

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: Savoy Highway 128 Water Right Project

APPLICATIONS: 29910 and 29911

APPLICANT: Richard A. Savoy
P.O. Box 544
Boonville, CA 95415

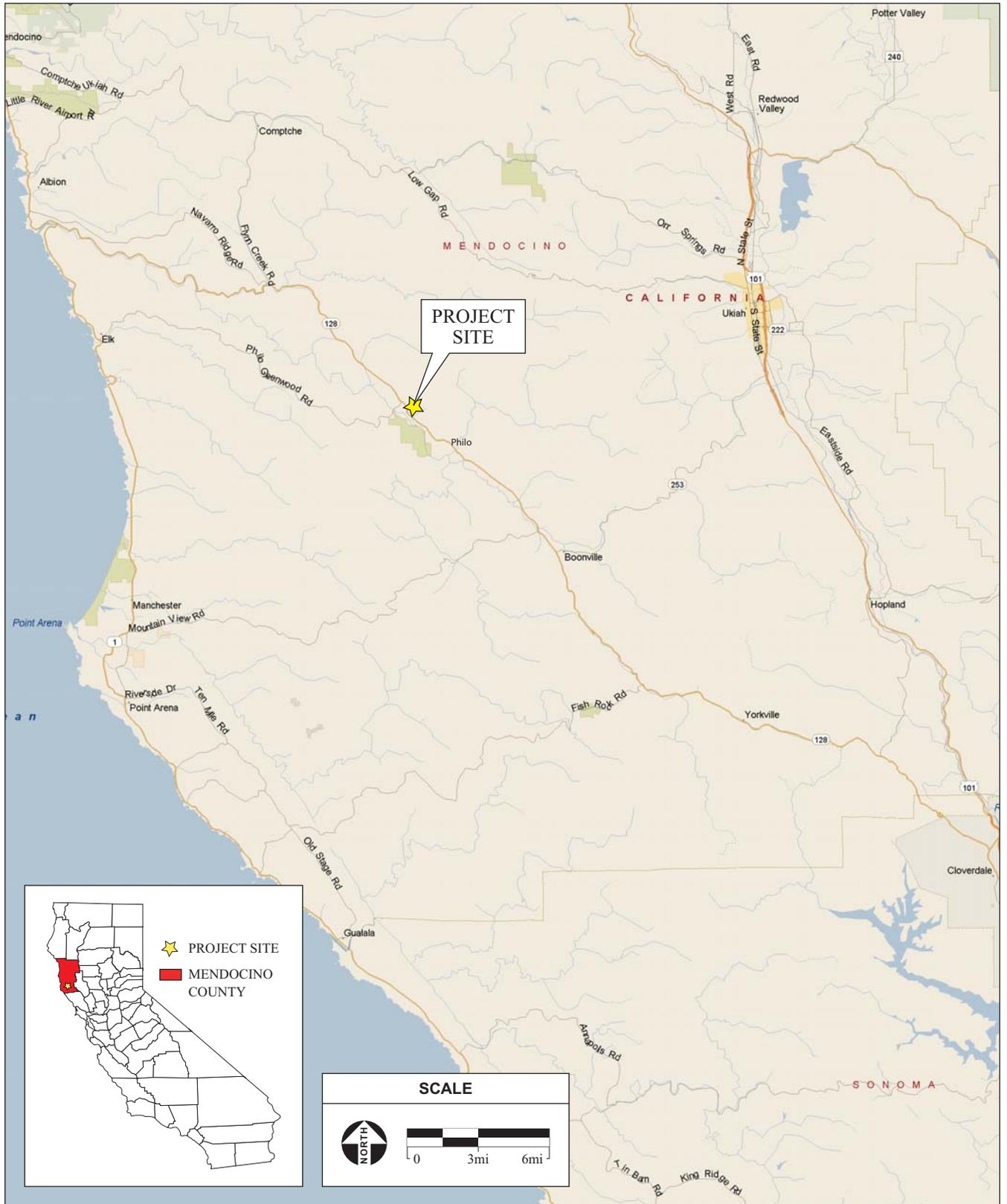
APPLICANT'S CONTACT PERSON: Janet Goldsmith
Kronick, Moskovitz, Tiedemann and Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4416

GENERAL PLAN DESIGNATION: Agricultural Lands

ZONING: Agricultural District

Introduction

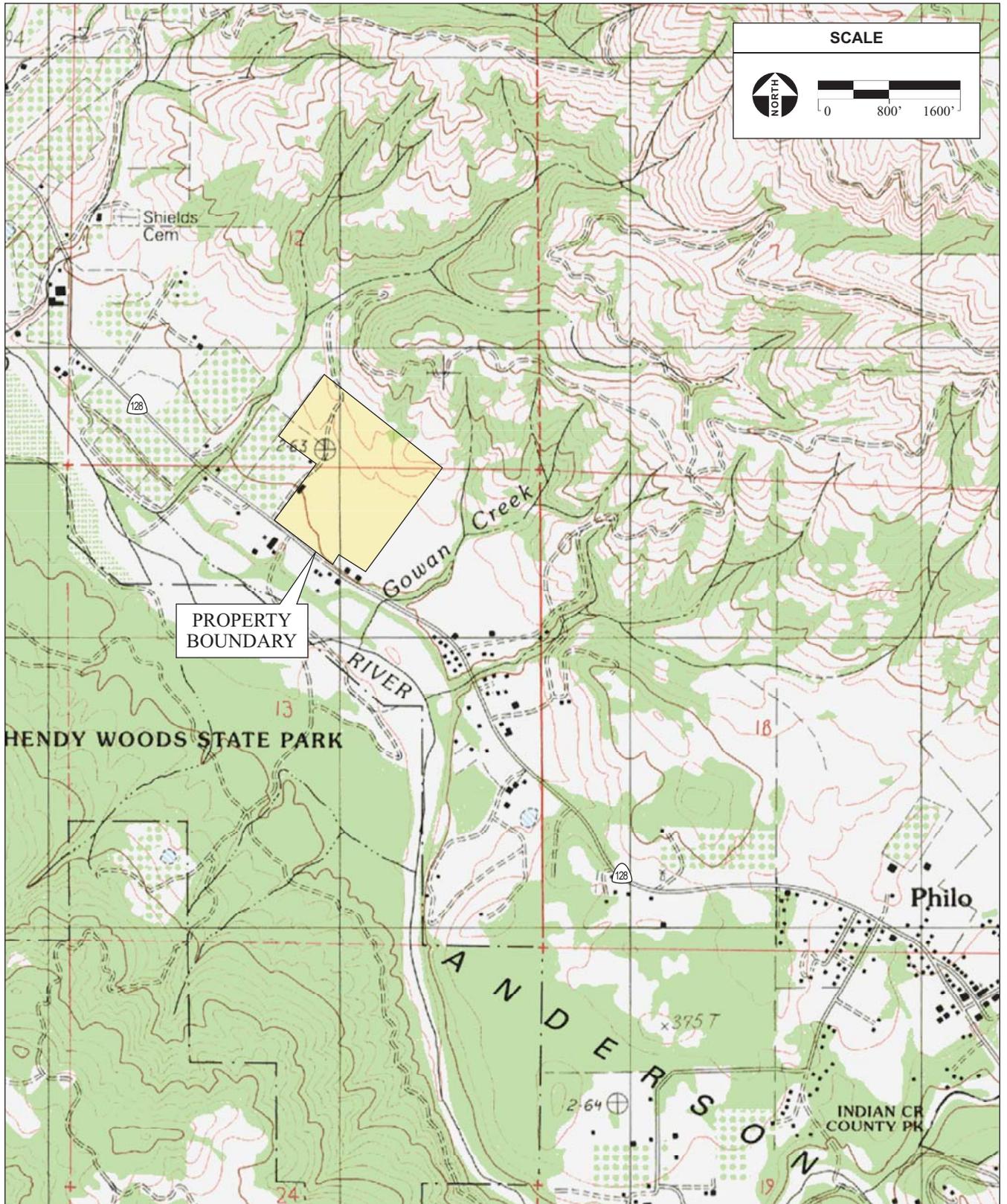
The Savoy Highway 128 property (project site) consists of 53 acres approximately 1.5 miles northwest of the town of Philo in Mendocino County, California (**Figure 1**). The project site is located within Sections 12 and 13 of Township 14N, Range 15W, Mount Diablo Baseline and Meridian (M.D.B. & M.) of the "Philo, California" U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (**Figure 2**). Applications 29910 and 29911 were filed with the State Water Resources Control Board (State Water Board), Division of Water Rights (Division) on March 4, 1991. Both applications were noticed for public review on June 23, 1995. Petitions for Change of the Place of Use (POU) named in both applications were received by the Division on May 1, 2004. Both petitions were noticed for public review on September 10, 2004. Application 29910 proposes to divert to offstream storage a maximum of 55.6 acre-feet per annum (afa) and Application 29911 proposes the direct diversion of 40 afa. The total amount of water that would be diverted under both applications would not exceed 82.9 afa. Copies of the Water Right Applications and the Petitions for Change of the Place of Use are on file with the Division.



SOURCE: Microsoft Street & Trips, 2004; AES, 2006

Savoy Highway 128 Applications 29910 & 29911 / 203554 ■

Figure 1
Regional Location



SOURCE: USGS "Philo, CA" 7.5 Topographic Quadrangle; AES, 2006

Savoy Highway 128 Applications 29910 & 29911 / 203554 ■

Figure 2
Site and Vicinity

Project Description

Application 29910 seeks to divert to offstream storage up to 55.6 afa, at a rate not to exceed 3 cubic feet per second (cfs), from December 15 to March 31 (**Table 1**). Stored water would be used for irrigation and frost protection of 44.25 net acres within 52.49 gross acres of existing vineyard (**Table 2**), as named in the Petition for Change of Application 29910. Water would be diverted from a point of diversion (POD) located southwest of the project site, adjacent to the Navarro River, tributary to the Pacific Ocean (**Table 3** and **Figure 3**). At the POD, Navarro River underflow would be diverted by pumping from an existing offset well, and would be transported to an existing offstream 27.8 acre-foot (af) capacity pit-type reservoir.

Application 29911 seeks to directly divert up to 40 afa, at a rate not to exceed 3 cfs, from March 1 to March 31 (**Table 1**). Water would be diverted from the same POD described in Application 29910 and would be used for frost protection of the same 44.25 net acres of existing vineyard named in Application 29910, as named in the Petition for Change of Application 29911.

The total amount of water diverted under Applications 29910 and 29911 would not exceed 82.9 afa.

TABLE 1: PROPOSED PROJECT¹

| Application | Diversion | Diversion Amount (acre-feet) | Diversion Season | Purpose of Use | Place of Use (acres) |
|-------------|------------|------------------------------|------------------|-------------------------------|----------------------|
| 29910 | To Storage | 55.6 | 12/15 to 03/31 | Irrigation & Frost Protection | 44.25 |
| 29911 | Direct | 40.0 | 03/01 to 03/31 | Frost Protection | 44.25 |

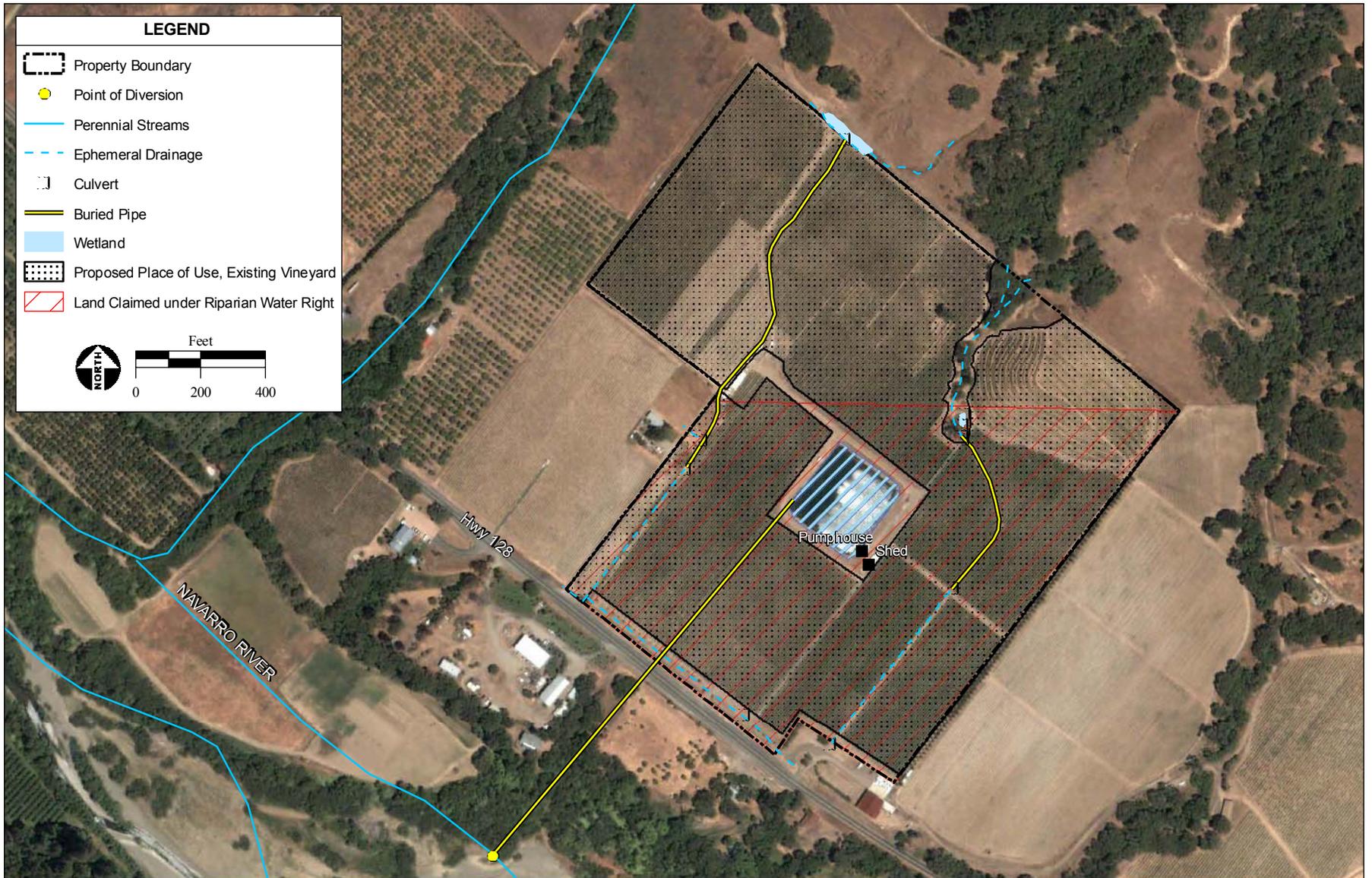
* Total amount of water diverted under Applications 29910 and 29911 would not exceed 82.9 afa.

TABLE 2: PROPOSED PLACE OF USE²

| Use Within | Section | Township | Range | B & M | Gross Acres | Net Acres |
|--------------|---------|----------|-------|-------|--------------|--------------|
| SE ¼ of SW ¼ | 12 | 14N | 15W | MD | 2.38 | 2.15 |
| SW ¼ of SE ¼ | 12 | 14N | 15W | MD | 16.02 | 14.78 |
| NW ¼ of NE ¼ | 13 | 14N | 15W | MD | 25.96 | 20.70 |
| NE ¼ of NW ¼ | 13 | 14N | 15W | MD | 2.28 | 2.04 |
| NE ¼ of NE ¼ | 13 | 14N | 15W | MD | 0.03 | 0.01 |
| SW ¼ of SE ¼ | 12 | 14N | 15W | MD | 4.42 | 3.40 |
| SE ¼ of SE ¼ | 12 | 14N | 15W | MD | 0.49 | 0.38 |
| NE ¼ of NE ¼ | 13 | 14N | 15W | MD | 0.48 | 0.36 |
| NW ¼ of NE ¼ | 13 | 14N | 15W | MD | 0.43 | 0.43 |
| Total | | | | | 52.49 | 44.25 |

TABLE 3: POINT OF DIVERSION³

| POD | Source | Within | Section | Township | Range | B & M |
|-----|--|--------------|---------|----------|-------|-------|
| 1 | Navarro River underflow tributary to the Pacific Ocean | SE ¼ of NW ¼ | 13 | 14N | 15W | MD |



SOURCE: GlobeXplorer Aerial, 2004; AES, 2007

Savoy Highway 128 Applications 29910 & 29911 / 203554 ■

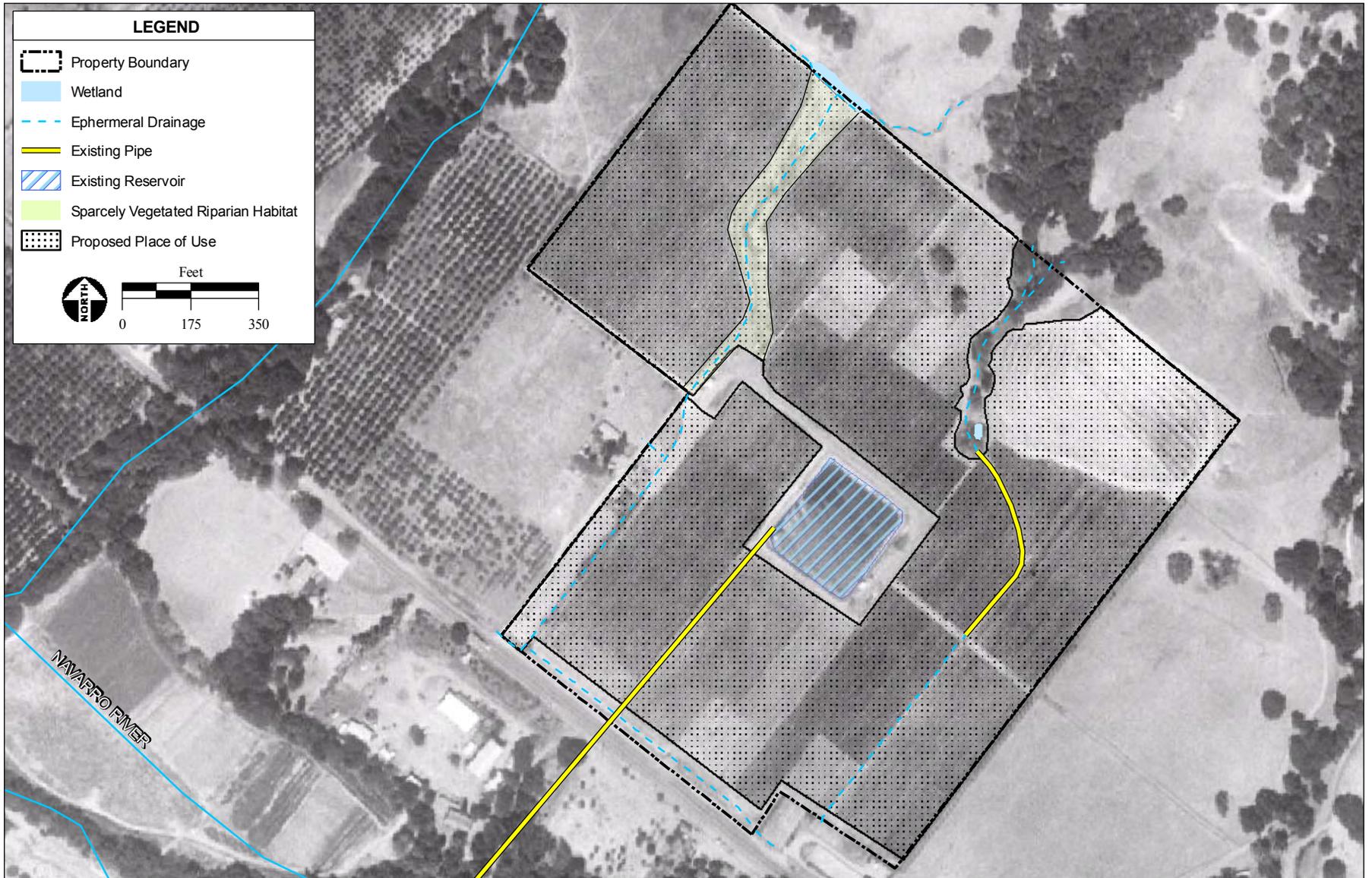
Figure 3
Project Features

Project Background

The Applicant has indicated that ground disturbing activities associated with construction of the offstream pit type reservoir, the well offset from the Navarro River at the POD, and the pipeline from the POD to the reservoir began in early 1991. The Applicant has an easement that allows access and maintenance of the POD on the Navarro River. Construction of approximately ten net acres of vineyard named in the proposed POU, located in the flat portions of the project site, began with soil ripping and other ground disturbing activities in early 1991 and was completed in 1992. The remaining 34.25 net acres of vineyard named in the proposed POU were developed in 1992, 1993, and 1996. Development completed after 1991 included conversion of 26.55 acres on flat terrain, six acres on moderately sloping terrain, and approximately 1.7-acres of a sparsely vegetated riparian area. Vineyard areas were converted from sparsely vegetated, riparian and open areas, as shown on a 1993 aerial photograph of the project site (**Figure 4**). This development consisted of diverting two ephemeral drainages into pipelines buried beneath the vineyard areas. Two underground culverts were also constructed beneath the vineyard areas. Additionally, a single oak tree in the northern portion of the proposed POU was removed after this area was converted to vineyard. **Figure 4** shows this tree existing within vineyard in 1993, and **Figure 3** shows that the tree does not exist in 2004. The Applicant has stated that the removal of the tree was not related to development of the proposed POU, but was an unplanned removal that occurred because the tree was split, cracked, and dying⁴. However, because this tree was removed from the proposed POU, the removal of the tree is considered in this environmental review.

Water diverted under Applications 29910 and 29911 is being sought to provide a more reliable water supply for the Applicant's non-riparian lands. The Applicant diverts water under basis of a claim of riparian right at the POD located on the Navarro River. The parcel containing the project site is not currently contiguous to the Navarro River, but the portion of the parcel located within Section 13, of Township 14N Range 15W, M.D.B. & M. is still attached to riparian rights (Statement Number S016617; **Figure 3**). This area totals approximately 22.75 of the 44.25 net acres of vineyard named in the proposed POU. The riparian water right claim for this portion of the project site was substantiated in a December 11, 1989 letter⁵ from the Applicant's representative to the owner of the property at that time, and in a February 13, 1998 letter⁶ from the Applicant's representative to the Division concerning Applications 29910 and 29911. These letters are on file with the Division. A Statement of Water Diversion and Use filed by the Applicant for this claim of riparian right was received by the Division on June 3, 2010. Historical records detail that a large parcel containing the project site was contiguous to the Navarro River from 1874 to 1985. The current parcel where the project site is located was created from the larger parcel (contiguous to the Navarro River) by stipulated judgment for partition in 1985. At this time, the riparian rights of the parcel for areas within Section 13, but not Section 12, of Township 14N, Range 15W, M.D.B. & M., were preserved by express reservation in the deed.

Water was not diverted from the Navarro River under basis of riparian right until the pump at the POD and associated pipeline were installed. In an October 13, 2003 letter⁷ from the Applicant's representative, power records related to the Applicant's use of the pump at the POD were utilized to quantify the amount of riparian water historically used from 1993 to 2002 (analysis prepared by Napa Valley Vineyard Engineering). This analysis is on file with the Division. Water use over this period ranged from approximately 8 to 20 afa. The upper limit of proven historical riparian water use indicates the potential demand for riparian water.



The Division has received several protests on Applications 29910 and 29911. The protests were filed by Stephen Hall, California Sportfishing Protection Alliance, Briana Burns, Beverly and Marvin Dutra, Friends of the Navarro River Watershed, Dr. Hillary Adams, North Greenwood Community Association, Edmund H. and Suellynn Smith, E. Ellsworth and Janet B. Seibert, Sara MacCamaanl, Daniel Myers, Department of Fish and Game (DFG), Helen L. Liben, and the Navarro Watershed Protection Association. The protests are based primarily on the effects of water diversions, environmental effects, and public trust concerns. The protests received on these applications remain unresolved.

Pursuant to Water Code sections 1345 et seq., the Division conducted a field investigation on October 15, 1997. On December 15, 1998, the Division released for public review and comment a Draft Division Decision (Draft Decision) that detailed the findings of the field investigation⁸. The Applicant agreed to terms in the Draft Decision that modified Applications 29910 and 29911, in part, by reducing the quantity of water requested for diversion and reducing the diversion season to the quantity and period discussed in the project description above.

The Division circulated an Initial Study and proposed Negative Declaration for Applications 29910 and 29911 in 1996. In 2000, the Division circulated a revised Initial Study and proposed Negative Declaration for the applications. After circulation of the 2000 document, the Division and the Applicant could not immediately come to an agreement on a riparian right permit term regarding the Applicant's claim of riparian right attached to the POD located at the Navarro River. Correspondence from July 2003 indicated that with an agreement between the Division and the Applicant on a riparian term, the draft proposed Negative Declaration would be completed and the project would move forward with approval. In response, the Applicant submitted the analysis of power records to the Division in 2003, related to the use of the pump in the Navarro River in connection with the riparian rights, and submitted requested parcel maps to the Division in 2004. Based on the power records and parcel maps submitted by the Applicant, the Division has included permit terms regarding the relationship between the Applicant's claimed riparian right and the proposed applications. With the submission of parcel maps, a Petition for Change to increase the proposed POU from 39.68 net acres to 44.25 net acres was received by the Division on May 14, 2004. Details regarding the claim of riparian right are discussed above.

The Applicant is proposing to utilize the reservoir to (1) store water authorized by any permit or license issued pursuant to Application 29910 and (2) for regulatory storage of water diverted under claim of riparian right. It is the Applicant's responsibility to calculate the amount of water that is pumped for storage under Application 29910 and the amount of water directly diverted in March under Application 29911, and the amount of water diverted under claim of riparian right. In addition, it is the Applicant's responsibility to ensure that the water diverted under claim of riparian right would only be put to use on riparian lands. The Applicant will be required to submit a compliance plan for approval by the Deputy Director for Water Rights that specifies the monitoring procedures for ensuring compliance with the diversion and use of water authorized by any permit or license issued pursuant to Applications 29910 and 29911. This compliance plan may include the following:

1. The reservoir will be surveyed and a capacity curve will be developed;
2. A pressure sensor will be installed in the reservoir and will read water levels to .01 feet. The sensor will be connected to a data collector which will read and record reservoir water depth hourly;

3. A digital water meter will be installed on the discharge of the Navarro River pump. The pump will be connected to a data collector which will read and record pumping rate and total water pumped every 15 minutes;
4. Digital water meters will be installed on all discharge piping extending from the frost control and drip irrigation pump stations. They will be connected to a data collector which will read and record the pumping rate and water pumped every 15 minutes; and
5. A water use log and recording protocol will be established. Each time the frost control or irrigation pump is activated, and each time the field discharge point is changed, the irrigator shall record the date and time of activation, or change, and the area served.

This Initial Study/Mitigated Negative Declaration (IS/MND) serves as an update to the document circulated for public comment in 2000 and also incorporates the proposed changes requested in the petitions for change for both Applications 29910 and 29911.

Environmental Setting

The California Environmental Quality Act (CEQA) baseline for the proposed project is March 4, 1991, the date the applications to appropriate water were filed with the Division. Based on the project background discussed above, aspects of the project that are included in the CEQA baseline are the offstream reservoir, the POD, the pipeline connecting the POD to the reservoir, and the ten acres of vineyard that were developed beginning in early 1991. The following project elements will be evaluated under CEQA: development of the 34.25 acres of vineyard after 1991, including the construction of two underground culverts. The diversion to storage and direct diversion of up to 82.9 afa from the Navarro River was evaluated in the Water Availability Analysis (WAA) prepared by Napa Valley Vineyard Engineering and will be discussed in this IS/MND.

Potential impacts from project elements subject to CEQA analysis are evaluated as potential effects from future activities or probable effects from previous activities. **Table 4** provides an overview of project features in relation to the CEQA baseline date.

TABLE 4: CEQA BASELINE AND PROJECT COMPONENTS

| Existing Project Components at CEQA Baseline | CEQA Baseline Date | Project Components Evaluated in this IS/MND |
|---|--------------------|---|
| <ul style="list-style-type: none"> • Offstream Reservoir • POD & associated pipeline • 10 acres of existing vineyard | March 4, 1991 | <ul style="list-style-type: none"> • 34.25 acres of existing vineyard • Diversion and use of 82.9 afa • 2 underground culverts |

The project site is located in the California Coast Range geomorphic province. Elevations on the project site range from approximately 55 to 315 meters above mean sea level (msl). 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. The Inner North Coast Range has relatively low rainfall and typical vegetation communities include chaparral and pine or oak woodlands⁹. Characteristic vegetation communities occurring in the region include vineyard, annual grassland, California bay forest, oak woodland, mixed evergreen forest, and riparian woodland. The project site contains predominantly vineyard areas, but also annual grassland and California bay forest habitats. Aquatic habitats in the region include the Navarro River and tributary perennial drainages, seasonal drainages, seasonal wetlands, wetland swales, and man-made reservoirs. The Navarro River flows just to

the south of the project site and Highway 128. The project site also contains several unnamed ephemeral drainages that drain the vineyard areas to the Navarro River.

The climate in the area is relatively mild, a result of being moderated by the Pacific Ocean. In Ukiah, approximately 15 miles northeast 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 snowfall¹⁰.

The project site is located in the Navarro River watershed in south-central Mendocino County. Since the mid 1800's the Navarro River watershed has been exploited for timber production, livestock grazing, and other agriculture activities. The Navarro River is considered by the U.S. Environmental Protection Agency (USEPA) to be impaired from effects of excessive sediment and high temperatures¹¹. Historically, the Navarro River watershed was considered to have high quality and extensive anadromous fish habitat supporting a productive Coho salmon and steelhead trout fishery. The sustainability of anadromous fishes in the Navarro River watershed depends upon a variety of factors including habitat conditions, water temperature, gravel substrate, water quality, migration corridors, and habitat availability.

Regulatory Environment

The State Water Board is the lead agency under CEQA with the primary authority for project approval. The following responsible agencies, trustee agencies and agencies with jurisdiction by law, may have jurisdiction over some or all of the proposed project:

- U.S. Fish and Wildlife Service (USFWS) – Federal Endangered Species Act (FESA) Compliance;
- National Marine Fisheries Service (NMFS) – FESA Compliance;
- United States Army Corps of Engineers (USACE) – Section 404 Clean Water Act (CWA);
- DFG – California Endangered Species Act (CESA) Compliance, Lake or Streambed Alteration Agreement; and
- North Coast Regional Water Quality Control Board – Section 401 Water Quality Certification.

II. ENVIRONMENTAL IMPACTS

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

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

| | 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 checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" 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 is highly fractured and deformed by folding, faulting, and metamorphism. This province is one of the more geologically and seismically active portions of the State of California.

According to the Mendocino County Soil Survey¹², which covers the western portion of the County, the project site contains the following soils and respective characteristics:

Casabonne-Wohly loams, 30 to 50 percent slopes (110)

This soil is found on mountains, and is well drained with high surface water runoff and a severe erosion hazard.

Ornbaun-Zeni loams, 30 to 50 percent (170)

This soil is found on mountains, and is well drained with very high surface water runoff and a very severe erosion hazard.

Sanhedrin-Asabeen-Speaker Gravelly Loams, 50 to 75 percent slopes (192)

This soil is found on hills and mountains, and is moderately to well drained with high to very high surface water runoff and a severe erosion hazard.

Sanhedrin-Kekawaka-Speaker complex, 2 to 30 percent slopes (193)

This soil is found on hills and mountains, and is well drained with high surface water runoff and a moderate erosion hazard.

Yorkville loam, 15 to 30 percent slopes (229)

This soil is found on hills and mountains, and is moderately well drained with high surface water runoff and a moderate erosion hazard.

The San Andreas Fault poses the most serious hazard in Mendocino County from fault rupture along its trace and its potential to generate severe ground shaking throughout many portions of the County. This fault line is 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 of its location along populated centers from Ukiah to Willits. Historically, the Maacama Fault has generated only a few moderate earthquakes; however, an abundance of micro-earthquakes (less than Magnitude 3) are associated with the fault¹³. The project site is located in close proximity to the Maacama Fault. The project site is not located within an Alquist-Priolo Earthquake Fault Rupture Hazard Zone¹⁴. There are numerous inactive faults throughout the Franciscan Assemblage rocks. Inactive faults typically present no particular geologic or seismic hazards, except for weakened nature of rocks located along these inactive fault traces¹⁵.

Landslides are extremely common in the hills of Mendocino County. While some landslides have resulted from earthquakes, they primarily result from the saturation of 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 proposed project is located in an area designated as medium hazard potential for landslides¹⁶.

Liquefaction can also increase damage from groundshaking. However, the proposed project is located in an area designated as low hazard potential for liquefaction¹⁷.

Question A

The project site is not located within an Alquist-Priolo Earthquake Fault Rupture Hazard Zone, but could be affected by groundshaking from local active faults. The proposed project involves the diversion of up to 82.9 afa of water and the use of this water on 44.25 net acres of existing vineyard and therefore, does not include features that would place people or structures at risk from the effects of groundshaking. Impacts from geologic hazards such as landslides or ground failures are expected to be less than significant.

Question B

As discussed in the Project Background section, previous construction of the proposed project after the CEQA baseline date involved conversion of sparsely vegetated, riparian and open areas on flat to moderate slopes into 34.25 acres of vineyard, and the diversion of two small drainages into pipelines that were buried with fill used for the vineyard development. Construction is expected to have resulted in temporary soil disturbance. Conversion to vineyard

on moderate slopes is likely to have resulted in some erosion; however, due to the conversion to vineyard from similar land uses, erosion is not expected to have been substantial. No further construction activities are required for the proposed project. During operation of the proposed project, water would be transported using existing pumps and pipelines for irrigation of 44.25 acres of vineyard. As discussed in the Hydrology and Water Quality section, runoff from the 44.25 acres of vineyard due to irrigation activities and stormwater has the potential to cause erosion of the topsoil and introduce sediment into the Navarro River. To limit erosion and prevent sediment from entering the waterway, the permit terms outlined in the Hydrology and Water Quality section shall be included in any permits or licenses issued pursuant to Applications 29910 and 29911. With the inclusion of such terms this is considered a less than significant impact.

Question C

As discussed in the Project Background section, previous construction of the proposed project after the CEQA baseline date involved conversion of sparsely vegetated, riparian and open areas on flat to moderate slopes into 34.25 acres of vineyard, and the diversion of two small drainages into pipelines that were buried with fill used for the vineyard development. Because the area containing the vineyard was converted from a similar land use it is not expected to have substantially altered the geology at the project site. A portion of the proposed POU constructed after the CEQA baseline date, located in the northeastern corner of the project site, has been terraced on moderately sloping terrain. The Applicant has stated that new trees and shrubs were planted within the eastern limits of the riparian habitat located at the bottom of this terrace (to the west) (**Figure 3**) to provide additional stabilization for this area¹⁸. Planting consisted of several shrubs and trees native to the riparian California Bay Forest in this area (shrub and tree types were the same as existed in this area, as described in the Biological Resources section) (**Figure 4**). The Applicant's records do not indicate how many shrubs and trees were planted, but the Applicant has noted a significant increase in the density of vegetation in this area since the planting occurred¹⁹. The planting of this vegetation helps to limit saturation of the lower portions of the terraced area, and reduces potential for landsliding and similar impacts.

The project site is located in an area designated with a medium potential for landsliding and low potential for liquefaction. No further construction activities are required for the proposed project. During operation of the proposed project, water would be transported using existing pumps and pipelines. The existing conditions of geology and soils at the project site would not be altered in a manner that would increase the potential for landsliding, lateral spreading, subsidence, liquefaction or collapse. This is considered a less than significant impact.

Question D

The proposed project does not include features that would place people or structures at risk to expansive soils. No impact would occur.

Question E

The construction of septic tanks or alternative wastewater disposal systems is not part of the project description. No impact would occur.

Findings

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

2. Air Quality and Greenhouse Gas Emissions. 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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. 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. The climate of the region may be considered transitional, made up of climates varying from those found in the coastal and interior areas. The climate may be coastal in character part of the day, or week or month, but may also be dominated for various periods by air masses characteristic of the interior areas, including dry and warm summers²⁰.

Regulations

The 1977 federal Clean Air Act (CAA) required the USEPA to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. NAAQS have been established for six “criteria” air pollutants: ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, respirable particulate matter (PM₁₀), and lead. Pursuant to the 1990 CAA Amendments, the USEPA 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 pollutants²¹.

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 (CCAA), patterned after the federal CAA, areas have been designated as attainment or non-attainment with respect to SAAQS. Mendocino County is designated as nonattainment for PM₁₀, and attainment or unclassified for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide and lead²². **Table 5** shows state standards for PM₁₀.

TABLE 5: STATE AMBIENT AIR QUALITY STANDARDS²³

| Pollutant | Averaging Time | SAAQS ^a |
|-------------------------------|----------------|-----------------------------------|
| Respirable Particulate Matter | 24 hour | 50 µg/m ³ ^b |
| | Annual | 20 µg/m ³ |

Notes: ^a SAAQS (i.e., California standards) for ozone and respirable particulate matter are values that are not to be exceeded.

^b ppm = parts per million by volume; µg/m³ = micrograms per cubic meter.

Respirable Particulate Matter (PM₁₀)

Respirable particulate matter consists of particulate matter 10 microns (one micron is one one-millionth of a meter) or less in diameter, which can be inhaled. Relatively small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorine or ammonia) that may be injurious to health. The amount of particulate matter and PM₁₀ generated is dependent on the soil type and the soil moisture content. Traffic generates particulate matter and PM₁₀ emissions through entrainment of dust and dirt particles that settle onto roadways and parking lots. Other sources of PM₁₀ include burning of wood in residential wood stoves and fireplaces and open agricultural burning.

Greenhouse Gas (GHG) Emissions

California has been a leader among the states in outlining and aggressively implementing a comprehensive climate change strategy that is designed to result in a substantial reduction in total statewide GHG emissions in the future. California’s climate change strategy is multifaceted and involves a number of state agencies that are in the process of implementing a variety of state laws and policies. While explicit GHG thresholds have not yet been established at the local level by the MCAQMD, the Mendocino County General Plan identifies energy-reducing policies that, once developed, will aim to lower overall carbon dioxide (CO₂) emissions in the county. A GHG reduction plan has not yet been developed for Mendocino County. No GHG emissions thresholds of significance pertinent to tree loss have been adopted at the state or local level.

Questions A-D

Construction-related emissions associated with the 34.25 acres of vineyard could have included exhaust from construction equipment and fugitive dust from land clearing, earthmoving, movement of vehicles, and wind erosion of exposed soil during construction of the proposed project. Construction involved the conversion of a small riparian area to vineyard, which did not contain any trees (**Figure 5**). Construction involved the infill of the drainage and planting of vine rows. Since the conversion involved a small area without trees, the duration of construction activities with the potential to increase emissions is not considered to have been substantial.

No further construction activities are required for the proposed project. Operation of the proposed project is not expected to conflict with or obstruct implementation of any applicable air

quality plan, violate any air quality standards, or result in a cumulatively considerable net increase of any criteria pollutants. There are no sensitive receptors in the vicinity of the project site. No impacts would occur.

Question E

Application of agricultural chemicals during vineyard operations, such as sulfur products, has the potential to result in objectionable odors. Compliance with permit regulations from the Agricultural Commissioner’s Office for the use of soil stabilizers, pesticides, herbicides, and other regulated chemicals would minimize the potential for emission of objectionable odors. This is considered a less than significant impact.

Questions F and G

The project would not require any further construction; therefore, no future impacts would occur from construction emissions. Operational sources of GHG emissions include vehicle travel, energy use, and water transport; however, as the project site currently and historically has operated as a vineyard, these sources would not change significantly with the approval of the applications. A single dying tree was removed previously in the proposed POU; no further tree loss would occur with the project and it is not expected that significant carbon emissions or sequestration loss occurred. Impacts to GHG emissions are considered less than significant. The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Impacts are considered less than significant.

Findings

Impacts to air quality and greenhouse gas emissions 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 checked="" type="checkbox"/> | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) create or contribute runoff water that would exceed the capacity of existing or planned stormwater discharge? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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) Change the water volume and/or the pattern of seasonal flows in the affected watercourse and 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 Navarro River watershed drains an area of about 315 square miles. All drainages within the Navarro River watershed eventually flow to the Navarro River. The Navarro River flows just to the south of the project site and Highway 128. Two drainages transect the project site from north to south, which have been redirected through pipes beneath the vineyard. The streams resurface at the edge of the project site and flow through culverts under Highway 128 prior to entering the Navarro River. The project site is not located within an area subject to flooding from a 100-year storm event²⁴.

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 as low tsunami hazard potential²⁵.

Questions A, C (iii and iv), and D

The Navarro River and its tributaries are listed on the State Water Board's 303(d) list of impaired water bodies due to sedimentation and increased stream temperature. Sources of the impairment include agriculture, hydro-modification, water diversion, and removal of riparian vegetation, among others. Construction of the proposed project after the CEQA baseline date would have resulted in temporary soil disturbance. Irrigation of vineyard and stormwater runoff from vineyards has the potential to introduce sediment and agricultural chemicals into the Navarro River. Water withdrawal has the potential to exacerbate temperature conditions by

reducing the river’s ability to assimilate heat²⁶. Additionally, removal of riparian vegetation could exacerbate temperature conditions by decreasing streamside shading. A Total Maximum Daily Load (TMDL) addressing the sediment and temperature impairment was established by the USEPA in December 2000. The TMDL sets sediment load allocations for vineyard erosion equal to 11 tons/miles²/year²⁷. According to the TMDL, this represents an 80 percent reduction in the historical sediment yield from vineyards throughout the Navarro River Watershed. The state water quality objectives pertinent to the Navarro River Watershed that are related to temperature and sediment control are presented in **Table 6**.

TABLE 6: REGIONAL BOARD WATER QUALITY OBJECTIVES FOR SEDIMENT AND TEMPERATURE PERTINENT TO THE ANDERSON CREEK WATERSHED²⁸

| Parameter | Water Quality Objective |
|---------------------|---|
| Suspended Material | Water shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses. |
| Settleable Material | Waters shall not contain substances in concentrations that result in deposition of material that causes nuisance or adversely affects beneficial uses. |
| Sediment | The suspended sediment load and suspended sediment discharge rate of surface water shall not be altered in such a manner as to cause nuisance or adversely affect beneficial uses. |
| Turbidity | Turbidity shall not be increased more than 20 percent above naturally occurring background levels. |
| Temperature | The natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Board that such alteration in temperature does not adversely affect beneficial uses. At no time or place shall the temperature of any cold freshwater habitat be increased by more than five degrees Fahrenheit above natural receiving water temperature |

The North Coast Regional Water Quality Control Board (Regional Board) reports that temperature measurements from ten monitoring sites indicate conditions ranging from poor/unsuitable to good when compared to salmonid growth and survival metrics²⁹. The TMDLs source analysis indicates that shade and flow both affect temperature conditions in the Navarro River Watershed. Data and information presented by the Regional Board suggests that increased temperature primarily occur spring through fall and temperatures peak during the summer months when streamflow is low and solar radiation is high. As part of the TMDL, the USEPA established the following target for flow and temperature:

The quantity of flow diverted from the Navarro in the summer is not increased, unless it can be shown that such an increase does not adversely affect beneficial uses.

The proposed project would only divert water between December 15 and March 31, therefore impacts to summer water temperatures will not occur as a result of diversion.

During operation of the proposed project, water would be diverted using a pump and existing offset well, and conveyed by underground pipeline to an offstream reservoir.

To protect water quality, the following permit terms, substantially as follows, shall be included in any permits or licenses issued pursuant to Applications 29910 and 29911:

- *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.*

- *No water shall be used under this permit until Permittee has filed a report of waste discharge with the Regional Water Quality Control Board, North Coast Region, pursuant to Water Code section 13260, and the Regional Water Quality Control Board or State Water Resources Control Board has prescribed waste discharge requirements or has indicated that waste discharge requirements are not required. Thereafter, water may be diverted only during such times as all requirements prescribed by the Regional Water Quality Control Board or State Water Resources Control Board are being met. No point source discharges of waste to surface water shall be made unless waste discharge requirements are issued by a Regional Water Quality Control Board or the State Water Resources Control Board. A discharge to groundwater without issuance of a waste discharge requirement may be allowed if, after filing the report pursuant to Section 13260:*
 - (1) the Regional Water Quality Control Board issues a waiver pursuant to Section 13269; or,*
 - (2) the Regional Water Quality Control Board fails to act within 120 days of the filing of the report.*

No Permittee shall be required to file a report of waste discharge pursuant to Water Code section 13260 for percolation to groundwater of water resulting from the irrigation of crops.

Question B

Construction after the CEQA baseline date involved the conversion of sparsely vegetated, riparian and open areas to vineyard, which did not involve the removal of any trees. However, as discussed in the Project Background section, a single tree was removed from an open area of the proposed POU after the vineyard conversion. Given that one dying tree was removed, minimal effects (if any) on groundwater storage and recharge rates would have occurred. Two drainages were filled and diverted into pipes, two culverts were constructed, and vine rows were planted after the baseline date. The character of the developed areas after vineyard planting from a hydrologic perspective is considered similar to the sparsely vegetated riparian and open areas before the conversion; it is not likely that soil ripping, removal of vegetation, and planting of vines substantially altered water infiltration/recharge rates. Diversion of the drainages into pipelines resulted in these flows being routed downstream. Therefore, this water is still available for potential percolation to groundwater in the watercourse downstream of where the piping ends. The effects to recharge from the relatively small length of the ephemeral streams where pipes have been constructed are expected to have been minimal, if any at all and should be more than offset by the potential amount of water that percolates into the groundwater from water put to beneficial use as proposed under Applications 29910 and 29911.

The proposed project does not involve the use of groundwater resources. The proposed project would involve irrigation of existing vineyard areas, which would slightly increase the amount of water potentially percolating to groundwater. This is considered a less than significant impact.

Question C (i and ii)

Construction after the CEQA baseline date involved the conversion from sparsely vegetated, riparian and open areas on flat to moderate slopes, and the diversion of small drainages into pipelines that were buried with fill used for the vineyard development. After the infill of these drainage areas, surface runoff from surrounding areas would continue to collect over the newly formed surfaces. The greater space for the collection of runoff would consequentially result in a greater amount of time for runoff to concentrate. However, given the flat character of the drainage areas that were converted to vineyard and planted with vines, it is expected that any runoff is dispersed across the vineyard areas. The planting of vine rows in these areas provides

obstacles to the concentration of surface runoff. Runoff in these areas would eventually flow to other nearby open drainages on the project site, just as the channels did before conversion. It is not expected that altering the drainage pattern of the project site has resulted in a substantial change in the volume and rate of runoff, or consequentially the discharge of sediment from the vineyard areas. During the biological field surveys of the project site, no conditions were noted that would indicate alteration of the drainage pattern has resulted in substantial discharges of sediment and related pollutants. The Applicant has managed the project site since before the CEQA baseline date and has stated that since construction after the CEQA baseline date was completed, no flooding has occurred on or off-site, and the capacity of buried pipes and culverts has not been exceeded³⁰. Potential impacts are considered less than significant.

Question E

The proposed project does not involve the construction of housing or other structures within a 100-year flood zone. No impact would occur.

Question F

The existing reservoir on the project site is a pit type reservoir and would not be subject to failure that could result in flooding. 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 *Water Availability Analysis, Appropriative Applications 29910, 29911, Richard A. Savoy* (WAA) was prepared by Napa Valley Vineyard Engineering³¹, and is available on file with the Division. The WAA was accepted by the Division on June 7, 2007. The analysis completed includes a Cumulative Flow Impairment Index (CFII) analysis that evaluates the cumulative effect of Applications 29910 and 29911 and all other diversions in the Navarro River watershed upstream of these applications on seasonal streamflows. Based on the location of the POD for Applications 29910 and 29911, nine points of interest (POIs) were identified by DFG³², as described below:

POI Location

- 1 The point on Navarro River immediately below the POD for Applications 29910 and 29911
- 2 The point on Navarro River immediately above the confluence with Unnamed Stream 1
- 3 The point on Navarro River immediately below the confluence with Unnamed Stream 1
- 4 The point on Navarro River immediately below the confluence with Unnamed Stream 2
- 5 The point on Navarro River immediately below the confluence with Unnamed Stream 2
- 6 The point on Navarro River immediately below the confluence with Lazy Creek
- 7 The point on Navarro River immediately below the confluence with Lazy Creek
- 8 The point on Navarro River immediately below the confluence with Mill Creek
- 9 The point on Navarro River immediately below the confluence with Floodgate Creek

The CFII analysis includes the diversions proposed under Applications 29910 and 29911, as well as the face value of recorded water rights above POI 9 within the Navarro River watershed. A previous study of water availability on the Navarro River above the USGS gage station on the Navarro River (USGS 11468000 NAVARRO R NR NAVARRO CA) was completed on December 17, 2003 (revised January 26, 2004) by Napa Valley Vineyard Engineering. This analysis has been accepted and is on file with the Division.

In the 2007 WAA/CFII report for the proposed project, a CFII was evaluated for each POI using two diversion scenarios: Case A considers diverters senior to and including Applications 29910 and 29911, and Case B considers diverters senior to and including Applications 29910 and 29911, as well as diverters junior to Applications 29910 and 29911. 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 upstream of the POI and identified by the Division’s water right database, files, and mapping by the estimated unimpaired flows at the POI. The season used to determine demand is October 1 to March 31 per the DFG-NMFS *Draft Guidelines for Maintaining Instream Flows to Protect Fisheries Resources Downstream of Water Diversions in Mid-California Coastal Streams* (DFG-NMFS Draft Guidelines)³³. The season used to determine estimated unimpaired flows (supply) is December 15 to March 31. For storage rights, it was assumed that the maximum allowable use occurred between these dates, even if the season of diversion under the existing right extends outside this period. For direct diversion rights without a maximum annual limit, the face value was considered to be a continuous diversion at the maximum rate over the number of allowable diversion days within the same period.

Results of the streamflow analysis are shown in **Table 7**. For Cases A and B the CFII values at all POIs are 1.9 percent or less. According to the DFG-NMFS Draft Guidelines, if the CFII at a POI is less than five percent, “there is little chance of significant cumulative impacts due to the diversion and the project does not require additional studies to assess these impacts.” Additionally, the DFG-NMFS Draft Guidelines state that for new diversions in mid-California watersheds that are, or contribute flows to, anadromous streams a minimum bypass flow must be maintained. The recommended minimum bypass flow for Mendocino County is equal to the February median flow (FMF). As stated in the 2007 WAA/CFII report, based on 52 years of recorded daily February flows the FMF at the USGS gage is 592 cfs. If flows equal to or greater than the recommended bypass flow were available on a continuous basis from December 15 to March 31, the bypass total would be equivalent to approximately 79,010.5 af. After the bypass is met at the POD (POI 1) there would be approximately 104,759.5 af (also based on 52 years of recorded daily February flows) of water potentially available, which is substantially greater than the percentage of water demanded at this location under either diversion scenario described above.

Since the applicant requested a maximum rate of diversion of 3 cfs, Division staff recommended that this be taken into consideration when developing bypass flows prorated to the USGS gage. This would create a slightly more conservative bypass flow at the USGS gage which would help maintain the proper flows at the POD. By adding the 3 cfs to the FMF at the POD and then prorating it to the contributing area for the USGS gage, Division staff recommended a bypass flow of 594 cfs at the USGS gage station on the Navarro River (USGS 11468000 NAVARRO R NR NAVARRO CA).

TABLE 7: CUMULATIVE EFFECTS ON STREAMFLOW³⁴

| POI | Supply | Demand | |
|-----|---------------------------------------|-------------------|-------------------|
| | Estimated Unimpaired Flow (acre-feet) | Case A – CFII (%) | Case B – CFII (%) |
| 1 | 183,770.0 | 0.8 | 1.2 |
| 2 | 185,467.8 | 0.8 | 1.2 |
| 3 | 185,467.4 | 0.8 | 1.2 |
| 4 | 187,065.8 | 0.8 | 1.2 |

| | | | |
|---|-----------|-----|-----|
| 5 | 180,737.4 | 0.9 | 1.3 |
| 6 | 189,637.0 | 0.9 | 1.4 |
| 7 | 192,125.2 | 1.3 | 1.7 |
| 8 | 203,360.3 | 1.4 | 1.9 |
| 9 | 208,837.7 | 1.4 | 1.8 |

Approval of Applications 29910 and 29911 should not adversely affect any senior water right holders as the CFII at each POI under each diversion scenario is less than five percent, and the FMF can be maintained. An assessment of the project's potential impacts to instream biological resources is provided in the Biological Resources section of this document.

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 permits or licenses issued pursuant to Application 29910:

- *The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 55.6 acre-feet per annum to be collected from December 15 of each year to March 31 of the succeeding year.*
- *The capacity of the reservoir covered under this permit shall not exceed 27.8 acre-feet.*
- *The maximum rate of diversion to offstream storage shall not exceed 3 cubic feet per second*
- *The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 29911, shall not exceed 82.9 acre-feet per annum.*
- *The maximum simultaneous rate of diversion under this permit, together with that diverted under the permit issued pursuant to Application 29911, shall not exceed 3 cubic feet per second.*
- *Before storing water in the reservoir, Permittee shall install and properly maintain a staff gage in the reservoir, satisfactory to the Deputy Director for 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 of Water Rights.

The State Water Resources Control Board may require the release of water that cannot be verified as having been collected to storage prior to October 1 of each year.

- *Prior to diversion or use of water under this permit, Permittee shall install and maintain an in-line flow meter satisfactory to the Deputy Director for Water Rights to measure the*

instantaneous rate and quantity of water diverted into the reservoir from Navarro River, and water released from or flowing out of 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 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 and instream uses, Permittee shall bypass the total streamflow, at all points of diversion, under all bases of right, whenever the flow in the Navarro River is less than 594 cubic feet per second as measured at the United States Geological Survey Stream Gage No.11468000 on the Navarro River, California. In the event that said gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) is responsible for installing and maintaining an equivalent gage, satisfactory to the Deputy Director for Water Rights as near as practicable to the present location of United States Geological Survey Stream Gage No.11468000. In the absence of such an equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application 29910.*

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 permits or licenses issued pursuant to Application 29911:

- *The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3 cubic feet per second to be diverted from March 1 to March 31 of each year. The maximum amount diverted under this permit shall not exceed 40 acre-feet per year.*
- *The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 29910, shall not exceed 82.9 acre-feet per annum.*
- *The maximum simultaneous rate of diversion under this permit, together with that diverted under the permit issued pursuant to Application 29910, shall not exceed 3 cubic feet per second.*
- *For the protection of fish and wildlife and instream uses, Permittee shall bypass the total streamflow, at all points of diversion, under all bases of right, whenever the flow in the Navarro River is less than 594 cubic feet per second as measured at the United States Geological Survey Stream Gage No.11468000 on the Navarro River, California. In the event that said gage is no longer available for streamflow measurements, Permittee (or successors-in-interest) is responsible for installing and maintaining an equivalent gage, satisfactory to the Deputy Director for Water Rights as near as practicable to the present location of United States Geological Survey Stream Gage No.11468000. In the absence of such an equivalent gage, all diversions must cease. These requirements shall remain in force as long as water is being diverted by Permittee (or successors-in-interest) under any permit or license issued pursuant to Application 29911.*

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 permits or licenses issued pursuant to Applications 29910 and 29911:

- *Within six months of the issuance of this permit, the Permittee shall submit a Compliance Plan for approval by the Deputy Director for 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;*
 - c. *A time schedule for the installation of these facilities.*
 - d. *A description of the frequency of data collection and the methods for recording bypass flows and storage levels; and,*
 - e. *An operation and maintenance plan that will be used to maintain all facilities in good condition.*

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.

The monitoring data shall be maintained by the Permittee for ten years from the date of collection and made available to the Deputy Director for Water Rights, upon request. Any non-compliance with the terms of the permit shall be reported by the Permittee promptly to the Deputy Director for Water Rights.

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 not use more water under a claim of riparian right on the place of use authorized by this permit than Permittee would have used absent the appropriation authorized by this permit. Based on the information contained in the Division of Water Rights files, approximately 20 acre-feet per year of riparian water has been used on 22.4 acres of the place of use. Therefore, consistent with this term, Permittee may not divert any additional riparian water for use on the place of use authorized by this permit under basis of riparian right. With the Deputy Director for Water Rights' approval, this information may be updated, and Permittee may use water under basis of riparian on the authorized place of use, provided that Permittee submits reliable evidence to the Deputy Director for Water Rights quantifying the amount of water that Permittee likely would have used under a claim of riparian right absent the appropriation authorized by this permit. The Deputy Director for Water Rights is hereby authorized to approve or reject any proposal by Permittee to use water under a claim 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 Deputy Director for Water Rights within three days of identification of the violation.*

Findings

After the implementation of permit terms outlined above, impacts to hydrology and water 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 |
|---|--------------------------------|--|------------------------------|-------------------------------------|
| 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 CDFG 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 CDFG or USFWS? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input 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"/> |

Mendocino County has a highly variable climate that ranges from a coastal environment in the west to a Mediterranean climate in the east. The project site is located in Anderson Valley, which is located within the North Coast Mountains and has a strong influence from the coastal environment. The average annual temperature for the valley is highly variable and ranges from approximately 45 to 90 degrees Fahrenheit. This region is within climate Zone 16, "Coastal Climates Northern and Central California," characterized as a coastal thermal belt. Average annual precipitation is approximately 37.33 inches, and the prevailing wind is from the west. The project site is located within the Outer North Coast Range geographic subdivision, which is characterized by redwood, mixed-evergreen, and mixed-hardwood forests and high levels of rainfall. This region occurs within the Northwestern California sub-region and within the larger California Floristic Province³⁵. Land use in the vicinity of the project site is predominately vineyard cultivation and rural housing.

Analytical Environmental Services (AES) biologists conducted comprehensive biological surveys of the project site and the offsite POD on May 17 and August 18, 2006. The purpose of these surveys was to determine the presence/absence of special-status species within the

project site, to classify the vegetation communities onsite, and to assess the presence of any aquatic features within the property. The results of these surveys can be found in the Biological Site Assessment (BSA) Report³⁶ for the proposed project, and is available on file with the Division.

Habitat Types

Four vegetation communities were identified within the study area (**Figure 5**): annual grassland, California Bay forest, vineyard, and ruderal/disturbed. The aquatic features identified within the study area include: one reservoir, two seasonal wetlands, seven ephemeral drainages, and one perennial stream (Navarro River).

Annual Grassland

Annual grassland habitat occurs on the project site between some of the vineyard blocks, around the reservoir, and along the northeast and southwest site boundaries. Non-native annual grasses and forbs characterize this habitat type. Several of the dominant grass species observed within this community include: soft chess (*Bromus hordeaceus*), ripgut brome (*Bromus diandrus*), oat (*Avena barbata*), blue wildrye (*Elymus glaucus*), Italian ryegrass (*Lolium multiflorum*), and barley (*Hordeum murinum*). Other plant species observed within this community include: California poppy (*Eschscholzia californica*), rough cat's ear (*Hypochaeris radicata*), common butterweed (*Senecio vulgaris*), and longstem storksbill (*Erodium botrys*). This community type corresponds to the Non-Native Grassland (42200) in the Holland system³⁷ and California annual grassland series in Sawyer, Keeler-Wolf's *A Manual of California Vegetation*³⁸.

California Bay Forest

California bay forest habitat occurs along the seasonal drainages in the northeastern portion of the project site. The canopy in this community is comprised of California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), and a few Valley oaks (*Quercus lobata*). Understory species include: Himalayan blackberry (*Rubus discolor*) and poison oak (*Toxicodendron diversiloba*). Plant species observed along the drainages include: spike rush (*Eleocharis* sp.), iris-leaf rush (*Juncus xiphioides*), maidenhair fern (*Adiantum* species), and pennyroyal (*Mentha pulegium*). This community corresponds to the California Bay Forest (81200) in the Holland system³⁹ and the California bay series in Sawyer, Keeler-Wolf's *A Manual of California Vegetation*⁴⁰.

Vineyard

The dominant vegetation community on the project site is vineyard areas. Vineyard areas consist of a single species, cultivated grape (*Vitis vinifera*) planted in rows, and supported on wood and wire trellises. Limited amounts of weedy understory vegetation occur between the vineyard rows. Understory species within the vineyard are permitted to persist and some species may be planted to protect, improve, and preserve the soil conditions. Several of the plant species observed between the rows of vines include: little quaking grass (*Briza minor*), pineapple weed (*Chamomilla suaveolens*), common bindweed (*Convolvulus arvensis*), oat, wild radish (*Raphanus sativus*), longstem storksbill, soft chess, and Italian ryegrass. This habitat corresponds to the Vineyard (11213) habitat in the Holland system⁴¹.

Ruderal/Disturbed

Ruderal/disturbed habitat occurs near the relative center of the project site. This region of the site is characterized by pavement and/or development and contains no vegetation. Several out-buildings are located onsite, most of which occur within the ruderal/disturbed habitat, including a pump house, storage sheds, and equipment facilities.



SOURCE: GlobeExplorer Aerial, 2004; AES, 2007

Savoy Highway 128 Applications 29910 & 29911 / 203554 ■

Figure 5
Habitat Map

Waters of the U.S.

The term “waters of the U.S.” is defined as:

- 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;
- All interstate waters including interstate wetlands; or
- 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. 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. Wetlands that meet these criteria during only a portion of the growing season are classified as seasonal wetlands.

As previously mentioned, AES biologists conducted an informal assessment of the aquatic features within the project site. This assessment was conducted concurrently with the biological surveys. Eleven aquatic features were identified onsite during the survey: one reservoir, two seasonal wetlands, and seven ephemeral drainages (**Figure 5**). These features have potential to be considered jurisdictional waters of the U.S. and could be subject to USACE, Regional Water Quality Control Board, and/or DFG regulation if future development (i.e., fill and/or dredging) within them is proposed under Section 404 and 401 of the Clean Water Act and Section 1600 of the California Fish and Game Code, respectively.

Wildlife

AES biologists observed the following wildlife species onsite during the surveys: chorus frog (*Hyla regilla*), fence lizard (*Sceloporus occidentalis*), bushtit (*Psaltriparus minimus*), snowy egret (*Egretta thula*), mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*), California quail (*Callipepla californica*), Nuttall’s woodpecker (*Picoides nuttallii*), western bluebird (*Sialia mexicana*), bluegill (*Lepomis macrochirus*), and bass (*Morone* sp.). A complete list of wildlife species observed onsite during the biological surveys is included in the BSA.

Special-Status Species

For the purposes of this assessment, “special-status species” are defined as species that are of management concern to state and federal resource agencies, and include those species that are:

- Listed as endangered, threatened, or candidate for listing under the FESA;
- Listed as endangered, threatened, rare, or proposed for listing, under the California Endangered Species Act;
- Designated as endangered or rare, pursuant to California Fish and Game Code (Section 1901);
- Designated as fully protected, pursuant to California Fish and Game Code (Section 3511, Section 4700, or Section 5050);
- Designated as species of special concern by DFG;
- Plants or animals that meet the definitions of rare or endangered under CEQA;

- Plants listed as rare under the California Native Plant Protection Act; or
- Plants considered by the California Native Plant Society (CNPS) to be “rare, threatened, or endangered in California” (Lists 1B and 2).

AES biologists compiled a list of regionally occurring special-status plant and wildlife species for the project site, which is presented in Appendix E of the BSA⁴². This list was generated from the results of scientific database queries including: the California Natural Diversity Data Base (CNDDDB) query for the “Philo, California” USGS 7.5-minute topographic quadrangle and the eight surrounding quadrangles, the CNPS database query for the “Philo, California” USGS 7.5-minute topographic quadrangle and the eight surrounding quadrangles, and the USFWS query for the “Philo, California” USGS 7.5-minute topographic quadrangle. AES biologists then analyzed the habitat requirements of all those regionally occurring special-status species compared to the habitat types that exist within the project site to determine which special-status species have potential to occur onsite.

Based upon the review of regionally occurring special-status species and their habitat requirements, and the results of the field assessment, the Savoy Highway 128 property and vicinity has potential to support eight special-status plant species and nine special-status animal species. The name, regulatory status, habitat requirements, and period of identification for these potentially occurring special-status species are identified in **Table 8**.

TABLE 8: POTENTIALLY OCCURRING SPECIAL-STATUS SPECIES⁴³

| Scientific Name Common name | Status Federal/ State/CNPS or Other | Habitat Requirements | Period of Identification |
|--|--|---|-------------------------------------|
| PLANTS | | | |
| <i>Astragalus agnicidus</i> Humboldt milk-vetch | --/CE/1B | Occurs in broadleaf upland forest and North Coast coniferous forest/openings, disturbed areas. Elevations: 180-800 meters. | April-August |
| <i>Erigeron bioletti</i> streamside daisy | --/--/3 | Occurs in broadleaf upland forest, cismontane woodland, and North Coast coniferous forest/rocky, mesic. Elevations: 30-1,100 meters. | June-September |
| <i>Erythronium revolutum</i> coast fawn lily | --/--/2 | Occurs in bogs and fens, broadleaf upland forest, and North Coast coniferous forest/mesic, streambanks. Elevations: 0-1,065 meters. | March-July (August) |
| <i>Fritillaria roderickii</i> syn. <i>F. biflora</i> var. <i>biflora</i> Roderick's fritillary | --/CE/1B | Occurs in coastal bluff scrub, coastal prairie, and valley and foothill grassland. Elevation: 15-400 meters. | March-May |
| <i>Hemizonia congesta</i> ssp. <i>leucocephala</i> hayfield tarplant | --/--/3 | Occurs in coastal scrub and valley and foothill grassland/sometimes roadsides. Elevations: 25-455 meters. | April-October |
| <i>Lilium maritimum</i> coast lily | --/--/1B | Occurs in broadleaf upland forest, closed-cone coniferous forest, coastal prairie, coastal scrub, marshes and swamps (freshwater), and North Coast coniferous forest/sometimes roadsides. Elevations: 5-335 meters. | May-August |
| <i>Piperia candida</i> white-flowered rein orchid | --/--/1B | Occurs in broadleaf upland forest, lower montane coniferous forest, and North Coast coniferous forest/sometimes serpentinite. Elevations: 30-1,310 meters. | May-September |
| <i>Pleuropogon hooverianus</i> North Coast semaphore grass | --/CT/1B | Occurs in broadleaf upland forest, meadows and seeps, and North Coast coniferous forest. Elevations: 10-671 meters. | April-August |

| Scientific Name Common name | Status Federal/ State/CNPS or Other | Habitat Requirements | Period of Identification |
|---|--|---|-------------------------------------|
| ANIMALS | | | |
| Fish | | | |
| <i>Lavinia symmetricus navarroensis</i> Navarro roach | --/CSC/-- | Occurs in small, relatively warm, intermittent streams and isolated pools within the Russian and Navarro River watersheds. | March-July |
| <i>Oncorhynchus kisutch</i> Coho salmon Central California coast | FE/CE/-- | Spawning: streams with pool and riffle complexes. Successful breeding requires cold-water temperatures and gravelly stream beds. | November-February |
| <i>Oncorhynchus mykiss</i> steelhead Central California coast | FT/--/-- | Spawning: streams with pool and riffle complexes. Successful breeding requires cold-water temperatures and gravelly stream beds. | November-April |
| <i>Oncorhynchus mykiss</i> steelhead Northern California | FT/CSC/-- | Occurs in cool, clear, fast-moving permanent streams and rivers with riffles and ample cover from riparian vegetation or overhanging banks. | December-April |
| <i>Oncorhynchus tshawytscha</i> Chinook salmon California coastal | FT/--/-- | Spawning: streams with pool and riffle complexes. Successful breeding requires cold-water temperatures and gravelly stream beds. | August-October |
| Amphibians | | | |
| <i>Rana aurora draytonii</i> California red-legged frog | FT/CSC/-- | Adults require dense, shrubby, emergent riparian vegetation associated with still or slow-moving water that is at least 2.33 feet deep. Can occur up to 100 feet from pool or water source in adjacent dense riparian vegetation. | May-November |
| <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 |
| Birds | | | |
| <i>Accipiter gentiles</i> northern goshawk | --/CSC/-- | Forages in wooded areas, generally coniferous forests with large snags and riparian habitats. Nests in mature, dense, coniferous forests near water. | All Year |
| <i>Falco peregrinus anatum</i> American peregrine falcon | FD/CE/FP | Breeds near wetlands, lakes, rivers, or other water on high cliffs, banks, dunes, and mounds. Will also nest on human-made structures. Occurs mostly in woodland, forest, coastal habitats, riparian areas, and inland wetlands. | All Year |

STATUS CODES

FEDERAL: U.S. Fish and Wildlife Service and Marine Fisheries Service

FE Listed as Endangered by the Federal Government

FT Listed as Threatened by the Federal Government

FD Federally Delisted

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

FP California Fully Protected Species

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

List 3 Plant about which more information is needed

Updated scientific database queries were conducted in July 2010 using the same methodology discussed above; these queries are on file with the Division. No new special-status species for which suitable habitat may exist on the project site appeared on the lists. No newly listed species would be impacted by the project.

Humboldt Milk-vetch (*Astragalus agnicidus*)

Legume Family (Fabaceae)

Federal Status – None

State Status – Endangered

Other – CNPS List 1B

Humboldt milk-vetch is a perennial herb that occurs in broadleaf upland forest and North Coast coniferous forest (frequently in openings and disturbed areas) habitats at elevations that range from 180 to 800 meters above msl. This species blooms from April through August. The range of Humboldt milk-vetch includes Humboldt and Mendocino counties. This species is noted for having generally 10 to 40 flowers per inflorescence, green glabrous herbage, a white banner that is typically less than 14 millimeters (mm), calyx lobes that are three to five mm in length, and fruits that are 11 to 15 mm long. The nearest documented occurrence of Humboldt milk-vetch is located approximately 8.5 miles north of the site, within the “Philo, California” USGS 7.5-minute topographic quadrangle. The California bay forest within the project site is suitable habitat for this species. Humboldt milk-vetch was not observed within the project site during the field surveys that AES conducted during May and August 2006. The surveys corresponded with the bloom season of this species.

Streamside Daisy (*Erigeron biolettii*)

Sunflower Family (Asteraceae)

Federal Status – None

State Status – None

Other – CNPS List 3

Streamside daisy is a perennial herb that occurs in broadleaf upland forest, cismontane woodland, and North Coast coniferous forest habitats within rocky or mesic areas at elevations ranging from 30 to 1100 meters above msl. This species blooms from June through September. The range of streamside daisy includes Humboldt, Mendocino, Marin, Napa, Solano, and Sonoma counties. This species is noted for having densely glandular phyllaries and herbage, narrowly oblanceolate leaves, and flat-topped discoid heads that are approximately 12 to 15 mm in diameter. This species is not documented within the CNDDDB because it is not listed pursuant through the CEQA review process. However, other local and/or regional ordinances or constraints may consider this species, such as the County of Mendocino or the Division. The California bay forest and ephemeral drainages onsite are suitable habitats for this species. Streamside daisy was not observed within the project site during the field surveys that AES conducted during August 2006. These surveys corresponded with the bloom season of this species.

Coast Fawn Lily (*Erythronium revolutum*)

Lily Family (Liliaceae)

Federal Status – None

State Status – None

Other – CNPS List 2

Coast fawn lily is a bulbous perennial that occurs in bogs and fens, broadleaf upland forest, and North Coast coniferous forest habitats within mesic areas and along streambanks at elevations ranging from zero to 1,065 meters above msl. This species blooms from March through July and occasionally through August. The range of coast fawn lily includes Del Norte, Humboldt, Mendocino, Siskiyou, Sonoma, Tehama, and Trinity counties. It also occurs in Oregon and Washington. This species is noted for having mottled leaves, filaments that are flattened at the

base, and pink petals that are yellow at the base. The nearest documented occurrence of coast fawn lily is located less than one mile southeast of the project site, within the “Philo, California” USGS 7.5-minute topographic quadrangle. Mesic areas within the California bay forest, the ephemeral drainages, the streambanks of the Navarro River, and the seasonal wetlands are suitable habitats for this species. Coast fawn lily was not observed within the project site during the field surveys that AES conducted during May and August 2006. These surveys corresponded with the bloom season of this species.

Roderick’s Fritillary (*Fritillaria roderickii*)

Synonym (*F. biflora* var. *biflora*)

Lily Family (Liliaceae)

Federal Status – None

State Status – Endangered

Other – CNPS List 1B

Roderick’s fritillary is a bulbous perennial that occurs in coastal bluff scrub, coastal prairie, and valley and foothill grassland habitats at elevations that range from 15 to 400 meters above msl. This species blooms from March through May. The range of Roderick’s fritillary includes Mendocino and Sonoma counties. This species is noted for having prominent nectaries, distinctive dark brown to greenish/yellowish and purple petals, odorless flowers, and widely lanceolate to oblanceolate shaped leaves. The nearest documented occurrence of this species is located less than one mile northwest of the project site, within the “Philo, California” USGS 7.5-minute topographic quadrangle. The grassland habitat onsite is suitable for this species. Roderick’s fritillary was not observed within the project site during the field surveys that AES conducted during May 2006. The surveys corresponded with the bloom season of this species.

Hayfield Tarplant (*Hemizonia congesta* ssp. *leucocephala*)

Sunflower Family (Asteraceae)

Federal Status – None

State Status – None

Other – CNPS List 3

Hayfield tarplant is an annual herb that occurs in coastal scrub and valley and foothill grassland, (occasionally along roadsides) habitats at elevations that range from 25 to 455 meters above msl. This species blooms from April through October. The range of hayfield tarplant includes Marin, Mendocino, and Sonoma counties. This species is noted because it has ray achenes that are beakless, white corollas, phyllary tips that are much greater than the phyllary bodies, and clustered, slightly overtopped heads. This species is not documented within the CNDDDB because it is not listed pursuant through the CEQA review process. However, other local and/or regional ordinances or constraints may consider this species such as the County of Mendocino or the Division. The grassland habitat onsite is suitable for this species. Hayfield tarplant was not observed within the project site during the field surveys that AES conducted during May and August 2006. The surveys corresponded with the bloom season of this species.

Coast Lily (*Lilium maritimum*)

Federal Status – None

State Status – None

Other – CNPS List 1B

Coast lily is a bulbiferous herb in the lily family (Liliaceae). It occurs in broad-leafed upland forest, closed-cone coniferous forest, coastal prairie, coastal scrub, freshwater marshes and

swamps, and in North Coast coniferous forest (sometimes along roadsides) habitats. This species is known to occur at elevations ranging from 5 to 475 meters above msl. Recorded occurrences of this species include Mendocino, Marin, and Sonoma Counties. The known blooming period for this species is from May through August. Distinguishing characteristics of this species include: basal, scattered leaves (1 to 4) in whorls; inflorescence of 1 to 13 flowers; and flowers bell-shaped, red to red-orange in color. The seasonal wetlands onsite may provide suitable habitat for this species. This species was not identified during the field surveys performed for the project site in May and August 2006. The surveys corresponded with the bloom period of this species.

White-flowered Rein Orchid (*Piperia candida*)

Orchid Family (Orchidaceae)

Federal Status – None

State Status – None

Other – CNPS List 1B

White-flowered rein orchid is a perennial terrestrial herb that occurs in broadleaf upland forest, lower montane coniferous forest, and North Coast coniferous forest (sometimes serpentinite) habitats at elevations that range from 30 to 1,310 meters above msl. This species blooms from May through September. The range of white-flowered rein orchid includes Del Norte, Humboldt, Mendocino, Santa Cruz, San Mateo, Sonoma, and Trinity counties. It also occurs in Oregon and Washington. This species is noted for having a spur that is typically 1.5 to six mm in length, a mostly white corolla, a lip that is recurved toward the spur, a green midvein, straight lateral petals, and an inflorescence that is generally one-sided. The nearest documented occurrence of this species is located approximately 4.5 miles southeast of the project site within the “Philo, California” USGS 7.5-minute topographic quadrangle. The California bay forest onsite is suitable habitat for this species. White-flowered rein orchid was not observed within the project site during the field surveys that AES conducted during May and August 2006. The surveys corresponded with the bloom season of this species.

North Coast Semaphore Grass (*Pleuropogon hooverianus*)

Grass Family (Poaceae)

Federal Status – None

State Status – Threatened

Other – CNPS List 1B

North Coast semaphore grass is a perennial that occurs in broadleaf upland forest, meadows and seeps, and North Coast coniferous forest habitats at elevations that range from 10 to 671 meters above msl. This species blooms from April through August. The range of North Coast semaphore grass includes Marin, Mendocino, and Sonoma counties. This species is noted because the lemma on the lowest floret is approximately 8 to 10 mm long, it has an evident rhizome, its awns are one to four mm long, and its spikelets are ascending. The nearest documented occurrence of this species is located approximately eight miles northeast of the project site, within the “Orrs Springs, California” USGS 7.5-minute topographic quadrangle. The California bay forest, ephemeral drainages, seasonal wetlands, and streambanks along the Navarro River are suitable habitats onsite for this species. North Coast semaphore grass was not observed within the project site during the field surveys that AES conducted during May and August 2006. These surveys corresponded with the bloom season of this species.

Navarro Roach (*Lavinia symmetricus navarroensis*)

Federal Status – None

State Status – CSC

Other – None

The Navarro roach is a relatively small species that can reach up to approximately 10 centimeters in length. They generally occur in a wide range of habitats associated with small, warm streams. Dense concentrations of roach are often observed in isolated pools within intermittent streams. The Navarro roach spawns from March through July, when water temperatures have reached approximately 16 degrees Celsius (C). Prior to spawning fish move up from deeper pools into shallower, flowing areas with cobble and riffle complexes. The fish spawn in large groups, and females deposit eggs multiple times between pebble crevices. One or more males following close behind immediately fertilize the deposited eggs. Fertilized eggs typically hatch in three to four days and larvae remain in the crevices until they are able to begin swimming. Navarro roach typically live for three to six years. The range of this species is limited to the Russian and Navarro watersheds. The Navarro River is suitable habitat for this species.

Coho Salmon (*Oncorhynchus kisutch*)

Central California Coast ESU

Federal Status – Endangered

State Status – Endangered

Other – None

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). The Navarro River is designated critical habitat for this ESU. The project site also falls within Essential Fish Habitat (EFH) for Coho pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Recovery plans have not yet been finalized for this ESU. The Navarro River is considered suitable habitat for the Central California Coast Coho salmon ESU.

Steelhead (*Oncorhynchus mykiss*)

Central California Coast ESU

Federal Status – Threatened

State Status – None

Other – None

Steelhead are the anadromous form of rainbow trout. As such, this species hatches in freshwater, migrates to marine waters, and returns to freshwater habitats for spawning. Unlike other types of salmonoids, steelhead are capable of spawning more than once and not all of them die immediately after spawning. The Central California Coast ESU is a winter-run species, meaning that it has reached sexual maturity within the marine environment prior to the onset of the freshwater migration. Winter-run steelhead begin migrating between November and April and spawn shortly after they arrive in spawning habitats. Juveniles remain in the freshwater environment for one to two years. This species has an average lifespan of six to seven years. The range of the Central California Coast steelhead ESU includes all naturally spawned populations of steelhead in coastal streams from the Russian River to Aptos Creek, and the drainages of San Francisco, San Pablo, and Suisun Bays eastward to Chipps Island at the confluence of the Sacramento and San Joaquin Rivers; and tributary streams to Suisun Marsh including Suisun Creek, Green Valley Creek, and an unnamed tributary to Cordelia Slough (often referred to as Red Top Creek), exclusive of the Sacramento-San Joaquin River Basin of the California Central Valley, and two additional artificial propagation programs. The range 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 Central California Coast steelhead ESU (September 2, 2005; Federal Register 70:52488). The project site is not located within designated critical habitat for this species, as the critical habitat designation only includes the portions of the Russian River within Mendocino County. The project site is located west of the designated critical habitat territory. A recovery plan has not been completed for the Central California Coast steelhead ESU, though a final plan is forthcoming. NMFS has prepared a document titled 2007 Federal Recovery Outline for the Distinct Population Segment of Central California Coast Steelhead that has been finalized. The Navarro River is considered suitable habitat for the Central California Coast steelhead ESU.

Steelhead (*Oncorhynchus mykiss*)

Northern California ESU

Federal Status – Threatened

State Status – CSC

Other – None

The Northern California ESU is unique because it includes both summer and winter-run steelhead and a third life-history form called a ‘half-pounder.’ As mentioned above, winter-run steelhead begin migrating between November and April and spawn shortly after they arrive in spawning habitats. Juveniles remain in the freshwater environment for one to two years. Summer-run steelhead migrate between late April and June and spend the summer months within deep pools in canyons, eventually spawning from December through April. The two are distinguished from one another by the time of migration, the maturation state of the gonads at migration, and the location of spawning areas. Attempts to differentiate winter and summer-run juveniles are highly complicated and only partially successful. The third type, the ‘half-pounder,’ returns to the freshwater environment in an immature state after a brief two to three month period in the marine environment. These steelhead over winter in the freshwater environment, then return to the ocean during the spring. This life-history cycle has only been observed within a few runs of the Northern California ESU range. The range of the Northern California ESU

includes all naturally spawned populations of steelhead in California coastal river basins from Redwood Creek (inclusive) southward to the Russian River (exclusive) and two artificial propagation programs. The range includes portions of Del Norte, Humboldt, Mendocino, Siskiyou, Sonoma, and Trinity counties. Critical habitat has been designated for Central California Coast steelhead ESU (September 2, 2005; Federal Register 70:52488). The Navarro River is designated critical habitat for this steelhead ESU. A document titled 2007 Federal Recovery Outline for the Distinct Population Segment of Northern California Steelhead has been completed by the NMFS, but a definitive recovery plan has not been finalized. The Navarro River is considered suitable habitat for the Northern California steelhead ESU.

Chinook Salmon (*Oncorhynchus tshawytscha*)

California Coast ESU

Federal Status – Threatened

State Status – None

Other – None

The California Coast Chinook ESU is a fall-run salmon throughout its range in California. Some spring-run salmon within this ESU occur in southern Oregon. California Coast Chinook typically move up from the marine environment during late summer and early fall in mature condition. They normally spawn within a few days or weeks of arrival in the freshwater environment. Juveniles emerge in the spring and migrate short distances downstream to mainstem rivers and estuaries. After rearing for a few months, the young Chinook return to the sea. The range of the California Coast Chinook ESU includes all naturally spawned populations of Chinook salmon from rivers and streams south of the Klamath River (exclusive) to the Russian River (inclusive) and seven artificial propagation programs. The range includes portions of Humboldt, Mendocino, and Sonoma counties. Critical habitat has been designated for Central California Coast steelhead ESU (September 2, 2005; Federal Register 70:52488). However, the project site does not fall within the designated critical habitat territory because the Navarro River has been excluded from the designation. This exclusion does not indicate that Chinook do not occur in the Navarro River watershed, it simply means that this region was excluded from the critical habitat designation. The site is located within EFH for Chinook pursuant to the Magnuson-Stevens Act. A document titled 2007 Federal Recovery Outline for the ESU of California Coast Chinook Salmon has been completed by the NMFS, but a definitive recovery plan has not been finalized. The Navarro River is suitable habitat for the California Coast Chinook salmon ESU.

California Red-legged Frog (*Rana aurora draytonii*)

Federal Status – Threatened

State Status – CSC

Other – None

California red-legged frog is named for the distinctive red color that occurs on the hind legs and abdomen of adults. This species occurs in a variety of habitats including humid forests, woodlands, annual grasslands, marshes and swamps, and perennial and intermittent streams at elevations that range from zero to 2,440 meters above msl. California red-legged frog frequently occurs in aquatic habitats with riparian and/or emergent vegetation. It breeds in permanent water sources including lakes, ponds, reservoirs, slow-moving streams, marshes, bogs, and swamps. California red-legged frog lays its eggs between the months of November to April and fertilization occurs externally. The eggs tend to hatch within a month and the tadpoles undergo metamorphosis within four to five months. The range of California red-legged frog includes the entire coast of California and the Sierra Nevada, though it currently resides in only 238 streams and/or drainages in 31 counties. The nearest documented occurrence of this

species is located approximately eight miles northwest of the project site, within the “Cold Spring, California” USGS 7.5-minute topographic quadrangle. The Navarro River and the reservoir onsite are considered suitable habitats for this species.

Foothill Yellow-legged Frog (*Rana boylei*)

Federal Status – None

State Status – CSC

Other – None

The foothill yellow-legged frog occurs in and near rocky streams within a variety of habitats including woodlands, forests, riparian, coastal scrub, chaparral, and wet meadows at elevations that range from zero to 1,830 meters above msl. This species typically breeds and lays its eggs during March through May, depending on the amount of rainfall and current hydrologic conditions. Eggs hatch within five to seven days and tadpoles reach maturity within three to four months. Foothill yellow-legged frogs may be active throughout the entire year in the warmest regions of its range, though this species generally becomes inactive and/or hibernates for some part of the year in colder regions. This species is rarely encountered far from permanent water sources. The foothill yellow-legged frog ranges from Oregon south through the Coast Ranges to the Transverse Mountains in Los Angeles County, California, and through the western slope of the Sierra Nevada from Oregon south to Kern County, California. The nearest documented occurrence of foothill yellow-legged frog is located approximately seven miles southeast of the site. The Navarro River is suitable habitat for this species. This species was not observed during the surveys.

Northern Goshawk (*Accipiter gentiles*)

Federal Status – None

State Status – CSC

Other – None

The northern goshawk is a raptor that occurs in coniferous forest habitats throughout northern and eastern California. This species usually nests on north facing slopes, near water, in the densest portions of tall, old conifer stands. Northern goshawk forages throughout wooded areas, typically coniferous forests with large snags, and less frequently in riparian habitats. This species is occasionally observed along the North Coast, throughout the foothills, and in northern deserts. Northern goshawk nests from June through August. This species may use the California bay forest and riparian habitat along the Navarro River within the project site for foraging. However, suitable nesting habitat for northern goshawk does not occur onsite. This species was not observed during the surveys.

American Peregrine Falcon (*Falco peregrinus anatum*)

Federal Status – Delisted

State Status – Endangered

Other – None

The American peregrine falcon is a raptor that occurs in a variety of habitats throughout most of California except for the Mojave Desert region. This species nests primarily in woodland, forest, and coastal habitats that are near wetlands, lakes, rivers, or other larger bodies of water on high cliffs, banks, dunes, or mounds. It may also nest on human-made structures, in tree snags, or in nests that other raptor species have abandon. The American peregrine falcon nesting season occurs from March to August. Active nesting sites have been observed along the coast north of Santa Barbara and in mountainous regions of northern California. This species may

use the habitats within the project site for foraging habitat, especially the reservoir. However, suitable nesting habitat for American peregrine falcon does not occur onsite. This species was not observed within the project site during the surveys AES biologists conducted.

Questions A and D

No special-status plant and/or animal species were observed within the project site during the biological surveys conducted by AES biologists. No further construction is required for the proposed project. The proposed project would result in diversion of water from December 15 through March 31. The diversion of water from the Navarro River watershed could potentially alter the hydrology of this system, which could significantly affect the quality of habitat and/or disrupt the life cycles of the eight potentially occurring special-status animal species. Specifically, the diversion of water from the Navarro River could impact special-status fish species including the Navarro roach, Coho, steelhead, and Chinook ESUs. Likewise, diversion of water from the Navarro River could impact several special-status amphibian species including California red-legged frog and foothill yellow-legged frog.

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, 2002⁴⁴. 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 and Marin Counties, and portions of Napa, Mendocino, and Humboldt counties. 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;
4. That new storage ponds be constructed offstream and that permitting of new or existing onstream storage ponds be avoided; and,
5. Where appropriate, water diversions must be screened in accordance with NMFS and DFG screening criteria.

The results of the WAA/CFII analysis 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 FMF will be imposed as a term in any permit or license issued for Applications 29910 and 29911. As discussed in the Project Description section, Navarro River underflow at the POD would be diverted by pumping from an existing offset well. Therefore, meeting screening criteria in the DFG-NMFS Draft Guidelines is not necessary for the proposed project. 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., California red-legged frog and foothill yellow-legged frog), which could be adversely affected by reduced stream flows or through habitat encroachment. The proposed minimum bypass (594 cfs) would eliminate the potential for flow related impacts to non-fish aquatic life. As discussed, screens are not required at the POD because underflow would be pumped through an offset well.

During the biological field surveys the reservoir on the project site was identified as potential habitat for the California red-legged frog. Operation of the proposed project would involve storage of water in the reservoir, which would provide conditions suitable for introduced species, such as fish like bluegill and bass (already identified in the reservoir) and other frog species. The introduction of new species to the reservoir could compromise the suitability of this habitat for special-status frogs.

To protect the habitat for the California red-legged frogs, the following permit term, substantially as follows, shall be included in any permits or licenses issued pursuant to Application 29910:

- *For the protection of habitat for the California red-legged frog along the reservoirs and to allow for the growth of riparian vegetation, Permittee shall:*
 - a. *Establish and maintain, undisturbed, a 50-foot-wide strip [exact width subject to negotiation with United States Fish and Wildlife Service and Department of Fish and Game] of natural upland vegetation around each water storage reservoir. During replanting, no vines shall be replanted within a 50-foot-wide strip to establish the natural vegetation buffer;*
 - b. *Obtain approval of the United States Fish and Wildlife Service, Sacramento Endangered Species Office, and Department of Fish and Game prior to any reservoir dredging operation. Permittee shall submit to the Deputy Director for Water Rights evidence of agency approval prior to any future reservoir dredging operations;*
 - c. *Refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations;*
 - d. *Make no introduction of non-native fish species into the reservoir; and,*
 - e. *Consult with the United States Fish and Wildlife Service and Department of Fish and Game should any bullfrogs or non-native fish be discovered at or near the reservoir to develop and implement an acceptable bullfrog eradication program. The eradication program may require periodic draining of the reservoirs.*

These requirements shall remain in effect as long as water is being diverted under any permit or license issued pursuant to Application 29910.

Impacts to California red-legged frog habitat is considered less than significant with mitigation incorporated.

Question B

Development of the vineyard for the proposed project has resulted in the infill of a sparsely vegetated riparian area since the CEQA baseline date, and development occurred in the vicinity

of riparian habitat located outside of the proposed POU. As discussed in the Project Background section, previous construction of the proposed project after the CEQA baseline date involved conversion of the sparsely vegetated riparian area into 34.25 acres of vineyard, and the diversion of two small ephemeral drainages into pipelines that were buried with fill used for the vineyard development. As shown on a 1993 aerial photograph in **Figure 4**, construction appears to have resulted in disturbance and complete removal of an approximately 1.7-acre area of sparsely vegetated riparian habitat.

Riparian habitat was also identified onsite during the 2006 biological field surveys, as the California bay forest habitat located near the northeastern portion of the project site (**Figure 4**). This habitat is riparian to an ephemeral drainage located in this area of the project site. It is considered a sensitive natural community and provides valuable habitat for several plant and animal species. The Applicant has stated that construction of vineyard in the vicinity of the California bay forest riparian habitat occurred from sparsely vegetated open areas up to the western boundary of the riparian habitat and therefore, did not involve the removal of California bay forest. In addition, the Applicant noted that since the CEQA baseline date, new trees and shrubs have been planted within the eastern limits of the riparian habitat to provide additional stabilization for the terraced area to the east⁴⁵. Planting consisted of several shrubs and trees native to the riparian California Bay Forest in this area (shrub and tree types were the same as existed in this habitat type, as described in the Habitat Types section above) (**Figure 4**). Project operations have the potential to impact this riparian area, because of the habitat's close proximity to the proposed POU. Planting in the riparian area adds new vegetative habitat, and increases surface roughness. In addition, the planting helps to limit saturation of the lower portions of the adjacent terraced area, and reduces potential for landsliding and similar impacts.

Riparian vegetation along streams provides essential habitat between terrestrial and aquatic environments for native plant and wildlife species, including several special-status species, and creates corridors for animal movement and plant dispersal across the landscape. In addition, riparian habitats provide important ecological services and benefits to water quality including: water temperature regulation via canopy cover and shade, bed and bank stabilization and erosion control, filtration of sediments and pollutants, nutrient cycling, maintenance of channel form and character, and moderation of hydrologic peaks during the wet season. Due to the essential habitat and services that riparian habitats provide, restrictions on the proximity of ground-disturbing activities are often employed (i.e., stream setbacks/buffers) to protect existing riparian vegetation and promote regeneration of riparian vegetation after disturbance. Determination of the appropriate buffer size is difficult because standard agency guidelines have not been established. Likewise, the body of scientific literature associated with riparian buffers and stream setbacks is quite large, with recommendations varying depending on the specific objectives of the research (e.g., focal species, ecosystem function parameters and endpoints, etc.). Additionally, a wide range of physical factors influences local site sensitivity, including soil type, topography, precipitation and channel morphology. Consequently, recommended stream setbacks are derived from the existing scientific literature, relevant guidance and professional judgment.

Protection of salmonid habitat relies on a set of ecological functions (e.g., sediment and nutrient filtration, water temperature moderation, maintenance of geomorphic processes, channel and habitat complexity, and forage) in combination with protection of appropriate stream flows. This analysis utilizes the California Department of Forestry's (CDF) stream classification system and recommended buffers as summarized below as a basis for defining appropriate stream setbacks:

- Class I – 75 to 150 foot (ft) stream setback
Streams that are inhabited by fish seasonally or annually, or if domestic supplies are onsite or within 100 feet downstream.
- Class II – 50 to 100 ft stream setback
Streams where fish may not be present onsite, but may be found within 1,000 feet downstream and/or provide habitat for non-fish aquatic species.
- Class III – 25 to 50 ft stream setback
Streams that have the capability of transporting sediment downstream to Class I or II waters and where no aquatic life is present.

The California bay forest riparian habitat is located along a drainage that was classified as ephemeral in the BSA⁴⁶. According to the CDF stream classification system, this ephemeral drainage would be classified as a Class III stream. A minimum setback of 25 feet from this stream would be consistent with CDF guidelines. Setbacks are measured from the top of the bank and apply to both sides of the streams. Any portions of the existing riparian corridors (defined by the extent of riparian vegetation) that exceed the minimum setbacks on either side of the stream shall be maintained as well to preserve the existing functional integrity of the corridors. Specifically, the outer drip line of existing trees and shrubs along the ephemeral drainage shall define the minimum stream setback when riparian vegetation exceeds the minimum stream setbacks. Proposed stream setback guidelines incorporate relevant guidance provided by scientific literature as well as professional assessment of the project area. The resulting stream setback buffers incorporate widths that protect all existing riparian vegetation and promote the natural regeneration of riparian vegetation in the future.

To protect riparian habitat, the following permit terms, substantially as follows, shall be included in any permits or licenses issued pursuant to Applications 29910 and 29911:

- *No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a stream or lake 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.*
- *For the protection of riparian habitat, Permittee shall establish a setback as shown on Setback Map No. SB-01, dated July 2, 2008 on file with the Division of Water Rights. The setback shall be at least 25 feet wide along the onsite ephemeral drainage as measured from the top of the bank on both sides of the stream. 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.*

Impacts to riparian habitat are considered less than significant with mitigation incorporated.

Question C

Construction after the CEQA baseline date appears to have resulted in disturbance and complete removal of two ephemeral drainages in the flat areas of the project site. No further construction activities are required for the proposed project.

To protect wetlands, the following permit terms, substantially as follows, shall be included in any permits or licenses issued pursuant to Applications 29910 and 29911:

- *Prior to the diversion or use of water under this permit, Permittee shall obtain the appropriate permit from the U.S. Army Corps of Engineers (USACE) and file a copy with Division of Water Rights. If a permit from the USACE is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights with a letter from the USACE affirming that a permit is not needed.*
- *Prior to the start of construction or diversion or use of water under this permit, and only if a USACE permit is required, Permittee shall obtain Clean Water Act section 401 Water Quality Certification from the State Water Resources Control Board or the North Coast Regional Water Quality Control Board.*
- *The Permittee shall obtain all necessary state and local agency permits required by other agencies prior to construction and diversion of water. Copies of such permits and approvals shall be forwarded to the Deputy Director for Water Rights.*

Impacts to wetlands are considered less than significant with mitigation incorporated.

Question E

As discussed in the Project Background section, no trees were removed as a result of the vineyard conversion, but a single dying oak tree was removed from the proposed POU after vineyard conversion. The proposed project does not conflict with any local policies or ordinances protecting biological resources including tree preservation policies. The proposed project does not require further construction activities, and therefore, would not impact any native trees and or the California bay forest habitat onsite (*Question B*).

Question F

The proposed project would not conflict with the provisions of any adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or any other approved local, regional, or state HCP. No impacts would occur.

Findings

After the implementation of the permit terms outlined above, impacts to biological resources 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 |
|--|--------------------------------------|--|------------------------------------|--------------|

5. Agriculture and Forestry 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest protocols adopted by the California Air Resources Board. 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) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code (PRC) Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project site is mostly zoned A-G (Agricultural District), with two split designations of rural community land, which includes the following uses⁴⁷:

1. Residential Use Types: single family residential.
2. Civic Use Types: community recreation, essential services, fire and police protection services, minor impact utilities.
3. Commercial Use Types (subject to a Minor Use Permit): animal sales and services-horse stables, kennels, stockyards.
4. Agricultural Use Types: animal raising, 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, as stated in the Development Element of the Mendocino County General Plan⁴⁸:

Goal RM-10 (Agriculture): Protection of agriculture as a basic industry important to the economy and quality of life and food security of the county by maintaining extensive agricultural land areas and limiting incompatible uses.

Questions A-E

The project site is designated within the County of Mendocino General Plan⁴⁹ as Agricultural Lands, which includes agricultural land uses. Under the proposed project, the project site would continue to be used for agricultural purposes. The proposed project would not involve the conversion of forest land to non-forest use. No impact would occur.

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 noise⁵⁰.

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. Anderson Valley Elementary School is located approximately five miles southeast of the project site. The nearest airport to the project site is the Boonville County Airport, located approximately seven miles to the southeast.

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 project 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. No impact would occur.

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 or disrupt 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 type="checkbox"/> | <input checked="" 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 immediately northwest of the community of Philo. The Mendocino County General Plan (General Plan) Development Element and its policies guide growth and the development and use of land in Mendocino County. The Development Element of the General Plan designates the project area as “Agricultural Lands”⁵¹. Permitted land uses within this category include agricultural and residential uses.

The Mendocino County Zoning Ordinance designates the project site as A-G (Agricultural District). The Ordinance outlines the intent of the designation as:

To create and preserve areas for the raising of crops and animals. 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 Agricultural District without a permit include: animal raising, tree crops, row and field crops, limited winery packing and processing, limited forest production and processing, and horticulture⁵².

Question A

The project site is currently developed with agricultural uses. The proposed project would not result in physical barriers that would divide an established community. No impact would occur.

Question B

The proposed project includes the use of water from an existing offstream reservoir to irrigate 44.25 acres of existing vineyard. This use is consistent with the area’s General Plan and zoning designations. No impact would occur.

Question C

No HCP or NCCP currently exists 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

No impacts would occur to land use and planning as a result of the proposed project.

| | 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 within 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 a mineral resource deposit area⁵³.

Questions A and B

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

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"/> |

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 vicinity⁵⁴. 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. The databases also did not identify any known hazardous materials sites within a one mile radius of the project site.

Questions A and B

No further construction activities are required for the proposed project. Hazardous materials that would be used during operation of the proposed project and that would have been used during construction after the CEQA baseline date would be limited to common petroleum and agricultural products. When properly used, these products do not present a significant hazard. This is considered a less than significant impact.

Question C

The proposed project is not located within a quarter mile of any existing or proposed schools. No impact would occur.

Question D

A search of government environmental records did not reveal any known hazardous materials sites within the project area⁵⁵. No impact would occur.

Questions E and F

The nearest airport to the project site is the Boonville County Airport located approximately seven miles to the southeast. No impact would occur.

Question G

The proposed project does not include features that would interfere with an adopted emergency plan. No impact would occur.

Question H

The proposed project is located in an area that contains fuels (e.g., grasses, shrubs, trees, vines) that are susceptible to wildland fire. No new potential sources of fire would be introduced by the proposed project. This is considered a less than significant impact.

Findings

No impacts would occur to hazards and hazardous materials as a result of the proposed project.

| | 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 surrounding area includes rural residential and agricultural land uses. As discussed above, the project site is currently developed with agricultural uses.

Question A

The proposed project does not involve the development of any homes or businesses. The proposed project would not generate commercial activities sizeable enough to induce substantial growth in the project area. This is considered a less than significant impact.

Questions B and C

The proposed project would not displace people or housing. No impact would occur.

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) 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"/> |
| c) 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"/> |
| d) 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"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) 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"/> |

Vehicular access in the vicinity of the project site is provided by State Highway 128, a two-lane highway that traverses the southern portion of Mendocino County, from the coast, south of the town of Albion, and southeasterly to Cloverdale in Sonoma County.

Questions A-G

The proposed project is not anticipated to significantly 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.

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:

| | Potentially Significant Impact | Less Than Significant With Mitigation Incorporated | Less Than Significant Impact | No Impact |
|-----------------------------|--------------------------------|--|-------------------------------------|--------------------------|
| 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 include fire and police protection, schools, parks, and other public facilities. The Anderson Valley Fire Department provides fire protection to the project area. Police protection is provided by the Mendocino County Sheriff’s Department. Anderson Valley Unified School District provides K through 12th grade education in the project area.

Questions A-E

The proposed project would result in the continued use of the project site for agricultural purposes, and therefore, would not generate additional demand for government facilities or services. This is considered a less than significant impact.

Findings

Impacts to public services 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 |
|--|--------------------------------|--|------------------------------|-----------|
|--|--------------------------------|--|------------------------------|-----------|

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"/> |

Development of the proposed project would not require the use of water or wastewater treatment facilities. Other utility or service system requirements of the proposed project would be met by existing infrastructure within the project site and on the property that contains the POD, which the Applicant obtains access to through an easement. 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 were 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. Impacts to water supplies are considered less than significant. Additional water supplies, such as connection to public water supply, 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. No other impacts would occur.

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 the 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). A “‘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.

Cultural Resources Study

A cultural resources survey report was prepared for Applications 29910 and 29911 by William Soule⁵⁶ of the Division, and is available on file with the Division. The survey covered the proposed POU for the applications in 1996 and the immediately surrounding areas. Since this survey was conducted, five acres were added to the proposed POU through the Petitions for Change of Applications 29910 and 29911. The Division's archaeological staff has verified that the survey adequately covered these five acres⁵⁷, and indicated that no further surveys are required. 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 historic 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, research indicated a very high sensitivity for both prehistoric and protohistoric/ethnographic Native American sites. The author's previous experience in the Anderson Valley region also indicates that this region is sensitive for historic resources dating to the late 19th century Euro-American settlement of the North Coast Ranges.

On February 27, 1996 an on-foot, transect style survey was conducted to assess the proposed POU, the POD, and the reservoir. The primary focus of the reconnaissance was a visual inspection of the ground surface and any exposures of stratigraphy for evidences of cultural resources. These could include artifacts, accumulations of organic refuse, differential soil characteristics, surface features, topographic anomalies, bedrock and boulder features, and structural evidences of historic occupation. Prehistoric findings were confined to the observation of several obsidian and chert flakes noted at scattered locations within the project parcel. Additionally, numerous broken pieces of bottle glass and porcelain along with pieces of more recent debris were observed at a location within the existing vineyard. The lithics (three noted in an area of 10 acres) were not significant enough to warrant a site recordation, and represent a feature characteristic of much of the Anderson Valley. The historic materials noted appear to date largely from circa 1940's/50's to fairly recent and suggest that some type of small garbage dump was present in the project parcel prior to the vineyard planting. These materials are considered to be too recent to warrant recordation as a cultural resource.

Questions A-D

There is the possibility that subsurface archeological deposits or human remains could be present and accidental discovery could occur through vineyard operation and maintenance activities.

The following permit terms, substantially as follows, shall be included in any water right permits or licenses issued pursuant to Applications 29910 and 29911:

- *Should any buried archaeological materials be uncovered during project activities, such activities shall cease within 100 feet of the find. Prehistoric archaeological indicators*

include: obsidian and chert flakes and flaked 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 bone and fire affected stones. Historic period site indicators generally include: 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 Deputy Director for 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 Deputy Director for 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 Deputy Director for Water Rights.

- If human remains are encountered, then the Permittee shall comply with Section 15064.5 (e)(1) of the CEQA Guidelines and the Health and Safety Code Section 7050.5. All project-related ground disturbances within 100 feet of the find shall be halted until the Mendocino 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 Deputy Director for Water Rights.

Findings

After the implementation of the permit terms outlined above, impacts to cultural resources 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 |
|--|--------------------------------|--|------------------------------|-------------------------------------|
| 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.

Question A

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 recreation. No impact would occur.

Question B

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. No impact would occur.

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 |
|--|--------------------------------------|--|------------------------------------|--------------|

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 type="checkbox"/> | <input checked="" 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"/> |

Question A

As discussed in the preceding sections, the proposed project has a potential to degrade the quality of the environment. Potential changes in hydrology and erosion potential are discussed in the Hydrology and Water Quality section, potential impacts to aquatic and riparian resources are discussed in the Biological Resources section, and potential impacts to subsurface archeological deposits or human remains are discussed in the Cultural Resources section. However, with implementation of the identified Mitigation Terms that detail protective measures, potential impacts would be reduced to a less than significant level.

Question B

As discussed in the preceding sections, the proposed project in combination with the impacts of other past, present, and future projects, do not have the potential to result in cumulatively significant effects on the environment.

Question C

As discussed in the preceding sections, direct or indirect effects on human beings as a result of the proposed project are considered less than significant.

III. DETERMINATION

On the basis of this initial evaluation:

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

I find that although the 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 MITIGATED NEGATIVE DECLARATION will be prepared.

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

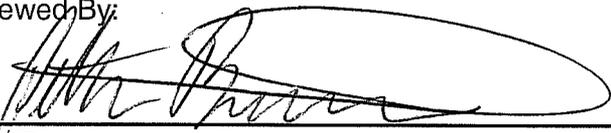
I find that the project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures 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.

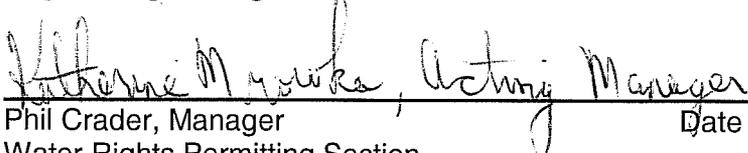
I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier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

Prepared By:

 3-1-11
Date
David Zweig
Analytical Environmental Services

Reviewed By:

 7-5-11
Date
Peter Barnes
Engineering Geologist

 7-5-11
Date
Katherine Myrka, Acting Manager
Phil Crader, Manager
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).

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