

**REVISED
INITIAL STUDY
AND
PROPOSED NEGATIVE DECLARATION**

FOR

**MENDOCINO COUNTY RUSSIAN RIVER FLOOD
CONTROL AND WATER CONSERVATION
IMPROVEMENT DISTRICT REDWOOD VALLEY
ANNEXATION**

Prepared for:
**Mendocino County Russian River Flood Control
and Water Conservation Improvement District**
PO Box 2104
Ukiah, CA 95482

Original Date June 29, 2025
Revised Date September 4, 2025

**MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL
AND WATER CONSERVATION IMPROVEMENT DISTRICT
PUBLIC NOTICE OF INTENT TO ADOPT PROPOSED NEGATIVE DECLARATION**

The Mendocino County Russian River Flood Control and Water Conservation Improvement District (“**RRFC**”) prepares, makes, declares and publishes this proposed Negative Declaration for the Mendocino County Russian River Flood Control and Water Conservation Improvement District Redwood Valley Annexation (“**Project**”).

Project Description: Filing of an application with the Mendocino County Local Agency Formation Commission to annex the Redwood Valley County Water District (“**RVCWD**”) into the boundaries of the RRFC. The Project Description is more fully set forth in the Initial Study for the Project. The main purpose of the annexation is to allow RVCWD to put water available under its contract with the RRFC to beneficial use anywhere within the RVCWD boundaries~~receive surface water supplies available under the RRFC’s licensed water right.~~

Project Location: The Project is located within Mendocino County as shown on the map attached as **EXHIBIT “A”**.

Determination: The RRFC has reviewed the proposed Project and has determined that the Project, as identified in the attached Initial Study, will not have a significant effect on the environment. An Environmental Impact Report is not required pursuant to the Environmental Quality Act of 1970 (Division 13 of the California Public Resources Code).

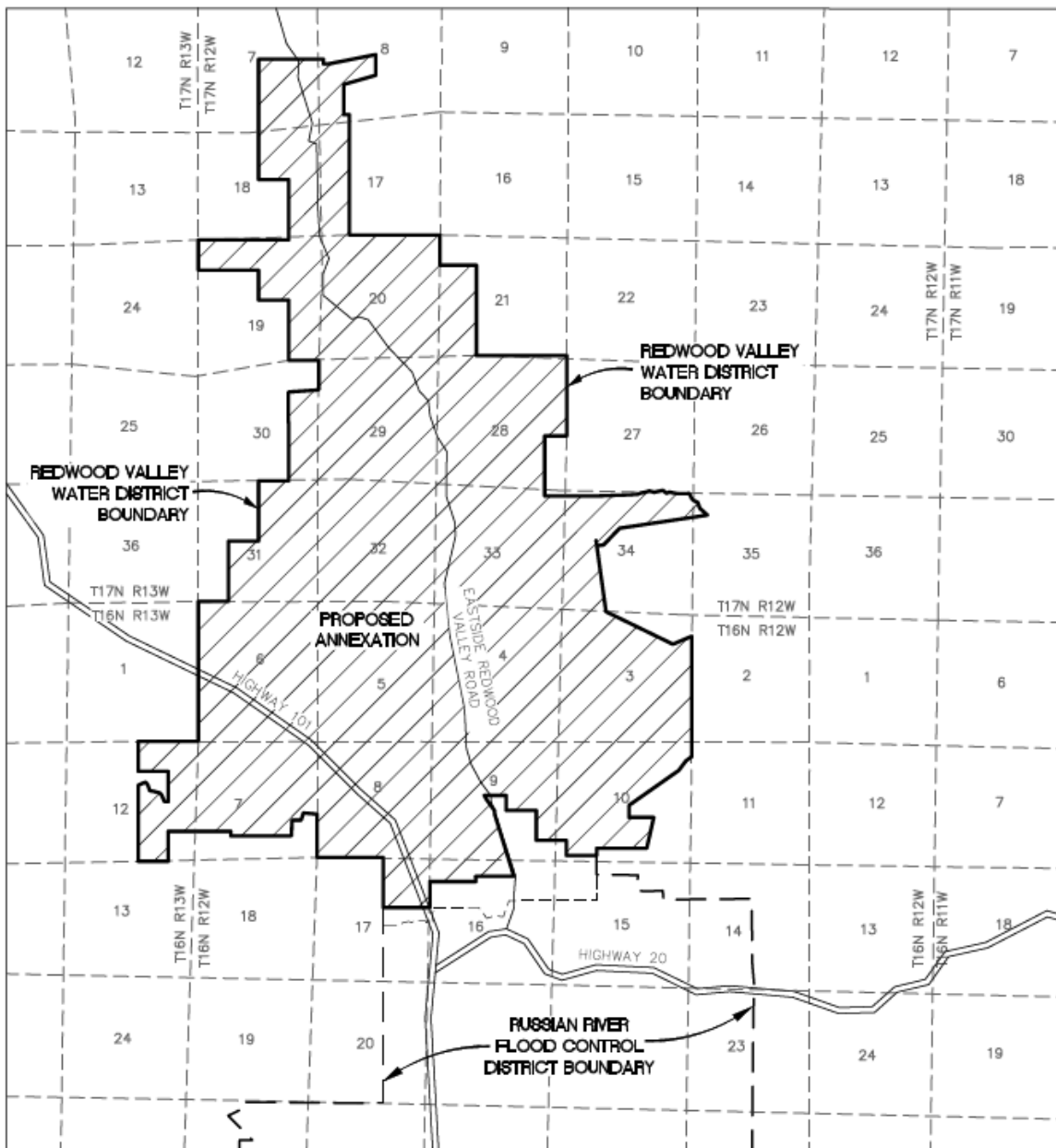
Public Review: The Initial Study/Negative Declaration has been prepared in compliance with the California Environmental Quality Act and contains an environmental review of the potential impacts of the proposed Project. This Initial Study/Negative Declaration is being circulated for 30-day period from June 29, 2025, through July 29, 2025. Comments on the Initial Study/Negative Declaration may be sent by 12:00 noon on July 29, 2025, to the RRFC, Attention: Ms. Elizabeth Salomone, PO Box 2104, Ukiah, CA 95482, DistrictManager@rrfc.net. Comments will be reviewed by the RRFC, and the Initial Study/Negative Declaration will be revised, as appropriate, prior to the adoption of the proposed Negative Declaration by the RRFC, which is scheduled for October ~~September 7~~, 2025.

This environmental review process and Negative Declaration filing is made pursuant to Title 14, Division 6, Chapter 3, Article 6 of the California Administrative Code Section 15070.

A copy of the Initial Study and Proposed Negative Declaration may be reviewed at the RRFC office at 304 North State Street, Ukiah, California, 95482.



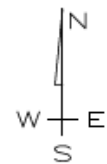
Elizabeth Salomone, General Manager



**EXHIBIT "A" TO NOTICE OF INTENT TO ADOPT
PROPOSED NEGATIVE DECLARATION
MAP OF RVCWD AREA TO BE ANNEXED INTO RRFC**

THIS MAP HAS BEEN PREPARED BY STEVEN J. KLEIN.

Steven J. Klein 06/18/25
STEVEN J. KLEIN, P.L.S. 8155



LEGEND

- BOUNDARY OF LANDS TO BE ANNEXED
- EXISTING BOUNDARY OF RUSSIAN RIVER FLOOD CONTROL DISTRICT
- SECTION LINES
- OVERLAP OF RVCWD & RRFC

MUNSELLE CIVIL ENGINEERING
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LAFCO SITE PLAN
REDWOOD VALLEY COUNTY WATER DISTRICT
REDWOOD VALLEY, CA

JOB NO.
129-25

SHEET NO.
1
OF 1 SHEETS

[PROPOSED]
**MENDOCINO COUNTY RUSSIAN RIVER FLOOD CONTROL
AND WATER CONSERVATION IMPROVEMENT DISTRICT
NEGATIVE DECLARATION REGARDING ENVIRONMENTAL IMPACT**

1. NOTICE IS HEREBY GIVEN that the Project described below has been reviewed pursuant to the provisions of the California Environmental Quality Act of 1970 (Public Resources Code Section 21100, et seq.) and a determination has been made that it will have no significant effect upon the environment.
2. PROJECT NAME: Mendocino County Russian River Flood Control and Water Conservation Improvement District Redwood Valley Annexation Project (“**Project**”).
3. DESCRIPTION OF THE PROJECT: Filing of an application with the Mendocino County Local Agency Formation Commission to annex the Redwood Valley County Water District (“**RVCWD**”) into the RRFC. The Project Description is more fully set forth in the Initial Study for the Project. The main purpose of the annexation is to allow RVCWD to put water available under its contract with the RRFC to beneficial use anywhere within the RVCWD boundaries~~receive surface water supplies available under the RRFC’s licensed water right.~~
4. LOCATION OF PROJECT: The Project is located within Mendocino County as shown on the areas identified on the map attached as **EXHIBIT “A”**.
5. NAME AND ADDRESS OF PROJECT PROPONENT: Mendocino County Russian River Flood Control and Water Conservation Improvement District, PO Box 2104, Ukiah, CA 95482, (707) 462-5278.
6. MITIGATION MEASURES: None.
7. A copy of the Initial Study regarding the environmental effect of this Project is on file at the RRFC office at 304 North State Street, Ukiah, California, 95482. This study was:
 - ☐ Adopted as presented.
 - ☐ Adopted with changes. Specific modifications supporting reasons are attached.
8. The RRFC considered this Negative Declaration at a public meeting of its Board of Directors on October _____ ~~September 7,~~ 2025.
9. DETERMINATION: *(To be completed by the Lead Agency).*

On the basis of this initial evaluation:

- X 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 to 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 the 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 (1) have been adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to the applicable standards, and (c) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Project, nothing further is required.

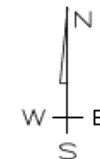
Elizabeth Salomone

Date

**EXHIBIT "A" TO NEGATIVE DECLARATION
MAP OF RVCWD AREA TO BE ANNEXED INTO RRFC**

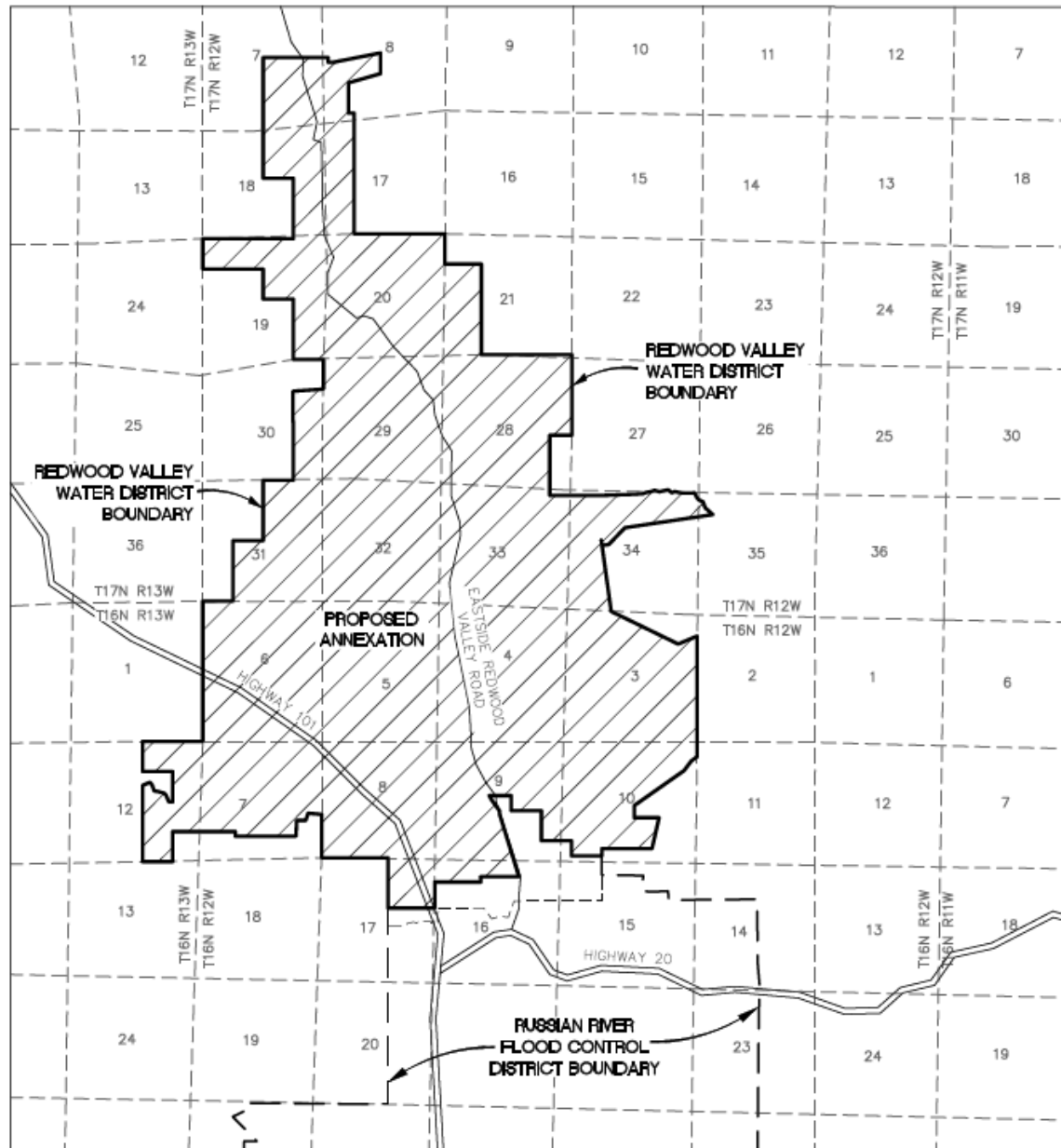
THIS MAP HAS BEEN PREPARED BY STEVEN J. KLEIN.

Steven J. Klein 06/18/25
STEVEN J. KLEIN, P.L.S. 8155



LEGEND

- BOUNDARY OF LANDS TO BE ANNEXED
- EXISTING BOUNDARY OF RUSSIAN RIVER FLOOD CONTROL DISTRICT
- SECTION LINES
- OVERLAP OF RVCWD & RRFC



MUNSELLE CIVIL ENGINEERING
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LAFCO SITE PLAN
REDWOOD VALLEY COUNTY WATER DISTRICT
REDWOOD VALLEY, CA

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SHEET NO.
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OF 1 SHEETS

**INITIAL STUDY
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1. SUMMARY

Project Title: Mendocino County Russian River Flood Control and Water Conservation Improvement District Redwood Valley Annexation Project

Project Location: Mendocino County

Lead Agency: Mendocino County Russian River Flood Control and Water Conservation Improvement District

Agency Carrying Out Project: Mendocino County Russian River Flood Control and Water Conservation Improvement District

Contact Person: Elizabeth Salomone
General Manager
Mendocino County Russian River Flood Control and Water Conservation Improvement District
PO Box 2104, Ukiah, CA 95482
Telephone: (707) 462-5278

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

Organization of the Initial Study

This Initial Study contains the following sections:

Chapter 1 – Summary. Provides information about the proposed Project location, lead agency, and identification of environmental issues determined to be “Potentially Significant Impacts” as indicated by the Environmental Checklist contained in Section 4.

Chapter 2 – Project Description. Describes the Project location, surrounding land uses, Project objectives, and characteristics of the proposed project.

Chapter 3 – Environmental Checklist. Contains the Environmental Checklist presented in Appendix G of the CEQA Guidelines. The checklist is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the Checklist.

Chapter 4 – Consultation with Responsible Agencies Summarizes informal consultation with the State Water Resources Control Board.

Chapter 5 - Determination. States the determination by the Lead Agency. In this case, The Mendocino County Russian River Flood Control and Water Conservation Improvement District is proposing that a Negative Declaration be adopted for the proposed Project.

2. PROJECT DESCRIPTION

Project Objectives

The project is the filing of an application to the Mendocino County Local Agency Formation Commission (“**LAFCo**”) to annex the remaining portion of the Redwood Valley County Water District (“**RVCWD**”) into the boundaries of the Mendocino County Russian River Flood Control and Water Conservation Improvement RRFC (“**RRFC**”). The size of RVCWD’s service area is roughly 15 square miles in a valley 5 miles long by 3 miles wide. ~~A~~Approximately 200 acres portion of RVCWD’s service area ~~ishas~~ already within been annexed into RRFC, and RVCWD holds a Uniform Water Sale and Purchase Agreement (“**Agreement**”) with RRFC for 328.85 acre feet annually. ~~and by this application~~ RRFC seeks to annex the remaining portion of RVCWD to allow RVCWD to utilize water available under the Agreement ~~contract with RRFC for surface water supplies available under RRFC’s licensed water right~~ (“**License**”) for use anywhere within RVCWD.

RRFC’s water right license issued by the State Water Resources Control Board (“**License**”) authorizes domestic, municipal, industrial, irrigation, and recreational uses within the RRFC’s service area and further authorizes the RRFC to supply *surplus* water supplies to RVCWD. As a result, RVCWD has expressed its desire to have its entire service area annexed into the RRFC to become an in-District customer which would allow it to (1) utilize its current contracted supply

anywhere within its boundaries, and (2) have its entire service area have access to surplus water on par with other RRFC customersecontract for a reliable surface water supply rather than rely only upon the existence of surplus water.

Project Area

The proposed Project would occur within Mendocino County and would alter the boundaries of the RRFC to include the complete boundaries of RVCWD. The area to be annexed is specifically depicted in **Exhibit A**.

Existing Conditions

RRFC is located entirely in Mendocino County. The service area boundaries of RRFC include 51,000 acres of a larger 312,675-acre sphere of influence. RRFC provides raw water for irrigation and to municipal water purveyors within its boundaries. When treatment is required, the municipal service provider treats and distributes the water to its customers. RRFC's License currently serves as its only surface water supply. Under existing conditions, any surface water under the License not needed by existing in-District customers is made available as surplus to RVCWD.

RVCWD provides domestic and agricultural water services to the community of RVCWD, including a total of 1,005 equivalent dwelling units and 197 agricultural customers across a roughly 15 square mile service area (MSR 2016). RVCWD's water supply consists of (1) a permit (Permit 17593) to divert water from Lake Mendocino under very limited conditions, (2) its Agreement with RRFC for 328.85 acre feet of water annually that can be used in that portion of approximately 200 acres of RVCWD located within the boundaries of RRFC, and (3) surplus water available from RRFC exceeding RRFC's customers' needs pursuant to Stipulated Judgment No. 42059 dated May 21, 1980. necessitating the need for RVCWD to seek alternative water supplies, including purchase of surplus supplies from the RRFC. The current general plan land use designations for RVCWD are included below as **Figure a**.

RVCWD is currently under a court-ordered moratorium for domestic water connections (Appendix 1) and a self-imposed moratorium for irrigation connections. due to water supply instability, included here as Appendix 1. In 2013, Mendocino county LAFCO concluded regarding RVCWD:

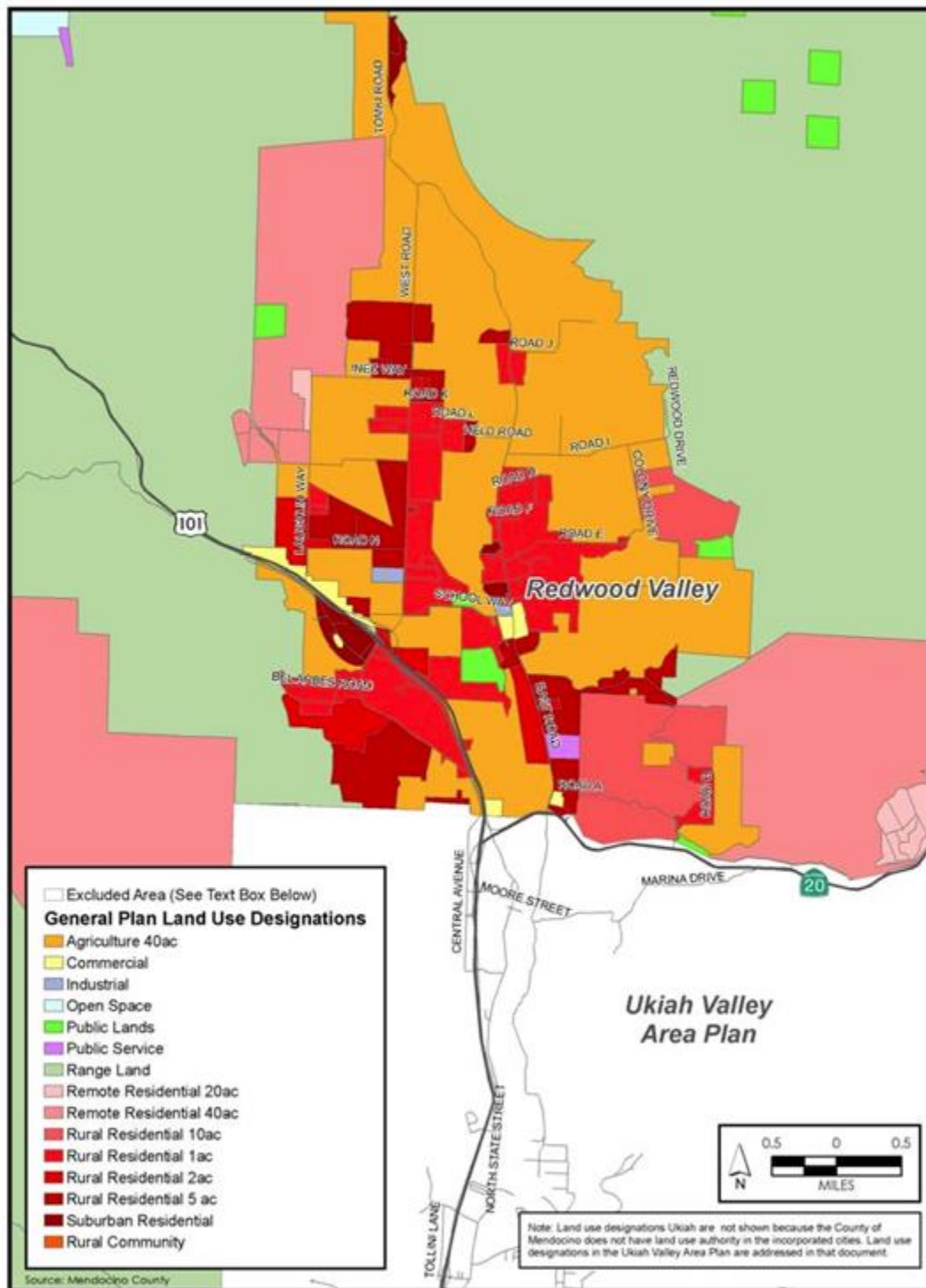
The annual demand is approximately 750 AF domestic and 1,450 AF for irrigation, a total of 2,200 AF. The RVCWD maintains a 68-acre-foot storage tank of untreated water from which water is transmitted to the water treatment plant to produce domestic water. The plant has a capacity of 1.7 million gallons per day. The RVCWD's supply consists of a right to divert up to 4,900 AF from Lake Mendocino if flow at the confluence of the forks of the Russian River exceeds 72,000 AF. It is estimated that water will be available for 70 days in wet years and one or two days in dry years. As a result of the uncertain supply, the RVCWD is under a moratorium for new domestic and irrigation connections. Ukiah Valley Special Districts Final Municipal Service Review, May 6, 2013.

Currently, the health and safety needs of RVCWD's domestic customers are being met with

purchased water from the Millview County Water District. During the irrigation seasons of 2021-2022, there was no surplus water available ~~water~~ from RVCWD for existing agricultural customers who were operating solely on storage ponds and groundwater.

In 2024, RVCWD became a member of the Ukiah Valley Water Authority, a joint powers authority pursuing consolidation of Ukiah Valley's municipal water suppliers. The UVWA would offers coordinated use of each member's respective water supplies and systems to maximize availability. ~~Annexation into the RRFC is yet another avenue by which RVCWD is attempting to secure an adequate, redundant, and reliable water supply.~~

a. General Plan Land Use Designation for broader RVCWD Community Planning Area



Project Characteristics

The Project will consist of submission of an annexation application to LAFCo requesting annexation of the complete service area of RVCWD, as depicted on **Exhibit B**, into the RRFC. All areas proposed to be annexed lie within the RRFC's existing Sphere of Influence (**Exhibit C**).

LAFCo will provide public notification to advise interested persons of the annexation application. Prior to acting upon any Petition for annexation, LAFCo must comply with the requirements of the California Environmental Quality Act ("CEQA"). For purposes of CEQA, the RRFC is the lead agency, and LAFCo is a responsible agency.

Changes Resulting from Project

If all of RVCWD is annexed into RRFC the one immediate change would be that RVCWD can use the 328.85 acre feet under its Agreement with RRFC anywhere within its boundaries as RVCWD is already within RRFC's licensed place of use. As mentioned, there is currently no more water available to contract from RRFC – so the amount of water available under RVCWD's Agreement cannot currently be expanded, and will remain at 328.85 even after annexation. It is possible in the future that if customers under existing Agreements decide to reduce the amount under their contracts, additional water could be available for other customers to add to the amount of their Agreements. Such an occurrence is speculative at this point in time.

If RVCWD is annexed into RRFC, the only other immediate change would be that RVCWD can use available RRFC "surplus" water anywhere within its boundaries as it would now be within RRFC's boundaries and is already within RRFC's licensed place of use. RRFC's "surplus" water, as set forth in the Agreement, is water temporarily available under RRFC's licensed water right in excess of the amount necessary for RRFC to meet the demands of its Agreement customers. Because all RRFC water is currently contracted for under Uniform Agreements, this means that customer(s) would have to inform RRFC that they would not need all their contracted water in the upcoming season. This process is set forth in Section 3.2 of the Agreements. Currently, RVCWD is able to participate in this surplus water process on an equal basis with other existing customers for that portion of the district within RRFC. As set forth in the Agreement, if existing RRFC customers turn back some of their contract entitlement, that water is made available to all customers on a pro-rata basis. Without annexation, RVCWD can put such surplus water to use only in that portion of RVCWD already within RRFC; with annexation, RVCWD could put surplus water available under its Uniform Agreement to beneficial use anywhere within its boundaries.

Because the terms and conditions of RVCWD's Agreement would remain in place, the proposed annexation of RVCWD could have no adverse impact on RRFC's existing customers, agricultural or municipal, as shortage provisions are built into the Uniform Agreements and apply uniformly to all RRFC customers. The only way that RVCWD could increase its Uniform Agreement is if in the future existing RRFC customers reduce the quantity of water they have under contract or terminate their contract; under those circumstances, RVCWD would be eligible for a pro-rata share of that additional amount along with all other RRFC customers, the same as it would be today without annexation.

RRFC currently treats all of its customers equally. Shortage provisions in the Uniform Agreement currently provide:

11.2 Allocation of Shortage. In the event that a shortage condition from any cause is declared by the District with respect to its water rights or supply in Lake Mendocino and the east fork of the Russian River, and evidence of such shortage condition is of sufficient magnitude, in the District's sole opinion or findings, to require a reduction in diversions by District pursuant to its Permit, then District shall be entitled to reduce the amount of District Water it is required to deliver to Customer pursuant to the terms of this Agreement in the manner set forth below without any form or manner of liability. Customers will share pro rata in the reduction in District's allowed diversions from the Russian River and/or Lake Mendocino, as the case may be.

11.3 Declaration and Notice. In the event of a shortage pursuant to Section 11.2 above, District shall deliver a written "Notice of Impending Shortage" to Customer, informing Customer of the amount of reduction in District Water for the period in question, which shall be binding on Customer. Within thirty (30) days of delivery of such a Notice of Impending Shortage, District shall notice and conduct a public meeting to meet and confer with its customers in an effort to determine the terms and provisions under which District will deliver District Water to Customers for the period during which the shortage condition prevails.

11.4 Water Shortage Emergencies. Notwithstanding Section 11.2 above, the District may allocate District Water to its Customers as set forth in Article 9 of Ordinance #25-01 if a water shortage emergency has been declared pursuant to Water Code section 350. In the event of such an emergency water shortage, District shall comply with the notice, hearing, and other requirements set forth in Division 1 Chapter 3 of the California Water Code.

Article 9 of Ordinance #25-01 provides in pertinent part: "During any period of threatened or actual water shortage, the District has the right to apportion its available District Water supply among Customers in a manner that appears most equitable with due regard to public health and safety". Historically, RRFC has imposed shortages on its customers on a pro-rata basis; it has never treated agricultural and municipal customers differently.

It should be noted that RRFC already has existing Agreements with numerous municipal water suppliers, including Millview County Water District, Redwood Valley County Water District, Calpella County Water District, Russian River Estates, Rogina Mutual Water, Hopland Public Utility District, and Willow County Water District. RRFC acknowledges that in water short years it is possible that domestic users will be entitled to health and safety water even when other use types have been curtailed. In prior droughts, it is our understanding that the State Water Resources Control Board Division of Water Rights (**Division**) staff authorized RVCWD to divert water for health & safety needs regardless of its rights or contract priorities. Therefore, the State has already imposed a priority for RVCWD even without RVCWD being in RRFC. Because this priority was granted before the proposed Project, it is part of the CEQA base case; in addition, the action was taken by the Division and was not taken by RRFC. Annexing RVCWD would not change RRFC's method of allocation water under the Uniform Agreement, or its method of imposing shortages.

3. ENVIRONMENTAL CHECKLIST

The following checklist is the form presented in appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. All answers must 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. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant.

For this checklist, the following designations are used:

Potentially Significant Impact: "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

Potentially Significant Unless Mitigation Incorporated: "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact."

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards. If no significant impacts are identified, a Negative Declaration would be prepared.

No Impact: The project would not have an impact.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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I. AESTHETICS -- *Would the project:*

a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	X
c) Substantially degrade the existing visual character or quality of the site and	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
its surroundings?				
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	☐	☐	☐	X

Discussion

a - d) The Project involves annexation of RVCWD into the RRFC. No construction, land alterations, or changes in land uses are planned or involved. Therefore, the Project would have no impact on aesthetics.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique	☐	☐	☐	X
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Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	X
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 Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	X
d) Result in the loss of forestland or conversion of forest land to non-forest use?	☐	☐	☐	X
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	X

Discussion

a-e) The Project involves annexation of RVCWD into the RRFC. No change in land use will occur as a result of that action. The Project would allow RVCWD to utilize its existing Agreement supply within its entire service area. RVCWD includes 9,610 acres in its service area, the available 328.85 acre feet is insignificant as it would provide less than 0.004 acre feet of water per acre. Conversely, the proposed project would have no adverse impact on agricultural use within either RVCWD or RRFC. ~~is likely to allow any existing agricultural acreage to continue in agricultural use.~~ Farming practices on the annexed parcels are not anticipated to change following annexation. Therefore, the Project would have no impact on agriculture or forestry resources within RVCWD.

Similarly, the Project should have no impact on agricultural uses within RRFC. The concern that annexing RVCWD could harm RRFC's existing agricultural customers is a critical consideration. The District understands the concern that Water Code Section 106, which establishes a "priority of right" for domestic use over agricultural use, could subordinate agricultural water supply to domestic needs. However, this is not a new issue created by the Project. The potential for population growth and increased domestic water use exists whether or not RVCWD is annexed into RRFC, as RRFC currently includes numerous municipal suppliers as customers. The conclusion of no significant impact to RRFC agricultural users is based upon the facts in the record that annexation (1) will not increase the amount of water available to RVCWD, (2) will not provide RVCWD with a more reliable water supply that would allow it to lift either of the currently imposed moratoria, (3) will not result in any reduction in supply to RRFC current customers, and (4) will not result in shortages being imposed upon RRFC's agricultural customers for the benefit of domestic users.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
III. <u>AIR QUALITY</u> – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determination. <i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	X
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	X
e) Create objectionable odors affecting a	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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substantial number of people?

Discussion

a-e) The Project involves annexation of RVCWD into the RRFC. No construction, land alterations, or changes in land uses are planned or involved. Therefore, the Project would have no impact on air quality.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES --

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	X
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 US Fish and Wildlife Service?	☐	☐	☐	X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	X
d) Interfere substantially with the movement of any native resident or	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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?	☐	☐	☐	X
f) Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	X

Discussion

a-f) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are planned or involved. RVCWD is currently under a court-ordered moratorium for domestic water connections and a self-imposed moratorium for irrigation connections due to water supply instability, so no change in land use is anticipated. No change is contemplated to the RRFC's diversion facilities, either in quantity or time of diversion. Therefore, the Project would have no impact on biological resources.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<u>V. CULTURAL RESOURCES</u> -- <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	X

Discussion

a-d) The Project involves annexation of RVCWD into the RRFC. No construction, land alterations, or changes in land uses are planned or involved. Therefore, the Project would have no impact on cultural resources.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VI. <u>GEOLOGY AND SOILS</u> –				
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	X
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	☐	☐	☐	X
ii) Strong seismic ground shaking?	☐	☐	☐	X
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	X
iv) Landslides?	☐	☐	☐	X
b) Result in substantial soil erosion or	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
the loss of topsoil?				X
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?	☐	☐	☐	X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	X
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 wastewater?	☐	☐	☐	X

Discussion

a-e) The Project involves annexation of RVCWD into the RRFC. No construction, land alterations, or changes in land uses are planned or involved. Therefore, the Project would have no impact on geology or soils.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
VII. <u>GREENHOUSE GAS EMISSIONS</u>				
<i>-- Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☐	X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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greenhouse gases?

Discussion

a-b) The Project involves annexation of RVCWD into the RRFC. No construction, land alterations or changes in land uses are planned or involved that could increase greenhouse gas emissions. Therefore, the Project would have no impact on greenhouse gas emissions.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	X
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?	☐	☐	☐	X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	X
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?	☐	☐	☐	X
e) For a project located within an airport land use plan or, where such a plan has	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	X

Discussion

a-h) The Project involves annexation of RVCWD into the RRFC. No construction, land alterations or changes in land uses are planned or involved. Therefore, the Project would have no impact on hazardous materials.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
<u>IX. HYDROLOGY AND WATER QUALITY</u> -- <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or silation on- or off-site?	☐	☐	☐	X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	☐	☐	☐	X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	X
f) Otherwise substantially degrade water quality?	☐	☐	☐	X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	X
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	☐	☐	☐	X
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	X

Discussion

a-j) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are involved, and no change in land use is contemplated by the Project that would affect hydrology or water quality in any way. RVCWD is currently under a court-ordered moratorium for domestic water connections and a self-imposed moratorium for irrigation connections ~~due to water supply instability~~ so no change in land use is anticipated. The purpose of the annexation is to allow RVCWD to utilize its existing water supply under is Agreement in the entire service area, and to have access to surplus water on par with existing RRFC customers. contract for already available surface water supplies from the RRFC as an in-RRFC customer. Therefore, the Project would have no impact on hydrology or water quality.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
X. <u>LAND USE AND PLANNING</u> - <i>Would the project:</i>				
a) Physically divide an established community?	☐	☐	☐	X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	X

Discussion

a-c) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are planned or involved, and no change in land use is contemplated by the Project. The Project is likely to allow any existing agricultural acreage to continue in agricultural use. Farming practices on the annexed parcels are not anticipated to change following annexation. RVCWD is currently under a court-ordered moratorium for domestic water connections and a self-imposed moratorium for irrigation connections due to water supply instability so no change in land use is anticipated. The purpose of the annexation is to allow RVCWD to utilize its existing water supply under its Agreement in the entire service area, and to have access to surplus water on par with existing RRFC customers; these changes do not provide increased water supplies, and do not rise to the extent of contract for already available surface water supplies from the RRFC as an in-District customer. increased reliability for RVCWD. For the same reason, because RVCWD's water supply will not be increased and will not become more dependable as a result of the proposed Project, the annexation itself cannot provide grounds for the RVCWD to apply to the court to lift the court-imposed moratorium on domestic connections, or to lift its self-imposed moratorium on agricultural connections. Therefore, the Project would have no impact on land use and planning.

XI. 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?	☐	☐	☐	X
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?	☐	☐	☐	X

Discussion

a-b) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are planned or involved, and no change in land use is contemplated by the Project; therefore, the Project would have no impact on mineral resources.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XII. <u>NOISE</u> –				
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☐	X
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☐	☐	☐	X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	X
f) For a project within the vicinity of a private airstrip, would people in the area be exposed to excessive noise levels?	☐	☐	☐	X

Discussion

a-f) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are planned or involved, and no change in land use is contemplated by the Project; therefore, the Project would have no impact on noise.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING --

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

☐ ☐ ☐ X

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ X

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

☐ ☐ ☐ X

Discussion

a-c) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are planned or involved, and no change in land use is contemplated by the Project. The purpose of the annexation is to allow RVCWD to utilize its existing water supply under its Agreement in the entire service area, and to have access to surplus water on par with existing RRFC customers; while these changes may offer RVCWD some minor relief, they do not provide increased water supplies, and do not rise to the extent of increased reliability for RVCWD. For the same reason, because RVCWD's water supply will not be increased and will not become more dependable as a result of the proposed Project, the annexation itself cannot provide grounds for the RVCWD to apply to the court to lift the court-imposed moratorium on domestic connections, or to lift its self-imposed moratorium on agricultural connections. Although annexation into the RRFC may make additional surface water supplies available to RVCWD, RVCWD is currently under a court-ordered moratorium for domestic water connections so the Project would not induce substantial population growth. Instead, the focus of the Project is to improve the reliability of surface water deliveries to existing RVCWD customers.

Section 15126.2(d) of the CEQA Guidelines requires a discussion of the ways in which a proposed project could be growth-inducing. This section defines a growth-inducing impact:

[T]he ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding

environment. Included in this are projects which would remove obstacles to population growth. . .

A project can have direct and/or indirect growth inducement potential. Direct growth inducement potential would result if a project involved construction of new housing. A project can have indirect growth-inducement potential if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. An example of this indirect effect would be the expansion of a wastewater treatment plant, which might allow for more development in service areas. This type of growth-inducing effect is typically referred to as a “growth-accommodating impact.”

In accordance with the CEQA definition, the Project could be growth inducing, insofar as it could be used in the future to remove water supply as one obstacle to further urban development and population growth in RVCWD. The growth-inducing potential of a project would generally be considered to have a significant impact if the project either induces unplanned growth or created the capacity for growth to occur above and beyond the levels permitted by public planning policies.

Therefore, it is important to note that the 2009 Mendocino County General Plan, and specifically the RVCWD Community Planning Area, guides future development and land uses within RVCWD’s Sphere of Influence. The additional water supplies that would be available to RVCWD upon annexation would accommodate only a portion of the planned growth identified by the General Plan to occur within the RVCWD Sphere of Influence; it would be insufficient to support a level of growth and development beyond that anticipated in the General Plan. Implementation of the Project would not induce unplanned growth within RVCWD, nor would the Project contribute to previously identified impacts association with planned growth. For the reasons discussed above RVCWD’s water supply will not be increased and will not become more dependable as a result of the proposed Project; therefore, the annexation cannot provide grounds for the RVCWD to apply to the court to lift the court-imposed moratorium on domestic connections, or to lift its self-imposed moratorium on agricultural connections. Even assuming that the ability to use the existing 328.85 acre feet available under the Agreement anywhere in the RVCWD boundaries could somehow ~~Therefore, to the extent that the Project could~~ accommodate planned growth within RVCWD, implementation of planned growth would result in only those secondary environmental effects that have been identified and addressed in the Environmental Impact Report completed on the general plan. The County’s General Plan EIR considered the impacts of growth within the RVCWD Community Planning Area.

It should also be noted that ~~the Project is not the only option for~~ RVCWD is pursuing other options to obtain additional water supplies to accommodate planned growth. RVCWD transfer of water services to the Ukiah Valley Water Authority (UVWA) was completed on January 2, 2025, with the City of Ukiah assuming oversight. The formation of this joint powers authority is intended to unify formerly independent water agencies, including RVCWD, creating coordination to optimize water resources. Even with the Project If the Project is not implemented, RVCWD would is pursuing ~~pursue~~ alternate supply sources to support planned growth. Thus, while water supply is a necessary ingredient for future growth in the project area, implementation of planned urban growth within RVCWD’s Sphere of Influence ~~cannot~~does not hinge ~~solely~~ on implementation of the Project. Further, provision of water supply is not the only obstacle that must be removed in order

for additional planned growth to occur within RVCWD Sphere of Influence, provision of other utilities and infrastructure are needed as well as addressing the current court-ordered moratorium for domestic water connections and a self-imposed moratorium for irrigation connections.

Therefore, the Project would have no impact on population or housing and would not be growth-inducing.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES

a) 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:

Fire protection?	☐	☐	☐	X
Police protection?	☐	☐	☐	X
Schools?	☐	☐	☐	X
Parks?	☐	☐	☐	X
Other public facilities?	☐	☐	☐	X

Discussion

The Project involves annexation of RVCWD into the RRFC. RVCWD is currently under a court-ordered moratorium for domestic water connections and a self-imposed moratorium for irrigation connections due to water supply instability resulting in no need for additional public services which would not be altered by the proposed Project. No construction or land alterations are planned or involved, and no change in land use is contemplated by the Project; therefore, the Project would have no impact on public services.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XV. <u>RECREATION</u> --				
a) Would the project 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?	☐	☐	☐	X
b) Does the project include or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☐	☐	☐	X

Discussion

a-b) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are planned or involved, and no change in land use is contemplated by the Project. The Project provides no recreational opportunities, and the Project will have no effect on recreational opportunities. Therefore, the Project would have no impact on recreation.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVI. <u>TRANSPORTATION/TRAFFIC</u> --				
<i>Would the project:</i>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation systems, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	☐	☐	☐	X
b) Conflict with an applicable congestion	☐	☐	☐	X

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highway?	☐	☐	☐	X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	X
e) Result in inadequate emergency access?	☐	☐	☐	X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	X

Discussion

a-f) The Project involves annexation of RVCWD into the RRFC. No construction or land alterations are planned or involved, and no change in land use is contemplated by the Project; therefore, the Project would have no impact on transportation or traffic.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
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XVII. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

☐	☐	☐	X
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Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new/expanded entitlements needed?	☐	☐	☐	X
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	X
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	X

Discussion

a-g) The Project involves annexation of RVCWD into the RRFC. No change is contemplated to the RRFC's diversion facilities, either in quantity or time of diversion. No additional surface water supplies will be obtained as a result of this Project nor will it require construction of any new infrastructure or facilities. No construction or land alterations are proposed for this Project and no change in land use is contemplated by the Project that would negatively affect utilities or service systems in any way. RVCWD is currently under a court-ordered moratorium for domestic water connections and a self-imposed moratorium for irrigation connections due to water supply instability resulting in no need for additional utilities or service systems. [The proposed Project](#)

does not result in a more reliable water supply to RVCWD; Therefore, the Project would have no impact on utilities or service systems.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	X
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)?	☐	☐	☐	X
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	X

Discussion

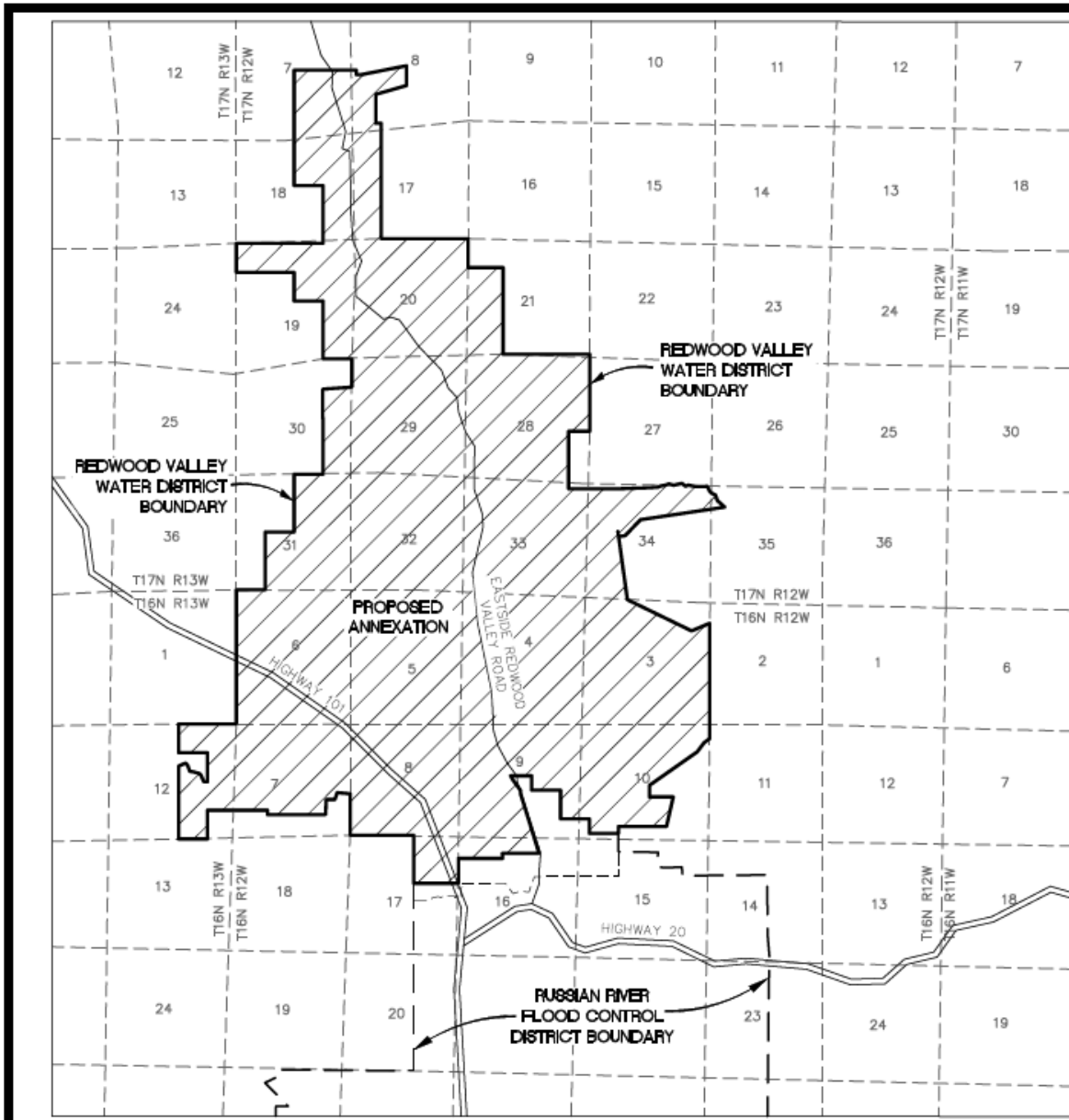
The Project involves annexation of RVCWD County Water RRFC into the RRFC. The Project will not change the current land use of any land to be annexed, and no changes in RRFC operations are contemplated. No construction or land alterations are involved. Therefore, there are no mandatory findings of significance.

4. CONSULTATION WITH RESPONSIBLE AGENCY

The Mendocino County Local Agency Formation Commission is a responsible agency under Public Resources Code § 21080.3 and Title 14 California Code of Regulations § 15381. CEQA requires that as soon as the lead agency has decided that an initial study is required, it must consult with all responsible agencies to obtain their recommendations on whether an EIR or a Negative Declaration should be prepared. Public Resources Code § 21080.3; Title 14 Cal. Code Regs. § 15063(g). The RRFC has been communicating with Mendocino County LAFCO regarding the annexation and the CEQA process.

5. DETERMINATION

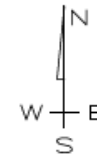
Comments were received on the Initial Study after the close of the comment period; nevertheless, they were considered by the lead agency. Response to comments have been prepared, and this Initial Study has been revised. Response to comments are included in this Initial Study as Appendix 2. Based upon the information contained in the Initial Study, it is determined that the Negative Declaration should be adopted.



**EXHIBIT "A" TO INITIAL STUDY
MAP OF RVCWD AREA TO BE ANNEXED INTO RRFC**

THIS MAP HAS BEEN PREPARED BY STEVEN J. KLEIN.

Steven J. Klein 06/18/25
STEVEN J. KLEIN, P.L.S. 8155



LEGEND

- BOUNDARY OF LANDS TO BE ANNEXED
- EXISTING BOUNDARY OF RUSSIAN RIVER FLOOD CONTROL DISTRICT
- SECTION LINES
- OVERLAP OF RVCWD & RRFC

MUNSELLE CML ENGINEERING
CML ENGINEERING & LAND SURVEYING
513 CENTER STREET
HEALDSBURG, CA 95448
(707) 365-0668



LAFCO SITE PLAN
REDWOOD VALLEY COUNTY WATER DISTRICT
REDWOOD VALLEY, CA

JOB NO.
129-25

SHEET NO.
1
OF 1 SHEETS

EXHIBIT B TO INITIAL STUDY MAP OF REDWOOD VALLEY COUNTY WATER DISTRICT

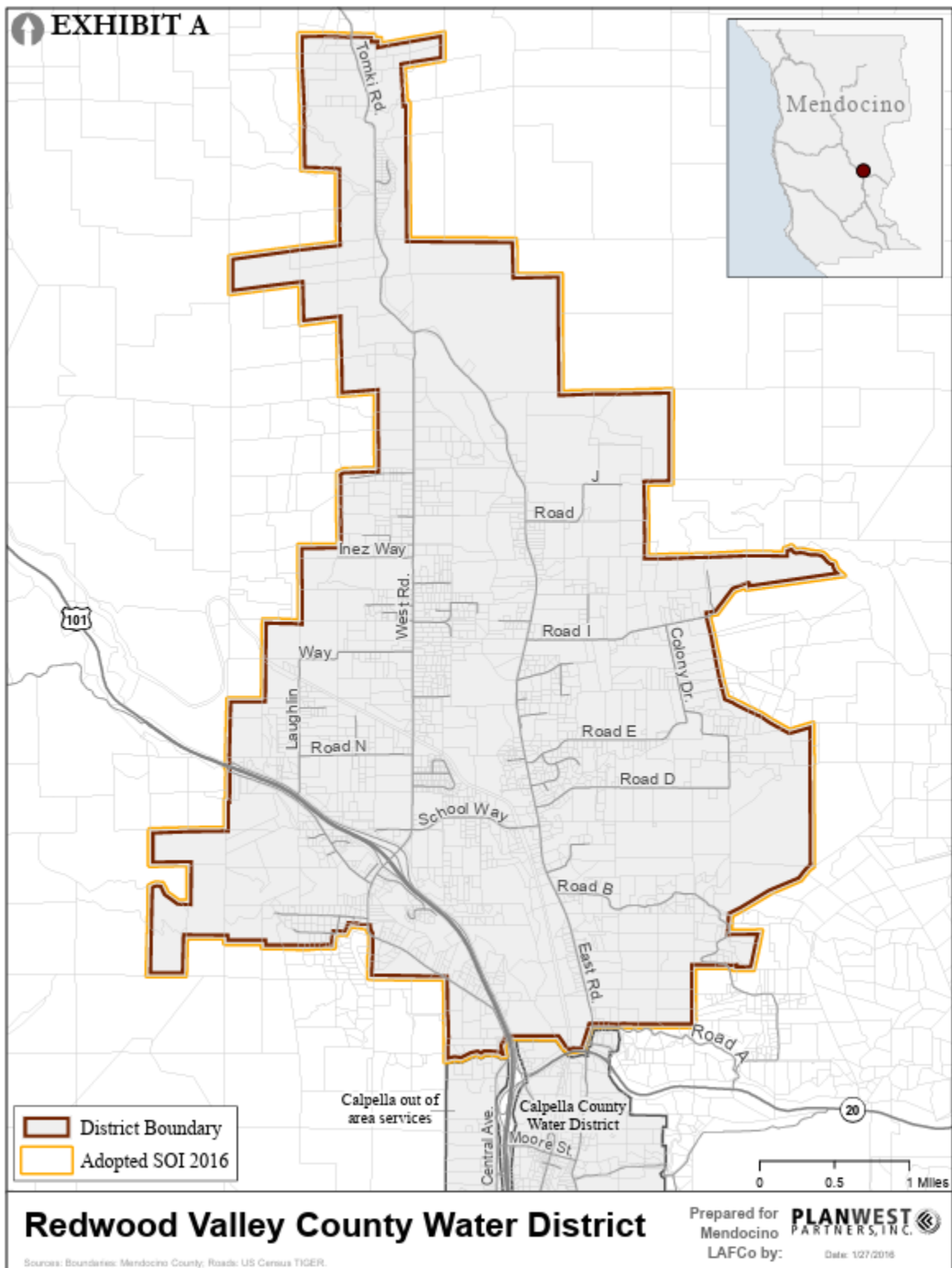
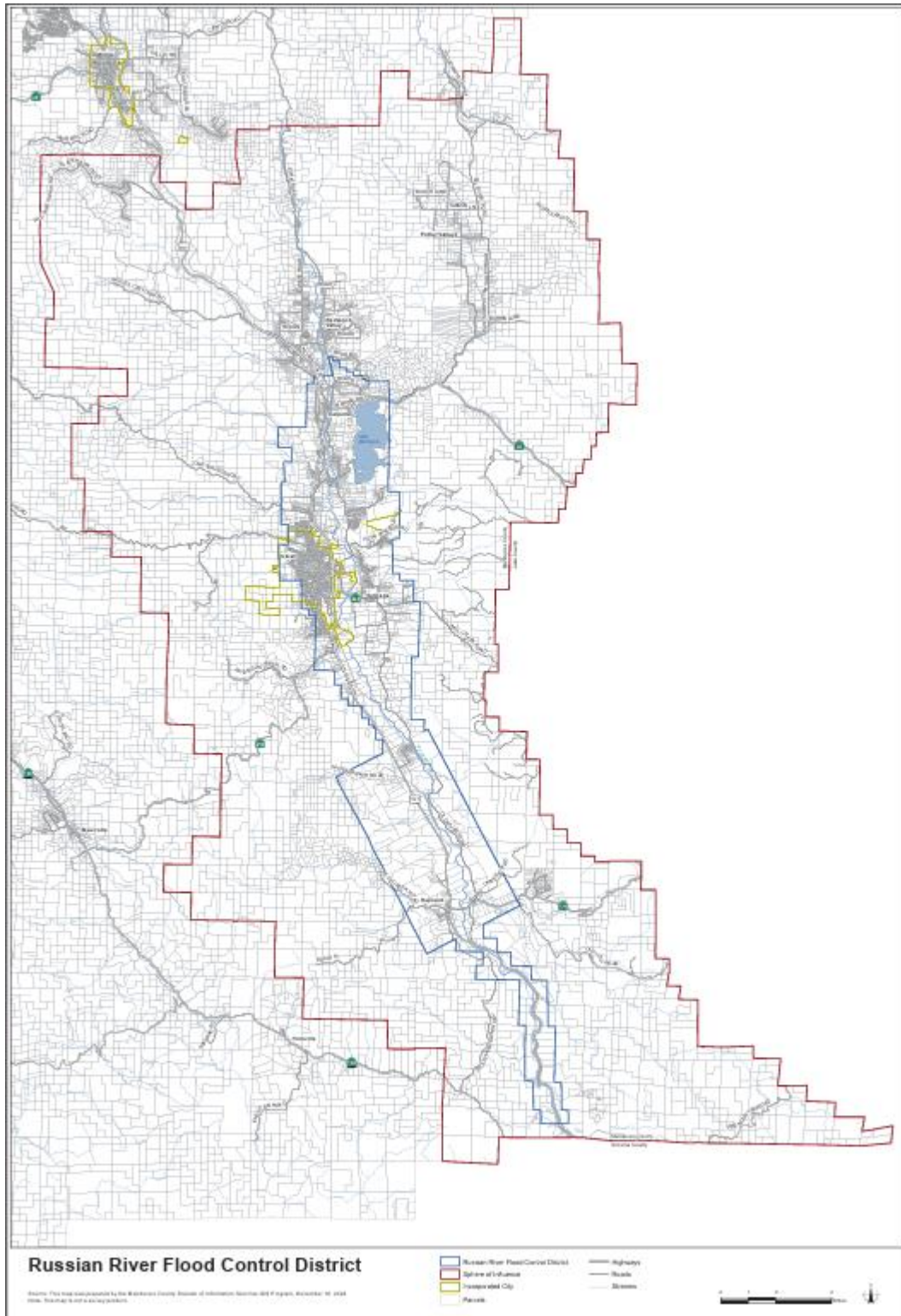


EXHIBIT C TO INITIAL STUDY MAP OF RRFC'S SPHERE OF INFLUENCE



APPENDIX 1 TO INITIAL STUDY
RVCWD MORATORIUM

1 DAVID RIEMENSCHNEIDER
2 NELSON & RIEMENSCHNEIDER
3 P.O. BOX N
UKIAH, CA 95482
(707) 462-1351

4 Attorney for Petitioners

FILED

JAN 25 1989

MARSHA A. YOUNG
MENDOCINO COUNTY CLERK
Deputy

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF MENDOCINO

9 RESIDENTS FOR ADEQUATE WATER,
10 OLIVER L. SAUSE, and MICHAEL
E. SWEENEY,

CASE NO. 55595

11 Petitioners,

PEREMPTORY WRIT
OF MANDATE

12 vs.

13 STATE OF CALIFORNIA DEPARTMENT
14 OF HEALTH SERVICES and REDWOOD
VALLEY COUNTY WATER DISTRICT,

15 Respondents.

16
17 TO: REDWOOD VALLEY COUNTY WATER DISTRICT and STATE OF
18 CALIFORNIA DEPARTMENT OF HEALTH SERVICES, RESPONDENTS:

19 WHEREAS Petitioners served and filed herein their duly
20 verified Petition for Writ of Mandate, and a hearing was held on
21 May 6, 1988, May 9, 1988, June 13, 1988, June 14, 1988 and June
22 16, 1988;

23 WHEREAS it appears to this Court that Petitioners have no
24 other plain, speedy and adequate remedy in the ordinary course
25 of law;

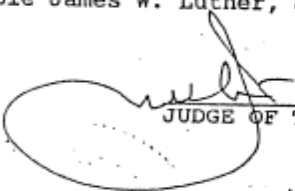
26 WHEREAS it appears to this Court that Respondent REDWOOD
27 VALLEY COUNTY WATER DISTRICT has failed to perform its legal
28 duty by continuing to make new domestic service connections

1 despite the fact that it is not in compliance with the
2 California Water Works Standards Requirement for source
3 capacity;

4 WHEREAS it appears to this Court that Respondent STATE OF
5 CALIFORNIA DEPARTMENT OF HEALTH SERVICES has failed to perform
6 its legal duty by failing to prohibit Respondent REDWOOD VALLEY
7 COUNTY WATER DISTRICT from making new domestic service
8 connections to said Water District despite the failure of said
9 Water District to be in compliance with the California Water
10 Works Standards Requirement for source capacity;

11 THEREFORE, you, REDWOOD VALLEY COUNTY WATER DISTRICT, are
12 hereby commanded immediately after receipt of this writ to cease
13 making any net increase in physical domestic service connections
14 to said REDWOOD VALLEY COUNTY WATER DISTRICT, and you, STATE OF
15 CALIFORNIA DEPARTMENT OF HEALTH SERVICES, are hereby commanded
16 immediately after receipt of this writ to prohibit REDWOOD
17 VALLEY COUNTY WATER DISTRICT from making any net increase in
18 physical domestic service connections to said REDWOOD VALLEY
19 COUNTY WATER DISTRICT.

20 WITNESS the Honorable James W. Luther, Judge of the
21 Superior Court.

22
23 
JUDGE OF THE SUPERIOR COURT

24 Attest my hand and the seal of the Court this 24th day
25 of January, 1989.

26 CLERK OF THE COURT

27 BY : Sherry Mobley
28 Deputy

APPENDIX 2 TO INITIAL STUDY
RESPONSE TO COMMENTS

Comment 3.5:

3. Contrary to the defective notice of the negative declaration, no portion of Redwood Valley has ever been annexed into the MCRRFCWCID. This deceptive and clearly erroneous representation in the notice invalidates the notice for CEQA purposes inasmuch as it mis-characterizes the “project” to be considered by your board.

Response to Comment 3.5:

See response to Comment 1.2.

Comment 3.6:

4. MCRRFCWCID requested the authority to distribute “surplus water” to Redwood Valley and the State Water Resources Control Board only granted MCRRFCWCID the authority to distribute “surplus water” per the SWRCB authorization. The negative declaration fails to identify which current MCRRFCWCID agricultural contract will be reduced in order to “permanently serve” residential uses within the proposed Redwood Valley annexation area.

Response to Comment 3.6:

See response to Comment 1.3.

Comment 3.7:

5. MCRRFCWCID does not hold any reliable surplus water supplies that are available for permanent allocation to permanent residential uses within Redwood Valley. The defective negative declaration has failed to identify both a redundant source of water or the massive growth inducing impacts (and the adverse impacts and mitigation requirements) that will result from the transfer of agricultural water from within the current boundaries of the MCRRFC to future developments within Redwood Valley that will be facilitated by the conversion of ag water to permanent residential consumptive uses.

Response to Comment 3.7:

See response to Comment 1.4.

RESPONSE TO COMMENTS

1.1 INTRODUCTION

This document contains comments received on the Initial Study and Proposed Negative Declaration (**IS/ND**) prepared by the Mendocino County Russian River Flood Control and Water Conservation Improvement District (**RRFC**), the lead agency for the Redwood Valley Annexation Project (**Project**) and responses to those comments. While responding to comments on an Initial Study/ Negative Declaration is not specifically required by the California Environmental Quality Act (**CEQA**), CEQA Guideline Section 15074(b) requires that a lead agency consider any comments received on the IS/ND prior to approving the project. As such, this document provides evidence that RRFC considered all comments received on the IS/ND for the Project.

In accordance with CEQA Guideline Section 15073, the IS/ND for the Project was circulated for a 30-day public review and comment period from June 29, 2025, through July 29, 2025. Three comment letters were received on the IS/ND as presented in Section 1.3, the first prior to the comment period deadline, the second after the comment period deadline, and the final after the comment period deadline titled an “amendment” to the first letter. The concerns raised in the comment letters revealed that the Project Description included in the IS/ND was not clear, consequently, revisions to the IS/ND were made. In light of the whole record, including the documents included and referenced in this response to comments, RRFC finds that there is no substantial evidence that the Project will have a significant effect on the environment as supported by the IS/ND.

In response to comments, RRFC has also amended the IS/ND to more thoroughly explain the proposed Project and its potential impacts. Consistent with CEQA law, because the changes to the IS/ND are minor and technical, they have been done by red lining the original IS/ND. Such an addendum does not require public review or recirculation. It is simply added to the project record. Consistent with Cal. Code Regs. Tit. 14 §15073.5(b) a new or supplemental review is required only if the IS/ND is “substantially revised after public notice,” which is defined as:

- (1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

§15073.5(c) also clarifies that recirculation of the IS/ND is not required under the following circumstances:

- (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section [15074.1](#).

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

The revisions to the IS/ND fall under the circumstances described in Section [15073.5\(c\)\(2\)](#) and (4), and do not require recirculation.

1.2. CEQA REQUIREMENTS

CEQA Guideline Section 15074 identifies the responsibilities of a lead agency when considering the adoption of a proposed Negative Declaration, specifically:

- (a) Any advisory body of a public agency making a recommendation to the decisionmaking body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
- (b) Prior to approving a project, the decisionmaking body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decisionmaking body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

Consistent with the CEQA Guidelines, RRFC has carefully reviewed and considered all comments received on the IS/ND for the Project and has amended the Initial Study. CEQA does not require a lead agency to prepare a response to public comments received on a proposed negative declaration or mitigated negative declaration. Nevertheless, RRFC has prepared this document to fully disclose public and agency comments received on the IS/ND for the Project and to provide responses to those comments.

1.3 COMMENTS RECEIVED ON THE PROPOSED NEGATIVE DECLARATION

The following comment letters were received during the comment period and are addressed in this section.

Letter Number	Commenter	Affiliation
1	Lee Howard, et al.	Unspecified
2	Uma Hinman, Executive Officer	Mendocino LAFCo
3	Lee Howard, et al.	Unspecified

The letters are attached. Responses to those comments follow. To assist in referencing comments and responses, each commenter and issue that has been raised has been assigned a number. Responses are coded to correspond to each issue. Comments that present opinions about the Project or that raise issues not related to environmental issues under CEQA are noted without response.

1.4 RESPONSES TO COMMENT LETTER 1

Comment 1.1:

1. The negative declaration is legally defective and fails to evaluate and mitigate the significant adverse impacts of the proposed annexation upon agricultural water users, agricultural production, and the potential loss of agricultural lands (due to potential water reductions in shortage periods) within the Russian River WCID. This is particularly troubling given the history of the failure of the County to adequately address these issues. SEE: *Masonite Corporation v. County of Mendocino* (July 25, 2013) 215 Cal.App.4th 230. This case ordered the County to have to “re-do” an EIR because it failed to address the adverse impacts of a project on agricultural lands and production in the Ukiah Valley.

Response to Comment 1.1:

Comment noted. The negative declaration evaluated potential impacts on agriculture and concluded there would be no significant adverse impacts to agricultural lands within the Project area, stating: The Project involves annexation of Redwood Valley County Water District (RVCWD) into the RRFC which would allow it to (1) utilize its current contracted supply anywhere within its boundaries, and (2) have access to surplus water on par with other RRFC customers. As discussed in the IS/ND, because the terms and conditions of RVCWD’s Agreement would remain in place, the proposed annexation of RVCWD could have no adverse impact on RRFC’s existing customers, agricultural or municipal, as shortage provisions are built into the Uniform Agreements and apply uniformly to all RRFC customers. The only way that RVCWD could increase its Agreement is if in the future existing RRFC customers reduce the quantity of water they have under contract or terminate their contract; under those circumstances, RVCWD would be eligible for a pro-rata share of that additional amount along with all other RRFC customers, the same as it would be today without annexation. Therefore, no change in land use will occur. The Project is likely to allow any existing agricultural acreage to continue in agricultural use. The Project would allow RVCWD to utilize its existing Agreement supply within its entire service area. RVCWD includes 9,610 acres in its service area, the available 328.85 acre feet is insignificant as it would provide less than 0.004 acre feet of water per acre. Conversely, the proposed project would have no adverse impact on agricultural use within either

RVCWD or RRFC. Farming practices on the annexed parcels are not anticipated to change following annexation. Therefore, the Project would have no impact on agriculture or forestry resources within RVCWD.

Similarly, the Project should have no impact on agricultural uses within RRFC. The concern that annexing RVCWD could harm RRFC's existing agricultural customers is a critical consideration. The District understands the concern that Water Code Section 106, which establishes a "priority of right" for domestic use over agricultural use, could subordinate agricultural water supply to domestic needs. However, this is not a new issue created by the Project. The potential for population growth and increased domestic water use exists whether or not RVCWD is annexed into RRFC as RVCWD currently includes numerous municipal suppliers as customers. The conclusion of no significant impact to RRFC agricultural users is based upon the facts in the record that annexation (1) will not increase the amount of water available to RVCWD, (2) will not provide RVCWD with a more reliable water supply that would allow it to lift either of the currently imposed moratoria, (3) will not result in any reduction in supply to RRFC current customers, and (4) will not result in shortages being imposed upon RRFC's agricultural customers for the benefit of domestic users.

Comment 1.2:

2. Contrary to the defective notice of the negative declaration, no portion of Redwood Valley has ever been annexed into the MCRRFCWCID. This deceptive and clearly erroneous representation in the notice invalidates the notice for CEQA purposes inasmuch as it mis-characterizes the "project" to be considered by your board.

Response to Comment 1.2:

This comment correctly notes that no *annexation* of any portion of RVCWD into RRFC has previously occurred. The statement in the IS/ND that "a portion of RVCWD's service area has already been annexed into RRFC" was a scrivener's error. More accurately, a small portion of the southernmost lands of RVCWD has been within RRFC's boundaries since RRFC's formation; this portion was never annexed but has historically been included in RRFC's service area. The Project seeks to formally annex that portion of RVCWD's service area not already within RRFC's boundaries. This clarification does not affect the adequacy of the environmental review in the IS/ND, as the mistake regarding prior annexation does not change the scope of the Project or alter the conclusions of the IS/ND. The IS/ND evaluated the potential for significant environmental impacts associated with annexing the *entirety* of RVCWD's service area into RRFC, regardless of whether any portion was previously within RRFC's boundaries. The environmental effects (or lack thereof) would be the same whether or not a portion of RVCWD had previously been annexed into RRFC. Therefore, the misstatement has no bearing on the adequacy or validity of the environmental conclusions in the IS/ND.

Comment 1.3:

3. MCRRFCWCID requested the authority to distribute “surplus water” to Redwood Valley and the State Water Resources Control Board only granted MCRRFCWCID the authority to distribute “surplus water” per the SWRCB authorization. The negative declaration fails to identify which current MCRRFCWCID agricultural contract will be reduced in order to “permanently serve” residential uses within the proposed Redwood Valley annexation area.

Response to comment 1.3:

The first sentence is noted. The second sentence states that the IS/ND does not identify “which current MCRRFC & WCID agricultural contract[s]” would be reduced in order to “permanently serve” residential uses within RVCWD once annexed. The IS/ND does not make such an identification because the Project would not result in any agricultural contracts being reduced in order to serve residential uses within RVCWD. Such a statement mischaracterizes the Project and the way in which RRFC allocates water.

There appears to be a fundamental misunderstanding of both the impact of the Project on agricultural water supplies and the methodology for allocating shortages within RRFC. RRFC’s licensed water right is allocated to customers through Uniform Water Supply & Purchase Agreements (**Uniform Agreement**). All water available to RRFC under its licensed water right is currently allocated under 60 Uniform Agreements, and no additional RRFC supplies are currently available for contract. The authorized place of use for RRFC’s licensed water right is anywhere within the RRFC service area, i.e., RRFC’s boundaries as set by Mendocino LAFCo, which currently includes a portion of RVCWD as mentioned above.

One of RRFC’s Uniform Agreements is with RVCWD for 328.85 acre feet annually for use in that small portion of RVCWD already within RRFC. If all of RVCWD is annexed into RRFC, the one immediate change would be that RVCWD can put its Uniform Agreement to beneficial use anywhere within its boundaries as RVCWD is already within RRFC’s licensed place of use. As mentioned, there is currently no more water available to contract from RRFC – so the amount of water available under RVCWD’s Uniform Agreement cannot currently be expanded, and will remain at 328.85 even after annexation. It is *possible* in the future that if customers under existing Uniform Agreements decide to reduce the amount under their contracts, additional water *could be available* for other customers to add to the amount of their Uniform Agreements. Such an occurrence is speculative at this point in time. It is important to note, however, that the situation described above is part of the base case for CEQA purposes: because RVCWD currently has a Uniform Agreement, it could take advantage of such a future scenario and increase the quantity under its existing Uniform Agreement without annexation. It would be speculative to determine what whether or not any or what quantities of water could become available in the future, and what would be done with any increase in water under RVCWD’s Uniform Agreement if certain circumstances could occur some time in the future, and CEQA does not require such speculation.

If RVCWD is annexed into RRFC, the only other immediate change would be that RVCWD can use available RRFC “surplus” water anywhere within its boundaries as it would now be within RRFC’s boundaries and is already within RRFC’s licensed place of use. RRFC’s “surplus”

water, as set forth in the Uniform Agreement, is water temporarily available under RRFC's licensed water right in excess of the amount necessary for RRFC to meet the demands of the Uniform Agreements. Because all RRFC water is currently contracted for under Uniform Agreements, this means that customer(s) would have to inform RRFC that they would not need all their contracted water in the upcoming season. This process is set forth in Section 3.2 of the Uniform Agreements. Currently, RVCWD is able to participate in this surplus water process on an equal basis with other existing customers for that. As set forth in the Uniform Agreement, if existing RRFC customers turn back some of their contract entitlement, that water is made available to all Uniform Agreement customers on a pro-rata basis. Without annexation, RVCWD can put such surplus water to use only in that portion of RVCWD already within RRFC. With annexation, RVCWD could put surplus water available under its Uniform Agreement to beneficial use anywhere within its boundaries.

Because the terms and conditions of RVCWD's Uniform Agreement would remain in place, the proposed annexation of RVCWD could have no adverse impact on RRFC's existing customers, agricultural or municipal, as shortage provisions are built into the Uniform Agreements and apply uniformly to all RRFC customers. The only way that RVCWD could increase its Uniform Agreement is if in the future existing RRFC customers reduce the quantity of water they have under contract or terminate their contract; under those circumstances, RVCWD would be eligible for a pro-rata share of that additional amount along with all other RRFC customers, the same as it would be today without annexation.

As the IS/ND explains, RRFC currently sells surplus water to RVCWD in accordance with the Stipulated Judgment No. 42059 of May 219, 1980 [See **Attachment 1**]. As set forth in the Stipulated Judgement, surplus water is that portion, if any, of RRFC's water supply, up to 8,000-acre feet, which is not put to beneficial use within the lands situated within RRFC. The amount of RRFC's license water available for contract has been reduced in recent years as more and more customers contracted for that water; as mentioned above, there is currently no additional water available under RRFC's licensed water right for contract.

RRFC currently treats all of its customers equally. Shortage provisions in the Uniform Agreement currently provide:

11.2 Allocation of Shortage. In the event that a shortage condition from any cause is declared by the District with respect to its water rights or supply in Lake Mendocino and the east fork of the Russian River, and evidence of such shortage condition is of sufficient magnitude, in the District's sole opinion or findings, to require a reduction in diversions by District pursuant to its Permit, then District shall be entitled to reduce the amount of District Water it is required to deliver to Customer pursuant to the terms of this Agreement in the manner set forth below without any form or manner of liability. Customers will share pro rata in the reduction in District's allowed diversions from the Russian River and/or Lake Mendocino, as the case may be.

11.3 Declaration and Notice. In the event of a shortage pursuant to Section 11.2 above, District shall deliver a written "Notice of Impending Shortage" to Customer, informing Customer of the amount of reduction in District Water for the period in question, which

shall be binding on Customer. Within thirty (30) days of delivery of such a Notice of Impending Shortage, District shall notice and conduct a public meeting to meet and confer with its customers in an effort to determine the terms and provisions under which District will deliver District Water to Customers for the period during which the shortage condition prevails.

11.4 Water Shortage Emergencies. Notwithstanding Section 11.2 above, the District may allocate District Water to its Customers as set forth in Article 9 of Ordinance #25-01 if a water shortage emergency has been declared pursuant to Water Code section 350. In the event of such an emergency water shortage, District shall comply with the notice, hearing, and other requirements set forth in Division 1 Chapter 3 of the California Water Code.

Article 9 of Ordinance #25-01 provides in pertinent part: “During any period of threatened or actual water shortage, the District has the right to apportion its available District Water supply among Customers in a manner that appears most equitable with due regard to public health and safety”. Historically, RRFC has imposed shortages on its customers on a pro-rata basis; it has never treated agricultural and municipal customers differently. RRFC has no plans to deviate from its past practice in allocating shortages on a pro-rata basis to all customers regardless of water use.

As mentioned above, the District understands the concern that Water Code Section 106, which establishes a "priority of right" for domestic use over agricultural use, could subordinate agricultural water supply to domestic needs. California Water Code Section 106 has been in effect since its enactment in 1943. However, because it is a broad policy statement rather than a specific operational rule, it has not been imposed by any court as a requirement on water allocations in California. This issue of domestic priority, however, is not a new issue created by the Project. The potential for population growth and increased domestic water use exists whether or not RVCWD is annexed into RRFC as RVCWD currently includes numerous municipal suppliers as customers. The conclusion of no significant impact to RRFC agricultural users is based upon the facts in the record that annexation (1) will not increase the amount of water available to RVCWD, (2) will not provide RVCWD with a more reliable water supply that would allow it to lift either of the currently imposed moratoria, (3) will not result in any reduction in supply to RRFC current customers, and (4) will not result in shortages being imposed upon RRFC’s agricultural customers for the benefit of domestic users.

It should be noted that RRFC already has existing Uniform Agreements with numerous municipal water suppliers, including Millview County Water District, Redwood Valley County Water District, Calpella County Water District, Russian River Estates, Rogina Mutual Water, Hopland Public Utility District, and Willow County Water District. Therefore, potential issues posed by domestic use priority over agricultural use pre-date this Project. As mentioned above, RRFC has no plans to deviate from its past practice in allocating shortages on a pro-rata basis to all customers regardless of water use. RRFC acknowledges that in water short years it is possible that domestic users will be entitled to health and safety water even when other use types have been curtailed. In prior droughts, emergency regulations adopted by the State Water Resources Control Board have allowed diversions necessary for minimum human health and safety needs

under any valid basis of right of not greater than 55 gallons per person per day to continue notwithstanding curtailment. This exception to curtailment applied to the entire RVCWD district, not simply that portion of the district within RRFC, and therefore would not be changed or expanded by annexation. Because this curtailment exception was granted to the entire RVCWD district before the proposed Project, it is part of the CEQA base case; in addition, the action was taken by the Division and was not taken by RRFC. Annexing RVCWD would not change RRFC's method of allocation water under the Uniform Agreement, or its method of imposing shortages.

Lastly, as explained in the IS/ND, RVCWD is pursuing other options to obtain a more reliable domestic water supply. RVCWD's transfer of water services to the Ukiah Valley Water Authority (UVWA) was completed on January 2, 2025, with the City of Ukiah assuming oversight. The formation of this joint powers authority is intended to unify formerly independent water agencies, including RVCWD, creating coordination to optimize water resources. The UVWA offers coordinated use of each member's respective water supplies and systems to maximize availability. As now explained in the IS/ND, annexation into the RRFC would not result in any reliable domestic water supply for RVCWD, it would simply allow for full use of RVCWD's existing Uniform Agreement, and any surplus water available thereunder, anywhere within its boundaries.

Comment 1.4:

4. MCRRFCWCID does not hold any reliable surplus water supplies that are available for permanent allocation to permanent residential uses within Redwood Valley. The defective negative declaration has failed to identify both a redundant source of water or the massive growth inducing impacts (and the adverse impacts and mitigation requirements) that will result from the transfer of agricultural water from within the current boundaries of the MCRRFC to future developments within Redwood Valley that will be facilitated by the conversion of ag water to permanent residential consumptive uses.

Response to Comment 1.4:

As described above, it is true that RRFC does not currently hold any reliable surplus water supplies that are available for permanent allocation to permanent residential uses within RVCWD. For this reason, the Project does not propose allocating any new supplies to RVCWD.

The IS/ND did not analyze the “growth inducing impacts that will result from the transfer of agricultural water from within the current boundaries of the RRFC to future developments within RVCWD that will be facilitated by the conversion of ag water to permanent residential consumptive uses”, because that is not a part of the proposed Project and cannot occur as a result of the proposed Project.

The IS/ND did evaluate the potential growth inducing impacts of the actual scope of the Project. Section XIII of the IS/ND directly addresses population growth, noting that RVCWD is currently under a **court-ordered** moratorium for domestic connections and a self-imposed irrigation moratorium.

The court imposed domestic moratorium was upheld by the court in *Residents for Adequate Water v. Redwood Valley County Water Dist.* (1995) 34 Cal.App.4th 1801. The court stated:

Safe Drinking Water Act provides that the operator of a public water system is charged with a mandatory duty to provide a reliable and adequate supply of pure, wholesome and potable water. (§ 4017, subd. (c).) No operator of a public water system shall modify its authorized distribution system unless the operator first submits an application to the Department of Health Services and receives an amended permit as provided in the Safe Drinking Water Act authorizing the modification. (§ 4016, subd. (a).) The California Waterworks Standards-the administrative regulations promulgated pursuant to the Safe Drinking Water Act-specifically provide that sufficient water shall be available from water sources and distribution reservoirs to supply adequately, dependably and safely the total requirements of all users under maximum demand conditions before agreement is made to permit additional service connections to a system. (Cal. Code Regs., tit. 22, § 64562, subd. (a); see Cal. Code Regs., tit. 22, ch. 16.) A new service connection may be added to a distribution system only if the water system will comply with section 64562 after the new service connection is added. (Cal. Code Regs., tit. 22, § 64568.) These statutes and regulations clearly impose an obligation on the district to determine whether an adequate water supply exists to serve existing needs before new service connections may be added and prohibit new service connections if these state requirements are not met.

As discussed in the IS/ND, the proposed Project will not provide a new adequate, dependable supply of water for the entire RVCWD, and is not a grounds to support compliance with Section 64562. RVCWD currently provides domestic and agricultural water services to the community of Redwood Valley, including a total of 1105 equivalent dwelling units and 197 agricultural customers. In 2016, RVCWD delivered approximately 750 AFY for residential and commercial uses, and 1,450 AFY for agricultural purposes-a combined annual demand of 2,200 AFY¹. As identified in the IS/ND, RVCWD maintains a 68-acre-foot storage tank of untreated water from which water is transmitted to the water treatment plant to produce domestic water. The plant has a capacity of 1.7 million gallons per day. RVCWD's supply consists of a right to divert up to 4,900 AF from Lake Mendocino if flow at the confluence of the forks of the Russian River exceeds 72,000 AF. It is estimated that water will be available for 70 days in wet years and one or two days in dry years. Spreading the currently available 328.85 from RRFC over the entire 9,610 acres in RVCWD would not provide sufficient supplies to lift the moratoria, nor would the availability of surplus water in wet years provide sufficient reliable supply for RVCWD.

Further, RRFC does not have jurisdiction over the ability of RVCWD to issue Will Serve letters to domestic customers, which is entirely under the purview of the Division. There are no guarantees, implied or explicit, of additional water supplies being furnished to RVCWD as a result of the Project. Therefore, because the proposed Project does not increase the water available to RVCWD, the availability of water through annexation is insufficient to support removal of the moratorium or support population growth.

¹ Redwood Valley County Water District Sphere of Influence Update, Mendocino Local Agency Formation Commission, February 1, 2016.

As mentioned, the concern that annexing RVCWD could harm RRFC's existing agricultural customers is a critical consideration. The District understands the concern that Water Code Section 106, which establishes a "priority of right" for domestic use over agricultural use, could subordinate agricultural water supply to domestic needs. However, this is not a new issue created by the Project. The potential for population growth and increased domestic water use exists whether or not RVCWD is annexed into RRFC because RVCWD could get water from other sources. Furthermore, the proposed Project will only (1) allow the current contract amount of 328.85 acre feet to be spread to the entire district, and (2) allow RVCWD to obtain surplus water supplies when available on an equal playing field with other RRFC customers. Surplus water cannot be relied upon to lift the previously discussed domestic service moratorium. Allowing the 328.85 acre feet to be used within RVCWD's entire service area would not provide sufficient water

1.5 RESPONSE TO COMMENT LETTER 2

Comment 2.1:

LAFCo is required to consider service concerns to existing customers of the agency in its analysis of applications for change of organization. Government Code Section 56857(d)(2) defines "service concerns" as when a district will not have the ability to provide the services that are the subject of the application to the territory proposed to be annexed without imposing level of service reductions on existing and planned future uses in the district's current service area.

Response to Comment 2.1:

The RRFC does not intend to impose any service reductions on existing customers in its current service area in order to provide services to RVCWD. Please see the response to Comment 1.3 above.

Comment 2.2:

To support the required LAFCo findings, additional information is needed regarding the assumptions contained in the ND. The ND and associated Annexation Plan for Service assumes that the quantities of water contracted to existing RRFC customers will remain steady, and also assumes that while the quantity of water available to RVCWD under the RRFC license is 4,000 acre-feet (AF) per year, the average annual purchase has been 850 AF, and this is not expected to change. The ND does not discuss the factual bases for these assumptions, and these assumptions are the reason for a very abbreviated environmental analysis and discussion.

Response to Comment 2.2:

The comment is correct that the IS/ND assumes that the quantities of water contracted to existing RRFC customers under the Uniform Agreements will remain steady. The commenter also requests a factual basis for the statement in the Annexation Plan for Services that while the quantity of water available to RVCWD under the RRFC license is 4,000 acre-feet (AF) per year, the average annual purchase has been 850 AF, and this is not expected to change." As discussed in the IS/ND and above, the amount of water reliably available to RVCWD from RRFC under the Agreement is 328.85 acre feet annually. The average annual purchase of surplus water has been 850 acre feet. This is not expected to change because the amount of water available to RRFC under the License has been fully contracted for, and RRFC expects that the amount of

surplus water available annually will be lower each year, and illustrated by the fact that there was no surplus water available to RVCWD in recent drought years.

The original reference to 4,000 acre feet stems from language in State Water Resources Control Board Order 79-15 [See **Attachment 2**], in which the SWRCB granted RRFC's request to include RVCWD in its permitted place of use. Decision 79-15 states that RRFC:

“proposes to supply water to the Redwood Valley District by **contract**. Under the terms of the contract, the Redwood Valley District would be supplied **up to 4,000 afa** of permit water, to the extent such water is surplus to the needs of the Mendocino District. In other words, the Mendocino District proposes to divert the unused portion of its 8,000 afa depletion allowance to the Redwood Valley District, whose lands are drained by the West Fork Russian River, until such time as it is needed within the original Mendocino District place of use. Average use by the Mendocino District during a normal year has been about 4,000 afa, leaving a like quantity available for Redwood.” (Attachment 2, p. 4-5).

The current controlling document is the Stipulated Judgment RRFC and RVCWD agreed to in 1980 [See **Attachment 1**], which provides that RRFC will sell to RVCWD “so much of such surplus water as Redwood desires to purchase, up to and including the entire amount of such surplus water...” (Attachment 1, p. 2). The Stipulated Judgment defines “surplus water” as “that portion, if any, of said 8,000 acre feet which is not put to beneficial use within the land situated in the Mendocino District” (*Id.*). RRFC has complied with the Stipulated Judgment over the years; however, as demand has grown and more Uniform Agreements have been executed, the amount of RRFC's surplus water as defined in the Stipulated Judgment has been reduced. In the past nine years, RVCWD has received an average of 848-acre feet of surplus water annually. In addition, though RVCWD currently has access to “surplus” water as defined in the Uniform Agreement on an equal basis as all other RRFC customers, it can only put such surplus to use in that area of RVCWD already within RRFC's boundaries. RVCWD then has to wait until all customers within RRFC have determined whether or not they wish to purchase available surplus water under their Uniform Agreements before RVCWD is notified of surplus water available pursuant to the Stipulated Judgment for use in that portion of RVCWD outside of RRFC.

The current allocation of water to RRFC customers, including RVCWD, will not change as a result of the Project. RRFC contracts for use of its licensed water right in the Uniform Agreements, the terms of which will not be affected by the Project. As also mentioned, RVCWD already has a Uniform Agreement for 328.85-acre feet annually. The only change that would result from the Project is that RVCWD would be able to put any water available under its Uniform Agreement to beneficial use anywhere within RVCWD, in contrast to existing conditions limiting RVCWD's use to only that portion currently within RRFC. The water available to RVCWD following annexation will not be any more dependable than the 328.85-acre feet, and any surplus water, available under its existing Uniform Agreement.

Comment 2.3:

Because the ND includes these assumptions that demand and use will not change at all upon annexation, it does not include any discussion of how the annexation might impact service to existing customers in the RRFC service area. The ND also relies heavily on the assumption that the two moratoria in place at RVCWD will remain in place (discussed further below). Presently, the conclusions of no significant impact are based upon assumptions that are not supported by facts in the record.

Response to Comment 2.3:

It is true that because the IS/ND includes the assumption that demand and use of water under RRFC's licensed water right will not change as a result of the Project, the IS does not discuss how the Project might impact service to existing RRFC customers; this assumption is warranted. While the IS/ND does not rely heavily on it, it does assume that the two moratoria in place in RVCWD will remain in place; while the commenter is correct that the moratoria may not remain in place in the future, the important statement for purposes of the ND is that if the two moratoria are lifted in the future, it will not be as a result of the proposed Project.

In 1989, the Mendocino Superior Court issued a Peremptory Writ of Mandate to order the California Department of Health Services to prohibit any further connections for domestic use to the RVCWD system on the basis that the water supply was not dependable. This moratorium on domestic service connections remains in effect today and presumably will remain in effect until RVCWD has sufficient evidence of a reliable water supply to present to the California Department of Health Services and/or the court to warrant its removal. The ability and likelihood of RRFC's proposed annexation resulting in RVCWD securing enough water to petition the court to remove the moratorium, and what effects lifting of the moratorium might have on population and housing, is directly addressed in the IS. Practically, RVCWD has an existing Uniform Agreement with RRFC for 328.85-acre feet annually which will not be increased as a result of the Project as there is no additional water available under RRFC's licensed water right. It is possible in the future that if additional RRFC water becomes available the RVCWD Uniform Agreement quantity may be increased. The goal of the annexation is to allow RVCWD to use RRFC contracted water anywhere within the RVCWD service area, not to contract for more water. Therefore, the proposed annexation itself will not result in any increase of water supply to RVCWD sufficient to warrant removal of the court-imposed moratorium, as concluded in the IS/ND.

We disagree with the statement that "the conclusions of no significant impact are based upon assumption that are not supported by facts in the record." To the contrary, the conclusions of no significant impact are based upon the facts in the record that annexation (1) will not increase the amount of water available to RVCWD, (2) will not provide RVCWD with a more reliable water supply that would allow it to lift either of the currently imposed moratoria, (3) will not result in any reduction in supply to RRFC current customers, and (4) will not result in shortages being imposed upon RRFC's agricultural customers for the benefit of domestic users. As such, the conclusion of no significant impact is supported by facts in the record.

As a follow-up comment, LAFCO has asked:

Is there a possibility that RRFC contract supplies could be distributed by RVWCD to domestic users within the annexed area? If that is possible, it would be helpful to explain how a State mandated priority for domestic use in a dry year will not be impacted by the annexation. For example, additional domestic users within RVCWD would not be prioritized over irrigation users within RRFC.

It is certainly possible that RVCWD could use the 328.85 acre feet under its existing Uniform Agreement for domestic users within the annexed area; however, this would have no change from the base case for the following reasons:

First, under the Uniform Agreement RRFC imposes shortages on all customers on a pro-rata basis, without consideration for type of use, it has never treated agricultural and municipal customers differently. RRFC has no plans to deviate from its past practice in allocating shortages on a pro-rata basis to all customers regardless of water use.

Second, as discussed above in response to Comment 1.3, because Water Code Section 106 is a broad policy statement rather than a specific operational rule, it has not been imposed by any court as a requirement on water allocations in California. This issue of domestic priority, however, is not a new issue created by the Project. The potential for population growth and increased domestic water use exists whether or not RVCWD is annexed into RRFC as RVCWD currently includes numerous municipal suppliers as customers. RRFC acknowledges that in water short years it is possible that domestic users will be entitled to health and safety water even when other use types have been curtailed. Again, however, this is part of the base case, and not an impact caused by the proposed Project. In prior droughts, emergency regulations adopted by the State Water Resources Control Board have allowed diversions necessary for minimum human health and safety needs under any valid basis of right of not greater than 55 gallons per person per day to continue notwithstanding curtailment. This exception to curtailment applied to domestic uses within the entire RVCWD district, not simply that portion of the district within RRFC, and therefore would not be changed or expanded by annexation. Because this curtailment exception was granted to the entire RVCWD district before the proposed Project, it is part of the CEQA base case; in addition, the action was taken by the Division and was not taken by RRFC. Annexing RVCWD would not change RRFC's method of allocation water under the Uniform Agreement, or its method of imposing shortages.

Comment 2.4:

To the extent that impacts to service capacity for existing customers may occur, the ND should analyze the potential for impacts to agricultural lands that would result from future curtailments in dry years that might be exacerbated by serving the annexed area, or as a result of domestic service priority in times of water shortage.

Response to Comment 2.4:

No impacts to RRFC's existing customers will occur as a result of the Project. As discussed above in the response to Comment 1.3, RRFC has historically imposed shortages upon its

customers in accordance with the Uniform Agreement on a pro-rata basis; it has never treated agricultural and municipal customers differently and has never imposed a domestic service priority in times of water shortage. The proposed Project will not change the terms of the Uniform Agreements, or RRFC's method of imposing shortages. Further, the proposed Project will not change the State Water Resources Control Board's method of dealing with domestic exceptions to curtailment, as that predates the proposed Project. The recent actions of the State Water Resources Control Board illustrate the fact that it is not the proposed Project that could change water allocations in RRFC, but outside forces. As stated above, the State has already imposed a priority for domestic uses within RVCWD even without them being in RRFC, and this is not expected to change. Because this priority was granted before the proposed Project, it is part of the CEQA base case; in addition, the action was taken by the Division and was not taken by RRFC.

Comment 2.5:

In the past, RVCWD has relied upon its own limited supplies and "surplus" water from RRFC. Due to the insufficiency of these water supplies, the RVCWD has two moratoriums in place: the court-ordered moratorium on new domestic connections and a "self-imposed" moratorium on new irrigation connections.

The draft ND relies on the moratoriums to avoid analyzing the potential impacts from increased connections in the future. However, there is nothing to prevent either of these moratoria from being lifted.

A self-imposed limitation may be lifted at any time, and, if the annexation allows for increased water supplies and reliability, the RVCWD board may cancel the "self-imposed" moratorium to allow new irrigation connections.

The court ordered moratorium was issued in 1988, and it relied upon a set of waterworks standards that were comprehensively revised by the State in 2009. The basis for the court order was the fact that at the time (under the old law) the source capacity did not meet the California standards. If the supply is increased and becomes more reliable, application to the court could be made to lift the moratorium.

Response to Comment 2.5:

As briefly discussed above in the response to Comment 2.3, the IS/ND does not rely on the moratoria remaining in place to avoid analyzing potential impacts from increased connections in RVCWD in the future. It is true that there is nothing to prevent the self-imposed moratorium on new irrigation connections from being lifted at any time. However, the comment states:

. . . if the annexation allows for increased water supplies and reliability, the RVCWD board may cancel the "self-imposed" moratorium to allow new irrigation connections.

As discussed above, the annexation will not and cannot result in increased water supplies or reliability for RVCWD over the base case. For the same reason, because RVCWD's water supply will not be increased and will not become more dependable as a result of the proposed Project, there would be no grounds for the RVCWD to apply to the court to lift the court-imposed moratorium on domestic connections.

Comment 2.6:

The Annexation Plan for services states that the annexation “...will not meet the requirements to lift this moratorium [sic].” The “requirements” referenced in the Annexation Plan for Services that would need to be met to lift the respective moratoria should be identified in the analysis. The source capacity requirements of the State should be identified and information regarding why the annexation will not allow RVCWD to meet the source capacity requirements should be provided. With respect to the self-imposed moratorium, the factual basis for an assumption that it will not be lifted should be provided. Additional information supporting the conclusion that the moratoria will not be lifted or altered as a result of the annexation is needed in order for decision makers, including the LAFCo Commissioners, to determine that the annexation will not induce growth and result in a potential reduction in service capacity for existing customers and/or conversion of farmland.

While the ND asserts that the additional supplies would not allow for development beyond what was analyzed in the GP EIR, the analysis should consider the effect on RRFC’s water supplies resulting from potential RVCWD buildout and potential impacts to existing RRFC customers should the moratoria be lifted as a result of the proposed annexation.

Response to Comment 2.6:

Imposing the responsibility on RRFC to analyze the requirements for RVCWD’s court-ordered moratorium to be lifted is putting the cart before the horse. For either of the moratoria to be lifted there would need to be some additional or more reliable water supply to RVCWD; the proposed Project can provide neither. As mentioned above, the current allocation of water to RRFC customers, including RVCWD, under the Uniform Agreements will not change as a result of the Project. As also mentioned, RVCWD has a Uniform Agreement for 328.85-acre feet annually. The only change that would result from the Project is that RVCWD would be able to put any water available under its Uniform Agreement to beneficial use anywhere within RVCWD, in contrast to existing conditions limiting RVCWD’s use to only that portion currently within RRFC. The water available to RVCWD following annexation will not be any more dependable than the 328.85-acre feet, and any surplus water, available under its existing Uniform Agreement.

As also mentioned above, the court-imposed moratorium will remain in effect until RVCWD has sufficient evidence of a reliable water supply to present to the California Department of Health Services and/or the court to warrant its removal – which is not provided by the proposed Project. The ability and likelihood of RRFC’s proposed annexation resulting in RVCWD securing enough water to petition the court to remove the moratorium, and what effects lifting of the moratorium might have on population and housing, is directly addressed in the IS. Practically, RVCWD has an existing Uniform Agreement with RRFC for 328.85-acre feet annually which will not be increased as a result of the Project as all other RRFC water is contracted for. It is possible in the future that if additional RRFC water becomes available RVCWD’s Uniform Agreement quantity may be increased. The goal of the annexation is to allow RVCWD to use RRFC contracted water anywhere within the RVCWD service area, not to contract for more water. Therefore, the proposed annexation itself will not result in any increase of water supply to RVCWD sufficient to warrant removal of the moratorium, as concluded in the IS/ND and discussing the criteria for removal of one or both of the moratoria will not change this fact.

1.6 RESPONSE TO COMMENT LETTER 3

Most of the comments in this letter duplicate the comments in Comment Letter 1.

Comment 3.1:

By this letter, we hereby object to the Notice you published as to limitation of time within which comments may be made to the Negative Declaration. Said notice provides in part that the “formal 30 day comment period ends July 29th at noon” and that said faulty notice is not cured by posting on the internet that “the District continues to welcome comments on the Negative Declaration and the proposed annexation” (<https://www.rvlc.net/proposed-application-for-annexation-of-redwood-valley-county-water-district-2025>.) The legal right expires at 5:00P.M. on June 30, 2025. The California Environmental Quality Act (CEQA) is strictly construed against the objector. So too should it be similarly be strictly construed against the Redwood Valley County Water District (RVCWD). As the old saying goes, “What is good for the goose is good for the gander.”

Response to Comment 3.1:

The notice period for the ND follows California law and the requirements of the California Environmental Quality Act.

Comment 3.2:

By this letter, without waiving our prior objection, I further object to the proposed negative declaration that has been promulgated by your agency for the purposes of “fast-tracking” the annexation of the Redwood Valley County Water District (RVCWD) into the Mendocino Russian River Flood Control and Water Conservation District. This is a major project as defined by CEQA and necessitated a full Environmental Impact Report before the district is allowed to proceed with the consideration of this proposal.

Response to Comment 3.2:

The IS/ND did not identify any adverse environmental impacts resulting from the proposed Project. Therefore, an Environmental Impact Report is not required.

Comment 3.3:

1. The negative declaration is legally defective and fails to evaluate and mitigate the significant adverse impacts of the proposed annexation upon agricultural water users, agricultural production, and the potential loss of agricultural lands (due to potential water reductions in shortage periods) within the Russian River WCID. This is particularly troubling given the history of the failure of the County to adequately address these issues. SEE: *Masonite Corporation v. County of Mendocino* (July 25, 2013) 215 Cal.App.4th 230. This case ordered the County to have to “re-do” an EIR because it failed to address the adverse impacts of a project on agricultural lands and production in the Ukiah Valley.

Response to comment 3.3:

See response to Comment 1.1.

Comment 3.4:

2. The negative declaration is legally defective and fails to evaluate and mitigate the significant adverse impacts of the proposed annexation upon:
 - a. Agricultural water users;
 - b. Agricultural production;
 - c. The potential loss of agricultural lands due to potential agricultural and residential water use by non-riparian water users;
 - d. The legal right to sell water from the Russian River or its aquifers to non-riparian persons;
 - e. The legal rights of riparian owners pursuant to the “*Treaty of Peace, Friendship, Limits, and Settlement With the Republic of Mexico*” (hereinafter, “*Treaty of Guadalupe Hidalgo*”) dated February 2, 1848.
 - f. The impact on the riparian owners from the headwaters of the Russian River to its mouth at the Pacific Ocean, whose property originates with Mexican Land grants, that occurred prior to the State of California becoming the 31st state on September 9, 1850, and were confirmed by the California Board of Land Commissioners.
 - g. The right of water appropriators to pre-empt the rights of riparian owners.

Response to comment 3.4:

The impacts listed in comments 2.a, b and c, see response to Comment 1.1. The remaining impacts listed as comments 2.c through g are not CEQA issues.

Comment 3.5:

3. Contrary to the defective notice of the negative declaration, no portion of Redwood Valley has ever been annexed into the MCRRFCWCID. This deceptive and clearly erroneous representation in the notice invalidates the notice for CEQA purposes inasmuch as it mis-characterizes the “project” to be considered by your board.

Response to Comment 3.5:

See response to Comment 1.2.

Comment 3.6:

4. MCRRFCWCID requested the authority to distribute “surplus water” to Redwood Valley and the State Water Resources Control Board only granted MCRRFCWCID the authority to distribute “surplus water” per the SWRCB authorization. The negative declaration fails to identify which current MCRRFCWCID agricultural contract will be reduced in order to “permanently serve” residential uses within the proposed Redwood Valley annexation area.

Response to Comment 3.6:

See response to Comment 1.3.

Comment 3.7:

5. MCRRFCWCID does not hold any reliable surplus water supplies that are available for permanent allocation to permanent residential uses within Redwood Valley. The defective negative declaration has failed to identify both a redundant source of water or the massive growth inducing impacts (and the adverse impacts and mitigation requirements) that will result from the transfer of agricultural water from within the current boundaries of the MCRRFC to future developments within Redwood Valley that will be facilitated by the conversion of ag water to permanent residential consumptive uses.

Response to Comment 3.7:

See response to Comment 1.4.