located adjacent to the reservoir. This existing road is located within the 10-foot buffer and may remain in place. These requirements shall remain in effect as long as water is being diverted under this permit.*
- *No work shall commence and no water shall be diverted, stored, or used under this permit until a signed copy of a Streambed Alteration Agreement between the Department of Fish and Game and the Permittee is filed with the State Water Resources Control Board, Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a Streambed Alteration Agreement is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights a copy of a waiver signed by the State Department of Fish and Game.*

Question E

Mendocino County does not have a tree preservation policy or ordinance and the proposed project would not conflict with any local policies or ordinances protecting biological resources.

Question F

No Habitat Conservation Plan or Natural Community Conservation Plan has been adopted for the project site. The proposed project would not result in conflicts with any approved local, regional, state, or federal habitat conservation plans.

Findings

The proposed project could result in potentially significant impacts to biological resources. However, with implementation of the identified measures, potential impacts would be reduced to a less than significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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5. Agricultural Resources. In determining whether impacts to agricultural resources are significant environmental impacts, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping & Monitoring Program of the California Resources Agency, to non-agricultural uses? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project site is zoned as a Rangeland District, which includes the following uses³⁴.

1. Residential Use Types: single family residential
2. Civic Use Types: cemetery, community recreation, essential services, fire and police protection services, minor impact utilities
3. Commercial Use Types: animal sales and services--horse stables, kennels, stockyards
4. Agricultural Use Types: animal raising, animal waste processing, limited forest production and processing, horticulture; limited winery packing and processing, row and field crops, tree crops

Agriculture and agricultural production are valued land uses in Mendocino County. Agricultural goals outlined in the Agriculture section of the Land Use Element, Mendocino County General Plan include³⁵:

- Goal Number 1: The County shall protect and maintain prime agricultural land and prime rangeland.
- Goal Number 2: The County shall seek to minimize the conflicts between agricultural operations and other land and resource uses.
- Goal Number 3: The County shall constantly strive to create and promote those policies and conditions that will enable Mendocino County ranchers, farmers, and homesteaders to maintain economically sound and profitable operations.

Goal Number 4: The County shall maintain prime rangeland in units sufficient to provide for an economic management base.

Questions A-C

The County of Mendocino has zoned the project site as a Rangeland District, which includes agricultural land uses. Under the proposed project, the project site would continue to be used for agricultural purposes.

Findings

No impacts would occur to agricultural resources as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
6. Noise. Would the project result in:				
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing in or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially significant sources of noise within Mendocino County include: highways and freeways; primary arterials and major local streets; passenger and freight on-line railroad operations and ground rapid transit systems; commercial, general aviation, heliport, helistop, and military airport operations, aircraft over-flights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation; and local industrial plants, including, but not limited to, railroad classification yards. The circulation system within Mendocino County is one of the major sources of continuous noise³⁶.

Noise sensitive areas identified within Mendocino County include areas containing schools, hospitals, rest homes, long-term medical or mental care facilities, or any other land use areas deemed noise sensitive by the local jurisdiction⁵.

Questions A–D

Potential sources of noise generated at the project site would result from routine agricultural activities and would be similar to existing activities in the area. This is considered a less than significant impact.

Questions E and F

The project site is not located within two miles of an airport or airstrip.

Findings

Impacts to noise as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
7. Land Use and Planning. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project site is located in Mendocino County approximately two miles west of the community of Redwood Valley. The Mendocino County General Plan (General Plan) Land Use Element and its policies guide growth and the development and use of land in Mendocino County. The Land Use Element of the General Plan designates the project area as “Range Lands”³⁷. Permitted land uses within this category include:

- | | |
|---|---|
| Residential uses | Conservation |
| Agricultural uses | Processing and development of natural resources |
| Forestry | Recreation |
| Cottage industries | Utility installations |
| Residential clustering | |
| Uses determined to be related to and compatible with ranching | |

The Mendocino County Zoning Ordinance designates the project site as a Rangeland District. The Ordinance outlines the intent of the designation as:

To create and preserve areas for the grazing of livestock, the production and harvest of natural resources, and the protection of such natural resources as watershed lands from fire, pollution, erosion, and other detrimental effects. Processing of products produced on the premises would be permitted as would certain commercial activities associated with crop and animal raising.

Agricultural uses allowed within the Rangeland District without a permit include³⁸:

- | | |
|--|---------------------------------------|
| Animal raising | Limited winery packing and processing |
| Animal waste processing | Row and field crops |
| Limited forest production and processing | Tree crops |
| Horticulture | |

Question A

The project site is currently developed for agricultural use. The proposed project would not result in the development of physical barriers that would divide an established community.

Question B

The proposed project includes the use of water from an existing offstream reservoir to irrigate 25 acres of existing vineyard. This use is consistent with the area’s General Plan and zoning designations.

Question C

No habitat conservation plans or natural community conservation plans currently exist for the project site or immediate vicinity. The proposed project would not have the potential to conflict with any existing habitat conservation plans or natural community conservation plans

Findings

Impacts to land use as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
8. Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Various minerals have been found in Mendocino County, including: asbestos, carbon dioxide, chromite, coal, copper, feldspar, gold, jade, limestone, magnesite, manganese, methane gas, mineral springs, natural gas, nickel, petroleum, phosphate, platinum, quicksilver, sand and gravel, and sulfur. The project site is not located in an area containing mineral resource deposits³⁹.

Questions A and B

No mineral resources are located near the project site as mapped by the County of Mendocino General Plan

Findings

No impacts would occur to mineral resources as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
9. Hazards and Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site currently contains 25 acres of vineyard, which was developed from grassland areas. Chemicals used onsite consists of sulfur, round-up, and small quantities of other various pesticides. Hazardous materials stored on the project site consist of a 350 gallon diesel fuel tank within a container. When stored and used according to manufacturers guidelines and regulatory standards, this fuel does not pose a significant hazards. Fuel from the tank is used to operate two existing pumps. The fuel is transported and distributed to the pumps by a fueling company.

Database searches were conducted for records of known sites of hazardous materials generation, storage, or contamination, as well as known storage tank sites on the project site and within the immediate vicinity. Databases were searched for sites and listings up to one-mile from a point roughly equivalent to the center of the subject property. A summary of this one-mile search and a list of the databases accessed can be found on file with the Division. The project site was not listed on any database as having previous and/or current generation, storage, and/or use of hazardous materials. Additionally, within the one-mile search radius no sites were identified that had current and/or historic hazardous materials⁴⁰.

Questions A-H

Hazardous materials use onsite would not change as a result of the proposed project. The current storage and transport of diesel fuel at the project site is considered to have a less than significant impact. Hazardous materials use from the proposed project is considered a less than significant impact. The proposed project is not located within quarter mile of any existing or proposed schools. A search of government environmental records did not reveal any known hazardous materials sites within the project site. The project site is not located near an airport or airstrip. The proposed project does not include features that would interfere with an adopted emergency plan.

The proposed project is located in a rural area that contains substantial fuels (e.g., grasses, shrubs, trees) that are susceptible to wildland fire. However, the proposed project does not consist of any activities that would introduce potential new sources of fire. This is considered a less than significant impact.

Findings

Impacts to hazardous materials as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
10. Population and Housing. Would the project:				
a) Induce substantial population growth in an area either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The proposed project site is located approximately two miles west of Redwood Valley in Mendocino County. As discussed above, the project site is currently developed with agricultural uses.

Questions A-C

The proposed project does not involve the development of any homes or businesses. The proposed project would not generate commercial activities substantial enough to induce substantial growth in the project area. The proposed project does not involve the displacement of people or housing.

Findings

Impacts to population and housing as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
11. Transportation and Circulation. Would the project:				
a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (<i>i.e.</i> , result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially increase hazards due to a design feature (<i>e.g.</i> , sharp curves or dangerous intersections) or incompatible uses (<i>e.g.</i> , farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Exceed, either individually or cumulatively, a level-of-service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies supporting alternative transportation (<i>e.g.</i> , bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project site is provided vehicular access from U.S. Highway 101, a two-lane highway that traverses Mendocino County from north to south.

Questions A–G

The proposed project is not anticipated to increase traffic in the project area. No substantial new impediments to emergency access or incompatible uses are anticipated. The proposed project is not expected to result in inadequate parking capacity, or conflict with adopted alternative transportation policies, plans, or programs. Potential impacts are considered less than significant.

Findings

Impacts to transportation and circulation as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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12. Public Services. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- | | | | | |
|-----------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Public services provided to the project area include fire protection by the Redwood Valley-Calpella Fire District, police protection by the Mendocino County Sheriff's Department, and K through 12th grade public education by the Ukiah Unified School District.

Questions A–E

The proposed project would not result in new demand for government facilities or services. This is considered a less than significant impact.

Findings

No impacts would occur to public services as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
13. Utilities and Service Systems. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Residences in the project area rely on private wells for domestic water supply and private septic systems for wastewater treatment. The Ukiah landfill in Mendocino County accepts solid waste from the project area.

Questions A–G

No new wastewater would be generated as a result of the proposed project. If the proposed project is approved, appropriate water rights would be allocated to the property to support existing vineyard operations. An analysis of surface water supply is discussed in the Hydrology and Water Quality section above. Additional water supplies, such as connection to public water supply system, would not be required. The proposed project would not generate significant solid waste and would not conflict with government regulations concerning the generation, handling or disposal of solid waste.

Findings

Impacts to utilities and service systems as a result of the proposed project are considered less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
14. Aesthetics. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project area contains scenic resources characteristic of Mendocino County in general, including mountainous landscapes, agricultural and pastoral settings, and riparian areas. The existing agricultural use of the project site is consistent with rural aesthetic quality of the project area.

Questions A–D

The proposed project does not involve the construction of new structures, sources of light or glare. The proposed project would result in the continued agricultural use of the project site. This use is consistent with the rural aesthetic quality of the project area. No impact would occur.

Findings

No impacts would occur to aesthetics as a result of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
15. Cultural Resources. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Regulatory Framework

Under CEQA, historical resources are considered part of the environment (Public Resources Code, §§ 21060.5, 21084.1). An “‘historical resource’ includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (Public Resources Code, §§ 21084.1, 5020.1, subd. (j)).”

In 1992, the Public Resources Code was amended as it affects historical resources. The amendments included creation of the California Register of Historic Resources (California Register) (Public Resources Code, § 5024.1.). The State Historical Resources Commission administers the California Register and adopted implementing regulations effective January 1, 1998 (Cal. Code Regs., tit. 14, § 4850 et seq.). The California Register includes historical resources that are listed automatically by virtue of their appearance on, or eligibility for, certain other lists of important resources. The California Register incorporates historical resources that have been nominated by application and listed after public hearing. Also included are historical resources listed as a result of the State Historical Resources Commission’s evaluation in accordance with specific criteria and procedures.

CEQA requires consideration of potential impacts to resources that are listed or qualify for listing on the California Register, as well as resources that are significant but may not qualify for listing.

A cultural resources study was conducted by AES for the approximately 25-acre vineyard, reservoir, and POD in July 2007⁴¹, and can be found on file with the Division. A records search and literature review was done to determine whether known cultural resources had been recorded within or adjacent to the study area, to assess the likelihood of unrecorded cultural resources based on archaeological, ethnographic, and historical documents and literature, and to review the distribution of nearby archaeological sites in relation to their environmental setting. The records search found that no prehistoric or historic cultural resources have been recorded within the project site and no previous archaeological surveys have been conducted within its boundaries. However, the Division indicated that the project site was previously surveyed in 1994, and a historic-period debris scatter was identified, but not formally recorded.

On February 16, 2007, the State of California Native American Heritage Commission (NAHC) was asked to review the Sacred Lands file for information on Native American cultural resources on the project site. On February 27, 2007, the NAHC responded indicating that they have no knowledge of Native American resources within the project site.

Damon Haydu, an AES archaeologist conducted a cultural resources field survey of the project area on February 13, 2007. The study included an on-foot intensive survey in 15 to 20 meter-

wide transects within the proposed POU. The Forsythe Creek POD and pipeline alignment were also inspected. Surface visibility varied between little or no visible ground surface due to dense grasses to complete surface visibility in areas of bare soil. The ground surface was examined for archaeological remains. In addition rodent burrow backdirt piles and road cuts were examined for indicators of buried archaeological deposits. No prehistoric archaeological sites or artifacts were identified; however, the historic-period debris scatter first identified by Division staff was located and recorded.

Questions A–D

The historic-period debris scatter is located within an area existing as vineyard. The proposed project does not involve construction activities; however, indirect impacts to the historical resource could occur. To protect the historic-period debris scatter and any subsurface archeological deposits that could be present, the following permit term, substantially as follows, shall be included in any water right permit or license issued pursuant to Application 30363:

- *The historic-period debris scatter, identified as the Canebrake Historic Site in the report titled “Cultural Resources Study Canebrake Vineyards Water Rights Project Application 30363” dated July 2007 and prepared by Analytical Environmental Services, shall be avoided by ground-disturbing activities that are beyond the historic layer of disturbance; an exception being ongoing routine maintenance of the vineyard in the location of the site. Routine maintenance shall be limited to the existing disk zone (~25 cm below surface), and shall not include deep ground disturbance such as ripping. The site shall not be impacted by any of the features of the proposed project (e.g., water diversion, storage, and distribution facilities, including installation of buried pipelines). Should any other buried previously unidentified archaeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archeological indicators include: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the Permittee to evaluate the find and recommend appropriate mitigation measures. Proposed mitigation measures shall be submitted to the Chief of the Division of Water Rights for approval. Project-related activities shall not resume within 100 feet of the find until all approved mitigation measures have been completed to the satisfaction of the Chief of the Division of Water Rights.*

There is also the possibility that an unanticipated discovery of human remains could occur. The following permit term, substantially as follows, shall be included in any water right permit or license issued pursuant to Application 30363:

- *If human remains are encountered, then the Permittee/Licensee shall comply with Section 15064.5 (e) (1) of the CEQA Guidelines and the Public Resources Code Section 7050.5. All project-related ground disturbance within 100 feet of the find shall be halted until the county coroner has been notified. If the coroner determines that the remains are Native American, the coroner will notify the Native American Heritage Commission to identify the most-likely descendants of the deceased Native Americans. Project-related ground disturbance, in the vicinity of the find, shall not resume until the process detailed under Section 15064.5 (e) has been completed and evidence of completion has been submitted to the Chief of the Division of Water Rights.*

Findings

The proposed project could result in potentially significant impacts to cultural resources. However, with implementation of the identified measures, potential impacts would be reduced to a less than significant level.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
16. Recreation. Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mendocino County has various types of parklands, including Federal Recreation Areas and State Parks, regional parks, county parks and neighborhood parks. Recreational opportunities include fishing, camping, swimming, picnicking, horseback riding, bicycling, and hiking or walking.

Questions A and B

The proposed project would result in the continued agricultural use of the project site. No new demand would be generated for the use of existing neighborhood and regional parks or other recreational. The proposed project does not include recreation facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Findings

No impacts would occur to recreation as a result of the proposed project.

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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17. Mandatory Findings of Significance

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Questions A-C

As discussed in the preceding sections, the proposed project has a potential degrade the quality of the environment by adversely impacting biological resources, hydrology and water quality, and cultural resources. However, with implementation of the identified permit terms, potential impacts would be reduced to a less than significant level. The proposed project has a potential to result in adverse environmental impacts. These impacts in combination with the impacts of other past, present, and future projects, could contribute to cumulatively significant effects on the environment. However, with implementation of the identified permit terms, the proposed project would avoid or minimize potential impacts and would not result in cumulatively considerable environmental impacts. No potentially significant adverse affects to humans have been identified.

III. DETERMINATION

On the basis of this initial evaluation

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A NEGATIVE DECLARATION will be prepared.

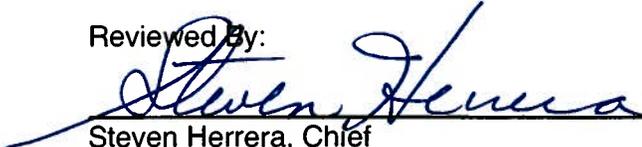
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared By:  3-17-08
Date
David Zweig
Analytical Environmental Services

Reviewed By:  3-17-08
Date
Eric Oppenheimer, Chief
Russian River Watershed Unit

Reviewed By:  3/18/08
Date
Steven Herrera, Chief
Water Rights Permitting Section

(Form updated 3/28/00)

Authority: Public Resources Code Sections 21083, 21084, 21084.1, and 21087.

Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.1 through 21083.3, 21083.6 through 21083.9, 21084.1, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990).

IV. INFORMATION SOURCES

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