



PUBLIC DRAFT
**INITIAL STUDY AND
MITIGATED NEGATIVE DECLARATION**

SCH: TBD

FOR
**CASPAR POINT ROAD MAINTENANCE ASSOCIATION
STANDARD COASTAL DEVELOPMENT PERMIT
AT CASPAR POINT ROAD; APN: 017-450-07**
File No. CDP_2024-0022

LEAD AGENCY:

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August 15, 2024

TABLE OF CONTENTS

INTRODUCTION.....	1
PROJECT INFORMATION	1
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED	6
DETERMINATION	6
ENVIRONMENTAL CHECKLIST.....	7
5.1 Aesthetics.....	7
5.2 Agriculture And Forestry Resources.....	9
5.3 Air Quality	10
5.4 Biological Resources.....	13
5.5 Cultural Resources	18
5.6 Energy	20
5.7 Geology And Soils.....	21
5.8 Greenhouse Gas Emissions.....	23
5.9 Hazards And Hazardous Materials.....	24
5.10 Hydrology And Water Quality	26
5.11 Land Use And Planning.....	28
5.12 Mineral Resources	29
5.13 Noise	30
5.14 Population And Housing	31
5.15 Public Services	31
5.16 Recreation	32
5.17 Transportation	33
5.18 Tribal Cultural Resources.....	34
5.19 Utilities And Service Systems.....	36
5.20 Wildfire	37
5.21 Mandatory Findings Of Significance.....	38

FIGURES AND TABLES

FIGURE 1: Location Map	3
FIGURE 2: Aerial Imagery.....	4
FIGURE 3: Plot Plan	5
TABLE 1: Adjacent Land Use And Zoning	2

INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) (California Public Resources Code §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, §15000 et seq.), this Draft Initial Study (IS) has been prepared as documentation for a Mitigated Negative Declaration (MND) for the proposal to remove an existing corrugated metal pipe culvert and replace with a new aluminum arch pipe culvert along Caspar Point Road (private); APN: 017-450-07 (Project). This Draft IS/MND includes a description of the Project; the location of the Project site; an evaluation of the potential environmental impacts of Project implementation; and written statement that an Environment Impact Report (EIR) is not required because the project will not have a significant adverse impact on the environment.

Pursuant to Section 15367 of the State CEQA Guidelines, the County of Mendocino is the Lead Agency for the Project. As the Lead Agency, The County of Mendocino has the principal responsibility for carrying out the project and has the authority to approve the Project and its accompanying environmental documentation. In addition to addressing the potential environmental impacts that would result from the Project, this Draft IS/MND serves as the primary environmental document for future activities associated with the Project, including discretionary approvals requested or required for Project implementation.

Questions in the Initial Study Checklist are provided with their respective answers based on analysis undertaken. An explanation for all checklist responses is included, and all answers take account of the whole action involved, including off site as well as on-site; cumulative as well as project level; indirect as well as direct; and construction as well as operational impacts. The explanation of each issue identifies (a) the significance criteria or threshold, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance. In the checklist the following definitions are used:

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant.

"Potentially Significant Unless Mitigation Incorporated" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.

"Less Than Significant Impact" means that the effect is less than significant, and no mitigation is necessary to reduce the impact to a lesser level.

"No Impact" means that the effect does not apply to the Project, or clearly will not impact nor be impacted by the Project.

PROJECT INFORMATION

FILE NUMBER:	CDP_2024-0022
OWNER/APPLICANT:	ERIC GOLDMAN, CASPAR POINT ROAD MAINTENANCE ASSOCIATION 45390 CASPAR POINT ROAD CASPAR, CA 95420
AGENT:	PHILIP BUEHLER, WYLATTI RESOURCE MANAGEMENT PO BOX 575 COVELO, CA 95428
PROJECT LOCATION:	In the Coastal Zone, 0.5± miles north of Caspar, along Caspar Point Road (private) 300± feet west of its intersection with Caspar Road (CR 569), without a listed address (APN: 017-450-07).
TOTAL ACREAGE:	N/A

GENERAL PLAN: Rural Residential 5-Acre Minimum Lot Size, 2-Acre Minimum Variable Density (RR5[2])

ZONING: Rural Residential 5-Acre Minimum Lot Size (RR-5)

PROJECT DESCRIPTION: Pursuant to CEQA Guidelines Section 15125, the Project Description is required to identify the existing baseline physical conditions. For this project, the baseline conditions include all existing development and the current parcel configuration. The project would involve removing an existing sixty (60) inch diameter corrugated metal pipe (CMP) culvert at the site, and replacing it with seven (7) foot, eleven (11) inch by five (5) foot, seven (7) inch aluminum multi-plate arch pipe culvert, commonly referred to as a “squash pipe culvert”. The existing culvert is corroded, and several holes have formed. The new culvert would be backfilled with slurry with a six (6) inch layer of slurry on top of the new pipe. A one (1) foot thick layer of road base would be placed forming a gravel road over the new culvert. The gravel road approaches to the culvert would have a five (5) percent slope. Several other activities would occur in accordance with mitigation measures recommended for adoption, including revegetation, translocation of existing plants, pre-construction surveys, and tribal monitoring.

The site is north of Caspar and west of State Route 1. The site is immediately south of Jug Handle State Natural Reserve. The existing culvert is beneath a relatively flat gravel road approximately three hundred (300) feet west of its intersection with Caspar Road (CR 569). An unnamed stream that originates east of State Route 1 passes through the culvert, eventually draining into the Pacific Ocean. The existing corrugated metal pipe culvert is five (5) feet in diameter and approximately forty (40) feet long. The culvert is eroded, and several holes have formed. Metal plates have been placed over the intersection of the culvert and the road to prevent further damage. The surrounding Land Uses and Zoning are detailed in the following table.

TABLE 1: ADJACENT LAND USE AND ZONING

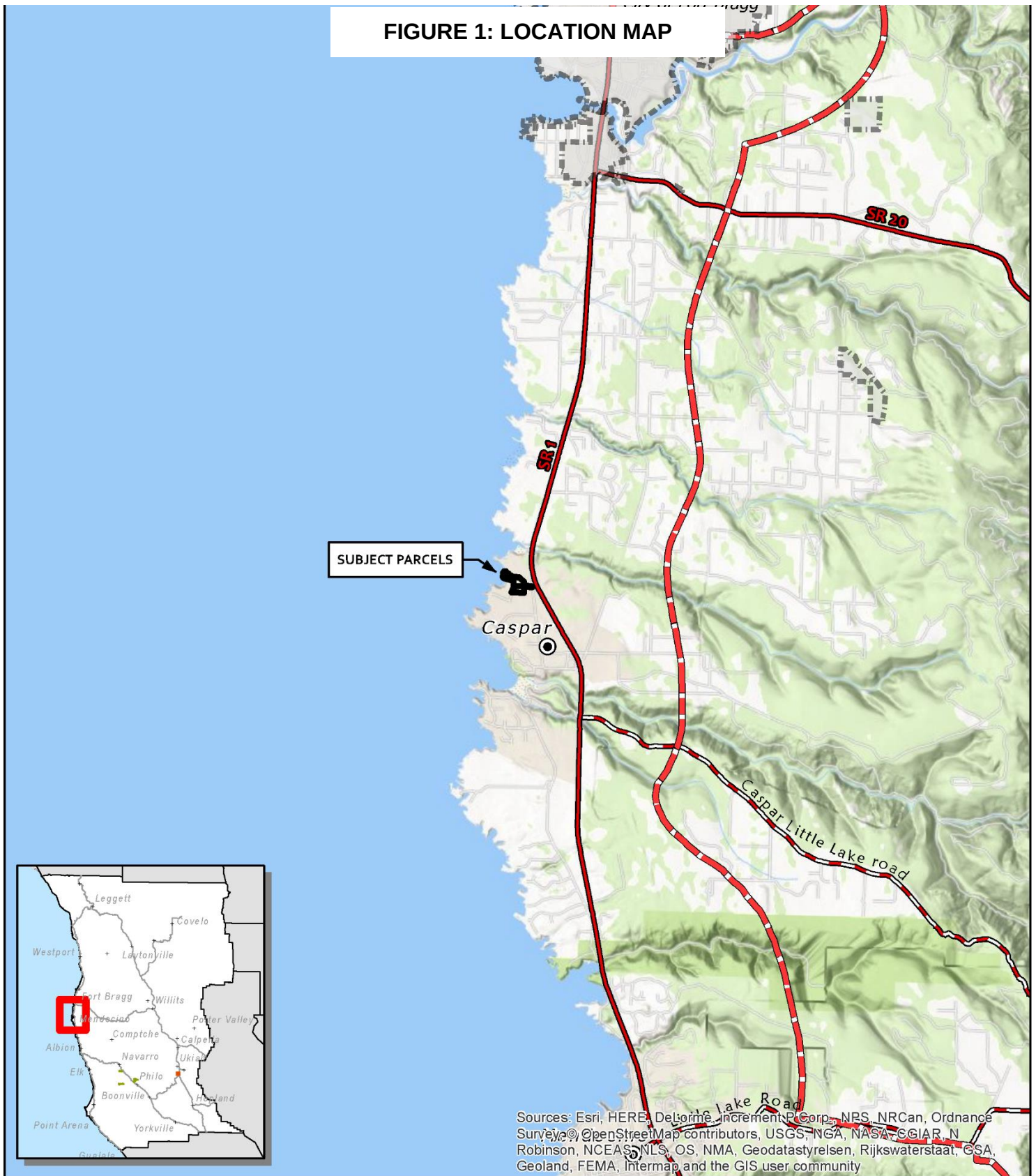
	GENERAL PLAN	ZONING	LOT SIZES	USES
NORTH	Rural Residential (RR:5), Open Space (OSDPR)	Rural Residential (RR-5), Open Space (O-S)	5.5±, 7± Acres	Vacant, State Park
EAST	Rural Residential (RR:5)	Rural Residential (RR-5)	6± Acres	Residential
SOUTH	Rural Residential (RR:5), Open Space (OSDPR)	Rural Residential (RR-5), Open Space (O-S)	0.4±, 3±, 5.5± Acres	Residential, State Park
WEST	Rural Residential (RR:5)	Rural Residential (RR-5)	5.5± Acres	Residential

Other Public Agencies Whose Approval is Required (e.g., permits, financial approval, or participation agreements): California Dept. of Fish & Wildlife, North Coast Regional Water Quality Control Board.

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Pursuant to the consultation requirements of Assembly Bill (AB) 52, in July 2022, the County of Mendocino (County) provided formal notification to the California Native American tribes that requested notification of all new potential Negative Declarations within the County. The following tribes were notified: Cloverdale Rancheria, Redwood Valley Rancheria, and Sherwood Valley Band of Pomo Indians.

FIGURE 1: LOCATION MAP



CASE: CDP 2024-0022
OWNER: Caspar Point Road Maintenance Assoc.
APN: 017-450-05 & 07
APLCT: Eric Goldman
AGENT: Philip Buehler
ADDRESS: 45390 Caspar Point Rd, Caspar

● Major Towns & Places
 City Limits
 Coastal Zone Boundary
 Highways
 Major Roads

0 2,800 5,600 Feet
0 0.5 1 Miles
1:63,360
N
W E
S

LOCATION

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

FIGURE 2: AERIAL IMAGERY



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

CASE: **CDP 2024-0022**
OWNER: **Caspar Point Road Maintenance Assoc.**
APN: **017-450-05 & 07**
APLCT: **Eric Goldman**
AGENT: **Philip Buehler**
ADDRESS: **45390 Caspar Point Rd, Caspar**

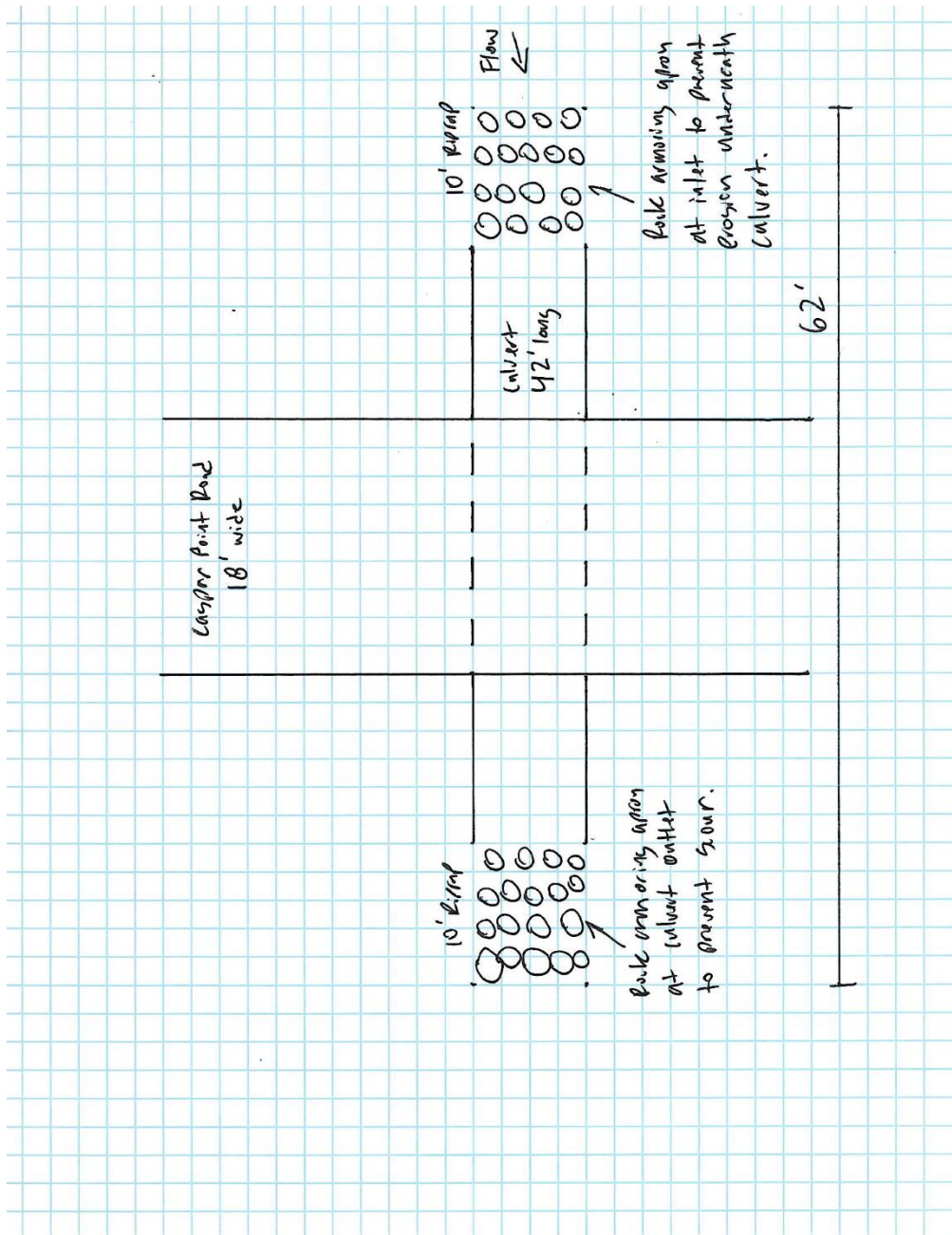
— Highways (2017) - - - - - Driveways/Unnamed Roads
== Public Roads
== Private Roads

0 90 180 Feet
0 0.015 0.03 Miles
1:2,023.16
N
W E
S

AERIAL IMAGERY

THIS MAP AND DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND.

FIGURE 3: PLOT PLAN



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| ☐ Aesthetics | ☐ Agriculture and Forestry Resources | ☐ Air Quality |
| ☐ Biological Resources | ☐ Cultural Resources | ☐ Energy |
| ☐ Geology / Soils | ☐ Greenhouse Gas Emissions | ☐ Hazards & Hazardous Materials |
| ☐ Hydrology / Water Quality | ☐ Land Use / Planning | ☐ Mineral Resources |
| ☐ Noise | ☐ Population / Housing | ☐ Public Services |
| ☐ Recreation | ☐ Transportation | ☐ Tribal Cultural Resources |
| ☐ Utilities / Service Systems | ☐ Wildfire | ☐ Mandatory Findings of Significance |

DETERMINATION

Based on this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

RND for FOR
Signature

Liam Crowley

Printed Name

9/4/24
Date

Planner II

Title

ENVIRONMENTAL CHECKLIST

5.1 AESTHETICS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

DISCUSSION: A “scenic vista” is defined as *a singular vantage point that offers high quality, harmonious, or visually interesting views of a valued landscape for the benefit of the public*. Scenic vistas are typically found along major highways or other public roads but may also occur in other areas accessible to the public.

“Scenic resources” include objects, features, or patterns within the landscape which are visually interesting or pleasing. Scenic resources can include trees, rock outcroppings, historic buildings, or other features. California Streets and Highways Code (SHC) Sections 260-284 establish the State Scenic Highway program for *“the protection and enhancement of California’s natural scenic beauty”*.¹ The Department of Transportation (CALTRANS) oversees this program, including a list of officially designated Scenic Highways and those deemed “eligible” for incorporation into the program. No highways in Mendocino County have been officially incorporated into the State Scenic Highway system. As such, there are no adopted Corridor Protection Programs in the county. However, the entirety of State Route 1 (SR-1) in Mendocino County, the portion of U.S. Route 101 (US-101) between Ukiah and Willits, all of State Route 20 (SR-20), and all of State Route 128 (SR-128) is listed as “eligible”.² No National Scenic Byways are located in Mendocino County as designated by the U.S. Secretary of Transportation.³

Additionally, the County has two roadway segments designated as “heritage corridors” by California Public Resources Code Section 5077.5. The North Coast Heritage Corridor includes the entire segment of SR 1 in the county, as well as the segment of U.S. Highway 101 from the junction with SR 1 in Leggett, north to the Humboldt County line. The Tahoe-Pacific Heritage Corridor extends from Lake Tahoe to the Mendocino County coast. It includes the entire segment of SR 20 within the county and the segment of US 101 from the SR 20 junction north of Calpella to the SR 20 highway exit south of Willits. Mendocino County’s General Plan Resource Management Goal RM-14’s (Visual Character) objective is the *“protection of the visual quality of the county’s natural and rural landscapes, scenic resources, and areas of significant natural beauty.”*

The main source of daytime glare in the unincorporated portions of the Mendocino County is from sunlight reflecting from structures with reflective surfaces, such as windows. A nighttime sky in which stars are readily visible is often considered a valuable scenic/visual resource. In urban areas, views of the nighttime sky are being diminished by “light pollution.” Two elements of light pollution may affect county residents:

¹ Streets and Highways Code, CA SHC § 260 (1969).

² Streets and Highways Code, CA SCH §263.2 to 263.8 (2019).

³ U.S. Department of Transportation. Federal Highway Administration. *National Scenic Byways & All-American Roads*. Retrieved from <https://fhwaapps.fhwa.dot.gov/bywaysp/States/Show/CA>.

sky glow (a result of light fixtures that emit a portion of their light directly upward in the sky), and light trespass (poorly shielded or poorly aimed fixtures which cast light into unwanted areas, such as neighboring properties and homes). Different lighting standards are set by classifying areas by lighting zones (LZ). The 2000 Census classified the majority of Mendocino County as LZ2 (rural), which requires stricter lighting standards in order to protect these areas from new sources of light pollution and light trespass. Mendocino County's General Plan Resource Management Goal RM-15's (Dark Sky) objective is the *"protection of the qualities of the county's nighttime sky and reduced energy use."*

According to the 2020 U.S. Census, there are three "Urban Areas" in Mendocino County: Ukiah, Willits, and Fort Bragg. Some of these Urban Areas extend into the unincorporated portions of the County. The Census provides shapefiles for use in visualizing these Urban Areas. The following County regulations govern scenic quality:

- Mendocino County Code (MCC) Chapter 20.504 – Visual Resource and Special Treatment Areas
- Mendocino County Coastal Element Chapter 3.5 – Visual Resources, Special Communities and Archaeological Resources
- Ukiah Valley Area Plan Chapter 4 – Community Design
- Mendocino County General Plan Chapter 6 – Community Specific Policies

Mendocino County General Plan Policy DE-85: *"Viewshed preservation shall be considered when development is located in a highly scenic environment, adjacent to or atop a ridgeline or hill, and in similar settings."*

- a) **No Impact:** The site can be seen from a Caspar Road, a public road. The site can also be seen from State Route 1. The site lies between the road and a view of the Pacific Ocean. However, the view of the sea from Caspar Road near the intersection of Caspar Point Road is not unique to coastal Mendocino County and does not offer particularly interesting features, such as rock outcroppings, sea stacks, views of bluff faces. Rather, the view features typical coastal terrace vegetation and a stretch of uninterrupted blue sea to the horizon. The site is unlikely to be considered a scenic vista. If the site were to be considered a scenic vista, visual impacts would be minimal because the proposed culvert would be located beneath the existing road grade, which would not obstruct any views of the ocean from Caspar Road or State Route 1.
- b) **No Impact:** The site is not in the vicinity of a scenic highway.
- c) **No Impact:** The site is in a non-urbanized area. The site can be seen from Caspar Road, a public road. The site can also be seen from State Route 1. However, the project would not degrade the visual character or quality of these views because the replacement culvert would be located beneath the existing road grade, which would not obstruct any views of the ocean from these roads.
- d) **No Impact:** No external lighting or other source of light is proposed as part of the project.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Aesthetics.

5.2 AGRICULTURE AND FORESTRY RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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 forestland to non-forest use?	☐	☐	☐	☒

DISCUSSION: The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) which produces maps and statistical data used for analyzing impacts on California's agricultural resources. The FMMP mapping survey covers roughly 98% of privately owned land in the state. Each map is updated at approximately two-year intervals. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called "Prime Farmland". Other critical designations include "Unique Farmland" and "Farmland of Statewide Importance." The most recent map covering Mendocino County was published in 2018.

The Williamson Act (officially the California Land Conservation Act of 1965) is a California law that provides relief of property tax to owners of farmland and open-space land in exchange for an agreement that the land will not be developed or otherwise converted to another use. The intent of the Williamson Act is to preserve a maximum amount of a limited supply of prime agricultural land to discourage premature and unnecessary conversion of prime agricultural land to urban uses.

The Timberland Production Zone (T-P) was established in 1976 in the California Government Code as a designation for lands for which the Assessor's records as of 1976 demonstrated that the "highest and best use" would be timber production and accessory uses. Public improvements and urban services are prohibited on T-P lands except where necessary and compatible with ongoing timber production. The original purpose of T-P Zoning District was to preserve and protect timberland from conversion to other more profitable uses and ensure that timber producing areas not be subject to use conflicts with neighboring lands.

Several zoning districts established by the Mendocino County Zoning Ordinance allow for agricultural uses. The Zoning Ordinance also establishes use types which are allowable by-right and conditionally in each zoning district. A zoning conflict may occur if a use is proposed which is not allowable in the corresponding zoning district. Mendocino County has adopted Policies and Procedures for Agricultural Preserves and Williamson Act Contracts, which were most recently amended in 2018. Among the policies and procedures are regulations concerning compatible and incompatible uses on lands under a Williamson Act contract.

Public Resources Code Section 12220(g) defines "forest land" as *"land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits."*

Public Resources Code Section 4526 defines “timberland” as “*land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.*” In this definition, “board” refers to the California Board of Forestry and Fire Protection.

Government Code Section 51104(g) defines “Timberland production zone” or “TPZ” as “*an area which has been zoned pursuant to Section 51112 or 51113 and is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, as defined in subdivision (h).*”

- a) **No Impact:** According to the FMMP, the site is not classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site is classified as Grazing Land (G) on the inlet side of the culvert and Nonagricultural and Natural Vegetation (nv) on the outlet.
- b) **No Impact:** The site is not within a Williamson Act contract or within the vicinity of an agriculturally zoned parcel.
- c) **No Impact:** No rezoning would occur. The site is not within the Timberland Production zoning district. The site and its surroundings would not be classified as timberland because the dominant vegetation is a meadow and only a few scattered commercial tree species are in the vicinity (*Alnus rubra*). The site is unlikely to support a crop of this species because it grows mostly along the margins of watercourses and wetlands in California.
- d) **No Impact:** The project would not create a new use. Tree removal would not occur. Therefore, forest land would not be converted to non-forest use.
- e) **No Impact:** No other changes to the site would occur.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Agricultural and Forestry Resources.

5.3 AIR QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) 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?	☐	☐	☐	☒
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

DISCUSSION: Mendocino County is located within the North Coast Air Basin. Mendocino County Air Quality Management District (MCAQMD) is responsible for enforcing the state and federal Clean Air Act, as well as local air quality regulations. Air Districts in California develop regulations based on the measures identified in the Clean Air Act and its Clean Air plan as well as state regulations. In Mendocino County, these are known as the district “Rules and Regulations”. These regulations establish the procedure for new point source emissions to obtain an air quality permit, air quality standards for new construction, and others. In 2005, MCAQMD adopted a Particulate Matter Attainment Plan which quantified past and present

Particulate Matter levels and recommended control measures to reduce emissions. These control measures were incorporated into the District Rules and Regulations.

MCAQMD Rule 1-400 states: *“A person shall not discharge from any source whatsoever such quantities of air contaminants or other material that cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or that endanger the comfort, repose, health or safety of any such persons or the public or that cause or have a natural tendency to cause injury or damage to business or property.”*

Rule 1-430 requires specific dust control measures during all construction operations, the grading of roads, or the clearing of land as follows:

- 1) All visibly dry, disturbed soil road surfaces shall be watered to minimize fugitive dust emissions;
- 2) All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour;
- 3) Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed;
- 4) Asphalt, oil, water, or suitable chemicals shall be applied on materials stockpiles and other surfaces that can give rise to airborne dusts;
- 5) All earthmoving activities shall cease when sustained winds exceed 15 miles per hour;
- 6) The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours; and
- 7) The operator shall keep a daily log of activities to control fugitive dust. In December, 2006, MCAQMD adopted Regulation 4, Particulate Emissions Reduction Measures, which establishes emissions standards and use of wood burning appliances to reduce particulate emissions. These regulations applied to wood heating appliances, installed both indoors and outdoors for residential and commercial structures, including public facilities. Where applicable, MCAQMD also recommends mitigation measures to encourage alternatives to woodstoves/fireplaces, to control dust on construction sites and unpaved access roads (generally excepting roads used for agricultural purposes), and to promote trip reduction measures where feasible. In 2007, the Air Resources Board (ARB) adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation imposes limits on idling, requires a written idling policy, and requires disclosure when selling vehicles. Off-road diesel powered equipment used for grading or road development must be registered in the Air Resources Board DOORS program and be labeled accordingly. The regulation restricts the adding of older vehicles into fleets and requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies. In 1998, the California Air Resources Board established diesel exhaust as an Air Toxic, leading to regulations for categories of diesel engines. Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material which contributes to PM2.5. All stationary and portable diesel engines over 50 horse power need a permit through the MCAQMD.

According to the US Environmental Protection Agency (EPA) Nonattainment Areas for Criteria Pollutants (Green Book), Mendocino County is in attainment for all National Ambient Air Quality Standards (NAAQS).⁴ In addition, Mendocino County is currently in attainment for all California Ambient Air Quality Standards (CAAQS). The County achieved attainment in 2021.⁵ The Hydrogen Sulfide and Visibility Reducing Particles designations remain unclassified in Mendocino County.

⁴ U.S. Environmental Protection Agency (2023). *Nonattainment Areas for Criteria Pollutants (Green Book)*. Retrieved from <https://www.epa.gov/green-book>.

⁵ California Air Resources Board (2022). *2021 Amendments to Area Designations for State Ambient Air Quality Standards*. Retrieved from <https://ww2.arb.ca.gov/rulemaking>.

For the purposes of CEQA, MCAQMD previously recommended that agencies use adopted Bay Area Air Quality Management District (BAAQMD) thresholds for projects in Mendocino County. However, MCAQMD has issued clarifications to resolve conflicts between District rules and BAAQMD thresholds. This includes the Indirect Source Rule, Stationary Source Emissions Levels, CO Standards, Greenhouse Gas rules, Risk Exposure, and Odor rule. More information can be found on the MCAQMD website.⁶

Mendocino County General Plan Policy RM-37, RM-38, and RM-49 relate to Air Quality.⁷

Per California Health and Safety Code (HSC) Section 42705.5, “sensitive receptors” include hospitals, schools, day care centers, and other locations that the district or state board may determine. According to the California Air Resources Board (CARB), sensitive receptors include “*children, elderly, asthmatics, and others who are at a heightened risk of negative health outcomes due to exposure to air pollution. The locations where these sensitive receptors congregate are considered sensitive receptor locations. Sensitive receptor locations may include hospitals, schools, and day care centers.*”

Mendocino County also contains areas where naturally occurring asbestos (NOA) is known to occur. When asbestos fibers are disturbed, such as by grading and construction activities, the fibers can be released into the air. These fibers can cause serious health threats if inhaled. Ultramafic rocks are an indicator of possible asbestos minerals, including a rock known as serpentine. Serpentine and ultramafic rocks are common in the eastern belt of the Franciscan Formation in Mendocino County. Planning & Building Services uses a map derived from the California Bureau of Mines and Geology and the US Department of Agriculture's Natural Resource Conservation Service (NRCS) to identify areas likely to have asbestos containing geologic features. MCAQMD has adopted policies for areas containing NOA. For projects in areas identified as potentially containing NOA, the District requires an evaluation and report by a State registered geologist to determine that any observed NOA is below levels of regulatory concern in the areas being disturbed. If it is determined that NOA is present at levels above regulatory concern, or the applicant chooses not to have the testing and evaluation conducted, MCAQMD requires that certain measures be implemented in accordance with Title 17 California Code of Regulations Section 93105.⁸

- a) **Less than Significant Impact:** The existing and proposed culverts are not stationary sources. A stationary source would not be created. Portable sources are not expected because the emitting source of construction equipment would either be the motive power for moving the equipment or would otherwise be expected to be registered with CARB's Portable Equipment Registration Program. An indirect source would not be created because the project would not result in the construction of new buildings and the installation of a new culvert would result in negligible emissions due to the temporary use of off-road construction equipment. CalEEMod was used to estimate the average daily emissions of Reactive Organic Gases (ROG), Nitrogen oxides (NO_x), Carbon Monoxide (CO), and Particulate Matter (PM₁₀) during construction and operation of the project. The project would emit less than one tenth (0.1) pounds of ROG, NO_x, CO, and PM₁₀ per day during construction. Operational emission would not occur. These values are below the threshold for indirect sources found in MCAQMD Rule 1-130. The project would not involve large grading operations. Therefore, written authorization from the District or a permit to operate prior to starting construction in accordance with Rule 1-200 and Rule 1-240 would not be required. Using CalEEMod, construction of the project was estimated to generate less than one tenth (0.1) metric tons of CO_{2e} per year, while operational emissions would not occur. Therefore, MCAQMD Rule 1-221 would not apply. The site is not an Air Toxics “Hot Spot” as regulated by Rule 1-280. Due to the low concentration of emissions, the project is not expected to result in a public nuisance in accordance with Rule 1-400 or a significant amount of particulate matter, fugitive dust, sulfur oxide, or geothermal emissions in accordance with Rule 1-420 through 1-455. Other Rules within District Regulations 1 would not apply. The project would not involve open outdoor burning. As such, District Regulations 2 would not apply. The project does not involve a gasoline dispensing facility, dry cleaning operation, residential

⁶ Mendocino County Air Quality Management District (2013). *District Interim CEQA Criteria and GHG Pollutant Thresholds*. Retrieved from <https://www.co.mendocino.ca.us/aqmd/>.

⁷ County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.org/government/planning-building-services/plans/mendocino-county-general-plan>.

⁸ Mendocino County Air Quality Management District (2013). *Policies for Areas Containing Naturally Occurring Asbestos (NOA)*. Retrieved from <https://www.co.mendocino.ca.us/aqmd>

burning, or stationary diesel engine. Therefore, District Regulations 3 would not apply. The project does not involve any wood burning appliances. Therefore, District Regulations 4 would not apply. The project does not involve an acid rain unit, solid waste incinerator, major source, or other source regulated by District Regulations 5. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan.

- b) **No Impact:** Mendocino County is in attainment under all applicable federal and state ambient air quality standards.
- c) **Less than Significant Impact:** The nearest sensitive receptor is a single-family residence approximately three hundred (300) feet southwest of the site. However, due to the low concentration of pollutants estimated by CalEEMod, the project is not expected to expose sensitive receptors to substantial pollutants.
- d) **No Impact:** No other harmful emissions beyond those discussed above are expected to occur.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less than Significant Impact** on Air Quality.

5.4 BIOLOGICAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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 California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
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?	☐	☐	☐	☒

DISCUSSION: In accordance with CEQA Guidelines Section 15380, a species of animal or plant shall be presumed to be endangered, rare or threatened, as it is listed in:

- Sections 670.2 or 670.5, Title 14, California Code of Regulations

- Title 50, Code of Federal Regulations Section 17.11 or 17.12 pursuant to the Federal Endangered Species Act as rare, threatened, or endangered

The following may also be considered a special status species:

- Species that are recognized as candidates for future listing by agencies with resource management responsibilities, such as US Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NOAA Fisheries, also known as NMFS), and California Department of Fish and Wildlife (CDFW)
- Species defined by CDFW as California Species of Special Concern
- Species classified as “Fully Protected” by CDFW
- Plant species, subspecies, and varieties defined as rare or threatened by the California Native Plant Protection Act (California Fish and Game Code Section 1900, et seq.)
- Plant species listed by the California Native Plant Society (meeting the criteria in CEQA Guidelines Section 15380) according to the California Rare Plant Ranks (CRPR)
- Mountain lions protected under the California Wildlife Protection Act of 1990 (Proposition 117) and designated as a specially protected mammal in California.

The Mendocino County General Plan identifies four (4) “sensitive habitats”, including Serpentine Soils and Rock Outcrops, Pygmy Forest, Wetlands and Waters of the United States, and Old-Growth Forest. Table 4-A of the General Plan contains a list of locally identified “special-status species” found in Mendocino County. In addition, General Plan Section 4-10 identifies Coho salmon, Chinook salmon, and steelhead trout as species for which habitat is found in large portions of Mendocino County. These species are of federal, state, and local concern.

The California Natural Diversity Database (CNDDDB) provides location and natural history information on special status plants, animals, and natural communities to the public, agencies, and conservation organizations. The data helps drive conservation decisions, aid in the environmental review of projects and land use changes and provide baseline data helpful in recovering endangered species and for research projects. Currently, CNDDDB has 32 species listed for Mendocino County that range in listing status from Candidate Threatened to Endangered. Planning & Building Services uses CNDDDB mapping to assist in identifying project-specific locations where special-status species have been found.

The US Fish and Wildlife Service’s (USFWS) Information for Planning and Consultation tool (IPaC) provides site-specific information on federally listed species. In addition, the USFWS National Wetlands Inventory houses information on the status, extent, characteristics, and function of wetlands.

Section 404 of the federal Clean Water Act establishes a program to regulate the discharge of dredged or fill material into waters of the United States. Section 404 requires a permit before dredged or fill material may be discharged unless the activity is exempt. Section 404 defines wetlands as *“those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bog, and similar areas.”*

At the state level, the Porter-Cologne Act governs water quality through nine Regional Water Boards and the State Water Board. Mendocino County is within the jurisdiction of the North Coast Regional Water Quality Control Board (the ‘Board’). The Board regulates discharges under the Act through the issuance of National Pollutant Discharge Elimination System (NPDES) permits. The Porter-Cologne Act also requires adoption of regional water quality control plans. The North Coast Basin Plan was most recently adopted in 2018 and establishes water quality objectives, implementation measures, and monitoring programs for the region.

CDFW uses NatureServe’s Heritage Methodology to assign global and state rarity ranks for natural communities. CDFW’s Vegetation Classification and Mapping Program (VegCAMP) ranks California Natural Communities by their rarity and threat. Natural Communities with a rank of S1-S3 are considered Sensitive Natural Communities. The only comprehensive VegCAMP mapping completed in Mendocino County is that of Mendocino Cypress and Related Vegetation (Pygmy forest), Point Arena Stornetta Unit, and Garcia River.

Mendocino County General Plan Policy RM-28 and RM-29 relate to Biological Resources, including Action Item RM-28.1 regarding oak woodlands.⁹ Mendocino County currently has two active Habitat Conservation Plans (HCPs) with the U.S. Fish and Wildlife Service, the first of which provides protections for the Point Arena Mountain Beaver. The Fisher Family HCP (Permit #TE170629-0) covers 24 acres of coastal scrub and was adopted December 3, 2007, for a period of 50 years. The Fisher Family HCP applies to Assessor Parcel Number 027-211-02 located at 43400 Hathaway Crossing, Point Arena. The second HCP is Pacific Gas & Electric Company's Multiple Region Operations and Maintenance HCP. The HCP was issued in 2020 for a period of 30 years. The HCP includes protections for several species across multiple jurisdictions. Since 2003, the Mendocino Redwood Company (MRC) has managed the County's only Natural Community Conservation Plan which covers all lands owned by the MRC to preserve regionally important habitat.

Other regulations which apply to biological resources include the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the Lake and Streambed Alteration Program. California Fish and Game Code (FGC) Section 3503.5 states *"it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."*

California PRC Section 21083.4 requires, *"as part of the determination made pursuant to Section 21080.1, a county shall determine whether a project within its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. For purposes of this section, "oak" means a native tree species in the genus Quercus, not designated as Group A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Section 4526, and that is 5 inches or more in diameter at breast height."*

- a) **Less than Significant Impact with Mitigation Incorporated:** A Natural Resources Study prepared by Spade Natural Resources was submitted with the application. Field surveys were conducted in April, June, and July of 2021. No special status plant species were observed. According to the report, the site may contain habitat for Obscure bumblebee, Western bumblebee, Northern red-legged frog, Pacific tailed frog, Foothill yellow-legged frog, nesting birds, and special status bats. To address the potential presence of these species during construction, avoidance measures are recommended for special status birds, bats, amphibians, and invertebrates. The avoidance measures include the avoidance of breeding seasons, ad hoc pre-construction surveys, contractor education, rain event procedures, and limiting disturbance of bee food plants.
- b-c) **Less than Significant Impact with Mitigation Incorporated:** An unnamed stream passes through the culvert. According to the Natural Resources Study, the stream is the only watercourse in the project area. According to the study, Natural Communities present in the project area include a Common velvet grass – sweet vernal grass meadow Alliance, Red Alder Forest Alliance, Broom Patch Alliance, and a Eucalyptus – Tree of Heaven – Black Locust Grove Alliance. None of these are considered Sensitive Natural Communities. However, the Red Alder Forest Alliance is the riparian vegetation that surrounds the stream. The project would permanently impact five thousandths (0.005) acres and twenty (20) linear feet of waters of the State and the stream channel. Riparian vegetation would also be permanently impacted by construction activities. The North Coast Regional Water Quality Control Board issued a Notice of Applicability (NOA) for coverage of the project under the State Water Resources Control Board General 401 Water Quality Certification Order No. SB21031GN for US Army Corps of Engineers Nationwide Permit Nos. 1, 3a, 4, 5, 6, 9, 10, 11, 14, 20, 22, 28, 32, 36, and 54 on July 8th. This document confirms that Regional Water Board staff have determined that the proposed activities may proceed under the General 401 Certification. The NOA notes that the project would temporarily impact approximately one hundredth (0.01) acres and forty-two (42) linear feet of waters of the State and stream channel. The project would permanently impact approximately five thousandths (0.005) acres and twenty (20) linear feet of waters of the State and stream channel. The NOA notes that cement slurry will be prevented from entering the stream by the installation of earthen berms while the cement is poured, and the

⁹ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

work is being completed. Rock slope protection would be used at the inlet and outlet of the new culvert and willow stakes would be planted within the interstices of the rock slope protection, which would mitigate permanent impacts caused by the installation of the new culvert. As noted in the NOA, the applicant must submit a Notice of Completion (NOC) to the Regional Water Board that documents the mitigation measures and monitoring for five (5) years. Additionally, the applicant applied for a Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish & Wildlife (CDFW). CDFW provided comments on the project on August 9, 2024, which outlined details that must be included in a revegetation plan to be submitted for the LSAA which would mitigate temporary and permanent impacts to the riparian vegetation. This includes the identification and extent of the planting areas on both the north and south side of the culvert, a planting palette comprised of local native species, and targeted removal of non-native and invasive species. Therefore, the incorporation of Regional Water Board requirements and LSAA requirements would mitigate potential impacts to the stream channel and surrounding riparian vegetation. Additionally, Mendocino County Code Section 20.496.035(B)(4) requires that the riparian vegetation be replaced at a ratio of one to one (1:1) and that vegetation be replaced until a seventy-five (75) percent survival rate is achieved. The incorporation of these requirements as mitigation measures would reduce impacts to less-than-significant levels. Regional Water Board requires are captures in Mitigation Measure HWQ-1.

- d) **Less than Significant Impact with Mitigation Incorporated:** The project may result in impacts to migratory species if any are found on the site during construction. Otherwise, normal operation of the culvert would not prevent wildlife movement. Therefore, mitigation measures related to the potential discovery of special status species during construction activities are sufficient to reduce impacts.
- e) **Less than Significant Impact with Mitigation Incorporated:** Mendocino County Coastal Element Policies 3.1-2, 3.1-7, 3.1-9, and 3.1-10 establish standards for Environmentally Sensitive Habitat Areas (ESHA) and other biological resources that apply to the project. Mendocino County Coastal Zoning Code Chapter 20.496 implements the ESHA policies of the Coastal Element. The mitigation measures discussed in the sections above would prevent conflicts between the project and these regulations. As noted above, Section 20.496.035(B) permits the development of culverts if riparian vegetation is replaced at a one to one (1:1) ration and the survival rate is at least seventy-five (75) percent.
- f) **No Impact:** The project is not within the boundaries of any Habitat Conservation Plan or Natural Community Conservation Plan.

MITIGATION MEASURES:

BIO-1: The bird breeding season typically extends from February to August. Project activities should occur between September and January, the non-breeding season for birds. If activities cannot be done during the non-breeding season, a qualified biologist shall perform preconstruction breeding bird surveys at least fourteen (14) days prior to the onset of construction or clearing of vegetation. If active breeding bird nests are observed, a minimum one hundred (100) foot exclusion zone shall be created around the nest(s). No ground disturbance shall occur within the exclusion zone. The exclusion zone shall remain in place around the active nest until all young are no longer dependent upon the nest. The biologist shall monitor the nest site weekly during the breeding season to ensure the buffer is sufficient to protect the nest site from potential disturbances.

BIO-2: Project activities should occur between September 1 and October 31, after young bats have matured and prior to the bat hibernation period. However, if project activities would occur between November 1 and August 31, pre-construction bat surveys shall occur. Pre-construction bat surveys involve surveying trees, rock outcrops, and buildings subject to removal or demolition for evidence of bat use (guano accumulation, acoustic, or visual detections). If evidence of bat use is found, then the biologist(s) shall conduct acoustic surveys using an acoustic detector to determine whether a site is occupied. If bats are found, a minimum fifty (50) foot buffer shall be established around the roost tree. Work shall not occur within the buffer until bats have left the roost.

BIO-3: Within two weeks prior to construction or vegetation removal, project contractors shall be trained by

a qualified biologist in the identification of the Northern red-legged frog, Pacific tailed frog, and Foothill yellow-legged frog. Construction crews shall begin each day with a visual search around all stacked or stored materials, as well as in and near the stream corridor and any pools or present water, to detect the presence of special status amphibians. If a special status amphibian is detected, construction or demolition crews shall cease all ground disturbing activity within one hundred (100) feet of the observation and shall contact the California Department of Fish & Wildlife or a qualified biologist to provide assistance. Ground disturbing activities within one hundred (100) feet of the observation shall be allowed to proceed only after clearance is given from CDFW and/or the qualified biologist.

BIO-4: If a rain event occurs during the construction period, all construction-related activities shall cease for a period of forty-eight (48) hours after the rain stops. Prior to resuming construction or demolition activities, trained construction crew member(s) shall examine the site for the presence of special status amphibians. If no special status amphibians are found, construction activities may resume. If a special status amphibian is detected, construction or demolition crews shall cease all ground disturbing activity within one hundred (100) feet of the observation and shall contact the California Department of Fish & Wildlife or a qualified biologist to provide assistance. Ground disturbing activities within one hundred (100) feet of the observation shall be allowed to proceed only after clearance is given from CDFW and/or the qualified biologist.

BIO-5: Ground disturbance shall be limited to the minimum necessary to facilitate development. Western bumblebee may nest in the ground under leaf litter. To the extent feasible, flowering native vegetation that could provide forage for Western bumblebee shall be retained at the site. This species has a short tongue length and potential food sources at the site may include both open structured flowers as well as those with a long corolla tube. Select food sources include *Melilotus* (sweet clovers), *Cirsium* (thistles), *Trifolium* (clover), *Centaurea*, *Chrysothamnus* (rabbitbrush), and *Eriogonum* (wild buckwheat) plant species. Food plants for Obscure bumblebee include but are not limited to *Baccharis*, *Cirsium*, *Lupinus* (lupines), *Lotus* (bird's-foot trefoils / deervetches), *Grindelia* (gumweed), and *Phacelia* (scorpionweed) species.

BIO-6: Prior to construction or the issuance of a building permit, the applicant shall submit a revegetation plan to the California Department of Fish & Wildlife and Planning & Building Services in accordance with the Lake and Streambed Alteration Agreement. Per MCC Section 20.496.035(B)(4), the revegetation plan shall include a planting palette, monitoring protocols, and success/performance criteria to ensure that any riparian vegetation removed by the project is replanted at a minimum ratio of one to one (1:1) and replaced if the survival rate is less than seventy-five (75) percent. The revegetation plan shall include the following information:

- A. The identification and extent of the planting areas on both the north and south side of the culvert replacement.
- B. A planting palette comprised of locally native species documented in the Natural Resources Study prepare by Spade Environmental Resources Consulting, including red alder (*Alnus rubra*), willow (*Salix ssp.*), and an appropriate seed mix or plugs comprised of locally native grasses and/or herbaceous plant species within the bed, bank, and channel of the watercourse including Pacific reedgrass (*Calamagrostis nutkaensis*).
 - a. Pacific reedgrass (*Calamagrostis nutkaensis*) that would be disturbed by construction shall be transplanted after construction to aid in revegetation of the bed, bank, and channel features. Riparian planting shall be comprised of multiple species to prevent a monoculture.
- C. Upland species including wax myrtle (*Morella californica*) and coyote brush (*Baccharis pilularis*) may be included within the planting area outside of the bed, bank, and channel of the watercourse.
- D. Targeted removal of non-native and invasive species including gorse (*Ulex europaeus*), crocosmia (*Crocasmia spp.*), and other non-native invasive species that may become present after ground disturbance including French broom (*Cytisus scoparius*) or Scotch broom (*Genista monspessulana*) within the revegetated area for five years. Post-construction targeted removal shall be done by hand and shall occur at least annually.

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Biological Resources.

5.5 CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☒	☐	☐
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

DISCUSSION: In accordance with CEQA Guidelines section 15064.5, “historical resource” includes the following:

- A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 - “Local register of historic resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:
 - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; or
 - Is associated with the lives of persons important in our past; or
 - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.
 - “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.

A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. "Substantial adverse change in the significance of a historical resource" means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

The significance of a historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

CEQA Guidelines Section 15064.5 establishes procedures for addressing determinations of historical resources on archaeological sites and subsequent treatment of the resource(s) in accordance with PRC Section 21083.2. CEQA Guidelines Section 15064.5 establishes procedures for the treatment of Native American human remains in environmental documents. PRC Section 21082 establishes standards for accidental discovery of historical or unique archaeological resources during construction.

The California Office of Historic Preservation (OHP) houses the Built Environment Resource Directory (BERD). BERD files provide information regarding non-archaeological resources in OHP's inventory. Each resource listed in BERD is assigned a status code, which indicates whether resources have been evaluated as eligible under certain criteria. This tool provides information to assist in identifying potentially historic resources throughout the County.¹⁰

- a-c) **Less than Significant Impact with Mitigation Incorporated:** An archaeological survey report was submitted for the project. The report notes that shovel probes at two (2) meter intervals were used to inspect the site. No archaeological or other historical resources were found in the project area. However, the report notes that a previously recorded prehistoric site is located nearby. Although no resources were discovered, there remains a moderate potential that buried or concealed archaeological deposits could be discovered during project activities. Therefore, the archaeologist recommended that the project be subject to the standard discovery clause contained in Chapter 22.12 and that all ground disturbing activity be monitored by a professional archaeologist and a tribal monitor. This is consistent with correspondence received from the Sherwood Valley Band of Pomo Indians, who requested that a tribally selected monitor be on site during earth movement. Therefore, there remains a possibility of significant impacts due to unanticipated discovery during construction. According to the professional opinion of the archaeologist and correspondence with Sherwood Valley Band of Pomo Indians, monitoring is warranted to avoid potential impacts.

MITIGATION MEASURES:

CR-1: All ground disturbing activity shall be monitored by a professional archaeologist and a tribal monitor from the Sherwood Valley Band of Pomo Indians. If any resources are discovered during monitoring, the work shall cease until the provisions of Section 22.12.090 are carried out. The archaeologist and Sherwood

¹⁰ California Department of Parks and Recreation (2023). Office of Historic Preservation. *Built Environment Resource Directory (BERD)*. Retrieved from https://ohp.parks.ca.gov/?page_id=30338.

Valley Band of Pomo Indians shall provide written confirmation to Planning & Building Services that monitoring has occurred.

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Cultural Resources.

5.6 ENERGY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

DISCUSSION: California Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015, sets annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy saving and demand reductions in electricity and natural gas end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The 2022 Scoping Plan for Achieving Carbon Neutrality, adopted by the California Air Resources Board (CARB), *“lays out a path to achieve targets for carbon neutrality and reduce anthropogenic greenhouse gas (GHG) emissions by 85 percent below 1990 levels no later than 2045, as directed by Assembly Bill 1279.”*¹¹

Title 24, Part 11 of the California Code of Regulations establishes the California Green Building Standards Code, known as ‘CALGreen’. The purpose of this code is to enhance the design and construction of buildings and encourage sustainable construction practices as they relate to planning and design, energy efficiency, water efficiency and conservation, materials conservation and resource efficiency, and environmental quality. Unless specifically exempt, the CALGreen standards apply to the planning, design, operation, construction, use, and occupancy of newly constructed buildings or structures throughout the state. Mandatory standards for energy efficiency are adopted by the California Energy Commission every three years. In 2021, the Commission adopted the 2022 Energy Code, which includes Building Energy Efficiency Standards. The Code *“encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more.”*

Project factors that may influence energy impacts include the following:

- Energy consuming equipment and process to be used during construction, operation, or demolition, including the energy intensiveness of materials and equipment.
- Fuel type and end use of energy.
- Energy conservation equipment and design features to be implemented.
- Energy supplies that would serve the project, such as a utility company.
- Vehicle trips to be generated, including estimated energy consumed per trip.

Factors that may lessen energy impacts include those that decrease overall per capita energy consumption; decreased reliance on fossil fuels such as coal, natural gas, and oil; and increased reliance on renewable energy sources.

¹¹ California Air Resources Board (2022). 2022 Scoping Plan for Achieving Carbon Neutrality. Retrieved from <https://ww2.arb.ca.gov>.

Mendocino County General Plan Policy RM-55, and RM-57 relate to energy, including Action Item RM-55.1 and RM-55.2.¹² Ukiah Public Utilities is the only municipal utility in Mendocino County. Most residents receive electric service from Pacific Gas and Electric (PG&E).

- a) **No Impact:** Construction would be required to comply with applicable building regulations, including CALGreen standards. These standards would minimize inefficient use of energy. Installation of the culvert is expected to follow standard construction methods.
- b) **No Impact:** Construction would be required to comply with applicable building regulations, including CALGreen standards. These standards would minimize inefficient use of energy. Installation of the culvert is expected to follow standard construction methods.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Energy.

5.7 GEOLOGY AND SOILS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on 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 and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

DISCUSSION: The vast majority of Mendocino County is underlain by bedrock of the Franciscan Formation. Thick soil development and landslides often cover the underlying bedrock throughout the county. Due to

¹² The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

the weak and deformed nature of the Franciscan rocks, they are prone to deep weathering and development of thick overlying soils. Soil deposits in swales and on the flanks of slopes often contain substantial amounts of clay and weathered rock fragments up to boulder size. These soils can be unstable when wet and are prone to slides. Human activities that affect vegetation, slope gradients, and drainage processes can contribute to landslides and erosion.

Areas susceptible to erosion occur throughout Mendocino County where surface soils possess low-density and/or low-strength properties. Slopes are another factor in soil erosion – the greater the slope, the greater the erosion hazard, especially if the soil is bare. Soils on nine (9) percent slopes and greater have a moderate erosion hazard, and soils on slopes greater than fifteen (15) percent have a high erosion hazard.

In 1991, the U.S. Department of Agriculture and Soil Conservation Service, in partnership with several other agencies, published the Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California. The survey assigns different soils to Map Unit numbers. In 2002, the accompanying Soil Survey of Mendocino County, California, Western Part was published.

The California Geological Survey (CGS) houses the web-based California Earthquake Hazards Zone Application (EQ Zapp), which allows a user to check whether a site is in an earthquake hazard zone.¹³ The California Department of Conservation also houses a general-purpose map viewer that contains layers displaying locations and data related to the California Landslide Inventory, the Seismic Hazards Program, Earthquake Shaking Potential, Historic Earthquakes, and others.

Development can result in soil erosion or loss of topsoil if project activities result in deep slope rills, gullies, or unmanageable accumulation of sediment. Ground disturbing activities most often result in impacts, including grading. Soil can be exposed during construction activities and increase the potential for soil erosion to occur, especially during storm events. Impervious surface areas would not be prone to erosion or siltation because no soil is included in these areas but increased impervious surfaces may impact surrounding hydrology and result in erosion impacts nearby.

Lateral spreading often occurs on gentle slopes or flat terrain and consists of lateral extension accompanied by shear or tensile fracture. Lateral spreading is often caused by liquefaction, which in turn is triggered by rapid ground motion from earthquakes or artificial activities. Bedrock or soil resting on materials that liquefy can undergo fracturing and extension and may then subside, translate, rotate, disintegrate, or liquefy and flow.

Subsidence refers to broad-scale change in the elevation of land. Subsidence is commonly caused by groundwater extraction, oil extraction, underground reservoir pumping of gas, dissolution of limestone aquifers (sinkholes), collapse of a mine, drainage of organic soil, or initial wetting of dry soil (hydrocompaction). The US Geological Survey (USGS) regularly publishes information on land subsidence in California, including a map showing areas of land subsidence due to groundwater pumping, peat loss, and oil extraction.¹⁴

The Mendocino County Local Agency Management Plan establishes standards for on-site treatment of wastewater, including site evaluation, design, construction, and monitoring requirements. The Plan is administered by the Division of Environmental Health.

Unique geologic features are rocks or formations which:

- Are the best example of their kind locally or regionally; or
- Embody the characteristics of a geologic principle that is exclusive to the locality or region; or
- Provide a key piece of information important in geology or geologic history; or
- Are a “type locality” of a geologic feature.

Impacts to unique geologic features could include material impairment through destruction or alteration, including grading, rock hunting, human encroachment, or permanent covering of the feature.

¹³ California Department of Conservation (2021). California Geological Survey. *EQ Zapp: California Earthquake Hazards Zone Application*. Retrieved from <https://www.conservation.ca.gov/cgs/geohazards/eq-zapp>.

¹⁴ U.S. Geological Survey. Liquefaction Susceptibility. Retrieved from <https://earthquake.usgs.gov/education/geologicmaps/liquefaction.php>.

- a) **Less than Significant Impact:** The nearest fault zone is approximately twenty-three (23) miles east of the site (the Maacama fault). Therefore, risk is unsubstantial. According to CGS mapping, the nearest historic landslide occurred in 1983 over two and one half (2.5) miles east of the site. The estimated slope of the site is between zero (0) and ten (10) percent. Therefore, the risk of landslide is low.
- b) **Less than Significant Impact:** The implementation of standard Best Management Practices would prevent significant soil erosion or loss of topsoil in accordance with Mendocino County Code Section 16.30.070(B).
- c) **Less than Significant Impact:** Construction that requires a building permit would be reviewed to determine whether unstable or expansive soils may be present and additional studies may be required prior to building permit issuance. Therefore, the existing regulatory structure ensures that impacts would be minimized.
- d) **Less than Significant Impact:** Construction that requires a building permit would be reviewed to determine whether unstable or expansive soils may be present and additional studies may be required prior to building permit issuance. Therefore, the existing regulations ensure that impacts would be minimized.
- e) **No Impact:** The project does not involve the construction of a dwelling or any other structure that would include plumbing fixtures. Therefore, septic infrastructure would not be required.
- f) **No Impact:** Based on the findings within the archaeological survey report, the site is not expected to contain any paleontological resources or unique geologic features.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less than Significant Impact** on Geology and Soils.

5.8 GREENHOUSE GAS EMISSIONS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

DISCUSSION: Title 14 CCR Section 15064.4 establishes specific guidelines for determining the significance of impacts from greenhouse gas emissions. Lead agencies may choose to quantify greenhouse gas emissions resulting from a project or rely on a qualitative analysis or performance-based standards.

Mendocino County Air Quality Management District (MCAQMD) has adopted CEQA thresholds of significance for criteria air pollutants and GHGs and issued updated CEQA guidelines to assist lead agencies in evaluating air quality impacts to determine if a project's individual emissions would be cumulatively considerable. According to MCAQMD, these CEQA thresholds of significance are the same as those which have been adopted by the Bay Area Air Quality Management District (BAAQMD) with noted exceptions.

MCAQMD has not adopted a construction related emissions threshold. For projects other than stationary sources, the operational threshold is 1,100 Metric Tons of CO₂e per year or 4.5 Metric Tons of CO₂e per

SP (residents + employees) per year. For stationary sources, the operational threshold is 10,000 Metric Tons of CO₂e per year.

The California Emissions Estimator Model (CalEEMod) is a tool that can be used to quantify ozone precursors, criteria pollutants, and greenhouse gas emissions from construction and operation of development in California. The model is published by the California Air Pollution Control Officers Association.¹⁵

MCAQMD and Mendocino County have not adopted any plans specifically aimed at reducing GHG emissions. However, General Plan Policy RM-50 and associated action items address GHG emissions: California Climate Policies related to GHG emissions include but are not limited to SB 32, AB 32, AB 1493, SB 100, SB 350, SB 375, SB 743, SB 604, and SB 1383.

- a) **Less than Significant Impact:** According to CalEEMod, the project is expected to generate less than one tenth (0.1) metric tons of CO₂e per year during construction and no emissions during operation. These are below the thresholds set by MCAQMD.
- b) **Less than Significant Impact:** The project would not conflict with applicable plans, policies, or regulations because the emissions would be below the thresholds set by MCAQMD.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less Than Significant Impact** on Greenhouse Gas Emissions.

5.9 HAZARDS AND HAZARDOUS MATERIALS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
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 result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

¹⁵ California Air Pollution Control Officers Association. (2022). CalEEMod (Version 2022.1). <https://www.caleemod.com/>.

DISCUSSION: California Health and Safety Code (HSC) Section 25501 defines “hazardous materials” as a material that, *“because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.”* The use, storage, and transport of hazardous materials are regulated by the California Department of Toxic Substances Control (DTSC) as provided by Title 22 California Code of Regulations Section 66001, et seq. Unless specifically exempted, it is unlawful for any person to transport hazardous waste unless the person holds a valid registration issued by DTSC.

Construction activities often involve the use of oils, fuels, solvents, gasoline, lubricants, and paint. These and other materials may be classified as hazardous materials. Commercial or residential operations may also involve the use of hazardous materials, particularly cleaning supplies, batteries, and electronics. Agricultural operations and landscaping may include hazardous materials such as fertilizer and pesticides.

The California Environmental Protection Agency (CalEPA) maintains several data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements, including:

- List of Hazardous Waste and Substances sites from DTSC EnviroStor database.
- List of Leaking Underground Storage Tank Sites from the State Water Board’s GeoTracker database.
- List of Solid Waste Disposal Sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit (from CalEPA’s website).
- List of “active” CDO and CAO from the State Water Board.
- List of Hazardous Waste Facilities subject to corrective action pursuant to CA HSC §25187.5 as identified by DTSC (from CalEPA’s website).

The Mendocino Solid Waste Management Authority (MendoRecycle) was formed in 1990 as a joint powers authority between the County of Mendocino and the cities of Ukiah, Willits, and Fort Bragg. MendoRecycle provides administrative oversight and program implementation for solid waste and recycling in the County. MendoRecycle directly operates the household hazardous waste (HHW) facility in Ukiah. The Mendocino County Division of Environmental Health is responsible for administering hazardous waste generation and treatment regulations. General Plan Policy DE-203, DE-209 and DE-210 relate to hazardous materials and wastes.

The Mendocino County Airport Land Use Plan and Ukiah Municipal Airport Land Use Compatibility Plan establish regulations, implementation measures, and procedures for addressing safety hazards and noise concerns related to airports. Mendocino County’s Emergency Operations Plan and Multi-Jurisdictional Hazard Mitigation Plan establish regulations, implementation measures, and procedures related to emergency response and evacuation. The California Department of Forestry and Fire Protection (CALFIRE) has established Fire Safe Regulations for certain projects in the State Responsibility Area. CALFIRE designates areas of the County into fire severity zones, which inform recommendations for land use agencies and planning. Several fire agencies serve the Local Responsibility Areas in Mendocino County and have established fire safety regulations for development.

The California Department of Forestry and Fire Protection divides the County into fire severity zones. These maps are used to develop recommendations for local land use agencies and for general planning purposes.

- a) **Less than Significant Impact:** Construction may involve the transport of hazardous materials, such as gasoline. However, this would be intermittent and temporary. Operation of the site would not involve the use of any hazardous materials.
- b) **No Impact:** Future upset or accident conditions involving hazardous materials are unlikely because the project does not involve a use that is associated with the use of hazardous materials. No new uses would be created. The site is not open to the public. The site is approximately three hundred (300) feet from the nearest public road.
- c) **No Impact:** The site is not within one quarter mile of a school.

- d) **No Impact:** The site is not on any list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) **No Impact:** The site is not within the boundaries of an airport land use plan or within two (2) miles of an airport.
- f) **No Impact:** The project would not interfere with an adopted emergency response plan or emergency evacuation plan because the site is located on a private road and all new infrastructure would be placed underground.
- g) **No Impact:** The project is expected to comply with standard building requirements for the installation of the culvert. No other features would increase fuel load or otherwise expose the site to wildfires because the culvert would be of aluminum material. The project was referred to CAL FIRE, who did not respond with any comments. The project was also referred to the Fort Bragg Rural Fire District, who responded with no comments.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less than Significant Impact** on Hazards or Hazardous Materials.

5.10 HYDROLOGY AND WATER QUALITY

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on- or off-site?	☐	☒	☐	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

DISCUSSION: Regulatory agencies include the State Water Resources Control Board (SWRCB) and the North Coast Regional Quality Control Board (NCRWQCB). The State Water Resources Control Board is responsible for implementing water quality standards in California. Water Code Section 13050(d) states:

“Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.” Typical activities and uses that affect water quality include, but are not limited to, discharge of process wastewater from factories, confined animal facilities, construction sites, sewage treatment facilities, and material handling areas which drain into storm drains. Certain activities may require a Construction General Permit from SWRCB.

Water Code Section 1005.1 defines groundwater as *water beneath the surface of the ground, whether or not flowing through known and definite channels*. Both surface water and groundwater define a watershed, as they move from higher to lower elevations. In Mendocino County, groundwater is the main source for municipal and individual domestic water systems outside of the Ukiah Valley and contributes significantly to irrigation. The County’s groundwater is found in two distinct geologic settings: the inland valleys and the mountainous areas. There are six identified major groundwater basins in Mendocino County. Groundwater recharge is the replacement of water in the groundwater aquifer. Recharge occurs in the form of precipitation, surface runoff that later enters the ground, and irrigation. Specific information regarding recharge areas for Mendocino County’s groundwater basins is not generally available, but recharge for inland groundwater basins comes primarily from infiltration of precipitation and intercepted runoff in stream channels, and from permeable soils along the margins of valleys. Recharge for coastal groundwater basins takes place in fractured and weathered bedrock, coastal terraces, and along recent alluvial deposits and bedrock formations. If recharge areas are protected from major modification such as paving, building and gravel removal, it is anticipated that continued recharge will re-supply groundwater reservoirs.

Chapter 4.13 of the Mendocino County Coastal Element, Sustainability Policy Action number S-5.1, states new projects that *create or replace 2,500 square feet or more of impervious area shall implement site design measures to reduce stormwater runoff and increase groundwater recharge*. Mendocino County Code Title 16 establishes water and sewage regulations. It is primarily the responsibility of the Division of Environmental Health (EH) to implement these regulations, including permitting wells and septic systems. Chapter 16.30 establishes stormwater runoff pollution prevention procedures. The purpose of Chapter 16.30 is to *“protect and promote the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. § 1251 et seq.), and the Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drainage system.”*

The National Flood Hazard Layer maintained by the Federal Emergency Management Agency (FEMA) can be used to review project impacts from flooding. The Department of Water Resources Division of Safety of Dams (DSOD) reviews and approves inundation maps prepared by licensed civil engineers and submitted by dam owners for hazardous dams and appurtenant structures. These maps are based on a hypothetical failure of a dam or appurtenant structure. DSOD maintains a web map that displays this information.

Projects may be subject to applicable regulations found in MCC Chapter 16.30. Section 16.30.040 prohibits elicit discharges. Section 16.30.070 requires implementation of Best Management Practices (BMPs) to the maximum extent practical for reducing pollutants in stormwater.

- a) **Less than Significant Impact with Mitigation Incorporated:** The existing and proposed culvert are in a stream under the jurisdiction of the North Coast Regional Water Quality Control Board, who issued a Notice of Applicability (NOA) for coverage of the project under the State Water Resources Control Board General 401 Water Quality Certification Order No. SB21031GN for US Army Corps of Engineers Nationwide Permit Nos. 1, 3a, 4, 5, 6, 9, 10, 11, 14, 20, 22, 28, 32, 36, and 54 on July 8th. This document confirms that Regional Water Board staff have determined that the proposed activities may proceed under the General 401 Certification. The NOA notes that the project would temporarily impact approximately one hundredth (0.01) acres and forty-two (42) linear feet of waters of the State and stream channel. The project would permanently impact approximately five thousandths (0.005) acres and twenty (20) linear feet of waters of the State and stream channel. The NOA notes that cement slurry will be prevented from entering the stream by the installation of earthen berms while the cement is poured, and the work is being completed. Rock slope protection would be used at the inlet and outlet of the new culvert and willow stakes would be planted within the interstices

of the rock slope protection, which would mitigate permanent impacts caused by the installation of the new culvert. As noted in the NOA, the applicant must submit a Notice of Completion (NOC) to the Regional Water Board that documents the mitigation measures and monitoring for five (5) years. Therefore, a mitigation measure is proposed that would memorialize these requirements to ensure that water quality and waste discharge impacts are sufficiently mitigated.

- b) **No Impact:** The project would not increase water demand.
- c) **Less than Significant Impact with Mitigation Incorporated:** Standard BMPs and the requirements of the Regional Water Board described above and included in Mitigation Measure HWQ-1 below would prevent substantial erosion or siltation, particularly the earthen berms and willow stakes. The project would not increase surface runoff because it would not result in additional impervious surfaces. As noted in the hydrological assessment submitted for the project, the proposed culvert was chosen based on the estimated peak flows for the stream and is of adequate size according to federal highway standards. The new culvert would be installed in the same location as the existing culvert and therefore is not expected to significantly redirect flood flows.
- d) **Less than Significant Impact:** The site is not in a mapped tsunami or seiche zone. The project is within a FEMA flood hazard area but is not expected to result in increased risk of pollutant emissions due to project inundation because the structure is designed to facilitate proper drainage of the stream.
- e) **No Impact:** The project would not conflict with applicable plans because it would not increase the demand for water, would not involve the installation of any plumbing, would not involve the drilling of any wells, and would implement BMPs to prevent sedimentation, erosion, and runoff.

MITIGATION MEASURES:

HWQ-1: In accordance with the Notice of Applicability (NOA) issued by the North Coast Regional Water Quality Control Board on July 8th, 2024, the applicant shall submit a Notice of Completion (NOC) to the Regional Water Board no later than thirty (30) days after the project has been completed. The NOC should be submitted after the annual mitigation monitoring period is complete and the tree survival criteria are met. The applicant shall submit a copy of the NOC to Planning & Building Services. In accordance with the NOA, the applicant shall install earthen berms during cement pouring to prevent slurry from entering the watercourse. The applicant shall also install rock slope protection at the inlet and outlet of the new culvert, and willow stakes shall be planted within the interstices of the rock slope protection.

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Hydrology and Water Quality.

5.11 LAND USE AND PLANNING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

DISCUSSION: All lands within the unincorporated portions of Mendocino County are regulated by the General Plan and zoning ordinance with regards to land use. Several localized plans also regulate land uses in the County, including the Mendocino Town Plan, Ukiah Valley Area Plan, Gualala Town Plan, and

community-specific policies contained within the General Plan. Discretionary projects are referred to several agencies with jurisdiction over aspects of the project as well as other interested parties.

- a) **No Impact:** The project would not physically divide an established community because the new culvert would be placed underneath the existing road grade and would facilitate access to and from the lots along Caspar Point Road.
- b) **No Impact:** The General Plan Coastal Element and Coastal Zoning Code contain policies and regulations aimed at avoiding or mitigating environmental impacts. The Project has been determined to be consistent with applicable regulations as described elsewhere in this document and the associated Staff Report. The same mitigation measures discussed elsewhere in this document would also apply to this section. They will not be repeated below.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Land Use and Planning.

5.12 MINERAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

DISCUSSION: The Surface Mining and Reclamation Act (SMARA) of 1975 provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed to a usable condition. SMARA also encourages the production, conservation, and protection of the state's mineral resources. SMARA requires the State Mining and Geology Board to adopt policies for the reclamation of mined lands and the conservation of mineral resources. SMARA also directs the State Geologist to identify and map non-fuel mineral resources of the state to show where economically significant mineral deposits occur and where they are likely to occur based upon the best available scientific data. No SMARA classification has yet occurred in Mendocino County.

The California Division of Mine Reclamation houses the Mines Online database, which maps the location and provides access to documents for several mines in Mendocino County. The most predominant minerals found in Mendocino County are aggregate resources, primarily sand and gravel. Three sources of aggregate materials are present in Mendocino County: quarries, instream gravel, and terrace gravel deposits. The demand for aggregate is typically related to the size of the population, and construction activities, with demand fluctuating from year to year in response to major construction projects, large development activity, and overall economic conditions. After the completion of U.S. 101 in the late 1960s, the bulk of aggregate production and use shifted primarily to residential and related construction. However, since 1990, use has begun to shift back toward highway construction. However, no specific sites have been identified in the General Plan or Coastal Element as locally important mineral resource recovery sites beyond the general identification of quarries, instream gravel, and terrace gravel operations.

- a) **No Impact:** The site does not contain any known mineral resources of value.
- b) **No Impact:** No locally important mineral resources are known to occur on the project site.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Mineral Resources.

5.13 NOISE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of private airstrip or 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 or working in the project area to excessive noise levels?	☐	☐	☐	☒

DISCUSSION: Acceptable levels of noise vary depending on the land use. In any one location, the noise level will vary over time, from the lowest background or ambient noise level to temporary increases caused by traffic or other sources. State and federal standards have been established as guidelines for determining the compatibility of a particular use with its noise environment. Mendocino County relies principally on standards in its Noise Element, its Zoning Ordinance, and other County ordinances, and the Mendocino County Airport Comprehensive Land Use Plan to evaluate noise-related impacts of development. Land uses considered noise-sensitive are those in which noise can adversely affect what people are doing on the land. Churches, schools, and certain kinds of outdoor recreation are also usually considered noise sensitive.

Major noise sources in Mendocino County consist of highway and local traffic, railroad operations, airports, commercial and industrial uses, recreation, and community facilities. Highways with traffic that generates significant noise include State Route 101, 1, 20, 128, 162, 175, and 253. The only active railroad is the Skunk Train which runs between Fort Bragg and Willits. Public Airports include Ukiah Municipal, Willits Municipal (Ells Field), Round Valley Airport, Boonville Airport, Little River Airport, and Ocean Ridge Airport (Gualala). Major industrial sources of noise include lumber mills and timber production facilities. Other noise sources are identified in the General Plan. General Plan Policy DE-98, DE-99, and DE-105 relate to noise, including Action Item DE-99.2.¹⁶

- a) **Less than Significant Impact:** Removal and installation of the culvert is not expected to create substantial noise beyond the standards outlined in the General Plan and the Exterior Noise Limit Standards found in Appendix C of the County Code. Some temporary noise impacts may occur during construction, but existing regulations limiting allowable noise would restrict construction noise.
- b) **Less than Significant Impact:** Any groundborne vibration would be intermittent and temporary during construction.
- c) **No Impact:** The site is not in the vicinity of a private airstrip, airport land use plan area, or public airport.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Noise.

¹⁶ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

5.14 POPULATION AND HOUSING

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

DISCUSSION: The most recent census for Mendocino County was in 2020, with an estimated population of 87,497. The county has undergone cycles of population boom followed by periods of slower growth. For example, the county population increased by approximately 25 percent between 1950 and 1960, but barely grew from 1960 to 1970. Between 1990 and 2000, the population of Mendocino County increased 7.4 percent, a much slower rate of growth than the 20 percent increase from 1980 to 1990. Population growth slowed further from 2000 to 2007, increasing only 4.6 percent.

Mendocino County's Housing Element is designed to facilitate the development of housing adequate to meet the needs of all County residents. The Mendocino Council of Government's (MCOG) Regional Housing Needs Plan assigned the County a production goal of 2,552 housing unit for the unincorporated area between 2009 and 2014. Goals and policies were set forth in order to facilitate the development of these housing units at a range of sizes and types to address this need.

- a) **No Impact:** The project would not induce population growth because it would not involve the construction of new residential structures.
- b) **No Impact:** The project would not displace people or housing because dwellings would not be demolished or modified.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Population and Housing.

5.15 PUBLIC SERVICES

WOULD THE PROJECT result in substantial adverse Physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

DISCUSSION: The Mendocino County Office of Emergency Services (OES) is the primary local coordination agency for emergencies and disasters affecting residents, public infrastructure, and

government operations in the Mendocino County Operational Area. Fire protection services are provided by the California Department of Forestry and Fire Protection (CALFIRE) or one of several local fire districts. Police protection is provided by the County Sheriff, California Highway Patrol, or city police. Several school districts and parks are located throughout the County. Other public facilities include roads, libraries, water and sewage treatment plants, airports, and animal control facilities. Projects may have an impact if they would cumulatively contribute to significant increased demand for public services such that new facilities would be required. General Plan Policy DE-179 establishes standards for the provision of parkland in the county. The amount of sufficient park space is determined by population.¹⁷

- a-e) **No Impact:** The project would not result in the need for new or physically altered government facilities, including fire protection, police protection, schools, parks, or other public facilities because it would not involve the construction of dwellings and therefore would not result in population growth. The lack of population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Public Services.

5.16 RECREATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

DISCUSSION: The County of Mendocino manages a variety of public recreation areas including Low Gap Park in Ukiah, Bower Park in Gualala, Mill Creek Park in Talmage, Faulkner Park in Boonville, Indian Creek Park and Campground in Philo, and the Lion's Club Park in Redwood Valley, all of which are operated by the Mendocino County Cultural Services Agency. Additionally, the County is host to a variety of state parks, reserves, and other state protected areas used for the purpose of recreation, with thirteen (13) locations along the coast and eight (8) in the inland areas.

- a) **No Impact:** The project would not increase the use of parks or other recreational facilities because it would not involve the construction of dwellings and therefore would not result in population growth. The lack of population growth means that the demand for such services would not increase beyond existing conditions. Therefore, the project would have no impact on such services.
- b) **No Impact:** The project would not involve or require the construction or expansion of recreational facilities.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Recreation.

¹⁷ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

5.17 TRANSPORTATION

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☐	☒

DISCUSSION: General Plan Policy DE-131, DE-148, DE-149, and DE-157 relate to transportation, including Action Item DE-138.1.¹⁸ The Mendocino Council of Governments (MCOG) most recently adopted a Regional Transportation Plan on April 7, 2022. The Regional Transportation Plan is a long-range planning document that provides a vision of regional transportation goals, policies, objectives, and strategies. These may be relevant to individual projects when conducting environmental review.

CEQA Guidelines Section 15064.3 recommends “*specific considerations for evaluating a project’s transportation impacts. Generally, vehicle miles traveled is the most appropriate measure of transportation impacts. For the purposes of this section, “vehicle miles traveled” refers to the amount and distance of automobile travel attributable to a project. Other relevant considerations may include the effects of the project on transit and non-motorized travel.*” This section details appropriate methods for determining the significance of transportation impacts.

According to the 2018 Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, “*many local agencies have developed screening thresholds to indicate when detailed analysis is needed. Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than-significant transportation impact.*”¹⁹ The 2010 MCOG Travel Demand Forecasting Model estimates daily trip generation values for various land uses and geographic areas in Mendocino County and may be used to assist in determining whether projects exceed the screening threshold.²⁰

The Mendocino County Department of Transportation (DOT) is responsible for the maintenance and operation of County maintained roads, bridges, and related features. The County Road and Development Standards apply to road improvements, project-related improvements in subdivisions, and other land development projects that require County approval. On state highways under CALTRANS jurisdiction, the Highway Design Manual establishes policies and procedures that guide state highway design functions. Mendocino County Code Section 17-52, 53, and 54 establish lot design, configuration, access, and private road requirements for subdivisions.

- a) **No Impact:** The site is accessed via private road and the property does not directly abut State Route 1. The project was referred to the Mendocino County Department of Transportation, who responded with no comment. The project would not result in the establishment of a new use and would not increase the density or intensity of existing uses. Therefore, the provision of new transportation infrastructure is not warranted. Therefore, the project would not conflict with a program, plan, ordinance, or policy addressing the circulation system.

¹⁸ The County of Mendocino (2009). *General Plan*. Retrieved from <https://www.mendocinocounty.gov/government/planning-building-services/plans/mendocino-county-general-plan>.

¹⁹ State of California. Governor’s Office of Planning and Research. (2018). *Technical Advisory on Evaluating Transportation Impacts in CEQA*.

²⁰ Mendocino Council of Governments. (2010). *Final Model Development Report: MCOG Travel Demand Forecasting Model*.

- b) **Less than Significant Impact:** The project would not result in the establishment of a new use and would not increase the density or intensity of existing uses. Therefore, the project would not generate additional trips or vehicle miles traveled.
- c) **No Impact:** No transportation infrastructure or new uses are proposed.
- d) **No Impact:** The project would not result in inadequate emergency access because culvert would not physically block any access routes.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have **No Impact** on Transportation.

5.18 TRIBAL CULTURAL RESOURCES

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

DISCUSSION: According to Public Resources Code (PRC) Section 21074, "Tribal cultural resources" are either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. ("a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.")
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1 ((1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; (2) Is associated with the lives of persons important in our past; (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; (4) Has yielded, or may

be likely to yield, information important in prehistory or history). In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) or Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

PRC Section 5020.1(k) defines a “local register of historical resources” as *“a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.”*

PRC Section 5024.1(c) establishes the following: *“A resource may be listed as a historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:*

- *Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.*
- *Is associated with the lives of persons important in our past.*
- *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.*
- *Has yielded, or may be likely to yield, information important in prehistory or history.”*

- a) **Less than Significant with Mitigation Incorporated:** An archaeological survey report was submitted for the project. The report notes that shovel probes at two (2) meter intervals were used to inspect the site. No archaeological or other historical resources were found in the project area. However, the report notes that a previously recorded prehistoric site is located nearby. Although no resources were discovered, there remains a moderate potential that buried or concealed archaeological deposits could be discovered during project activities. Therefore, the archaeologist recommended that the project be subject to the standard discovery clause contained in Chapter 22.12 and that all ground disturbing activity be monitored by a professional archaeologist and a tribal monitor. This is consistent with correspondence received from the Sherwood Valley Band of Pomo Indians, who requested that a tribally selected monitor be on site during earth movement. Therefore, there remains a possibility of significant impacts due to unanticipated discovery during construction. According to the professional opinion of the archaeologist and correspondence with Sherwood Valley Band of Pomo Indians, monitoring is warranted to avoid potential impacts.

MITIGATION MEASURES:

CR-1: All ground disturbing activity shall be monitored by a professional archaeologist and a tribal monitor from the Sherwood Valley Band of Pomo Indians. If any resources are discovered during monitoring, the work shall cease until the provisions of Section 22.12.090 are carried out. The archaeologist and Sherwood Valley Band of Pomo Indians shall provide written confirmation to Planning & Building Services that monitoring has occurred.

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Tribal Cultural Resources.

5.19 UTILITIES AND SERVICE SYSTEMS

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider, which 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?	☐	☐	☐	☒
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

DISCUSSION: Public sewer systems in Mendocino County are provided by cities, special districts, and some private water purveyors. There are 13 major wastewater systems in the county, four of which primarily serve the incorporated cities, but also serve some unincorporated areas. Sewage collected by the Brooktrails Township Community Services District and Meadowbrook Manor Sanitation District is treated at the City of Willits Wastewater Treatment Plant. The City of Ukiah's Wastewater Treatment Plant also processes wastewater collected by the Ukiah Valley Sanitation District. Sewage disposal in the remainder of the county is generally handled by private onsite facilities, primarily septic tank and leach field systems, although alternative engineered wastewater systems may be used.

Solid waste management in Mendocino County has undergone a significant transformation from waste disposal in landfills supplemented by transfer stations to a focus on transfer stations and waste stream diversion. These changes have responded to rigorous water quality and environmental laws, particularly the California Integrated Waste Management Act of 1989 (AB 939). The Act required each city and county to divert 50 percent of its waste stream from landfill disposal by the year 2000 through source reduction, recycling, composting, and other programs. Chapter 3 (Development Element) of the Mendocino County General Plan (2009) notes there are no remaining operating landfills in Mendocino County, and as a result, solid waste generated within the County is exported for disposal to the Potrero Hills Landfill in Solano County. The Potrero Hills Landfill has a maximum permitted throughput of 4,330 tons per day and a remaining capacity of 13.872 million cubic yards and is estimated to remain in operation until February 2048.

Mendocino County's Development Goal DE-21 (Solid Waste) states: *Reduce solid waste sent to landfills by reducing waste, reusing materials, and recycling waste.* Solid Waste and Hazardous Waste and Material Management Policy DE-201 states the County's waste management plan *shall include programs to increase recycling and reuse of materials to reduce landfilled waste.* Mendocino County's Environmental Health Division regulates and inspects more than 50 solid waste facilities in Mendocino County, including: 5 closed/inactive municipal landfills, 3 wood-waste disposal sites, 2 composting facilities, and 11 transfer stations.

- a) **Less than Significant with Mitigation Incorporated:** The project would involve the removal and replacement of an existing culvert with a new culvert, which is a stormwater drainage facility. The environmental effects of these activities have been discussed throughout the other sections of this document. Some effects may occur, but they have been determined to be less than significant either with or without the incorporation of mitigation measures.
- b) **No Impact:** The project would not increase the demand for water because additional dwelling units or plumbing fixtures would not be installed. Water would not be required to serve the demolition and/or operation of electrical service.
- c) **No Impact:** The project would not increase the demand for wastewater service because additional dwelling units or plumbing fixtures would not be installed. Wastewater would not be generated due to demolition and/or operation of electrical service.
- d) **Less than Significant Impact:** Solid waste may be temporarily generated by the demolition and removal of the existing culvert. The nearest transfer station is approximately four (4±) miles southeast (Caspar Transfer Station), which transports waste to the Potrero Hills Landfill in Solano County, which is expected to remain in operation until 2048. Therefore, incremental contributions to solid waste throughput due to demolition would be minimal.
- e) **No Impact:** Solid waste generated by demolition is expected to comply with applicable regulations, including the California Integrated Waste Management Act and Mendocino County Solid Waste Division.

MITIGATION MEASURES: None beyond those included elsewhere in this document.

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Utilities and Service Systems.

5.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	☐	☐	☒	☐

DISCUSSION: The County of Mendocino County adopted a *Mendocino County Operational Area Emergency Operations Plan* (County EOP) on September 13, 2016, under Resolution Number 16-119. As noted on the County's website, the County EOP, which complies with local ordinances, state law, and stated and federal emergency planning guidance, serves as the primary guide for coordinating and responding to all emergencies and disasters within the County. The purpose of the County EOP is to

“facilitate multi-agency and multi-jurisdictional coordination during emergency operations, particularly between Mendocino County, local and tribal governments, special districts as well as state and Federal agencies” (County of Mendocino – Plans and Publications, 2019).

- a) **No Impact:** The project would not impair an emergency response plan or emergency evacuation plan because it would not create any physical obstructions along access routes.
- b) **Less than Significant Impact:** The project would not exacerbate wildlife risk because new fuel sources would not be created. The proposed culvert would be aluminum, which is generally inflammable.
- c) **No Impact:** The project would not require the installation or maintenance of associated infrastructure.
- d) **Less than Significant Impact:** Impacts related to runoff, slope stability, and drainage would be mitigated by the terms of the NOA issued by the Regional Water Board, including the installation of earthen berms and willow stakes. From the proposed outlet of the culvert, the stream drains into a vacant parcel under private ownership and a parcel owned by the State of California that is part of Jug Handle State Natural Reserve. There are no structures between the outlet of the culvert and the Pacific Ocean within one hundred (100) feet of the stream channel.

MITIGATION MEASURES: None.

FINDINGS: The proposed project would have a **Less than Significant Impact** on Wildfire.

5.21 MANDATORY FINDINGS OF SIGNIFICANCE

WOULD THE PROJECT:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?	☐	☒	☐	☐
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).	☐	☐	☒	☐
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

DISCUSSION: Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;

- Eliminate important examples of the major periods of California history or pre-history;
 - Achieve short term goals to the disadvantage of long term goals;
 - Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
 - Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.
- a) **Less than Significant Impact with Mitigation Incorporated:** Based on discussion throughout this document, particularly in Section 5.13 – Biological Resources, there is some potential for impacts. However, these impacts can be made less than significant with the implementation of mitigation measures.
- b) **Less than Significant Impact:** Cumulative impacts were considered for applicable potential impacts as discussed throughout this document, including but not limited to Section 5.3 – Air Quality and 5.8 – Greenhouse Gas Emissions. Potential impacts were identified in these sections where it was determined that no significant cumulative effects would occur because of the Project.
- c) **Less than Significant:** Based on discussion throughout this document, potential adverse effects on human beings, both directly and indirectly, have been considered and found to be less than significant or less than significant.

MITIGATION MEASURES: BIO-1 through BIO-6, CR-1 and HWQ-1

FINDINGS: The proposed project would have a **Less than Significant Impact with Mitigation Incorporated** on Mandatory Findings of Significance.