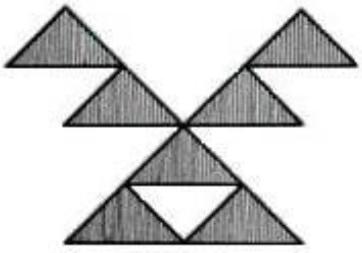
Potter Valley Tribe

ENVIRONMENTAL ASSESSMENT:

CONVEYANCE of FEE PROPERTIES to FEDERAL TRUST

14.7 Acre Property
Parcel ER 14
Potter Valley
Mendocino County, California

Adopted by the Tribal Council of the
Potter Valley Tribe on April 8, 2020
Updated February, 2022



Prepared for:	and	Prepared by:
Department of the Interior	Potter Valley Tribe	Deny Dudzik, MS.
Bureau of Indian Affairs	2251 S State Street	PO Box 15
Pacific Regional Office	Ukiah, CA 95482	Yorkville, CA 95494

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ENVIRONMENTAL ASSESSMENT:

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1. INTRODUCTION

This Environmental Assessment (EA) has been prepared on behalf of the U.S. Bureau of Indian Affairs (BIA) to support an application from the Potter Valley Tribe (PVT; Tribe) for land to be placed into federal trust (Proposed Action). The BIA is the federal agency charged with reviewing and approving tribal applications pursuant to 25 Code of Federal Regulations (CFR) Part 151 to take land into federal trust status.

The land proposed for trust acquisition, which is currently owned in fee by the Tribe, consists of approximately 14.7 acres in Mendocino County, California. The Mendocino County assessor's parcel numbers (APN) for the project are shown below in Table 1-1

TABLE 1-1
PROJECT SITE PARCELS

Parcel	A/P Number	Designated Parcel Name	Acreage
Eel River Property **17200 Eel River Road** **Potter Valley, CA 95469**	**171-200-13** **171-200-15** **171-210-12**	**ER14**	**14.7**

This EA has been prepared in accordance with the requirements set out in the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 et seq); the Council on Environmental Quality (CEQ) guidelines for Implementing NEPA (40 CFR Parts 1500-1508); and the BIA's NEPA Handbook 59 IAM 3-H. This EA provides a detailed description of the Proposed Action and an analysis of the potential environmental consequences associated with the Proposed Action. This EA also includes a discussion of alternatives, impact avoidance, and mitigation measures. Consistent with the requirements of NEPA, the BIA will review and analyze the environmental consequences associated with the Proposed Action, and either determine that a Finding of No Significant Impact (FONSI) is appropriate, or request that an Environmental Impact Statement (EIS) be prepared.

The Proposed Action is to convey one of seven Mendocino County properties currently owned in fee by the Potter Valley Tribe to federal trust status. The primary objective of this EA is to evaluate a number of alternatives to determine whether the Proposed Action presents the best approach for the Tribe and the BIA. The EA will assess the environmental, social, and economic impacts associated with the Proposed Action and other reasonable alternatives. The property subject to this EA is presently referred to as the Potter Valley Tribe - ER14 (ER14).

1.1 PROJECT DESCRIPTION

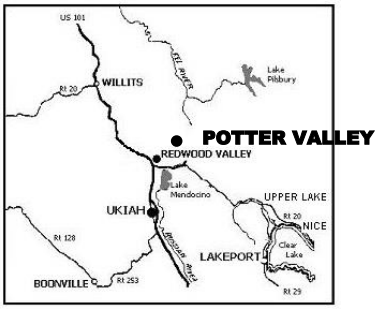
This project proposes the conveyance of land in Mendocino County, from "fee" to "federal trust" status for the benefit of the Potter Valley Tribe. One property, currently owned by the Tribe, is involved in this project. The PVT wishes to develop the ER property with a hardware/camp retail store (10,000 sf), yard (15,000 sf), parking (1,500 sf) and a maintenance garage/office (5,000 sf) for vehicles and land management equipment, with a total footprint of 0.72 acres. There is the potential for construction of seasonal camping facilities on the lower portion. Ingress and egress would be improved for emergency access, a fire protection system installed in all buildings, and the video security system on the property would be upgraded.

The 14.7 acre Eel River property, purchased in 2014, is located at 17200 and 17900 Eel River Road, 4 miles north of the town of Potter Valley, adjacent to the main stem Eel River. Elevation ranges from 1495 to 1535 ft msl. The legal description is: within the southeast portion of Section 29, Township 18N, Range 11W. The property is a combination of three parcels. location and addresses are as follows:

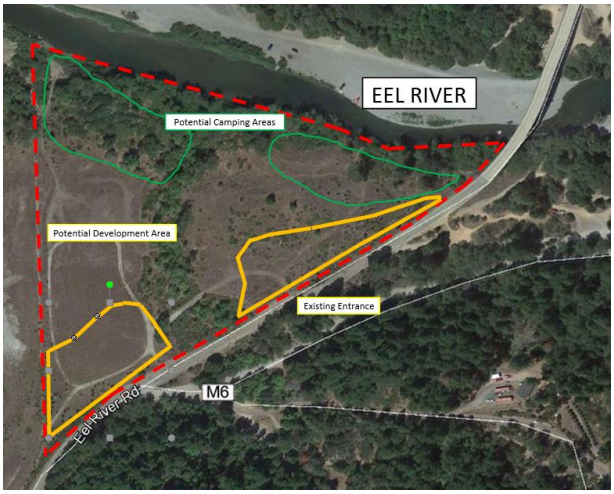
TABLE 1-2
PROJECT SITE LOCATION

Parcel	Acreage	Quad Map Location	Coordinates
17200. 17900 Eel River Road Potter Valley, CA 95469	**14.7**	**Section 29, Township 18N, Range 11W**	**39° 22' N, 123° 05' W**

Location Maps



Aerial view showing the property and the potential development area.



1.2 TRIBAL BACKGROUND

BEGINNINGS OF THE POTTER VALLEY RANCHERIA (Bell, 1988)
In 1885, 14-18 families of the surviving Potter Valley Indians purchased land from a local rancher. By 1892, fourteen Indians paid in full and acquired title to this 10-acre parcel of land on Spring Valley Road in western Potter Valley. (ASI, 2003). This settlement is recognized as representing all three of the original prehistoric Potter Valley tribelet groups along with members of other local tribes. In 1909 the Bureau of Indian Affairs bought an additional 16 acres of land just north of and adjacent to the 10-acre property, and established the Potter Valley Rancheria. Later, in 1913 an 80-acre wood lot about 5 miles to the northwest was added. These two properties are still located on topographic maps, depicted (erroneously) as belonging to the Potter Valley Rancheria.

TERMINATION and RESTORATION of the PVT
The Potter Valley Rancheria was formally terminated on August 1, 1961. The land purchased in 1892 continued to be occupied by Potter Valley Pomo Indians and their descendants. Properties of the original Rancheria were sold over the years; there are only 1 or 2 properties still belonging to the descendants of the Indians who lived there.

In the mid-1970s the Potter Valley Rancheria joined with 16 other Tribes seeking restoration of federal Indian status. The seventeen Indian Rancherias in the lawsuit known as Tillie Hardwick vs. United States - (C-79-1710SW) prevailed and on December 22, 1983 the United States District Court for the Northern District of California ordered full restoration of tribal status. On March 2, 1993 the Potter Valley Rancheria adopted a constitution and by-laws, establishing a Tribal Council and assuming governmental functions. In 2004 the Tribe reorganized under the name Potter Valley Tribe, and revised the constitution, which was approved by the Department of Interior on September 8, 2004.

The Tribe's service population has ranged from over 1500 pre-1859 (ASI, 2003) to about 100 in the 1990's, to less than 50 since 2006. As members left to join other local Tribes during the governmental re-organization, the Tribe managed to continue its functions, and now provides housing assistance, cultural education, and environmental programs to its own members and to other local Tribes. The current population (2019) residing on Tribal lands is 38, which includes Tribal members, spouses and children (including some members of neighboring tribes). The current population count and tribal status of the service population is in the Appendix.

1.3 PURPOSE AND NEED FOR THE PROPOSED ACTION

Purpose
The Tribe's purpose for taking the 14.7± acres of land into trust is to provide increased long-term socioeconomic security and self-determination for the Tribe through land acquisition and economic development. The Proposed Action would further the development of the property for recreation and economic development. Having the property in trust status would provide greater control over land use matters associated with tribal housing, facilities, and services for its members, by transferring jurisdiction over land use decisions from the County of Mendocino to the tribal and federal governments. Acquisition of the proposed trust parcels will assist the Tribe's efforts to preserve the existence of the Tribe and reestablish a reservation land base.

The ER14 is located on the Eel River and adjacent to land acquired for future recreation and forest management. The Tribe completed a 12+ year process for donation of the adjacent 892 acres of forested watershed land in 2019. On this new property the PVT is committed to maintenance of old growth forest, natural resource protection, and development of recreational resources for tribal and public use. This acquisition will create Tribal employment opportunities for developing and managing recreational facilities, hunting grounds, and ecological tourism opportunities.

Under this Fee to Trust Application the Potter Valley Tribe wishes to develop the ER14 property with a hardware/camp retail store, offices, and a maintenance garage for vehicles and land management equipment, and eventually camping facilities. To develop this property under the present status would require a change in zoning and permits with the County of Mendocino, an onerous and expensive process.

For the Bureau of Indian Affairs, the purpose is to act on the Tribe's fee-to-trust application to satisfy the department's land acquisition policy as articulated in 25 CFR 151, and facilitate Tribal self-sufficiency, self-determination, and economic development.

Reasons for Fee to Trust Application

- Ability of PVT to regulate their own lands in accordance with their Constitution and supporting documents
- Increased economic development potential through recreational, non-gaming venues
- Increased tribal employment potential – trained land managers and maintenance personnel
- Increased fire protection potential for thousands of acres of forested lands nearby, owned by PVT and others
- Eligibility for USEPA Clean Water Act funds on the Eel River
- More efficient management due to close proximity to newly acquired forested and watershed lands (which cannot be taken into trust)
- Improved protection of nearby natural resources (water, wildlife, sensitive species); that occur on land owned by PVT and adjacent stakeholders
- Improved access to BIA transportation funds between trust lands

The Proposed Action is an important step towards the Tribe’s long-range plans for providing community, recreational, and economic development facilities for present and future generations.

Need

The Potter Valley Tribe has a total of 7 properties in 12 parcels, which, with the exception of one, are currently owned in fee by the Tribe. The only property held in federal trust for the benefit of the Tribe is the 3.3 acre Redwood Valley housing block. The lack of open, developable land continues to limit the Tribe’s eligibility for many federal programs and services. For instance, although the Tribe has successfully implemented the USEPA – GAP environmental program since 1999, they were not eligible for the Section 106 Clean Water Act (CWA) funding because the PVT does not have trust land with water resources. Despite having property with frontage on the east fork of the Russian River (Michael Court, Potter Valley), the Tribe cannot implement federal programs under the CWA until this pending application has been completed. CWA funding would allow the Tribe to participate in essential resource management within its ancestral territory, while assisting with resource management and protection in the

sensitive main stem Eel River area. The Tribe has been denied eligibility for many BIA Natural Resource programs (Integrated Resource Management Plan development, Wildland Fire & Fuels Reduction, Endangered Species, etc.) due to the fact that the Tribe remains a landless Tribe without a reservation land base, as the federal government did not hold title to any land in trust for the benefit of the Tribe. This proposal will contribute to the PVT's ability to better manage its lands.

The preamble to the Constitution of the Potter Valley Tribe (2004), states that the members of the Tribal Council will: "provide for the health, safety, and welfare of our people, promote our economy, preserve and protect and pass on our culture to future generations, maintain community harmony, achieve fairness and justice, honor our traditions, our ancestors, and our elders, assert and exercise our sovereignty, affirm and build our territorial base, acquire land and water for future generations, protect the cultural and natural resources of our aboriginal land or any other acquired territory, and carry on enterprises for the benefit of our community…" As a Tribe with a small land base, the elected Tribal Council is duty bound to make best use of its land resources, while pursuing land acquisition for future generations of the Tribe. The Tribe will move toward achieving these goals if the Proposed Action is approved and the three parcels are taken into trust.

The Tribe's Comprehensive Economic Development Strategy (2002) was written when the Tribe had a very small land base, with a need for housing and economic development. The four goals at that time were 1) land acquisition, 2) promotion of home ownership for Tribal members, 3) establish a community center from which programs can operate, and 4) improve and expand community services. Since that time, the Tribe has purchased land for housing in Redwood Valley (2003) and Potter Valley (2006), completed a Tribal Community Center in Ukiah (2005), and purchased land for recreational and development in Ft. Bragg (2009) and on the Eel River (2014). Conversion of the ER14 property to trust status would assist with economic development and improved and expanded community services.

1.4 OVERVIEW OF THE ENVIRONMENTAL REVIEW PROCESS

This EA has been prepared to analyze and document the environmental consequences associated with the transfer of approximately 14.7 acres of land into federal trust status for benefit of the Tribe. The EA will be released for a 30-day comment period. Comments will be considered by the BIA, and either a FONSI will be prepared, or additional environmental analysis will be conducted. After the NEPA process is complete, the BIA may issue a determination on the Tribe's fee to trust application.

1.5 ENVIRONMENTAL ISSUES ADDRESSED

In accordance with NEPA, preparation of this EA has included consultation with the United States Fish and Wildlife Service and California Historical Preservation Office, and interactions with other agencies and organizations (see Section 6.0). Based on a review of the Project Area, and the agency reviews, the following environmental issues are evaluated in this EA:

- Land Resources
- Water Resources
- Air Quality
- Biological Resources
- Land Use
- Public Services
- Hazardous Materials
- Visual Resources

- Cultural Resources
- Socioeconomic Conditions
- Transportation, Circulation and Noise
- Climate Change
- Resource Use Patterns
- Cumulative Impacts

All environmental impacts that have been identified as potentially significant can be mitigated to a less than significant level with measures identified in this environmental assessment. The construction directly proposed by this project fits within former uses of the property and immediate area. The site was once part of a recreational area known as the John Day Resort (1920's) and a lumber mill and log storage area. Since its use as the lumber mill (1938 through 1989) the property was purchased, cleaned up, subdivided, and sold as parcels. The potential benefits to the human environment in terms of expanded ability to access federal funds and programs for the Potter Valley Tribe community and increased environmental protection from these opportunities outweigh any minimal impacts of conversion to trust status and eventual construction of the store, buildings and campgrounds.

1.6 REGULATORY REQUIREMENTS AND APPROVALS

The following federal approvals and actions may occur as a result of the Proposed Action:

- Acquisition of three parcels of approximately 14.7 acres by the United States into federal trust status for the benefit of the Tribe.
- Consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Federal Endangered Species Act (FESA), if endangered species may be impacted by the Proposed Action.
- Consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the National Historic Preservation Act (NHPA) if cultural resources may be impacted by the proposed action.

2. PROPOSED ACTION AND ALTERNATIVES

The Proposed Action and Alternatives are described in this section. This section summarizes the means by which the Proposed Action would be carried out, the potential environmental consequences associated with the Proposed Action and the potential benefits and impacts of the alternatives as compared to the Proposed Action. The alternatives evaluated in this EA consist of the Trust Acquisition Alternative and the No Action Alternative.

2.1 PROPOSED ACTION

Trust Acquisition and Proposed Development

The Proposed Action includes the fee-to-trust conveyance of a property with three parcels that is composed of approximately 14.7 acres. The PVT wishes to develop the ER property with a hardware/camp retail store (10,000 sf), yard (15,000 sf), parking (1,500 sf) and a maintenance garage/office (5,000 sf) for vehicles and land management equipment; a remote security system, fire protection infrastructure, and an engineered, site-specific water and wastewater system, using best management practices (See References, for sources of BMPs), with a total footprint of approximately 0.72 acres. Energy would be provided by the local power company (electricity) and propane (heat). There is the potential for construction of seasonal camping facilities on the lower portion. (See Aerial View, ER14, Appendix) With these facilities the PVT could provide services for future camping, hiking, hunting and other activities and facilities, while providing a

store to serve locals and visitors. Staffing the various positions would provide future jobs for the tribe, while being compatible with future recreational development in the area.

Once accepted into trust, the Tribe would apply for funding programs for protection of water quality of the Eel River. The Eel River 14 property, and nearby watershed lands owned by the PVT and other stakeholders, would potentially benefit from USEPA, BIA, and other federal programs for water quality standards, non-point source protection, endangered species, habitat enhancement, fire protection and fuels reduction, carbon credit, cultural resource protection, recreational potential and Tribal employment opportunities.

2.2 NO ACTION ALTERNATIVE

Under the No Action Alternative the property would continue in fee status and not be taken into trust. Under current zoning, the Tribe could potentially pursue the proposed development on the property; however this would require county permits and hearings before the county zoning commission. Payment of annual property taxes would be required; should the Tribe not pay property taxes, the land would be subject to forfeit due to nonpayment of taxes. The PVT would not be eligible for Clean Water Act, BIA transportation, fire protection, and other federal programs that could provide funding for program development on fee simple lands, which is a disadvantage to the Tribe. Development is much less feasible under this alternative, and the PVT would not likely pursue economic development on this site.

2.3 COMPARISON OF THE PROPOSED ACTION AND ALTERNATIVES

2.3.1 Proposed Action

The Proposed Action could result in potentially significant environmental impacts in the following areas:

- Land Resources
- Water Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Socioeconomic Conditions
- Transportation, Circulation and Noise
- Land Use
- Public Services
- Hazardous Materials
- Visual Resources
- Climate Change
- Resource Use Patterns
- Cumulative Impacts

Of the project alternatives evaluated in Section 2.1, the Proposed Action would best meet the Tribe's objectives by providing the Tribe with opportunities not currently available. Mitigation measures and Best Management Practices (See References) are proposed to reduce impacts to less than significant.

2.3.2 No Action Alternative

Under the No Action Alternative there still is the potential for adverse environmental impacts identified for the Proposed Action. There are existing residences and agricultural operations that may be impacting environmental conditions in the area. There are non-point source water quality impacts, endangered species, and wildfire considerations that would not receive the benefits that the PVT’s enhanced presence would provide. This alternative would not

provide progress towards any of the Tribe's objectives outlined in their constitution and economic development plans. The Tribe considers the No Action Alternative unacceptable since it does not further its goals of increasing their sovereignty over its land base, increasing economic development opportunities, enhanced natural resource management, and increased recreational opportunities.

3. AFFECTED ENVIRONMENT

3.1 GENERAL SETTING

Mendocino County

Mendocino County is located in northwest California, about 100 miles north of San Francisco and 150 miles northwest of Sacramento. As of 2017, the population was 88,018 (US Census, 2017). The county seat is Ukiah. Mendocino County was one of the original counties of California, created in 1850 at the time of statehood. The county derives its name from Cape Mendocino, Mendocino being the adjectival form of the family name of Mendoza, one of the viceroys of Spain who sent explorers to the New World. There are thirty-four cities and towns in Mendocino County; only 4 are incorporated communities. The area is largely rural, with large areas of forest and agricultural land. The region is rich with historical and cultural resources, as well as recreational opportunities. Agriculture, especially pears and wine grapes, and tourism are major sources of income.

Potter Valley

Potter Valley is about 7½ miles long and 2½ miles wide, with its length running north-south, located just north of Lake Mendocino, at the headwaters of the east fork of the Russian River. Access is from Highway 20 to the south. The roads through the valley reach the northern end, then go over the ridge to the Eel River and Mendocino National Forest. From the Eel River, many of the roads entering and through the National Forest are dirt. They do connect to Covelo valley to the northwest and the Sacramento valley to the northeast, although access is seasonal. The small town of Potter Valley is located in the center of the valley, and has a post office, store, schools, a bar, a few offices and a restaurant. The project site is 4 miles north of the town of Potter Valley, on a former mill site, at the Pioneer Bridge that crosses the river.

3.2 CLIMATE

Inland Mendocino County lies in an area between coastal and interior climates known as transitional. The transitional climate may be dominated from time to time by either the wetter, cooler air of the coastal zone or by the hotter, dry interior zone. Average annual precipitation for the inland valleys ranges from 36-45 inches. Average amount of annual snowfall is approximately one inch. The average annual temperature is 58º F with summer temperatures exceeding 100º F and winter temperatures dropping below freezing.

The project site lies in the Eel River canyon, at the base of the mountains. The climate may be dominated from time to time by either the wetter, cooler air of the coastal zone or mountains, or by the hotter, dry interior zone. Average annual temperatures are as follows:

Average Temperatures – Potter Valley				
Annual	High	73.8	Low	42.1
Summer	High	93.2	Low	52.9
Winter	High	56.3	Low	33.1

Average annual precipitation for the area is 44.3 inches, with a range of 20-65 inches. Average amount of annual snowfall is approximately one inch. A persistent high-pressure system off the coast diverts storms and creates a dry summer climate over most of northern California. Prevailing winds are from the northwest, from 10-15 mph. In late fall, the high pressure cell dissipates and winter storms can sweep in from the Gulf of Alaska. Under stormy conditions, prevailing winds blow from the southwest at 10-30 mph, shifting to northwest winds as storm fronts pass by. The area receives almost all of its precipitation from November-May.

The Mediterranean climate, with relatively high winter rainfall and hot, dry summers, results in extreme fire danger every summer and fall. Most of Ukiah, Potter and Redwood valleys are comprised of either oak-madrone woodland or chaparral, both of which are considered "fire-type" vegetation. Under natural conditions, these areas burn every 20-50 years. The Eel River site is on valley land at a transition between chaparral and conifer forest.

3.3 LAND RESOURCES

3.3.1 Geological Setting

Inland Mendocino County

Redwood and Potter Valleys are located in alluvial valleys along the west and east forks of the Russian River. The valleys are in the California coast range at approximate elevations of 750 to 1,000 feet above mean sea level. The topography of the Russian River basin is controlled by a series of northwest-trending fault block ridges and inter-mountain valleys. Redwood Valley is the westernmost of the two, separated from the coast by the Coastal Range to the west. The Mayacama Range separates it from Potter Valley, which has the Middle Mountain range to the east. A ridge to the north separates both valleys from the Eel River watershed. Redwood Valley is 2 to 3 miles wide along a river terrace that is dissected by small or ephemeral streams that flow from the foothills to the west fork of the Russian River. Potter Valley is about 7½ miles by 2½ miles, with its length running north-south from elevation 1000 to 875 feet msl. Its northern boundary is the headwaters of the east fork Russian River. The west fork flows about 8 miles south to its confluence with the east fork, just below Lake Mendocino (formerly Coyote Valley). From there the main stem of the Russian River flows 80 miles southwest through the Santa Rosa plain to the ocean at Jenner.

3.3.2 Earthquake Faults and Seismic Activity

The Seismic Safety Element of the Mendocino County General Plan provides for a comprehensive account of seismic hazards in the area (MCGP, 2005):

> Mendocino County may be divided into four areas which have similar bedrock and soil characteristics, ground rupture potential, ground stability and flooding characteristics. These areas of similar geotechnical characteristics are called "Geotechnical Hazard Zones." The boundaries of the Geotechnical Hazard Zones are a matter of judgment and cannot be precisely drawn. Each zone and related hazards are described separately in the following sections:
>
> | | |
> |---|---|
> | Zone I | San Andreas Fault Zone |
> | Zone II | Maacama Fault Zone |
> | Zone IIIa | Central County Zone - Coastal Belt |
> | Zone IIIb | Central County Zone - Eastern Belt |
> | Zone IV | North East County Zone |

Redwood and Potter Valleys are both within the Zone IIIb Geotechnical Zone.

Zone III -- The Central County Hazard Zone
The Geotechnical Hazard Zones Map (Appendix C) shows general conditions for the area. Zone III has been divided into two subzones; the Maacama Fault Zone (Zone II) divides the two subzones. Zone IIIa is the Coastal Belt of the Franciscan Assemblage. The Coastal Belt consists of younger and generally more stable rock units than the older rocks of the Eastern Belt which is designated as Zone IIIb. This inland subzone includes Redwood and Potter Valleys and the Maacama Mountain Range, which slants north-westerly from Sonoma-Napa counties through southern Mendocino County. There are many small faults in the Franciscan Assemblage; most of which are considered to be inactive. Although the faults are at present considered inactive, significant numbers of people are living in areas that will be affected if movement were to occur. Earthquake risk is generally lower in Zones III and IV than in Zones I and II, but landslides in areas such as this can be triggered by minor earth movement, by heavy rainfall, weathering or other natural causes. Grading of hillsides for development increases the landslide risk unless competent professional assistance is employed. As urbanization continues, the hazards from shaking, slope failure and earth movement will increase unless development controls to minimize risks are implemented.

Alquist-Priolo Special Studies Zones
The Alquist-Priolo Special Studies Act, in effect since March 7, 1973, requires that special studies zones be delineated along known active faults in California, and that cities and counties must withhold permits for certain specified development projects within the special studies zones until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting. In Mendocino County special studies zones have been established along several fault traces associated with the San Andreas Fault in the Point Arena-Gualala vicinity. The Division of Mines and Geology has been studying segments of the Maacama Fault from Hopland to Laytonville. In 1982 special studies zones were established along portions of this fault. These and other hazards associated with earthquakes are depicted on the Mendocino County Hazards Map. Neither of the Tribe’s properties is within these zones (see GeoHaz Map in Appendix C).

3.3.3 Erosion
Mendocino County lies in a region dominated by the Franciscan complex. The heavily fractured and deformed coastal mountain range was formed by folding and faulting as the Pacific seabed collided and folded under the continent. Bedrock in this area is Jurassic-age Formation, with highly variable layering. Underlying rock is composed of dense sandstone, siltstone and shale deposits. The Franciscan assemblage is found throughout most of the county, except the coastal fringe and extreme eastern edge. The valleys are remnants of older valley filling alluvium, which resulted in the terraces of Redwood, Potter and Ukiah Valleys. Outcrops of serpentinite, from extrusion of magma through cracks from deep beneath the surface, are common. Although originally seabed, soils of the Franciscan formation have been shaped and modified considerably by the high-rainfall climate. Limestone formations normally found in such soils have long-since leached and washed away. Although occasional igneous outcrops are found in the mountains, the dominant rocks are metamorphic Franciscan complex. The Eel and Russian Rivers cut their paths through the valleys, moving soil and depositing it on the lower areas where the rural and urban communities of Humboldt, Mendocino and Sonoma counties now exist.

Generally, the Franciscan complex is highly unstable, largely because of the presence of faults and shear zones, often hundreds of feet wide. The deeply weathered Franciscan assemblage

contains shale mixed with more massive rocks, and with a prevalence of serpentinite. These inherently weak structural features, combined with high rainfall, prolonged storms, and rugged terrain, account for the widespread instability and erodibility of the Franciscan area soils. Consequently, landslides, stream bank erosion, and soil creep are common.

Climate Effects on Soils

The effects of the climate on these soils can affect management of the soils. Annual rainfall in the area ranges from 32-54 inches/year, occurring during the 6-month winter and spring. This rainfall provides moderate to high leaching of base minerals (sodium, calcium), resulting in low sodium and low to moderate calcium levels, and acid soils. Because of the abundance of magnesium in these soils, a poor Ca:Mg ratio is common, with resultant water permeability problems. The higher the clay content, the more the Ca:Mg ratio affects drainage. This leads to higher runoff potential and increased erosion. Soil management in the area often involves correction of soil nutrient imbalances (calcium amendments), organic matter management (amendments, mulching and cover crop management), sub-soiling, and careful scheduling of groundwork. Construction requires consideration of the clay content because some clay expands and contracts easily, which can damage buildings and foundations. Often septic leach fields require careful siting or alternative designs due to the poor percolation ability of high magnesium clays. Groundwater interceptors, ditches, setbacks from gullies and bases of steep slopes and avoiding expansive clays are all modifications used to offset effects of the clay soils and high rainfall climate (Young, 1999).

3.3.4 Characteristics of the General Soil Types

The Soil Survey of Mendocino County (USDA, 1991) contains information from field surveys, aerial photographs, and classification, which is valuable for general planning and assessments. These report the steepness of terrain, the size of streams and general pattern of drainage, the kinds of native plants or crops, depth of various soil profiles, and the kinds of rock present. For specific nutritional information, actual laboratory analysis of individual fields is necessary. Together this information provides management strategies for sustainable land and resource use.

Mendocino County soil maps are grouped into 15 general map units, then further divided into soil series – areas with similar profiles, slope, stoniness, salinity, wetness, degree of erosion, or other characteristics. The project site is located on Sheet 25, Mendocino County, California (USGS Quad Van Arsdale Reservoir). The site includes 1 soil unit, 178 Pinole gravelly loam, which is considered prime farmland where irrigated. However, since the establishment of a lumber mill in 1938 the site has been graded, graveled, and compacted for lumber storage and residential construction. Hence, although some of the underlying soils are deep alluvial soils, other areas on the ER 14 could be considered Urban Land.

Potter Valley and Eel River area

The following information is from the Soil Survey of Mendocino County, Eastern Part (USDA, 1991), Soil Survey of Mendocino County, Western Part (USDA, 1993), and Young (1999). The general soil type for most of Redwood and Ukiah Valleys is Pinole-Yokayo-Redvine; for Potter Valley it is Cole.

Cole (Potter Valley)

This general soil unit occurs on alluvial plains and fans and in basins. As very deep but somewhat poorly drained clay loams, many require artificial drainage for farm or domestic use.

Due to high leaching from rainfall, the soil reaction tends to be acidic, averaging 6.1 in pH. Base saturation measurements show low calcium: high magnesium: low potassium: low sodium: moderate hydrogen (Young, 1999). The high magnesium and poor drainage results in gray to black (when waterlogged) colored soils. Slow permeability and low soil strength can limit crop choice and production; building sites, and septic drainfield location. Limestone requirements for cropland range from 2-7 tons/acre-foot of soil, depending on the amount of clay present and calcium needed to achieve optimum cation balance. Available phosphorus levels can be low; as can sulfur and the micronutrients zinc and boron. Manganese and iron are generally high from the nearby red, high-iron and mineral content benchlands and ridge tops.

178—Pinole gravelly loam (General characteristics)
Elevation is between 500 and 1500 feet. Mean annual precipitation is 37 inches and annual air temperature is 57 degrees Fahrenheit and a frost-free period of 200 to 250 days. It is designated as prime farmland if irrigated. Parent material is alluvium derived from sedimentary rock. A typical profile is:

0-10 inches: gravelly loam
10-37 inches: gravelly clay loam, clay loam

Average slope is 2 to 8 percent with more than 80 inches to restrictive features. It is well-drained with a high runoff potential. Available water storage in the soil profile is very high, about 15.8 inches There are three minor components; none are considered hydric soils. (see Appendix D).

3.3.5 Topography

Inland Valleys

Potter and Redwood Valleys are separated by the northern ridge of the Mayacama Range, which runs northwest-southeast through Mendocino and Sonoma Counties. The highest peaks between the valleys range from 2100-2250 feet; to the east of Potter Valley the mountains range from 3400-3700 ft. Further to the north and east of Potter Valley is the Mendocino National Forest, with mountains rising to nearly 7,000 ft. The ER 14 site is located just north of Potter Valley, separated by a 1000-foot ridge. The Eel River flows northerly about 100 miles to the Pacific Ocean. The Russian River flows southerly about 65 miles, then westerly about 20 miles to the ocean. The proximity of these two watersheds, along with the 500-foot drop in elevation from the Eel River to the Russian River, allowed the tunneling and transfer of water from the Eel to the Russian River, linking the two watersheds since 1908. The Potter Valley watershed drains into the east fork of the Russian River; above Redwood Valley is the beginning of the west fork of the Russian River. The two branches merge just below Lake Mendocino (formerly Coyote Valley), to form the main stem of the Russian River, which flows south to the Santa Rosa plain, then 60 miles west to the ocean at Jenner.

3.3.6 Mineral Resources

The Potter Valley Tribe's ancestors made valuable use of minerals that were gathered and mined in the area. These were used in food preparation, regalia and ceremonies, or traded for food, salt, or other materials with Tribes on the coast and further inland.

Magnesite, a magnesium carbonate mineral that occurs in serpentine outcrops, was mined in several areas around Potter Valley. It was used as early as 1500 BP as money in the form of cylinders and beads, often on strings with clamshell disks. According to DeGeorgey, et al (2007) an early mine was named Po-mo after its occupants. Po-mo Po'-ma was the name given by other Potter Valley natives to the Tribe "magnesite mine people" occupying the flat in lower Potter

Valley. The beads, when well-formed and baked, were so valuable that mines often needed to be defended from intruders.

As early as 1877, local white settlers called the Natives residing along the Russian River Pomos. This name was probably derived from the name of an Indian village located in Potter Valley called phoomoo ("at red-earth hole") in the Northern Pomo language. In time, Pomo became the name for all Native peoples who spoke one of the seven related Pomo dialects.

The Pomos used the red clay "Ma'sil" from the foothills surrounding Potter Valley in making acorn flour and pinole. The clay, which was high in potassium, iron and silicon, was mixed with ash and used as a leavening for the flour. Presumably, the acidic clay reacted with the ash (after treating with water and evaporating) to make the flour rise when cooked. The result would be flour with an enriched mineral content (Young, 1999): calcium, potassium, phosphorus and micronutrients (ash) and potassium, iron, silicon and micronutrients (ma'sil).

Chert is a form of microcrystallite quartz, often found in sedimentary deposits. It is a tough, silica-rich rock that can be broken to form very sharp edges. In Potter Valley it is found associated with serpentine outcrops, and there are several along the foothills surrounding the valley. Valuable when shaped into arrow points or blades, there is one pre-historic deposit where tools were made about 4¾ mile southeast of the project site. Arrowheads of chert and obsidian are commonly found in the area; the obsidian came from sources in Lake and Napa counties.

The Franciscan formation occasionally has deposits of valuable minerals, including manganese, chromium, and iron. Although there were once manganese mines in the Potter-Redwood Valley area, the only mineral currently being mined or quarried is rock for construction projects. Sources include fractured shale and river rock. There are deposits of serpentine rock, especially in the Potter Valley area. These deposits can contain asbestos; the County of Mendocino regulates the quarrying and use of such deposits to minimize the spread of asbestos. There are no serpentine outcrops within ¼ mile of either of the Tribe's properties (Young, Dudzik, 2019).

3.4 WATER RESOURCES

3.4.1 Hydrology of the Area

The water resources of the Redwood, Potter, and Ukiah Valleys consist of both surface water and subsurface water. Domestic and agricultural water is obtained from both of these sources, using wells, springs, creeks, rivers and reservoirs. Water system size ranges from individual systems to small community water systems to public water systems serving as many as 15,000 people.

Mendocino County can be broadly divided into three major drainage basins: Eel, Russian and Coastal. These are separated by ridge lines, then further classified into sub-basins or watershed units of hydrologic significance. The Eel River Basin is shared with Humboldt, Lake, and Trinity Counties while the Russian River Basin includes Sonoma County. The Coastal basin is composed of several rivers and many creeks. Surface runoff in all the basins is almost entirely from rainfall, although snow does fall in the mountains of the eastern part of the Eel watershed. During the dry summer months, stream flow must be supplied from groundwater seepage, channel storage, or reservoirs. In Mendocino County, 93% of the average seasonal runoff occurs in a five-month period beginning in December and ending in April. The relative contribution of the three major basins to total runoff, based on basin-wide data, is as follows: Coastal - 21

percent, Russian - 16 percent, Eel - 63 percent. Total average runoff is about 10.1 million acre-feet per year (MC, 2009).

The Russian River is located within the North Coast Hydraulic Basin Planning Area (NC) delineated as the Russian Hydrologic Unit 18010110.. The proposed project is within the Eel River (Hydrologic Unit 18010103). Since 1908, the east fork of the Russian River in Potter Valley received water from the hydroelectric power diversion on the Eel River at the Van Arsdale Reservoir. The Pacific Gas &Electric (PG&E) company's Potter Valley Project diverts water from the Eel River to the East Fork of the Russian River for power generation and downstream agricultural and municipal water use. The project consists of Scott Dam and Lake Pillsbury, Van Arsdale Diversion Dam and tunnel, and the Potter Valley Powerplant. The project diverts about 159 taf of water and generates about 60 million kWh of energy annually. The East Fork enters Lake Mendocino, then empties into the Ukiah Valley, joining the west fork ½ mile below the dam. From there, the Russian River travels 60 miles southwest to the ocean. Releases are limited by required minimum flows on the Eel River and by requirements to maintain reservoir levels in Lake Pillsbury during the summer recreation season. Under the Federal Energy Regulatory Commission (FERC) relicensing process, PG&E had been meeting with state and federal agencies to develop instream flow recommendations for the Eel River. Recently (August, 2018), PG&E announced that they would put the property and project up for auction. In January of 2019 PG&E announced that they applied for bankruptcy protection, would not renew the FERC license for this project, and intended to abandon the project following the 'orphan' process. Diversions from the Eel River are being evaluated in light of these developments and the ongoing efforts to restore the Eel River fisheries. Due to the location of the PVT Proposed Project (on the Eel River at the Van Arsdale Reservoir), and the connection of the Eel River and Ukiah/Potter Valley watersheds, impacts to both will be considered.

Groundwater Hydrology

Most of the groundwater in the inland valleys of Mendocino County is in alluvial deposits, with terrace and continental deposits being secondary in importance in water bearing and yielding capacity. With the exception of numerous small springs, the Franciscan Complex on the hillsides that surround the valleys is considered essentially non-waterbearing. The alluvial soils on the valley floors consist mainly of silt and clay, with some sand and thin lenses of gravel. This alluvium is generally from 40 to 60 feet thick. Wells installed into the alluvium generally have yields yielding 50 to 75 gpm, with the maximum yield being about 100 gpm. The majority of alluvial groundwater in the inland valleys is unconfined to locally confined beneath beds of silt and clay. Conservative estimates of specific yield for these units are 5 to 20 percent. Terrace deposits exposures are 10 to 30 feet thick, and maximum thickness is possibly about 100 feet. Shallow wells that tap this deposit generally yield only a few gpm. Well yields range from 1,200 gal/min from Recent Alluvium to less than 50 gal/min from undifferentiated older formations. The groundwater on the valley floors is high during the winter and variable much of the year. Most water systems depend on storage (tanks, reservoirs) for year-round supplies (MC, 2003; CDWR, 2004).

According to a previous environmental assessment of the site, the gravelly loam soils on the project site are about 30 feet deep to bedrock. The soil is considered well drained, with intermediate water holding capacity. Depths to groundwater range from 7 feet to 18 feet from the surface (SHN, 2006). The direction of groundwater flow is north, towards the river. The area is

no doubt recharged by river flow in the summer, which has been augmented by the dams and power project since 1908.

The water well drillers report from 1994 (SHN, 2006), states that in November of 1994 the depth to ground water was 10 feet. The flat area alongside the Eel River is about 150 acres; with an average depth of 50 feet of water-bearing soil, the aquifer underlying in this area would contain about 7,500 acre-feet of water-bearing strata. If 20% of this is available water there would be about 1500 acre-feet of groundwater. Being so close to the river and reservoir, this aquifer is most likely constantly being replenished.

Water Quality

Water quality in Mendocino County is good in general, especially water derived from recent alluvium deposits; however, locally the content of chemical constituents varies widely. As is common in high rainfall areas, the soils are highly leached, with surface and groundwater moderate to high in bicarbonates. As calcium and magnesium bicarbonate are leached from the soils, they accumulate in the groundwater. Surface waters are generally "soft" until late in the summer; "hardness" of wells can vary. Changes in hardness are generally due to volatilization of carbon dioxide and/or concentration of salts. Wells with high boron concentrations are also found in areas of the basin, which can be problematic for agriculture (CDWR, 2004; Young, 1999). The presence of contaminants is generally low in area domestic water supplies. From 1994-2000, in surveys of over 20 wells, there were no detections above the MCL for: Primary Inorganics, Radiological, Nitrates, Pesticides, VOCs and SVOCs. There were detections of Secondary Inorganics during the period (CDWR, 2004). These are generally iron or manganese, from minerals that are common in the surrounding mountains (Young, 1999). Coliform contamination is a concern from the many septic systems in rural areas of the county.

3.4.2 Water Supplies

Many of the county's alluvial valleys contain large groundwater aquifers which can be tapped by wells. The Eel River basin has 105,000 acres with a usable capacity of 342,600 acre feet. The groundwater in the project area consists of the Eel River, flowing from east to west adjacent to the site, and sub-surface water flowing in a northerly direction off the ridge into the Eel River aquifer. At present, the California Department of Water Resources (DWR) does not monitor any groundwater wells in the immediate vicinity of the Proposed Project. The water well (Permit No. 10826) that was installed within the assessment area in 1994 is listed as being approximately 74 feet deep, and depth to water was listed at approximately 10 feet below the top of casing (SHN, 2006). There is also an older well, located about 250 feet south of the Eel River. This well is 19 feet deep; the estimated time of installation was in the 1980s. Both wells on the ER14 have been used by the PVT for irrigation and upgraded for potential fire protection. The Tribal Environmental Office monitors depth and water quality periodically.

3.4.3 Protection of Water Resources

The project area is located directly adjacent to the main stem/upper Eel River just above the Van Arsdale dam. The Upper Eel River watershed above Van Arsdale dam is fed by nearly 350 square miles of area. From Van Arsdale dam to the Pacific Ocean, the Eel River has Federal Wild & Scenic River status; Wild 97.0 miles, Scenic 28.0 miles and Recreational 273.0 miles. From the project site to Dos Rios, where the main stem joins the Middle Fork of the Eel River, is 26 miles northwest by air and 41 miles by river.

Several regulating agencies are in the area (all forks of the Eel River): Bureau of Land Management, Arcata Field Office; California Resources Agency; Round Valley Indian Reservation; U.S. Forest Service, Six Rivers National Forest; U.S. Forest Service, Mendocino National Forest.

3.44 Floodplain Encroachment

The Eel River 14 property is on FEMA FIRM 06045 1163, which shows the 100-year flood plain to be located at an elevation of 1522 ft msl. The lower 2/3 of this property is located within this food zone; with the entire property within the 500-year flood zone. There are building restrictions imposed on housing on the property; an engineer determined the flood zone in the area to be 1518 ft; and a building pad was proposed for above that elevation. The map depicting the floodplain and proposed development area is in the Appendix (D FIRM - PVT ER14 east).

3.4.5 Stormwater

The only stormwater management structures are the ditch at the western property boundary of the site, and a seasonal creek going through the middle. Both of these drain northerly through the site, into the Eel River, from the adjacent ridge to the south. The northernmost portion of the site is within the floodplain of the river.

3.4.6 Wastewater

The nearest municipal wastewater system is in Ukiah. Households in most of the unincorporated areas of Mendocino utilize on-site treatment systems, the most common being septic/drainfield systems. The project property, which once had at least 4 houses, had Mendocino County permits for 2 septic systems (1962), and currently has an active septic permit (#ST24647).

3.5 AIR QUALITY

3.5.1 Monitoring and Compliance

The Federal Clean Air Act of 1963, with amendments in 1965, 1977, 1990 and 1999 serves as the principal source of statutory authority for controlling air pollution. Under this law, the US EPA promulgates regulations and National Ambient Air Quality Standards. States must then adopt state implementation plans (SIP) to enforce and implement standards that are equal to or stricter than the federal standards. California's first air quality standards were set in 1969. In 1988 the California Clean Air Act set forth the framework for how air quality would be managed in California for the next 20 years. Tribes are eligible to adopt SIPs within their jurisdiction.

Mendocino County (2010) adopted the Bay Area Air Quality Management District Thresholds to evaluate new projects. The updated CEQA Guidelines address recent changes in air quality standards for ozone and particulate matter (PM) from the State of California and the USEPA. The new health-protective air quality standards are in response to growing scientific evidence that exposure to ozone, fine particles and air toxics have greater health effects than previously estimated. In addition, new greenhouse gas thresholds were developed to ensure that the counties meet the State's plan to address climate change. The CEQA Guidelines also address exposure to toxic air contaminants, which is associated with increased risk for cardiovascular disease, asthma, reduced birth weight and mortality. Although air quality in Mendocino County has improved over the last thirty years, fine PM and other air toxic contaminants released by transportation and agricultural activities may still threaten the health of local residents.

The main air pollutants of concern in California are ozone (O_3), particulate matter (PM10), carbon monoxide (CO), sulfates (SO_4), and nitrogen oxides (NO_X). When levels meet state or federal standards, the area is said to be in attainment. When levels exceed standards for a certain time period, the area is in non-attainment. Air quality monitoring stations are located in Ukiah, Fort Bragg, and Willits. These stations regularly monitor NO_X, CO, PM (2.5 or 10) and O_3, which are the pollutants of concern in Mendocino County.

Particulate matter from fuel, dust, soot and soil can reach levels above state standards. Lumber mills were once large sources of PM; now the primary sources are vehicles and agriculture (dry months) and wood stoves (winters). An unknown number of houses in the inland valleys and coast areas are heated with wood stoves. Automobiles, industrial, agricultural or occasional road groundwork, and outside burning are the main contributions to air pollution in the area.

Lumber mills in the area formerly used teepee burners to dispose of wood waste. These are no longer used in the county. The county allows outside burning with a burning permit for residential, agricultural and lot clearing, under the regulations and with proper notification. There is no burning allowed on commercial property, and no burning of refuse or trash at any time.

The Tribe's lands lie within the North Coast Air Basin, comprised of Humboldt, Trinity, Mendocino, and northern Sonoma Counties. This basin is further divided into the Ukiah-Little Lake Air Basin. The California Air Resources Board (CARB) delegates responsibility for regulating air pollution to the Mendocino County Air Quality Management District (MC AQMD). The District protects public health by maintaining all applicable air quality standards, controlling odors and nuisances, regulating burning, protecting sensitive agricultural crops, and limiting damage to material goods from air pollutants. The District also maintains an air-monitoring program.

3.5.2 Air Quality - Inland Valleys

Temperature inversions can occur in the Potter Valley area. The base of these inversions usually occurs at 1500 feet or lower, well below the tops of surrounding hills. Data from the CARB shows that an inversion is present 98% of mornings, and it is ground-based 85% of the time. The result is that pollutants emitted in the valleys are effectively trapped, and cannot disperse vertically or laterally. Calm surface wind conditions compound this effect about 50% of the time. In the winter, southern winds can blow pollutants up the Russian River Valley from Santa Rosa and the San Francisco Bay Area.

Numerous government agencies are developing annual and long-range (controlled) prescribed burn plans to reduce fuel loading in state and national forests/parks. This planned increased burning can impact air quality within the District. The District is involved in the burn program by coordinating burning, possibly on a daily basis, to prevent any violations of state and federal ambient air quality standards. Agencies that would coordinate with the MC AQMD for burn permits include the US Forest Service, Bureau of Land Management, California Department of Forestry and Fire Protection (CalFire), Mendocino County, and local Tribes.

3.5.3 Sources of Air Pollution

Permits are required for sources that emit detectable amounts of air pollutants. Lumber mills, asphalt plants, rock crushers, geothermal wells and gas stations are examples of facilities

requiring permits. The project site once had a lumber mill with at teepee burner; this has been closed since 1993.

Air Quality Status of the North Coast Air Basin

	State Area Designations (2019)	National Area Designations (2017)
Ozone		
1 hour	A	--
8 hour	A	A/ U
PM 2.5	A	A/U
PM 10	N	U
Carbon Monoxide	A	A/U
Nitrogen Dioxide	A	A/U
Sulfur Dioxide	A	A/U
Sulfates	A	--
Lead	A	--
Hydrogen Sulfide	U	--
Visibility Reducing Particles	U	--

A = Attainment
U = Unclassified
N = Non-attainment

3.6 BIOLOGICAL RESOURCES

3.6.1 Biological Setting

The project area is within the Northern California Coast Range Ecological Subregion, subsection Central Franciscan. This subsection is the central part of the northern California Coast Ranges that is influenced somewhat by marine air, but lacks summer fog. It has a temperate and humid climate that is cooler during summer and wetter than the Eastern Franciscan subsection. The predominant natural plant communities are Douglas-fir - tanoak series with needlegrass grasslands and Oregon white oak series in the northern part; and a mosaic of mixed conifer series, needlegrass grasslands, blue oak series, and chamise series in the southern part of the subsection. The mosaic is controlled by slope aspect, lithology, and soils. The blue oak series is most common on south-facing slopes and at lower elevations. Needlegrass grasslands are present in areas of Franciscan melange, which are quite susceptible to mass wasting by slide and flow. The chamise series prevails on south-facing slopes with shallow soils.

The subsection has a hot and subhumid climate; mean annual precipitation is 20 to 40 inches. Most of the precipitation is rain, but some is snow. Mean annual temperature is about 50° to 56° F. The mean freeze-free period is from 150 to 200 days. Surface water runoff from hills and the sedimentary terrain is rapid and all but the larger streams are dry through most of the summer.

3.6.2 Plant Communities

In Mendocino County there are often mosaic patterns of interwoven plant communities. Two physical factors that influence the distribution and make-up of the communities are sun exposure and slope. North facing slopes are cool and moist much of the year, while south facing slopes are warmer in the winter and very hot and dry in the summer. Consequently, plant distribution and growing habits of each species vary with exposure and slope. Humans have also influenced the landscape and pattern of plant distribution. Livestock grazing, tree cutting, clearing for agriculture, and fire (or lack thereof) have played important roles in shaping the present landscape.

Plant communities can be classified in several ways. One common system describes California plant communities by the dominant plant species and others associated with them. This is useful to get a general idea of the plant communities. The plant communities of the Ukiah, Potter and Redwood Valleys represent vegetation types characteristic of the North Coast Range. The major vegetation types in Mendocino County are chaparral, conifer and hardwood forest, oak-grassland, annual grassland, and riparian. These vegetation types are made up of the following plant communities: redwood, Douglas-fir, montane hardwood, chaparral, grasslands, closed cone pine-cypress, oak woodland, agricultural, white fir, ponderosa pine, Klamath mixed fir, coastal scrub, urban, red fir, barren and aquatic habitats. Because classification systems present a broad spectrum by design, plant communities are often divided and broken down into smaller units. One system, CALVEG, is used for mapping vegetation types, based on the dominant overstory species. The extent of coverage of each community is given as a percentage. The classifications are identified as follows: Plant Community - (CALVEG Zone 1)

RIPARIAN MIXED HARDWOOD ALLIANCE (NR)

The Riparian Mixed Hardwood Alliance describes the mixture of tree willows (Salix spp.), cottonwoods (Populus spp.), white and red alders (*Alnus rhombifolia, A. rubra*) and other tree species where none are dominant. In most cases, at least three genera are present in the mixture. These species occur in moist areas and adjacent to stream courses in coastal and inland areas in twenty-five subsections of the Coast and Mountains Sections, having been mapped widely but sparsely up to an elevation of about 5800 feet (1768 m) in this zone. These sites are most often found adjacent to upland lower montane conifers such as Douglas-fir (*Pseudotsuga menziesii), gray pine (P. sabiniana*), and ponderosa pine (P. ponderosa) and in the west, redwood (Sequoia sempervirens) and hardwoods such as various oaks (Quercus spp.) and tanoak (*Lithocarpus densiflorus*).

INTERIOR MIXED HARDWOOD ALLIANCE (NX)

No single species is dominant in the Interior Mixed Hardwood Alliance, a mixture that has been mapped most extensively in the Central Franciscan and Ultrabasic Complex Subsections of the Mountains Section and the Mount St. Helena Flows and Valleys, Coast Franciscan and Marin Hills and Valleys Subsections of the Coast Section. It also occurs with less abundance in thirteen other subsections in all three sections. The mixture in this area includes diverse proportions of Oregon white (*Quercus garryana*), canyon live (*Q. chrysolepis*) and blue (*Q. douglasii*) Oaks, with lesser amounts of California bay (*Umbellifera californica*) and coast live oak (*Q. agrifolia*). Conifer associates are mainly Douglas-fir (*Pseudotsuga menziesii*) and in western areas, redwood (*Sequoia sempervirens*). This alliance has been mapped at elevations generally below about 4000 feet (1220 m). Annual grasses and forbs typically occur in these open sites.

STREAMBED RIPARIAN (VRI)
The streambed riparian community is composed of a special group of water loving plants usually not found in the surrounding hillsides. Moisture present in the streambeds most of the year provides the necessary conditions for various water loving trees, shrubs, and vines to exist. Cottonwoods, willows, Oregon ash, wild grape, bay laurel, and even some of the oaks make up the overstory. Blackberry, cattails, ferns, rushes, sedges, soap root, poison oak and other herbs and bushes grow underneath. Introduced plants are often found on the fringes of this community. Many of these areas are overgrown, limiting access by wildlife and humans.

Disturbed Areas:

URBAN COVER (UB)
This area has been disturbed by human activity or occupation. Introduced plants, changes in grading, irrigation or drainage have changed the landscape. The few native plant species that are available to characterize the area have been interspersed with flowering fruiting or landscaping varieties.

Many of these plant communities are prone to fire requiring constant management at the Wildland-Urban Interface. Residential use of these areas requires fire protection, wise home and landscape burning practices, and sometimes controlled burning to eliminate accumulation of fuel. Solid waste and trash need to be properly managed. Fires on the steep slopes of watershed areas not only endanger wildlife and homes but can result in massive losses of soil and landsliding.

3.6.3 Wildlife and Fish Species
Inland Valleys
The plant communities in the inland valleys provide an excellent environment for a variety of wildlife species, including mammals, birds, reptiles and amphibians. The oak woodlands and chaparral provide wildlife cover, habitat, and an abundance of valuable food sources. During the summer and fall acorns, berries, and fruit of various kinds draw many wildlife species to the area. Combined with the many varieties of herbaceous vegetation found in the springtime the plant communities serve as a year-round haven for wildlife. The critical wildlife requirement for water is met in the non-urban areas by springs, seeps, and streambed pools, which provide surface water necessary to meet wildlife needs, even during the dry months. Most of the mammals tend to be nocturnal and are not normally observed except for their scats and tracks. There are many possibilities for both resident and visitor populations. Seasonal variations occur; however the following are animals that are found in the Mendocino County inland region: opossum, shrew, mole, bat, rabbit, chipmunk, gray squirrel, gopher, mouse, deer mouse, woodrat, porcupine, coyote, fox, black bear, raccoon, skunk, mountain lion, bobcat, wild pig, deer, and tule elk.

Additional mammals found in the area (see following table):

Small Mammals

Douglas tree squirrel	*Tamiasciurus douglasii*
Fisher	*Martes pennanti*
Black-tailed hare	*Lepus californicus*
Long-tailed weasel	*Mustela frenata*
Northern river otter	*Lutra canadensis*
Raccoon	*Procyon lotor*
Ringtail cat	*Bassariscus astutus*
Spotted skunk	*Spilogale putorius*
Striped skunk	*Mephitis mephitis*
Western gray squirrel	*Sciurus griseus*

Large Mammals

Black bear	*Ursus americanus*
Bobcat	*Felis rufus*
California blacktailed deer	*Odocoileus hemionus*
Coyote	*Canis latrans*
Mountain lion	*Felis concolor*
Tule elk	*Cervus elaphus*

Common reptiles and amphibians in the inland Mendocino County areas include: frogs, salamanders, lizards, snakes, rattlesnakes, and pond turtles.

Pacific chorus frog	*Pseudacris [Hyla] regilla*
Pacific slender salamander	*Batrachoseps pacificus*
Garter snake	*Thamnophis sirtalis*
Western fence lizard	*Sceloporus occidentalis*
Northwestern pond turtle	*Clemmys marmorata*

A large diversity of bird species may occur in the inland valleys due to the several habitats that interface. With chaparral, fir or redwood forest and riparian areas present, both forest and aquatic animals may inhabit or visit the region. Common birds that reside in or visit the area include: woodpeckers, eagles, owls, blackbirds, towhees, California quail, thrasher, flickers, hawks, hummingbirds, doves, falcons, woodpeckers, ravens, jays, starling, vultures, swallows, and bluebirds.

Birds – Residents & Visitors

Acorn woodpecker	*Melanerpes formicivorus*
Bald eagle	*Haliaeetus leucocephalus*
Barn owl	*Tyto alba*
Black phoebes	*Sayornis nigricans*
Brewer's blackbirds	*Euphagus cyanocephalus*
Brown towhee	*Pipilo foscus*
Bullock's oriole	*Icterus galbula*
California quail	*Lophortyx californicus*
California thrasher	*Toxostoma redivivum*
Flicker	*Colaptes auratus*
Golden eagle	*Aquilq chrysaetos*
Goshawk	*Accipiter gentilis*
Hummingbird	*Selasphorus sp*
Killdeer	*Charadrius vociferus*
Lesser goldfinch	*Carduelis psaltria*
Mourning dove	*Zendida macoura*
Peregrine falcon	*Falco peregrinus anatum*
Pileated woodpecker	*Dryocopus pileatus*
Plain titmouse	*Parus inornatus*
Raven	*Corvus corax*
Red-tailed hawk	*Buteo jamaicensis*
Red-winged blackbird	*Agelaius phoeniceus*
Scrub jay	*Aphelocoma coerulescens*
Starling	*Sturnus vulgaris*
Turkey vulture	*Cathartes aura*
Violet-green swallow	*Tachycineta thalassina*
Western bluebird	*Sialia mexicana*
Wrentit	*Chamaea fasiata*

Waterfowl - Residents & Visitors

American coot	*Fulica americana*
American widgeon	*Anas americana*
Black-crowned night heron	*Nycticorax nycticorax*
Eared grebe	*Podiceps nigricollis*

Birds – Residents & Visitors

Mallard duck	*Anas platyrhynchos*
Pied-billed grebe	*Podilymbus podiceps*

Fish (native and introduced) that may inhabit the inland rivers and tributaries are:

coho salmon	*Oncorhynchus kisutch*
steelhead trout	*Oncorhynchus mykiss*
chinook salmon	*Oncorhynchus tshawytscha*
Pacific lamprey	*Lampetra tridentata*
western brook lamprey	*Lampetra richarsoni*
Sacramento sucker	*Catostomus occidentalis*
California roach	*Hesperoleucus symetmetricus*
smallmouth bass	*Micropterus dolomieui*
pike minnow	*Ptychocheilus grandis*
carp	*Cyprinus carpio*

3.6.4 Effects of Human Occupation on Living Resources

Human intervention can affect natural habitats in several ways. Negative impacts include removal of native plants, diversion and use of water, hunting and other taking of animals, grazing, importation of non-native species, pollution, breaking natural fire cycles, and physical changes in the landscape. Positive impacts are: protection from wildfire, local increases in water, habitat modification, protection and re-introduction of species, re-seeding of native plants. Wells and agricultural removals have lowered the Russian River in Redwood Valley from traditional levels. The East Fork, which runs through Potter Valley, has been channeled, sometimes re-aligned, and flow increased from original levels. Although the increase in water in the summer may benefit some wildlife, the construction of the Eel River diversion in the early 1900's disrupted main stem fish populations in the main stem Eel River. Later, the construction of Coyote Dam and Lake Mendocino cut off anadromous fish access to over 30 miles of habitat in Potter Valley. Currently several agencies monitor the water diversions, and there are conflicting opinions on the amount and timing of the water diversions. There are advocates for the fishery resources, irrigation and drinking water uses; with several compromises under development.

3.6.5 Rare or Endangered Species

Federally funded projects require review and analysis of potential environmental consequences of the projects. Land use planning must comply with State and Federal laws, depending on the status of the land in question. For tribal lands in trust status, the National Environmental Policy Act of 1969 (NEPA), and the Council on Environmental Quality (CEQ) regulations must be followed. For lands in fee simple status, the California Environmental Quality Act, or CEQA applies. All the Potter Valley Tribe lands are fee simple, with permits for zoning and building under the jurisdiction of the State and County. However, since most of the funds available for

land acquisition or construction comes from the Federal government, the National Environmental Policy Act (NEPA), its amendments, and other Federal laws apply.

The following describes Federal, State, and local environmental laws and policies that are relevant to the environmental review process for biological resources (from MC, 2003):

Listed Species
The Federal Endangered Species Act (ESA) of 1973 and California Endangered Species Act (CESA) of 1984 protect species that are endangered or threatened with extinction. These acts are intended to operate in conjunction with NEPA and CEQA to protect the ecosystems upon which endangered and threatened species depend. The United States Fish and Wildlife Service (USFWS) is responsible for implementing the ESA, while the California Department of Fish and Wildlife (CDFW) implements CESA. During project review, each agency is given the opportunity to comment on if the project is likely to affect listed plants and animals.

Special-Status Species
In addition to formal listing under ESA and CESA, species on the list of "Species of Special Concern" developed by the US Fish & Wildlife (USFWS), Nationall Marine Fisheries Service, and California Department of Fish and Wildlife (CDFW) receive additional consideration during the CEQA review process. This list tracks species whose numbers, reproductive success, or habitat may be at risk.

The California Native Plant Society (CNPS) maintains a list of plant species native to California that have low numbers, limited distribution, or are otherwise threatened with extinction, which is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS-listed plants should also receive consideration during CEQA review.

Section 7 of the Endangered Species Act directs all federal agencies to use their existing authorities to conserve threatened and endangered species and, in consultation with the Service, to ensure that their actions do not jeopardize listed species or destroy or adversely modify critical habitat. Section 7 applies to management of federal lands as well as other federal actions that may affect listed species, such as federal approval of private activities through the issuance of federal permits, licenses, or other actions. Projects that may adversely affect listed species or critical habitat require consultation with USFWS and/or the National Marine Fisheries Service. Formal consultation becomes necessary when: (1) the lead agency requests consultation after determining the proposed action may adversely affect listed species or critical habitat; or (2) the agency, through informal consultation, does not concur with the lead agency's finding that the proposed action is not likely to adversely affect the listed species or critical habitat.

Waters of the United States
The U.S. Army Corps of Engineers (ACOE) regulates discharge of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. This section requires any applicant for a Federal license or permit that conducts any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Waters of the U.S. include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, and wet meadows. Boundaries between jurisdictional waters and uplands are determined in a variety of ways. Wetlands are defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" [33 C.F.R. §328.3(b)]. Presently, to be a wetland, a site must exhibit three wetland criteria: hydrophytic vegetation, hydric soils, and wetland hydrology. The lateral extent of non-tidal waters is determined by the ordinary high water mark (MC, 2003).

Environmental Review Criteria

The level and process for environmental review depends on the jurisdiction over the land (Federal or State/County/Local) and the type of project. Reviews must consider direct and indirect impacts of the project as well as cumulative and future impacts; i.e. a land acquisition for housing needs to address the effects of the eventual housing projects. Impacts to biological resources would typically be considered significant if the project would:

- 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, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community.

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites (MC, 2003).

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

- An evaluation of whether or not an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts include those that diminish or result in the loss of an important biological resource, or conflict with local, State, or Federal resource conservation plans, goals, or regulations. Impacts are sometimes locally important but not significant according to NEPA or CEQA. Some impacts might result in an adverse alteration of existing conditions but would not substantially diminish or result in the permanent loss of an important resource on a population-wide or region-wide basis.

Finding Endangered Species/Special Status Lists

Information on special status and listed species is available from the Eureka (Northern Region) Branch of the USFWS at their web site. There are species information, species lists -- by county or map quad, maps, including critical habitats, and Federal Register Notices. Lists are organized by USGS 7.5 minute Quads. The property being considered by this Proposed Action is as follows:

USGS Quad	**CA Quad Designation** at https://apps.wildlife.ca.gov/bios/?tool=cnddbQuick
566D-Potter Valley 566A-Van Arsdale	3912331 3912341

3.6.6 Listed Species on or near the ER14 (See Appendix E) – **Updated February 17, 2022**

Special Species Listing for Potter Valley(566D) and Van Arsdale Reservoir (566A) Quads

COMMON NAME	SCIENTIFIC NAME	CATEGORY Federal / State	CRITICAL HABITAT	POTENTIAL TO OCCUR ON OR NEAR ER14
Listed Species				
Mammals				
Humboldt marten	*Martes caurina humboldtensis*	--/E		LOW
Fish				
Coho salmon, Cen Cal Coast ESU	*Oncorhynchus kisutch*	T/T	X	HIGH
Northern California steelhead	*Oncorhynchus mykiss*	T/—	X	HIGH
California coastal chinook salmon	*Oncorhynchus tshawytscha*	T/—	X	HIGH
Birds				
Bald Eagle	*Haliaeetus leucocephalus*	D/E		HIGH
Northern Spotted Owl	*Strix occidentalis caurina*	T/T	X	HIGH
Yellow-billed cuckoo	*Coccyzus americanus*	T/--		HIGH
Western snowy plover	*Charadrius nivosus nivosus*	T/	X	LOW
Plants				
Burke's goldfields	*Lasthenia burkei*	E/—		LOW
Contra Costa goldfields	*Lasthenia conjugates*	E/—		LOW
Showy Indian clover	*Trifolium amoenum*	E/—		LOW

Species of Concern				
Fish				
Pacific lamprey	*Entosphenus tridentatus*	—/SC	X	HIGH
Russian River tule perch	*Hysterocarpus traski pomo*	SC/--		LOW
Amphibians				
Foothill yellow-legged frog	*Rana boylii*	SC/T		MOD
Red-legged frog	*Rans draytonii*	T/—	X	HIGH
Reptiles				
Western pond turtle	*Emys marmorata*	SC/--		MOD
Birds				HIGH
Northern goshawk	*Accipiter gentilis*	SC/--		HIGH
Osprey	*Pandion haliaetus*	SC/—		HIGH
Tricolored blackbird	*Agelaius tricolor*	--/T		HIGH
Yellow-breasted chat	*Icteria virens*	SC/—		HIGH
American peregrine falcon	*Falco peregrinus anatum*	D/--		HIGH
Yellow warbler	*Setophaga petechia*	SC/—		HIGH
Mammals				
Pacific western big eared bat	*Corynorhinus (=Plecotus) townsendii townsendii*	SC/--		HIGH
Pallid bat	*Antrozous pallidus*	SC/—		HIGH
Sonoma tree vole	*Arborimus pomo*	SC/		HIGH
Western red bat	*Lasiurus blossevilli*	SC/—		HIGH
Plants		**CNPS Rank**		
Mayacamas popcornflower	*Plagiobothrys lithocaryus*	1A		LOW
Cylindrical trichodon	*Trichodon cylindricus*	2B.2		LOW
Jepson's dodder	*Cuscuta jepsonii*	1B.2		LOW
Purdy's fritillary	*Fritillaria purdyi*	4.3		LOW

Broad-lobed leptosiphon	*Leptosiphon latisectus*	4.3		LOW
Bristly leptosiphon	*Leptosiphon acicularis*	4.2		LOW
Brrewer's milk-vetch	*Astrgalus brewers*	4.2		LOW
Kern ceanothus	*Ceanothus pinetorum*	4.3		LOW
Watershield	*Brasenia schreiberi*	2B.3		LOW

Key:
- (E) Endangered - Listed (in the Federal Register or State) as being in danger of extinction.
- (T) Threatened - Listed as likely to become endangered within the foreseeable future.
- Critical Habitat - Area essential to the conservation of a species
- (C) Candidate - Candidate to become a proposed species.
- (D) Delisted - Species will be monitored for 5 years.
- (SC) Species of Concern - Other species of concern
- (X) Critical Habitat designated for this species

Field Visit – April 19, 2019

Two biologists (Deny Dudzik, Gregg Young) visited the site with the Environmental Technician of the Potter Valley Tribe. The site was inspected to look for habitat for the listed species. The listed salmonids have been confirmed in the Eel River section that adjoins the project property. Bald eagles have been seen over the property; however there are no old-growth trees suitable for Northern spotted owl. The Northern spotted owl is a resident of the area, and there are closed-canopy, uneven-aged, late-successional and old-growth forests within a mile of the project site. The owls do not build their own nests. They rely on sites such as trees and snags with cavities or broken tops, and platforms associated with abandoned raptor or squirrel nests. Although the Northern spotted owl may hunt for small mammals on or near the project site, there is not suitable nesting habitat. Fishers are found mostly in forests with diverse successional stages containing a high proportion of mid- and late-successional; again while they may be visitors to the project site, there is not good nesting habitat (large trees, snags) available. Although bald eagles have been seen by the authors in the area, there was not a nesting site present at the time of the visit. However, ideal habitat is present for this species.

There is a small vernal pool located within the high water mark of the river, near the eastern-most corner of the property. There were no foothill yellow-legged frogs or red legged frogs seen in this pond. There also were no bullfrogs, which are predators of these amphibians, so they might inhabit this small pond until it dries up, then move to the river. This pond is well within the floodplain, created by recent a high-water event, and not within any proposed building area.

There is critical habitat in the adjacent Eel River for the Pacific lamprey, California coastal chinook salmon, and Northern California steelhead. There was no critical habitat for the northern spotted owl observed within the area of potential effect.

3.7 CULTURAL RESOURCES

3.7.1 Laws for Cultural Resource Protection

Federal

Tribal lands held in trust status may be subject to federal laws. Under the National Environmental Policy Act (NEPA), federal agencies must take into account impacts to historic resources before a proposed federal action is shown to be in compliance with NEPA. Also,

Section 106 of the National Historic Preservation Act of 1966 (NHPA), requires that any federal or federally assisted project, or any project requiring federal licensing or permitting consider the effect of the action on historic properties or cultural resources that are listed in or eligible for listing in the National Register of Historic Places (NRHP). 36 CFR Part 800 provides for the consideration of historic properties under Section 106.

The NRHP is the federal list of historic, archaeological, and cultural resources worthy of preservation. Resources listed in the NRHP include districts, sites, buildings, structures, and objects that are significant in American history, prehistory, architecture, archaeology, engineering, and culture. The NRHP is maintained by the National Park Service on behalf of the Secretary of the Interior. The Office of Historic Preservation in Sacramento, California administers the local NRHP program under the direction of the State Historic Preservation Officer (SHPO). To guide the selection of properties included in the NRHP, the National Park Service has developed the NRHP Criteria for Evaluation (MC, 2006).

State of California

Projects occurring on fee simple, city, county, or state lands, or funded by public agencies are generally subject to state laws. Regulatory compliance in relation to cultural resources is governed by the California Environmental Quality Act (CEQA). The CEQA Guidelines define a significant cultural resource as "a resource listed in or eligible for listing on the California Register of Historic Resources (CRHR)" (Public Resources Code section 5024.1). Measures must be considered to reduce or control impacts to identified historic properties affected by a proposed project. The lead agency can determine that a resource is potentially eligible for listing in the CRHR for the purposes of determining whether a significant impact will occur. Even if the resource is not listed in, or has not been determined eligible for listing in, the CRHR and is not included in a local register of historical resources, this does not preclude an agency from determining whether a resource may be an historical resource for the purposes of CEQA. According to the state CEQA Guidelines, a project may have a significant effect on the environment if it could cause a substantial adverse change in the significance of an historical resource or a unique archaeological resource. Recent legislation (SB 18, 2005) requires local governments to consult with nearby Tribes before adopting or renewing general plans and other planning documents.

County of Mendocino

Mendocino County has adopted an Archaeological Ordinance (Mendocino County Code Chapter 22.12), wherein discretionary projects submitted to Planning and Building Services are reviewed by the Archaeological Commission during the CEQA process. According to this code: "any person who proposes to, or in fact does, excavate or disturb earth, either during the course of a CEQA project, or on public lands, or for archeological purposes, shall first obtain an excavation permit as provided for by this Chapter". According to Land Usage Chapter 22.12 - Archaeological Resources Sec. 22.12.090 Discoveries:

> Any person who in the preparation for or in the process of excavating or otherwise disturbing earth, discovers any archaeological site shall take all of the following actions:
> (1) Cease and desist from all further excavation and disturbances within one hundred (100) feet of the discovery;
> (2) Make notification of the discovery to the Director of Planning and Building Services;
> (3) If deemed necessary by the Director of Planning and Building Services, arrange for staking completely around the area of discovery… forming a circle having a radius of no less than one hundred (100) feet…

(B) The Director may arrange for an on-site inspection of the area of discovery by one or more of his/her representatives…The purpose of the inspection shall be to determine whether the site is one of archaeological significance…

3.7.2 Mendocino County Archaeology and Prehistory (from MC, 2009)

Generally, the prehistory of Mendocino County is not well known. No peer-reviewed documents have been published since the seminal study presented by Fredrickson in 1984. The Northwest Information Center at California State University, Sonoma indicated that 4,317 archaeological sites from both prehistoric and historic eras have been catalogued or listed as of 2000. The most frequent form of cultural resource study is the surface inspection and these vary widely with respect to project methodology.

The information provided below is drawn from several sources including Fredrickson (1984), Heizer (1978), and various communications and experience working in the central North Coast Ranges. The coastal region of Mendocino County exhibits two, perhaps three, different forms of cultural adaptations. The Coast Yuki north of Fort Bragg lived on the coast year-round, with their major villages set back from the coast within sheltered areas. The Northern Pomo were a riverine-adapted people who made seasonal treks to the coast, set up seasonal camps, harvested their seafood, and returned home. The inland valley Tribes (Coyote, Redwood, and Potter Valley; Yokayo; Hopland; Pinoleville; Guidiville) would be included in this group.

Large, complex village sites are uncommon on the coast between Fort Bragg and the Navarro River. The Central Pomo south of the Navarro lived in permanent villages and seasonal camps on the coast.

The redwood belt in central Mendocino County was used for short-term purposes by individuals or groups passing through the region; however, no prehistoric Mendocino County groups lived permanently or even seasonally in this zone. The inland valley Tribes used trails (most likely shared among tribelets), usually along the ridgetops, to migrate seasonally to and from the coast.

The Central and Northern Pomo maintained large villages along the Russian River and its larger tributaries. These peoples made seasonal encampments in upland areas but were primarily a riverine adapted people. The Yuki were also a riverine group, but with a substantial mountain adaptation living along the Middle and South Forks of the Eel and Black Butte Rivers. They made extensive use of the mountainous lands surrounding them. Their linguistic relatives, the Huchnom, lived along the South Eel (in NW Mendocino-SW Humboldt Counties). It appears that all of their major villages were located along the South Eel, with the mountainous regions used for short trips to gather specific resources. Of all the Yuki groups, they were most similar to the Pomo, and interacted with the Potter and Redwood Valley Pomo groups extensively. The Potter Valley Tribe visited the Main Stem of the Eel River, with at least one village site located on the river, just over the ridge at the north end of Potter Valley.

The North Fork Wailaki were a riverine people with an adaptation different from their more southerly neighbors. Theirs was a largely salmon oriented economy, supplemented by local resources such as acorn harvesting, gathering, and hunting. Large villages were established along the major watercourses, with seasonal camps and special use sites located in the upland regions of their territory. Remaining Athapaskan-speaking groups along the northern boundary of the County are more aptly discussed within the context of Humboldt County. Their material culture and economic adaptations are similar to the North Fork Wailaki.

The time depth of human occupation of Mendocino County is uncertain. Human occupation is reported in the Clear Lake Basin and in Sonoma County around 10,000 to 12,000 years ago[5]. In Humboldt County, the time depth of human occupation along the coast is believed to be not more than a few thousand years; however, prehistoric occupation on the interior ridges separating Shasta County may have occurred perhaps 8,000 years ago. Similar time depth is reported for the Eel River region. The oldest occupation in Round Valley is about 3,000 years ago, but occupation in the surrounding hills and drainages extends back to approximately 8,000 years ago. Although the Russian River was very heavily used, occupation has not been reported before 5,000 years ago.
Human occupation along the coast, in both Northern and Central Pomo controlled territory, appears roughly contemporaneous with that of the Russian River. It has been suggested that the lack of antiquity for human occupation along the coast may be in part a result of rising sea levels that inundated older archaeological sites. While there is no evidence for this, it does offer a plausible explanation for why the coast of northern California lacks significant time depth of human occupation.

Anthropologists and ethnographers subdivided the Pomo into seven geographical groups corresponding to the range of each of the seven Pomo dialects. Thus there were the Southern, Southwestern, Central, Eastern, Southeastern, Northeastern, and Northern Pomo groups Within these groups, the Pomo were further identified by the name of their tribelet's most prominent village. Therefore, the name of the place was inseparable from the name of the people who lived there. Ethnographic literature indicates that the Native peoples of Potter Valley, part of the Northern Pomo language group, were divided into three distinct tribelets known as Shanel, Sedam, and Balo-Kay (also known as Po'mo) (DeGeorgy, et al, 2005).

3.7.3 State Office of Historical Preservation Notification
The BIA is required to consult with the California SHPO for both parcels as part of the fee to trust process.

3.7.4. Potter Valley Area
The PVT contracted with an archaeologist to compile the records of cultural properties and sacred areas in the Potter Valley aboriginal area. Records of cultural resource (CR) finds are registered with the California Historical Resources Information System (CHRIS) and included in the statewide Historical Resources Inventory (HRI) database. There are twelve independent regional Information Centers; Mendocino County is within the Northwest Information Center's (Sonoma State University, Rohnert Park) area. According to the records (DeGeorgy, 2005) there are 35 records of finds, with 10 major village sites, in the Potter Valley area. The PVT also has obtained cultural resource records of the Eel River area from PG&E as part of their land donation.

3.7.5 Cultural Resources on the Project Site
A records search was conducted by Northwest Information Center (NWIC) at Sonoma State University for the proposed project and designated as NWIC File No. :18-2115. The State Office of Historic Preservation Historic Property Directory (OHP HPD) lists no recorded buildings or structures within or adjacent to the proposed project area. There is likely one Native American resource (P-23-000777/CA-MEN-000840) within the proposed project area, the ethnographic village "Li'lkool" which spanned either side of the Eel River. There are no other known Native

American resources in or adjacent to the proposed project area but there is a high potential for additional unrecorded resources therefore it is recommended that a professional archaeologist assess this resource and provide project-specific recommendations before ground disturbing activities are planned (see Appendix F). At the site visit (Dudzik & Young, 2019), and from previous assessments of the property (SHN, 2006), it was noted that the area has been seriously disturbed by grading, machine operation, and other practices on the mill site for about 100 years.

Based on a pedestrian survey of the ER14 conducted on 11/21/20, an archaeological survey report was prepared for the Potter Valley Tribe for the property at by William H. Cull, Consulting Archaeologist, Chris Listed Archaeologist #557 (See Confidential Appendix). His findings and recommendations are as follows:

> Findings:
> "Archaeological site CA-MEN-840 (P-23-000777) last located in 2003 was not located in a 2018 survey. This report's survey relocated, mapped, and recorded the cultural resource with approximate boundaries as previously recorded in 2003. Because of a recent brush/blackberry clearing and piling project on the property subsurface mineral soil disturbances allowed subsurface observations as well as surface observations over a wide area. Present was a multi component deposit (midden) area fairly wide spread. Current ethnology suggest that the site is the Huchnom (Yuki) ethnographic village of Likool that occupied the immediate area on both sides of the Eel River. It was known that the larger part of the village existed on the property of this survey. S.A. Barrett, p. 259).A new cultural resource (Archaeological site) was located during this survey. The site was first discovered on November 4th, 2020 during a property visit with Tribal representatives. The site was immediately recognized as a multi-component (midden) deposit visible in an open water line trench leading to a well casing near the Northwest corner of the property. During this survey on November 21st the extent of the site boundary was located by surface observation of more readily visible mineral soil in the immediate area, mapped, and recorded with approximate boundaries."
>
> Recommendations:
> "There are a few choices. 1.) Avoidance. 2.) Capping the sites with gravel or soil or a combination. 3.) A Phase 2 study for exact boundary determination. 4.) A Phase 3 data recovery program.
> A Phase 2 study would determine the extent of the boundary of each site prior to any ground disturbing development activity. This study would involve systematically placed 1m x 1m or 1m x 50 cm units every 10-15 meters out from and around the currently recorded site boundary to determine any subsurface extension of the site beyond its currently recorded boundary. Because of the multi component nature of the deposits and their wide spread subsurface and surface observations both sites are determined to be eligible for the National Register of Historic Places.
>
> If the tribe wishes to have construction projects within the site boundary then in order to facilitate the development of tribal infrastructure a Phase 3 data recovery program is recommended. This can be accomplish through data recovery excavations from any of the architecturally designed developmental building foot prints thus avoiding any very extensive and expensive excavation plan over an entire site area.
>
> An expedient research design can thus focus on data recovery research questions as related to the specific ground disturbing foot print design for each specific development over time as each project develops. This approach helps in terms of long range planning even with continual or intermittent development. With this approach regional and site specific data recovery questions can be answered and added to the understanding of site specific and regional chronologies. Thus tribal cultural histories and larger regional understandings of multiple cultural chronologies can go hand in hand with continued development of tribal infrastructure."

Before ground disturbing activities or construction begins avoidance of the site would be incorporated into the design. Otherwise, a Phase 2 study would be conducted to determine the exact boundaries of the site.

3.8 SOCIOECONOMIC CONDITIONS/ENVIRONMENTAL JUSTICE

3.8.1 Demographics

Mendocino County

The population is 88,018 of which 66.4% are white, 24% Hispanic and 3.63% at two or more racial designations. 20.8% of the population speaks a non-English language and 91.9% are U.S. citizens.

The economy of Mendocino County, CA employs 36,803 people. Median household income was $46,528 and per capita income was $27,093. The poverty rate was 16.3% (2017 US Census). The current unemployment rate is at 5.2% for Jan 2019 (US Bureau of Labor Statistics).

Potter Valley

Potter Valley, CA has a population of 413 people with a median age of 40.7 and a median household income of $64,750. Between 2015 and 2016 the population declined from 520 to 413, a 20.6% decrease and its median household income declined from $76.591 to $64,750, a 15.5% decrease. the population is 91% White, 7.99% Hispanic and 0.97% two or more racial designations. 11.4% of the population speak a non-English language, and 92% are U.S. citizens. https://datausa.io/profile/geo/mendocino-county-ca/ (2016)

Poverty and unemployment on Indian reservations are often much higher than national, state, and county averages. According to the 2000 Census, the individuals below poverty level in the United States were 12.4% of the population; for Indians the figure is 25.7%. Unless Tribes have natural or recreational resources to create income for the Tribe, the social-economic status of their members is low with few opportunities for growth.

Potter Valley Tribe

Potter Valley Tribe members and families live at the properties in Redwood Valley and Potter Valley. A total of 33 adults and children live in the 7 households (including one in Santa Rosa). Between 2000 and 2005 over 25 members applied for, and were accepted for memberships in nearby tribes (i.e. Sherwood Valley Rancheria, Robinson Rancheria, and Pinoleville Rancheria). As a small tribe, the Potter Valley Tribe is developing programs and adding to its land base for future growth. There are currently (2012) 22 minor children living on tribal lands who will need housing, employment, and recreational opportunities in the near future.

3.8.2 Attitudes, Expectations, Lifestyle, and Cultural Values

Tribal members are very supportive of expanding the tribal land base and developing much needed housing, commercial, and community infrastructure. The Tribe purchased 70 acres on the coast near Ft. Bragg to develop recreational and economic opportunities. After meetings between the Tribal Council and community members, site visits, and development of conceptual plans, the Tribe began developing camping and recreational facilities at the Ft. Bragg property. Long-term plans include developing commercial campgrounds and restoring historical building at this site. There are presently two group camps, a guest house, showers, and a clubhouse/kitchen for use by Tribal members and other tribes. In June, 2019 the PVT will host the 9th Annual InterTribal Environmental Youth Campout at this property. Organized and managed by 14 Lake, Mendocino, and Sonoma County tribes, this event provides Native American and other families

a 4-day environmental and cultural education event, in a beautiful natural setting, at no cost to the participants.

The Tribe will be receiving the donation of 890 acres of land near the Eel River, under the Stewardship Council - PG&E land conservation program. These properties are along the north bank of the main stem Eel River, across the river and adjacent to the ER 14 property, approximately 2 miles from the town of Potter Valley within. The Tribal Council has committed to baseline management and enhancement of this property, which would include recreational facilities and additional employment for Tribal members. The Tribe is growing and increasing its management capacity at a rapid pace.

The Tribal Council has been encouraging and developing cultural and environmental activities that include youth involvement in gathering of traditional materials (abalone, kelp, surf fish, mussels, mushrooms, acorns), fishing, and hunting. The Tribe also has cultivated a large 1-acre garden and 2-acre livestock unit (sheep, hogs) for the last eight years, teaching agriculture and food production while providing food to Tribal members, local food banks and senior centers.

3.9 TRANSPORTATION, CIRCULATION, and NOISE

3.9.1 Access

Local Traffic

Access to the property from the town of Potter Valley driving north along Eel River Road, then taking cutoff Road to M6 which borders the property, takes approximately 15 minutes to drive the four miles. Aside from dirt roads going northwest through private property and gates, the only other access is through Lake County, 25 miles along Eel River Road to Lake Pilsbury, then south to the town of Upper Lake**.**

Public Transportation

Public bus service is provided by the Mendocino Transit Authority (MTA). MTA provides 9 fixed route bus service routes operating on weekdays (and some routes on Saturday) including between Redwood Valley and Ukiah, in additions to service within the cities of Ukiah and Ft. Bragg. There is no MTA service to Potter Valley; the nearest stop is at the Redwood Valley – Hwy 20 junction (12 miles from town). School buses from Ukiah Unified School District pick up and deliver students in the Redwood Valley and Ukiah areas directly to the local schools. The Potter Valley Community Unified School District provides transportation for Potter Valley and the Eel River area. The nearest Amtrak bus lines run north and south on Hwy 101, connecting with rail service 90 miles south in Martinez or Oakland. The Amtrak stop is in Ukiah, providing daily service north and south.

The closest airport is Ukiah Municipal Airport, a public airport in Ukiah. This airport, with 45,000 landings or take offs in the year 2010 has the capacity for 3 times that much traffic. The airport has the capacity for small jets and large CDF fire tankers. Currently there are private airplane facilities, daily freight operations and emergency services such as fire suppression and medevac available. For major carriers, one must travel to Sacramento; it is 128 miles east, or to Oakland, 136 miles to the south of Ukiah.

Railroads, Federal and State Highways

There are no interstate or state highways through the Tribe's properties. Highway 20 is about 13 miles south of the ER14 parcel; then one must travel 4.5 miles west to get to Hwy 101, or 75

miles east to reach Highway I5. The PVT Community Center in Ukiah is about 8 miles south of the Hwy 20-101 junction. 0.5 miles west of Hwy 101.

The nearest railroad ran through the Redwood and Ukiah Valleys, and continued just east of the City of Ukiah, to the San Francisco Bay area. It is currently owned by the North Coast Railroad Authority (NCRA). The railroad discontinued freight service in 1999, and no passenger service is planned for the future.

Transportation Planning

The Mendocino Council of Governments (MCOG) is the regional transportation planning agency for the county. Among its functions are: to provide regional, community, and intercommunity transportation planning; to administer transportation funding and financing; to represent Mendocino County's interests at higher levels of government; to develop transportation projects for future funding; to provide technical assistance for transportation project delivery; to support rural/public transportation services; to administer grants for transportation/community enhancement projects; and to provide a forum to facilitate discussion on other matters of regional importance. The 2010 Regional Transportation Plan (MCOG, 2010) provides an update on these functions in the various regions of the county.

According to the MCOG, rehabilitation and maintenance are among the main problems and challenges in Mendocino County (page 43):

> One of the greatest needs for the local street and road system is to address the backlog of deferred roadway rehabilitation and maintenance. The overriding need of the local communities, both incorporated and unincorporated, is to address the deteriorated state of the local serving road and street system. The 2010 Pavement Management Program update, indicated that over 60% of the County road system was in "poor" or "very poor" condition. An estimated expenditure of $215 million over the next 10 years would be needed to bring the road system to a "good" rating.

There are major improvements planned for the East Side Potter Valley Road, one of the two main access roads to the ER14 property. According to CalTrans this is proposed for completion within the next 5 years (personal communication, 2019). Another important goal is a countywide update of the Indian Reservation Roads inventory for all tribes within the county. Updated inventories would ensure that all eligible roads are included in each tribe's inventory, thereby maximizing the funding that tribes receive for road maintenance and improvements.

3.9.2 Noise

The Department of Housing and Urban Development's Noise Assessment Guidelines and Federal Highway Administration regulations require that for housing or community building projects, the certifying officer must consider all military/civilian airports within 15 miles of the project, all "significant" roads within 1000 feet and all railroads within 3000 feet. There are no commercial airports in Mendocino County on the State of California list for Designated Primary and Commercial Service Airports (HUD 2002). No railroads operate in Mendocino County at this time.

3.10 LAND USE

3.10.1 Existing Land Uses

The purpose of land use classification is to classify uses into a limited number of use types on the basis of common functional, utilization or compatibility characteristics. Except for one property

in Redwood Valley, all the lands of the Potter Valley Tribe are held in fee simple and subject to the Mendocino County Inland Zoning Code, Division I of Title 20 (MC, 1987).

Mendocino County Land Use Classifications
The following are the land use classifications established in the County General Plan:

AG - Agricultural
RL - Range Lands
RMR - Remote Residential
RR - Rural Residential
SR - Suburban Residential
RC - Rural Community
C - Commercial
I - Industrial
PS - Public Services
PL - Public Lands
OS - Open Space

The following are the land use classifications of the Potter Valley Tribe land subject to this EA:

Parcel	A/P Number	Acreage	Zoning
Potter Valley ER14	171-200-13 171-200-15 171-210-12	14.7	Rural Residential RR - 10

Project Parcel – Land Usage
The following are the existing land uses of the Potter Valley Tribe land subject to this EA:

Land Use		ER14
A.	Agricultural Development	
B.	Riparian Reserve	**X**
C.	Forestry/Timber	**X**
D.	Mining	
E.	Industry/Manufacturing	
F.	Recreation	**X**
G.	Commercial Development	
H.	Grazing	
I.	Residential/Urban	
J.	Residential/Rural	
K.	Other: Schools & Community Buildings	

3.10.2 Agriculture

2017 Mendocino County Crop Report

The total gross agricultural value for all commodities produced in 2017 was $268,692,700, which represents a 10.8% increase compared to the 2016 value of $242,533,700. The leading agricultural commodity continues to be wine grapes, at $120,080,200. Agricultural production, excluding timber, totaled $166,692,700. Timber represents the second highest value commodity, with a gross "at mill" value of $102,000,000. Mendocino County ranked 4th in the state in timber volumes and produced roughly 7.6% of the state's total timber harvest in 2017.

The statewide increase in timber production, up 5%, correlates with the increased production of timber in Mendocino County. Higher timber prices as well as increased production, lead to a 33% increase in gross value, and the highest value since the year 2000. Pear production tons were slightly up, but were offset by lower prices, leading to a 2% decrease in overall value. Prices for fresh packed apples and juice remained high, but contracted tonnage amounts with the processors lead to a dramatic decrease in market value, $333,000, down 35% from 2016.

Cattle inventories were up slightly, finally making some recovery after years of drought. A stable market price and more animals going to auction lead to a $9,113,400 production value, up 3% when compared to 2016. Decreased production in milk was easily offset by significantly higher returns, resulting in a slight increase in overall valuation compared to 2016.
https://www.mendocinocounty.org/home/showdocument?id=26789

3.10.3 Coastal Zone, Wilderness Area, Wild and Scenic Rivers

The project site is approximately 30 miles (Potter Valley) from the nearest California Coastal Zone boundary. Development would not be within the jurisdiction of the California Coastal Commission.

The project site is not within a wilderness area; the nearest is the Snow Mountain Wilderness Area, 12-19 miles northeast of the sites. The project site is near a Wild and Scenic River; located on the Main Stem Eel River, about 1 mile downstream to the northwest (USEPA, 2011b).

3.11 PUBLIC SERVICES

3.11.1 Drinking Water

There are no public water supplies within 1 mile of the site. Homes and ranches in the vicinity utilize springs, wells, or pump from the river. Historically, when the subject property was first developed for residential use, water was obtained from the river, treated, and pumped to the residential area and to the mill facility. In 1994, a water well was permitted and installed, which reportedly fed into a pressure tank that provided water to the houses. According to the water well drillers report, the well on the site is 74 feet deep with a 5-inch casing, packed with pea gravel from 20' to 80' in depth. The PVC well casing is currently in place and a storage tank has recently been installed. An older well within 100 feet of the river has a storage tank, is currently used for irrigation and fire protection. Both wells are considered to be more than sufficient for the proposed project. Improvements to the wells and storage system will be required, along with treatment facilities in accordance with Transient Non-Community Water System regulations. Water levels in both wells are measured periodically, and have always shown abundant water.

3.11.2 Wastewater

There are no municipal sewage facilities in Potter Valley or the Eel River area. Onsite systems are used for wastewater treatment, with the majority being septic tanks and drainfields. Often suitability for leach fields is based on percolation tests and proximity to waterways and property lines. This also is an important determination of the size of lots and location of housing. Since the mid-1980s low flow toilets and showerheads are required in California, which helps the operation of wastewater systems by lowering the hydraulic load on the leach field. There is an existing septic permit for the site; the system would need to be redesigned to fit the proposed project.

3.11.3 Solid, Medical & Hazardous Waste

The Tribe is fortunate in being located in an area where trash pickup is provided by franchisees in coordination with the City of Ukiah or County of Mendocino. This service is available to all residents of Ukiah, Redwood and Potter Valleys for a monthly fee. A recycling program where containers are placed curbside is included for the same basic fee. Materials for disposal are hauled to a transfer station then to out-of-county landfills, located from 80 to 425 miles away. Most materials for recycling are hauled out of the county for separation and to markets. One franchisee has a separation facility in the City of Willits, and there is another in Ukiah. The county also has an excellent hazardous waste program. Although trash pickup is available in the Eel River area, there are still solid waste problems on the tribal lands. Small dump sites have been found, and periodic patrols of tribal properties is part of the Tribal Environmental Office's (TEO) responsibilities. The PVT has been a co-host of the Annual Eel River Cleanup, for the last 5 years. Volunteers meet at a county site across the river from the ER14 property, then head out to clean up trash on a 13 mile stretch of the Eel River. The TEO coordinates and accounts for all trash and recycling removed. The US EPA General Assistance Program (GAP) and tribal funds are used for all solid waste assessments and cleanups.

The Eel River -Van Arsdale area has trash, recycling and green waste pickup service available. Tribal residents have learned to source-separate trash, mixed recyclables and green waste, and deliver the wheeled carts to the street weekly. The same franchisee provides service to Redwood and Potter Valleys and the ER14 area. Residents in the area on occasion will burn brush or agricultural waste produce on their sites. The Tribal Environmental Office conducts cleanups and educational outreach, as a component of its GAP workplan. There are no significant sources of medical or other hazardous waste within 10 miles.

An environmental review was conducted by SHN on an adjoining property that was used as a sawmill for over 50 years and during that period, pentachlorophenol (PCP), hydraulic fluid, diesel, gasoline, boiler ash, grease and oil were part of the daily operations. Louisiana-Pacific Corporation (LP) has since paid over $1,200,000 to remove and appropriately dispose of the contaminated soil and for the construction of 14 ground-monitoring wells. As a result, the environmental liability has been eliminated and RWQCB sent a letter to owner Robert Simpson and LP acknowledging the success of the cleanup. subsequently, PG&E agreed to remove the 1990 residential housing deed restriction upon RWQCB approval for no further action. (SHN ESA Phase 1, 2006.) A history of the uses and progress of the cleanup is in the Phase I Report and the Appendix).

The latest records search (EDR, 2019) on the property that revealed no hazardous materials, residue from the former mill, or other environmental impacts from previous uses (Appendix H: EDR Radius Map).

3.11.4 Electricity, Heating Fuel, and Telecommunications

Pacific Gas and Electric Company (PG&E) provides electricity to customers in rural Mendocino County. The power is supplied is from PG&E's inter-grid system, which serves the entire state. Local power sources include hydropower and the largest geothermal field in the world, The Geysers, located in the southern portion of Lake County. No problem is foreseen with the provision of electricity to service existing customers or future development. Propane gas is supplied by numerous private propane companies in the county. Most of the companies offer both bulk and metered gas supplies. The only natural gas supply in Mendocino County is from PG&E, along the Highway 101 corridor, which includes Redwood Valley but not the Potter Valley or Eel River areas.

3.11.5 Law Enforcement

Law enforcement in Mendocino County is provided by the Mendocino County Sheriff's Office. The Sheriff is the chief law enforcement officer of the County, with jurisdiction throughout the unincorporated County, the incorporated cities, and State owned property. In Mendocino County, the offices of Sheriff and Coroner are combined. The Sheriff's Office is directly responsible for providing general law enforcement services to the unincorporated areas of the County, comprising approximately 69 percent of the County's residents. The Sheriff's Office also provides contract law enforcement services to the Bureau of Land Management, U.S. Army Corps of Engineers, and two small towns. The Sheriff is also responsible for search and rescue, and coordination of law enforcement mutual aid. The cities of Ukiah, Fort Bragg, and Willits otherwise provide their own police departments. The main Sheriff's station, including dispatch and detention facilities, is located at the Mendocino County Administration Center complex in the City of Ukiah, 18 miles from Potter Valley. Response time is estimated to be from 35-60 minutes, depending on the state of the emergency (personal communication, 4/19/21).

The California Highway Patrol maintains an office in Ukiah, which is located about 16 miles from Potter Valley. The office patrols state and federal highways, and assists with emergencies. Response time is estimated to be from 55-70 minutes depending on the state of the emergency (MCSO, 2021).

3.11.6 Fire Protection and Emergency Response

The Potter Valley Volunteer Fire Department (PVVFD) provides firefighting and emergency services to the Potter Valley property. The PVVFD, protects an area of 275 square miles and a population of approximately 2000. Water supplies for the PVVFD are provided by a hydrant with generator backup located at the firehouse and supplied by a well. The PVVFD is a 100% volunteer district; the 21 members include a chief, two assistant chiefs, four active EMTS and one paramedic, and four volunteers who are also CDF employees. Two junior firemen (cadets) also serve the district. The PVVFD volunteer training includes swift water rescue training for Russian and Eel River incidents. The PVVFD is funded chiefly from donations and property taxes (Mendocino County, 2005). The tribe currently pays property taxes based on assessed value.

The California Division of Forestry and Fire Protection (CDF) assists most of the fire districts countywide, providing technical support and paid personnel; all surveyed rural fire districts depend upon this support and reciprocate. The county is divided into State Responsibility Areas (SRA), where the primary responsibility for protection during fire season is the CDF, and Local Responsibility Areas (LRA), where the primary responsibility is the local fire districts. The districts are most often first on the scene to suppress a wildlands fire. The districts all have mutual aid agreements with CDF and adjacent districts, and CDF has statewide agreements with the BIA branches to provide fire protection for wildfires on Tribal land. The CDF has a fire attack station in Ukiah, approximately 15 air miles south of Potter Valley. Air response time is approximately 30 minutes to the inland valleys (MC, 2009).

3.11.7 Schools and Hospitals

Potter Valley students attend Potter Valley Elementary and Potter Valley Junior/Senior High School, within the Potter Valley Community Unified School District. Both school districts also offer continuation and charter schools and offer home schooling. Mendocino Community College, located in north of Ukiah provides for 2 year and certificate programs in higher education. Although some colleges offer off-campus classes and programs in the area, the nearest 4-year college is Sonoma State University, 65 miles south of Ukiah.

About 18 miles from Potter Valley, in the city of Ukiah, are a broad range of medical care facilities. Two private hospitals, both owned by Adventist Hospitals Inc., provide service for the area and operate at about 75% of capacity. People with an inability to pay for private medical services may receive medical care through the County Health Department in the facility located on Bush Street in Ukiah. Additionally, several non-profit organizations provide health care support and educational services to specific populations, including the Consolidated Tribal Health Project, with a clinic in Redwood Valley, where members of the Tribe can receive a wide variety of preventive medicine and health care services for little to no cost, depending on co-payment arrangements.

3.12 HAZARDOUS MATERIALS

The BIA requires that the proposed property must be free of all hazardous or toxic materials and environmental liability prior to conveying lands acquired by a Tribe into federal trust status (25 CFR Part 151; Department Manual 602 DM Land Acquisitions – Hazardous Substances Determinations; 30 BIAM and 54 BIAM). Generally records searches and ground inspections are sufficient to provide “best efforts to locate hazardous materials”.

Hazardous waste issues include impacts to soil and groundwater due to leaking underground storage tanks, dumping and releases to the land, agricultural storage and uses, and highway spills. The hazardous materials studies for this project have been conducted pursuant to the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, and its implementing regulations (40 CFR 260-271); and the Comprehensive Environmental Response Compensation, and Liability Act of 1980 (CERCLA), as amended, and its implementing regulations (40 CFR 300 and 43 CFR 11). Both laws require coordination with the USEPA or an approved state agency. In addition, the Mendocino County Environmental Health Department regulates land pollution within the project area, and the Regional Water Quality Control Board (RWQCB) regulates groundwater pollution in the project area. The North Coast RWQCB, in conjunction with county agencies, regulates the Russian River watershed area from an office in Santa Rosa. The Tribal Environmental Office is responsible for compliance on the lands owned by the Tribe.

Potter Valley ER14

3.12.1 Phase I Environmental Site Assessments

Completion of an Environmental Site Assessment (ESA) is generally required whenever federal funds are used to purchase land, transfer ownership, or in this case, convey land to trust. This includes a records search and site reconnaissance. The search combines current government records with historical sources, and is designed to meet the needs of environmental professionals who are evaluating a property. This helps to fulfill the requirements of both the ASTM E1527 Phase I Environmental Site Assessment Standard and the "All Appropriate Inquiry" (AAI) rule put forth by the USEPA. Another purpose of the Phase I Report is to comply with the requirements of the Bureau of Indian Affairs Departmental Manual 602 (DM 602) for the proposed acquisition of real property by the Bureau of Indian Affairs to be held in Trust by the United States for Federally-recognized Indian Tribes. In addition, the Phase I Report satisfies the HUD requirements pursuant to 24 CFR 58.5(i)(2) and 24 CFR 51 C.

Two biologists, accompied by the PVT Environmental Technician, visited the site on 4/19/2019. The Phase I Contaminant Survey, in BIA format, is in the Appendix. Their conclusions:

> No potential contamination sites were observed; the property is very clean with access restricted to tribal personnel through a locked gate. Unregulated camping does occur in the summer on Pacific Gas & Electric land across the river to the north and east. The Potter Valley Tribe Environmental Department is a co-sponsor of the Annual Eel River Cleanup, and regularly patrols the property. Additional land to be acquired by the PVT is located northeast, across the river, with the Eel River Road serving as the southern border. This property is also to be patrolled regularly, with the ER14 site for serve as the base for future management of 890± acres of forested watershed lands.

The site was revisited by the same two biologists on 11/5/2020; the updated Phase I Contaminant Survey is in the Appendix

Monitoring by the Tribal Environmental Office

The TEO regularly monitors the properties of the Tribe, and assists with solid, liquid, and hazardous waste management and agricultural production. Regular cleanups of waste and educational outreach are performed, plus monitoring of dumping from outside sources. The TEO also coordinates deliveries of household hazardous waste to the HazMobile, which accepts household hazardous waste at rotating locations around the county every 3-4 months. There are no current accumulations of hazardous or medical wastes on either of the project sites.

Radon

According to the most current map of radon zones in California, Mendocino County has a Low Potential with a predicted average indoor radon screening level less than 2 pCi/L (Citi-data.com, 2013). In conversations with the Mendocino County Environmental Health Department and the Air Quality Management District (personal communications, 2/21/13) there has never been a radon level of concern reported to those agencies, and radon tests are not part of routine real estate transactions.

3.13 VISUAL RESOURCES

The project property is in the eastern corner of a former 100-acre lumber mill site. There were once 4 houses, roads, and cleared, graded graveled flat areas. The mill was closed in 1989, and the buildings demolished and site cleared in 1993. Since then the area has slowly been returning to riparian and valley/forest habitat. A previous owner installed a water system and planted both

native and non-native trees; the area is much more natural looking than the adjacent lots, which are still graded and mostly un-vegetated except for annual weeds.

The site is visible from the Eel River Road from above/south and from the side when passing the property. According to historical aerial photos is most likely more visually attractive than at any time from 1938-2002.

3.14 CLIMATE CHANGE ISSUES

3.14.1 Regulatory Considerations

The Council on Environmental Quality (CEQ) issues guidance to assist Federal agencies in their consideration of the effects of greenhouse gas (GHG) emissions and climate change. Climate change is a fundamental environmental issue, and its effects fall squarely within NEPA's purview. Climate change is a particularly complex challenge given its global nature and the inherent interrelationships among its sources, causation, mechanisms of action, and impacts. Analyzing a proposed action's GHG emissions and the effects of climate change relevant to a proposed action—particularly how climate change may change an action's environmental effects—can provide useful information to decision makers and the public. Identifying important interactions between a changing climate and the environmental impacts from a proposed action can help Federal agencies and other decision makers identify practicable opportunities to reduce GHG emissions, improve environmental outcomes, and contribute to safeguarding communities and their infrastructure against the effects of extreme weather events and other climate-related impacts.

The CEQ Recommends that agencies select the appropriate level of NEPA review to assess the broad-scale effects of GHG emissions and climate change, either at the programmatic or site-specific level,

3.14.2 Climate Change and the Proposed Action

The parcels subject to this EA are located in the Eel River watershed, which potentially could have an increase or decrease in water supply (beyond historical deviations) due to climate change. An increase in total or intensity of rain events could result in increased flooding or higher elevation of flooding compared to historical levels. Since buildings are ideally located above the 100-year floodplain, this could impact present and future construction. A serious decline in rainfall could impact residents and the environment locally and all the way downstream. Since the water is over-allocated, this could drastically decrease the usable water supply for people, agriculture, industry, landscapes, and aquatic species.

3.14.3 Greenhouse Gas Emissions

GHG emissions can have many sources: transportation and production of electricity from fossil fuel combustion, heat or steam generated from energy sources, clearing of forests and other vegetated areas, agricultural and industrial processes and chemical use, waste decomposition, and others. The Proposed Action does not immediately include construction; however it may occur in the future. The construction of more buildings may not be a net increase in GHG on a regional scale, since the population is growing and additional housing, commercial and recreational facilities will be needed somewhere. However, it may produce a local impact, and thus warrants consideration. A complete NEPA analysis accounts for actions involving direct emissions of GHGs and provides estimates of indirect GHG contributions of projects. This analysis is following, in the Environmental Consequences section: 4.1.12 Climate Change Issues.

3.15 RESOURCE USE PATTERNS

3.15.1 Hunting, Fishing, Gathering

The ER14 parcels have been disturbed by roads, grading, lumber mill construction, and rural housing development. The potential for hunting on the site is very low; however the proposed project is for the purpose of providing facilities for local recreation, including hunting, mushroom or wild plant gathering, or other compatible activities. Fishing is not allowed on the ER14 site, but the PVT has a long term goal of assisting with improving habitat and populations of steelhead and salmon in this stretch of the river and beyond. With an office and maintenance shed on the ER14 property, the tribe could contribute to efforts by the US Fish & Wildlife Service, California Fish & Wildlife, and other groups to restore this fishery. There are hunting, fishing and gathering opportunities available at the nearby Mendocino National Forest, and the PVT has committed to developing additional campgrounds, parking, and day use areas within 3 miles of the ER14 site. The Potter Valley Tribe makes a concerted effort to gather traditional materials on their properties, State Parks, the National Forests, and their properties inland and on the coast. Potter Valley tribal leaders are especially interested in youth involvement in gathering and preparation of traditional foods, and holds several events every year to promote traditional activities with their own members and those of other tribes.

3.15.2 Timber Harvesting, Agriculture, Mining

See 2017 Mendocino County Crop Report

There is no potential for timber harvesting or mining on the property as the land has been entirely cleared and is immediately adjacent to the Van Arsdale Reservoir. There would be a potential for a small gardening area. A tree farm was proposed for adjacent lots; and there has been some stockpiling of firewood for sale in recent years. There is timber harvesting within 10 miles in the Mendocino National Forest, and there is potential to have support services and supplies available from the proposed project.

3.15.3 Recreation

There are many recreational opportunities available in the area, which the proposed project intends to augment. Gathering, hunting and fishing can also be done in Mendocino National Forest, only 7 miles away. There are miles of off-road vehicle trails within 15-30 minutes away, to the north along the Eel River. There is also unregulated off-road use in the area, often in the riverbed. There are several county and state agencies who have expressed concern over such uses.

4. ENVIRONMENTAL CONSEQUENCES

The following environmental factors will be discussed:

LAND RESOURCES

- The parcels are situated in a region of geologic hazards.
- Ground-disturbing activities from construction could increase the potential for erosion and discharge of sediment into nearby drainages.

WATER RESOURCES

- During activities on the property surface water or ground water quality has the potential to be degraded from storm water transport of sediment from disturbed soils or by accidental release of hazardous materials or petroleum products.

- The property is adjacent to the main stem Eel River, with potential for erosion from natural conditions and human activities on the site
- The potential for increased stormwater runoff exists from increases in impervious surfaces.

AIR QUALITY

- Activities on the property could emit pollutants in excess of established quantitative air pollution thresholds, which may hinder regional efforts in meeting State and Federal air quality standards.

BIOLOGICAL RESOURCES

- Development on the property could potentially impact endangered, threatened, or rare species, locally occurring natural communities, or significant ecological resources.

CULTURAL RESOURCES

- Development on the property could potentially impact archaeological and historical resources located within or adjacent to the Project Area.

SOCIOECONOMIC RESOURCES

- Conversion to trust status parcels could result in fiscal impacts to Mendocino County.

TRANSPORTATION, CIRCULATION and NOISE

- Development on the property would generate additional-vehicular use of local roadways, potentially contributing to increased traffic volumes and traffic flow.
- Development on the property either construction could result in increases in existing noise levels or the exposure of future residents to unacceptable levels of ambient noise.

LAND USE

- Development on the property could potentially conflict with the policies of the Mendocino County General Plan and the Zoning Ordinance.

PUBLIC SERVICES

- Development on the property could impact, fire protection, or law enforcement services

HAZARDOUS MATERIALS

- Development on the property could result in environmental impacts if hazardous materials are encountered or mishandled during the construction process or stored on site.

VISUAL RESOURCES

- Development on the property could potentially result in impacts to the visual character or aesthetics of the Project Area.
- Development on the property could potentially result in impacts to the visual character, nighttime light conditions, or aesthetics of the Project Area.

CLIMATE CHANGE

- Development on the property could potentially result in impacts from climate change, or add to greenhouse gas emissions.

RESOURCE USE PATTERNS

- Changes to resources use patterns could result from the Proposed Action.

4.1 PROPOSED ACTION

This project proposes the conveyance of land known as the ER14 from "fee" to "federal trust" status for the benefit of the Potter Valley Tribe. The PVT wishes to develop the ER property with a hardware/camp retail store (10,000 sf), yard (15,000 sf), parking (1,500 sf) and a maintenance garage/office (5,000 sf) for vehicles and land management equipment, with a total footprint of 0.72 acres. There is the potential for seasonal camping facilities on the lower portion. The PVT considered this the smallest, least impactful proposal for their site and goals, thus the only other alternative to consider is the No Project Alternative.

4.1.1 Land Resources

Potential geologic hazards occur near the project area. The Mendocino County General Plan (MC, 2003) indicates that the geologic hazards occurring in Mendocino County are:

- Unstable slopes, ground failure, unstable soils, and volcanism.
- Seismic activity to developed areas in the county by ground displacement, ground failure, and ground shaking.

Geologic hazards constitute a potentially significant impact upon public safety and structural stability when construction projects are undertaken.

Construction would alter the topography of the project area by re-grading and earthmoving activities on the land. Increased erosion by water and wind could create potentially significant impact upon receiving water bodies and adjacent lands. The proposed construction would require site-specific engineering studies be performed to minimize impacts to land resources. State of California standards for construction would need to be implemented to insure public safety in the event of an earthquake.

4.1.2 Water Resources

With the proposed construction projects surface water or ground water quality could potentially be degraded from storm water transport of sediment or accidental release of hazardous materials or petroleum products from heavy equipment or construction materials. Stormwater discharges from construction activities (such as clearing, grading, excavating, and stockpiling) that disturb one or more acres, or smaller sites that are part of a larger common plan of development, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater program. Prior to discharging stormwater, construction operators must obtain coverage under an NPDES permit, which would be administered by the US EPA, on lands in trust. The Tribe and its designated contractor(s) would be required to enroll under USEPA's General Storm Water Discharge Permit for Construction Activities prior to the initiation of construction. This would require development and implementation of a Storm Water Pollution Prevention Plan, Erosion Control Plan, and a Hazardous Materials Management Plan to avoid and minimize these hazards. Parking areas would be drained through existing or constructed bio-swales to catch and filter runoff.

Wastewater management can cause impacts to surface and ground water resources, especially when septic tanks are utilized. Although traditional septic tanks are commonly used throughout the area, newer onsite systems are more efficient. According to the USDA Soils Report, the

development site is a Pinole gravelly loam, well drained, suited for septic systems with drainfields. For the proposed project, site-specific wastewater treatment would be designed to minimize impact on groundwater. A greywater system will be installed that would minimize impacts and most likely re-use a portion of the wastewater.

Providing adequate quantity and quality of drinking water can be a significant impact to local water supplies. The overuse of the wells onsite could result in seasonal shortages and overdraws. A small store, office and shop would not use significantly more water than the 4 houses formally on the site, and now there are two wells. The implementation of water conserving, storage and retention practices (see References, BMPs) would reduce impacts to less than significant.

The proposed development site is approximately 0.72 acres, would not need a NPDES stormwater permit, and would have no significant impacts on water resources. By following policies of the USEPA BMPs (see References - Resources) for low water use construction and management of runoff there should be no significant adverse impacts to ground or surface water from the Proposed Action.

In order to conform with Federal Executive Order 11988, the development area has been designed to avoid the 100 year floodplain. (See Appendix D Flood Map - PVT ER14); This will require a project and site-specific engineering report.

4.1.3 Air Quality

Construction on the parcels would involve grading and earth moving activities. These activities could generate construction emissions of particulate matter (PM_{10}) that could drift off-site. Best management practices during construction could be implemented to reduce any PM_{10} impacts to a level considered less than significant. *There are specific BMPs that would be implemented to reduce impacts in Section 5.3.* Field visits to the project site have confirmed that there are no serpentine soils or asbestos. *There could be temporary, significant impacts from dust, but no significant impact from increased traffic, serpentine soils or asbestos from the Proposed Action.*

Air quality impacts during operation would occur primarily from increased trips to the site by patrons of the commercial business. No stationary emissions sources or wood burning stoves are proposed. As noted in Section 4.1.7, the increase in traffic is expected to be minimal and fully supported by existing roads, resulting in only incremental local increases in air pollutant emissions. The General Conformity Rule ensures that federal actions comply with the national ambient air quality standards. In order to meet this Clean Air Act requirement, a federal agency must demonstrate that every action that it undertakes, approves, permits or supports will conform to the appropriate state implementation plan (SIP). *Given that the air basin is in attainment or unclassified for all federal criteria air pollutants, conformity with the SIP is presumed per the General Conformity Rule and significant impacts to air quality would not occur during operation.*

4.1.4 Biological Resources

The project area is not within the covered area of any adopted Habitat Conservation Plan or Natural Community Conservation Plan (CDFW, 2019). There is designated Critical Habitat for Pacific lamprey, California coastal chinook salmon, and Northern California steelhead in the

adjacent Eel River. According to a biological opinion (USACE, 2008), there are several cumulative causes for the decline in salmonid species and this designation:

> Urban, residential, and agricultural developments, timber harvest, road construction, water supply, and flood control management activities have had a collective adverse effect on the quality and quantity of spawning, rearing, and migratory habitats for steelhead, coho salmon, and Chinook salmon in the Eel River watershed (page 10).

The Phase I Site Inspection addressed current and potential listed species that might occur in the area. In the opinion of the biologists, the proposed project is not likely to affect sensitive species. Habitat for sensitive fish species (salmonids, steelhead) does exist; project design to maintain water quality and runoff structures would reduce stormwater impacts (silt, pollutant delivery) to less than significant. These mitigation measures can be incorporated into any construction contracts should the proposed development occur.

Habitat for nesting of sensitive bird species (bald eagle, northern spotted owl) does not exist on the site. Migratory birds do visit the riparian area; impacts to these will be reduced to less than significant by practices already implemented by the Tribe (exclusion of construction from the riparian area from the remainder of the property; minimal disturbance in riparian areas).

The footprint of the development area was selected to avoid riparian and wooded areas of the property. In the professional opinion of the surveying biologists, the proposed land conveyance and proposed development is unlikely to have adverse effects on sensitive species on the Federal and State lists.

The US Fish &Wildlife Service was contacted for a species list; this is in the Appendix (see Appendix F).

4.1.5 Cultural Resources

There are recorded archaeological sites on and near the property; however the site has been drastically changed from its native, pre-history state. Changes include grading, installation of a dam and raising of the water level, changes in flood frequency, 75 years as a lumber mill and storage yard, construction, then removal of 4 homes, and soil removal as part of contamination cleanup. An updated cultural resources survey (Cull, 2020) is in the Confidential Appendix.

Impacts on cultural resources due to construction activities could be reduced to less than significant by avoidance of sensitive areas identified in the updated cultural resource survey and in the implementation of best management practices in Section 5.

4.1.6 Socioeconomic Conditions/Environmental Justice

Economic impacts resulting from the fee to trust conveyance would be beneficial to the Tribe due to a reduction in property taxes. Based on the 2018 property tax bills, the annual taxes on the two parcels are $1143 (Tribal records, Ukiah). Additional benefits that are highly likely to occur with the proposed action are an increase in recreational facilities as the Tribe can access federal programs to which it is presently ineligible, and increased employment from these programs and facilities. With construction and operation of the camp/hardware store there would be potential income and job creation for the PVT. With offices in the area, management of recreational sites in the future would be feasible; which could also add job creation and income from the newly-

acquired watershed lands. While purchases might be exempt from sales tax, with certain goods a use tax would apply. The county would benefit from use taxes collected at the store.)

According to Mendocino County, the total secured property tax income for FY 2017-18 was $135,166,987 charged and $131,174,656 paid or 97.0% overall. Impacts to the County of Mendocino would be a reduction in property taxes of 0.07%. The likelihood of this small impact being more than offset by benefits from increased recreational facilities and employment from increased federal programs in the county is high.

The fee-to-trust conveyance itself would have a beneficial impact on the existing and future Tribal population. Impacts to the County of Mendocino would be less than significant.

Environmental justice encompasses a broad range of issues that involve impacts on the natural and physical environment that directly affect the social, cultural, and economic environment. Executive Order 12898 requires each federal agency to achieve environmental justice by addressing "disproportionately high and adverse human health and environmental effects on minority and low-income populations" from Federal actions. There is no standardized methodology for identification or analysis of environmental justice issues, but the analysis should consider the unique circumstances of a particular community or population, the particular types of environmental or human health impacts, and the nature of the proposed project itself.

The nearest such store is in Calpella, 16 miles away. Other than possibly increasing the overall population of the area, the proposed action would have no impacts on environmental justice

The proposed action is expected to have no significant adverse impacts on low-moderate income, minority populations in the immediate project area,

4.1.7 Transportation, Circulation and Noise

Traffic

The roads to and from the site are maintained by the County of Mendocino. Although traffic in the future is likely to increase, this is considered in the County's General Plan (MC, 2009). The store would generate more traffic, however there is a low population within 5 miles of the site; very little increase in traffic is anticipated. Residents more than 5 miles south of the project would be just as likely to go out of Potter Valley, where there is a large hardware store in Calpella, 8 miles south, and warehouse stores in Ukiah, 18 miles southwest. The proposed store is a small camping and hardware store, projected customers would be vacationers visiting local lakes and campgrounds and local residents. The office and equipment building would generate 2-4 trips per day; well within projected growth for the area. The county road was originally designed and built for the lumber mill and trucks. That section is in good shape as it is the connecter to the Eel River/Pioneer Bridge; it will need normal maintenance. There are no turn lanes proposed for the project due to the low number of residents and seasonal timing of outside visitors.

According to the General Plan there are currently no ordinances or codes that provide mitigation for Level of Service impacts on County controlled roadways. However, Policy DE-141 requires that traffic studies be performed for major development applications to mitigate any effects of related growth on the transportation network. This project is not a 'major development' and is not likely to promote local growth.

The Mendocino County General Plan EIR Addendum (MC 2021) outlines policies for development; for emergencies these include at least two ingress-egress routes to a public roadway, unless alternatives routes accessible to fire equipment are provided.

With the provision of a mitigation measure being the installation of a second entrance/exit available for use during emergencies, impacts to traffic would be less than significant.

Noise
The project will increase ambiant noise slightly from traffic entering and leaving the site; HVAC use, and on site equipment. There are no residences within ¼ mile, so proposed impacts would be minimal.

Temporary impacts from noise due to construction activities would be reduced to less than significant by implementation of best management practices and contractual stipulations; see References. Operation of the store would not be a high noise use of the property.

4.1.8 Land Use
The project would change the recent land use (vacant, zoned for single residences) to commercial. However, after 75 years of industrial/forest products production, this would not be a more significant change from historical uses. There are no proposed tall buildings to block sunlight on neighboring properties, extremely noisy infrastructure or air emissions/odors or blocked access that would result from the project. The proposed acquisition would provide greater control over land use matters, associated with tribal housing, facilities, and services for its members, by transferring jurisdiction over land use decisions from the County of Mendocino to the Tribe and federal government. Acquisition of the proposed trust parcels will assist the Tribe's efforts to preserve the existence of the Tribe and reestablish its reservation land base.

4.1.9 Public Services
Drinking Water
Both wells are considered to be more than sufficient for the proposed project; according to the Indian Health Services (IHS, 2021) there were formerly 4 houses on the site using the lower well. Improvements to the wells and storage system will be required, along with treatment facilities in accordance with Transient Non-Community Water System regulations.

For development, the two existing wells would be utilized. The PVT has 5 years of well measurements showing abundant water in wet and dry years. The area receives 45 inches rain per year, the wells are adjacent to the river, and groundwater is plentiful. There would be less than significant impacts to groundwater in the area. Low water use measures and a graywater system for landscaping outlined in Section 5 would further reduce this to less than significant.

Wastewater
There are no municipal sewage facilities in the area; onsite systems would be used for wastewater treatment. The site has already been permitted for a domestic septic/drainfield system. Systems that separate sewage from grey water are available, the trend for the future, and could allow for reductions in drainfield area and less impact than the 2-3 houses that historically on the site.

With proper design considerations and low flow appliances, impacts from wastewater management would be less than significant. With the design and use of a greywater separation system, impacts could be further reduced.

Solid Waste & Hazardous waste

The Tribe is fortunate in being located in an area where trash and recycling pickup is provided by franchisees in the County of Mendocino. This service is available to all residents of Potter Valley and the Eel River area for a monthly fee. The county also has an excellent hazardous waste program.

Conversations with the company have confirmed that there are no restrictions on new service. The PVT Tribal Environmental Office already conducts cleanups and educational outreach in the area, with a component of its GAP work plan dedicated for solid and hazardous waste management.

With the addition of offices, a store, and other buildings, the impact to services would be within growth projections for the local waste management franchisee and authority and would not be significant.

Electricity, Heating Fuel, and Telecommunications

The impact to services from the buildings would be within growth projections for the local power and communication service providers and would not be significant.

Law Enforcement

The Mendocino County Sheriff's Office response time would not change from the estimated 45-60 minutes. The California Highway Patrol in Ukiah, response time, estimated to be from 55-70 minutes, would also not change. The PVT already has a remote security system for its Tribal Community Office to check when needed; the new site would be added to the system.

With the addition of offices, a store, and other buildings, the impact to services would be within growth projections for county law enforcement services, according to the Mendocino County general plan. With the installation of a remote video security system there would be a less than significant impact.

Fire Protection and Emergency Response

The Potter Valley Volunteer Fire Department provides firefighting and emergency services to the Potter Valley properties. Their facility is located in downtown Potter Valley, about 4 miles south of the property. The California Division of Forestry and Fire Protection (CDF) assists most of the fire districts countywide. The local fire districts all have mutual aid agreements with CDF and adjacent districts, and CDF has statewide agreements with the BIA branches to provide fire protection for wildfires on Tribal land. The CDF has a fire attack station in Ukiah, approximately 15 air miles south of Potter Valley. Air response time would be approximately 30 minutes to the inland valleys. The presence of offices, a store, a developed water system, and PVT personnel could conceivably improve fire detection, reporting, and response time in the immediate area.

The fee-to-trust conveyance itself could have a positive impact on fire protection, by adding the BIA contribution with its contract with CDF to protect tribal lands. Although technically the

jurisdiction would transfer to CDF, the size and locations of both properties would dictate that the first responder would be the local fire department, (the property is 4 miles of away). This, with increased presence of the PVT would result in less than significant impacts.

Schools and Hospitals
There would no increase in population from the project, and no subsequent need for educational facilities.

With the addition of offices, a store, and other buildings, the impact to services would be within growth projections for county services, resulting in a less than significant impact.

4.1.10 Hazardous Materials
A search of available environmental records and several site visits and reports have confirmed that there are no sources of contaminants or hazardous wastes on the property. The Tribal Environmental Office has community outreach and pickup programs and educates the community about HHW and materials that should not go into the waste stream or environment. In addition, the solid waste franchisees spot check dumpsters and issue warnings to reduce their liability and exposure to workers.

The presence of PVT in the area would enhance efforts to reduce waste; with facilities near the site of the annual Eel River Cleanup. Therefore, no adverse impacts from hazardous waste would likely occur as a result of the proposed action.

4.1.11 Visual Resources
The viewshed around the property is pristine: the Eel River and mountain views are generally uninterrupted by buildings and residences. The property has been bare for the last 20 years, as site cleanup and remediation efforts proceded. The PVT has planted trees on their property; surrounding properties have been developed into greenhouses (adjacent) or left bare (parcels offered for sale). The PVT development might be seen by some as an improvement, especially if designed to fit well into the environment. Development would be similar to that allowed under current zoning, with a house, barn, and shop all being considered compatible with that land use.

By using light fixtures that emit minimal light to the sky, development would not contribute significantly to 'light pollution' from the parking lot and grounds.

The addition of offices, a store, and other buildings, if designed to fit in the environment, would result in less than significant impacts; see Section 5.1.11

4.1.12 Climate Change Issues
The property is located in the Eel River watershed, which potentially could have an increase or decrease in water supply (beyond historical deviations) from climate change. An increase in total or intensity of rain events could result in increased flooding or higher elevation of flooding compared to historical levels. Since the development would be located above the 100-year floodplain, this could impact present and future buildings. Drainage and pad height should consider this as much as possible. Increases in wildfire are likely, due to climate change and lack of thinning in nearby forests. The presence of the PVT offices and recreational lands acquired in the near future may actually enhance protection from wildfires in the future. The PVT TEO will

be applying for BIA fuel reduction programs, using the proposed offices on the property as a base of operations for management of their 890 acres of forest nearby.

The addition of offices, a store, and other buildings, and the presence of tribal personnel has a high likelihood of enhancing protection from wildfires in the area. Since there is a more than adequate supply of water, even under drought conditions, this aspect is less than significant.

Greenhouse Gas Emissions from the Proposed Project

Since it is unlikely that people will travel from the Ukiah or Redwood Valley areas to purchase supplies at the Eel River store, there should be no increase in automobile trips to the site. It is likely that the proposed project could decrease auto trips to Ukiah Valley; they instead would have a more local supply store. Visitors to the nearby Lake Pilsbury and other camping areas should be increasing as additional camping and other facilities are developed. This would be within the goals of the Mendocino County General Plan. As more electric and hybrid vehicles are used, the PVT should consider addition of charging stations in the initial planning. This would help make greenhouse emissions less than significant. Power could be supplied from the local hydropower facility, which does not produce emissions.

The addition of a store, office, and other buildings could have a less than significant impact if the PVT chose the local green power option from their local power provider.

4.1.13 Resource Use Patterns

Hunting, Fishing, Gathering

There will be hunting opportunities on the PVT's nearby properties. Fishing opportunities are available nearby. With the potential for increased federal programs for resource protection and enhancement, and the acquisition of land on the Eel River, there will be increased opportunities for hunting, fishing, and gathering as a result of the proposed action.

The fee-to-trust conveyance should have a projected positive impact on the Tribe's resource use patterns, by allowing eligibility to several federal programs and an increased presence in the area. The addition of offices and other buildings is intended to enhance the management of resources by the PVT and general public in the future,

Timber Harvesting, Agriculture, Mining

There is no harvestable timber on the project site. The newly acquired forested properties adjacent to the site will need thinning and fuels reduction. Firewood could be harvested sustainably if only downed wood is used. The maintenance shed and other facilities proposed will enhance the forest management effort. There are no planned or potential mining activities for the property.

The addition of offices and other buildings is intended to enhance the management of forest resources by the PVT,

Recreation

The proposed project is an important step to develop and enhance recreation in the area. Adding office and maintenance facilities is necessary to manage the 890 acres of adjacent forested watershed lands, which the PVT has spent 10 years acquiring. As part of the donation process, the PVT committed to management of these lands, with an important recreational component.

It will improve the availability of federal programs, that would protect and enhance the local environment. The addition of offices, a store, and other buildings, is intended to help increase recreational opportunities in the Potter Valley area.

4.2 NO ACTON ALTERNATIVE

4.2.1 Land Resources

Under the No Action Alternative, the ER14 land would remain in fee simple status, and any future development would be with the oversight of the County of Mendocino. Land uses would be subject to review and approval of the county, which limits the Tribe's self-determination and planning capacity.

There would be delays in the PVT plans for the site and local forested lands. The Tribe's ability to restore and manage part of its aboriginal lands would be restricted.

4.2.2 Water Resources

Under the No Action Alternative the PVT lands would remain in fee simple status, and any future development would be with the oversight of the County of Mendocino. *There would be no significant impacts to water resources.*

4.2.3 Air Quality

Under the No Action Alternative, the PVT lands would remain in fee simple status, and any future development would be with the oversight of the County of Mendocino. *There would be no significant impacts to air quality.*

4.2.4 Biological Resources

Under the No Action Alternative, the PVT lands would remain in fee simple status, and any future development would be with the oversight of the County of Mendocino. There would be no adverse impacts to biological resources. *By being ineligible for many federal programs for the protection and enhancement of natural resources, the* PVT *would have a reduced capacity to protect biological resources on the lands in the area of the proposed project.*

4.2.5 Cultural Resources

Under the No Action Alternative, the Tribal lands would remain in fee simple status, and any future development would be with the oversight of the County of Mendocino. There would be no significant impacts to cultural resources. *By being ineligible for many federal programs for the protection and enhancement of cultural resources, the PVT would have a reduced capacity to protect cultural resources on their nearby lands.*

4.2.6 Socioeconomic Conditions/Environmental Justice

The Proposed Project is intended to improve conditions (economic activity, jobs) for the PVT, while augmenting future improvements in recreational opportunities for the PVT and general public. Under the No Action Alternative the social and economic impacts resulting from the Proposed Project would not occur. The Tribe would not expand its reservation land base lost through termination; there would be no progress towards meeting the goals of the Tribe's economic development plan, and the Tribe could not avail itself of several federal programs. The Tribe would continue to pay property taxes on the property. *The Tribal Council has considered*

this alternative and determined that while it would not have potential adverse impacts on the environment, it would not be advantageous to the Potter Valley Tribal community.

4.2.7 Transportation, Circulation and Noise

The No Action Alternative would make no changes to existing conditions; *no adverse impacts to the local noise or traffic levels would occur.*

4.2.8 Land Use

The No Action Alternative does not involve any specific development or ground-disturbing activities, *so no adverse impacts to land use would occur. The Tribe's option to expand its own formal reservation would be unrealized, an adverse impact to the Tribe of this alternative.*

4.2.9 Public Services

The No Action Alternative does not involve any specific development or ground-disturbing activities, so no direct adverse impacts to public services would occur. *By being ineligible for many federal programs for the protection and enhancement of natural and cultural resources, the Tribe would have a reduced capacity to provide some public services to its members.*

4.2.10 Hazardous Materials

The No Action Alternative does not involve any specific development or ground-disturbing activities, so *no adverse impacts from hazardous wastes would occur. There would also be a reduction in capacity for the PVT to patrol and manage its newly-acquired forest lands under this alternative compared to the Proposed Project.*

4.2.11 Visual Resources

The No Action Alternative does not involve any specific development or ground-disturbing activities, *so no adverse impacts to visual resources would occur.*

4.2.12 Climate Change Issues

The No Action Alternative does not involve any specific development or ground-disturbing activities, *however, any reductions in trips to town for supplies by local residents would not occur. It is possible that this alternative results in more climate change impacts.*

4.2.13 Resource Use Patterns

The No Action Alternative does not involve any specific development or ground-disturbing activities, *so no adverse impacts to resource use patterns would occur. The fee-to-trust conveyance would improve access to several federal programs; without it there could be recreational and resource gathering opportunities in the Potter Valley area that would not be available. While it would not have potential adverse impacts on the environment, the No Action alternative would not be advantageous to the Potter Valley Tribal community.*

4.3 CUMULATIVE IMPACTS

NEPA environmental assessments should evaluate environmental consequences that are cumulative. Cumulative impacts are broadly defined as those that "result from the incremental impacts of an action when added to other past and reasonably foreseeable future actions" (40 CFR 1508.7). Cumulative impacts by their nature can be difficult to identify and quantify. This section analyzes past actions within the Eel River area, factors within the reasonably foreseeable future, and identifies project-related cumulative impacts and associated mitigated measures.

Cumulative impacts of the fee-to-trust action and the potential development of the store, office, maintenance, and campgrounds building on the property will be considered.

4.3.1 Land Resources

The future construction of the store, offices, maintenance buildings and campgrounds would be within the growth projections of the Mendocino County General Plan, *thus no incremental or significant cumulative impacts to land resources are expected from implementation of the Proposed Action or No Action Alternative.*

4.3.2 Water Resources

The PVT would require best management practices (BMPs) to be utilized during construction. If campgrounds were to be constructed the water use would not significantly impact the supply. This insures protection of nearby water bodies from sediment and pollution from construction and operation of the project. *Thus, potential post-development impact from the proposed action would be negligible. No significant cumulative impacts to water supply or quality are anticipated. Institution of water saving measures and construction of storage infrastructure would reduce this to less than significant.*

Impacts to nearby water quality could be affected by campground development; additional bathrooms and potentially showers would require upgraded wastewater facilities. *Site specific design of wastewater facilities would be required to reduce this impact to less than significant.*

4.3.3 Air Quality

The MCAQMD does not have established thresholds for cumulative significance of air pollutant emissions. There are currently no published thresholds of significance established by any state regional regulatory agency for measuring the impact of climate change on or from a project. However, the significance of cumulative air quality emissions typically is determined by whether project-level air emissions exceed established thresholds. As discussed previously, project-level emissions would not exceed the comparative State thresholds. Moreover, given the overall good air-quality conditions of the North Coast air basin, and since the Proposed Action and No Action Alternatives are within the growth projections of the Mendocino County General Plan, *air emissions would not represent cumulatively significant increase in air pollutants that would cause the air basin to reach nonattainment for criteria pollutants for which it is currently in attainment. There is potential for a small reductions in trips to town for supplies that may be realized from the Proposed Project.*

4.3.4 Biological Resources

Cumulative impacts to the biosphere occur incrementally through destruction and degradation of habitat. The building project footprint has been graded and used for industrial purposes for 75 years; some adjacent portions (riparian areas) are in the process of being restored to natural habitat. The development on the site would not be expected to contribute incrementally or significantly to the loss of natural habitat. There could be a measurable enhancement to biological resources from the increased management provided by the PVT should the Proposed Project go through. *No significant cumulative impacts to biological resources are expected.*

4.3.5 Cultural Resources

If the recommendations from the cultural resource studies are followed, n*o significant cumulative impacts to cultural resources are expected.*

4.3.6 Socioeconomic Conditions/Environmental Justice

The cumulative socioeconomic impacts resulting from the proposed action is expected to be beneficial to the Tribe, to other local tribes, and to the general public. The proposed action would expand the Tribe's reservation land base, foster the Tribe's goal of self-determination, enhance self-governance and tribal sovereignty, and be a step towards achieving its economic development goals. The Tribe could exercise Tribal jurisdiction over adjacent, newly acquired lands, which would be an improvement *Cumulative impacts to local socioeconomic conditions and environmental justice are expected to be beneficial.*

4.3.7 Traffic, Sound, and Noise

Future development resulting from the Proposed Project could potentially generate more traffic and noise in the form of vehicles traveling to and from the store and offices. This is considered well within the growth projections for the area, thus *is considered to be less than significant.*

4.3.8 Land Use

The future construction of the store would not produce cumulative impacts on land use; people building residences in the area only because it has a store is unlikely. Parcels in the area are restricted by zoning, this project would not change this. Visitations to the area as more recreation is developed (i.e. campgrounds) would be considered a positive impact. The growth would be within the projections of the Mendocino County General Plan which encourages appropriate development. *Thus, implementation of the Proposed Action would have no cumulative adverse impact on land use.*

4.3.9 Public Services

The construction of the store, office, and maintenance building would not produce cumulative impacts on public services; the growth would be within the projections of the Mendocino County General Plan. It is unlikely that the Proposed Action would induce excessive secondary development that would exceed the carrying capacity of existing public services. There would be slight increases in the need for various public services. There would also be a significant contribution by the PVT to fire safety and solid waste reduction in the area by their increased presence and improved facilities. *Thus, implementation of the Proposed Action would have no cumulative adverse impact on public services.*

4.3.10 Hazardous Materials

There are no known currently on the properties. The store, office, and maintenance building would have available and store some hazardous materials on the site. All facilities would be incorporated into their Emergency Management Plan. The TEO, which has a good relationship with the Mendocino County Environmental Health and HazMobile personnel, would provide regular inspections and reports to the Tribal Council to insure proper storage and BMPs are followed There could be a significant improvement in hazardous waste reporting and management on adjacent properties by the new facilities and presence. *Implementation of the Proposed Action should not contribute cumulatively or otherwise significantly to any hazardous material impact.*

4.3.11 Visual Resources

The future construction of the store, office, and maintenance building would not produce cumulative impacts on visual resources; the natural limitation buildable land space at the property keeps development at the density of the nearby communities. the proposed development

would not block views of the nearby mountains, and lighting would be provided to minimalize impacts. *The cumulative impact upon visual resources should be neutral.*

4.3.12 Climate Change Issues

Rainfall amounts could increase or decrease with future climate change. With increases, there could be more flooding, however, *the cumulative impacts from flooding from* the store, office, and maintenance building *would not be significant; there still would be 10± acres of pervious land on the site.* Since this a high rainfall area, local aquifer could probably sustain a 50% drop in annual rainfall without impacting domestic well capacity. There are other water agencies depending on the Eel River diversions for water. Although cutbacks in agricultural water supply from the Eel-Russian River watersheds would be anticipated to impact agriculture in the valley, the site has an abundance of groundwater By using rainwater harvesting, saving, and re-use technologies presently available this site would have plenty of water under worst case scenarios. *The cumulative impacts from water use for the store, offices, and maintenance buildings would not be significant with the implementation of mitigation measures.*

The proposed development is within the growth projections of local general plans. *Even with the future construction of* the store, offices, and maintenance buildings *this is a less than significant impact.* There is a potential increase in carbon sequestration from the maintenance of the nearby forested lands and sale of carbon credits.

4.3.13 Resource Use Patterns

There are gathering, hunting and fishing opportunities available nearby; many are on private property. With the potential for increased federal programs for resource protection and enhancement, and the acquisition of land on the Eel River, there could be increased opportunities for hunting, fishing, and gathering as a result of the Proposed Project. *There is the potential for positive impacts on the resource use patterns of the Potter Valley Tribe, other local tribes, and the local communities from increased recreation opportunities.*

5 MITIGATION MEASURES:

This section of the EA analyzes the effects of the Preferred Alternative, the conveyance of 14.7 acres of property from “fee” to “federal trust” status and the potential development of the store, office, and maintenance building on the property.

NEPA regulations require that mitigation measures be developed for all effects of a proposed action where it is feasible to do so. Correspondingly, the identification of mitigation measures is discussed in the BIA NEPA Handbook (Part 6) and in the DOI NEPA Manual (Part 516 DM 4), and in HUD Regulations (24 CFR Part 58).

In this section mitigation measures have been identified to the extent feasible and appropriate to address specific potential effects. In addition to mitigation measures, best management practices (BMPs) are presented. BMPs are not mitigation measures but are instead management prescriptions that are employed to minimize impacts. There is an extensive list of sources of BMPs in the References section. These are intended to reduce impacts to less than significant.

For the purposes of this analysis, both direct and indirect impacts were reviewed. Direct effects are those are caused by the proposed action and occur at the same time and place. Indirect

effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

A common recommendation is that for the best protection of the PVT and the environment, all mitigation measures should be incorporated into the construction contracts in the future. Under the Preferred Alternative, the PVT would be the Responsible Entity for construction.

5.1 Land Resources

Mendocino County's General Plan has a Seismic Safety and Safety Element that requires the inventory of natural hazard areas of the county, and identifies policies and programs to mitigate the hazards. The properties are located in an area that would be subject to ground shaking from earthquakes. Because the county is implementing all possible policies and programs to mitigate natural hazards, and because earthquakes occur infrequently in the county, the earthquake hazard is considered an acceptable risk. The county has adopted the Uniform Building Code, and enforces the grading provisions therein, which utilizes the most current seismic design criteria for new residential and public buildings. *Construction in accordance with the seismic requirements of the California Uniform Building Code and an engineering study would reduce potential seismic impacts to a less than significant level.*

5.2 Water Resources

If the construction footprint is larger than one acre in area, such construction is regulated by the Clean Water Act under the National Pollution Discharge Elimination System. The proposed building envelope is less than ¾ acre. Construction Best Management Practices are in the References section (Caltrans, 2021). *During the planning phase, and prior to construction, implementation of these BMPs would reduce potential construction-related impacts to water quality to a less than significant level.*

Wastewater

Design and installation of an onsite wastewater system with an accompanying graywater system would reduce hydraulic load on the site and provide for savings in freshwater use; see References for BMPs.

5.3 Air Quality

The following BMPs would reduce impacts to less than significant: All construction equipment should have air pollution control devices. Heating and cooling for buildings should be from either clean emission propane or no emission electrical HVAC. Construction contracts should include dust BMPs such as regular watering to reduce off-site dust emissions; see BMPs for Hazardous Waste, Air Emissions from Construction in References (Appendix I).

5.4 Biological Resources

Construction activity shall be limited to the upper portion of the property only, and not disturb the riparian areas onsite. A map should be prepared, and included in the construction contracts, showing 50-foot setbacks from riparian areas, where no construction should occur. This would reduce impacts to less than significant.

5.5 Cultural Resources

Ground disturbing activities in Mendocino County always have the potential to uncover

previously unidentified cultural resources - a potentially significant impact. Any inadvertent discovery of any historic properties in future project implementation is subject to the requirements of 36 CFR 800.13 (post-review discoveries). Any such discovery will require the immediate cessation of all construction activities, and inspection by a qualified archaeologist or cultural resource specialist. Appropriate mitigation, as recommended by the archaeologist, shall be implemented. Cultural resource materials discovered would belong to the Potter Valley Tribe, as property owners. Before ground disturbing activities or construction begins avoidance of the sites should be incorporated into the design. Otherwise, a Phase 2 study should be conducted to determine the exact boundaries of the site in comparison with the construction footprint(s).

Pursuant to Native American Graves Protection and Repatriation Act of 1990, if skeletal remains or bones of unknown origin are found during construction, all work will stop in the vicinity of the find and the County Coroner will be contacted immediately. If the remains are determined to be Native American, the coroner and the Potter Valley Tribe should notify the local PVT (i.e. Redwood Valley Rancheria, Round Valley Indian Tribes,) together they will then determine and notify the person that is the most likely descendant. The most likely descendant will work with the PVT or contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work will take place within the immediate vicinity of the find until the identified appropriate actions have been implemented. *Implementation of these mitigation measures would reduce ground-disturbing impacts to a less than significant level on cultural resources.*

5.6 Socioeconomic Conditions and Environmental Justice
No mitigation measures are required for the Proposed Action.

5.7 Transportation, Circulation and Noise

Traffic
An additional entrance and construction of the existing and new entrance/exits to conform with State of California and County of Mendocino standards for emergency access should be part of the initial design. *Implementation of this mitigation measure would reduce traffic impacts to a less than significant level.*

Noise
Reduction of noise during construction projects is addressed through best management practices and contractual stipulations. During construction, these should be implemented to protect nearby residents during the temporary period of construction. *By following the county ordinance (MC Code, 1998), which includes stipulated hours of operation, noise suppression on machinery, and restrictions on type of equipment used, this would be a less than significant impact.*

5.8 Land Use
No mitigation measures are required for the Proposed Action.

5.9 Public Services
As a Best Management Practice a video security system should be installed to assist with monitoring the property and law enforcement.

5.10 Hazardous Materials

The PVT and its contractor should follow BMPs developed by the State of California (CalTrans, 2021; see References) for the reduction and management of any hazardous materials during construction. These should be incorporated into contracts. The Potter Valley Tribal Environmental Office should monitor the construction project, and operation of the facilities periodically. The TEO reports to the Tribal Council to ensure that tribal workers and nearby residents are not impacted by the project and the PVT is protected from liability.

Implementation of California State best management practices would reduce potential impacts of accidental release of hazardous materials during project construction and future operations to a less than significant level.

5.11 Visual Resources

No mitigation measures are required for the Proposed Action. Implementtion of best management practices would reduce impacts to less than significant. Buildings should be designed to asetically fit in with the environment. Parking and security lights should be designed and installed to minimize light emission from the site.

5.12 Climate Change Issues

No mitigation measures are required for the Proposed Action.

5.13 Resource Use Patterns

No mitigation measures are required for the Proposed Action.

6. ORGANIZATIONS AND AGENCIES CONTACTED REGARDING THIS PROJECT:

Bureau of Indian Affairs, Central California Agency and Pacific Region Office

County of Mendocino

Potter Valley Tribe

US Fish & Wildlife Service – Eureka Office.

7. LIST OF PREPARERS

Principal writer & biologist:

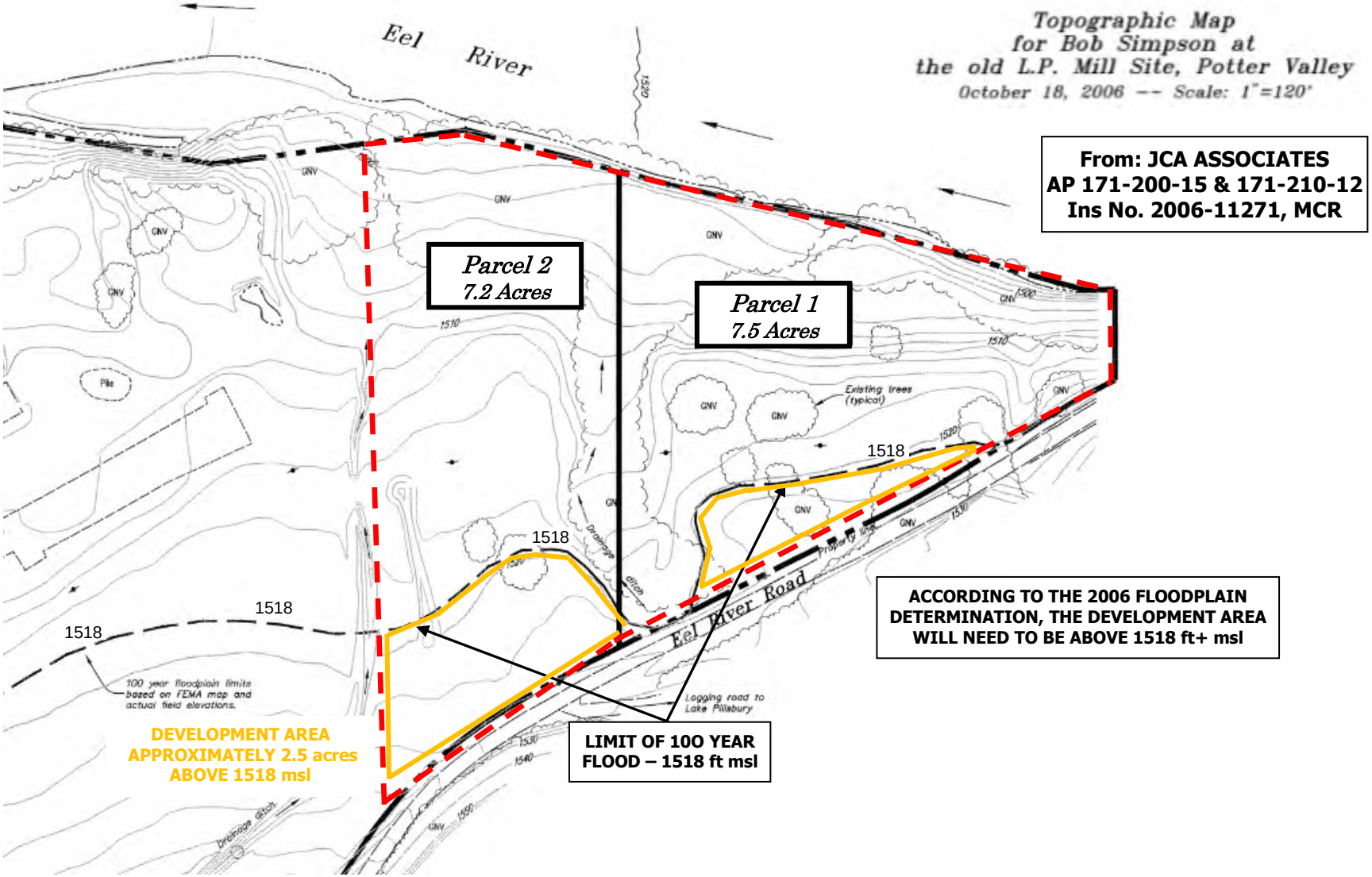
Dennis Dudzik, MS
PO Box 15
Yorkville, CA 95494

Technical writer & biologist:

Gregg Young, MA
PO Box 246
Talmage, CA 95481

Complete resumés are in the Appendix; see DD resumé and GY resumé, Tribal

100-YEAR FLOOD MAP – EEL RIVER 14 PARCEL



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Arcata Fish And Wildlife Office
1655 Heindon Road
Arcata, CA 95521-4573
Phone: (707) 822-7201 Fax: (707) 822-8411

In Reply Refer To: February 17, 2022
Project Code: 2022-0009642
Project Name: POTTER VALLEY TRIBE ER14 FEE TO TRUST 2021

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/birds/policies-and-regulations.php.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- Wetlands

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Arcata Fish And Wildlife Office
1655 Heindon Road
Arcata, CA 95521-4573
(707) 822-7201

Project Summary

Project Code: 2022-0009642
Event Code: None
Project Name: POTTER VALLEY TRIBE ER14 FEE TO TRUST 2021
Project Type: Commercial Development
Project Description: Fee to trust application for eventual development of a camp store, office, and parking area
Project Location:

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@39.3808844,-123.10156544748602,14z

Counties: Mendocino County, California

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

NAME	STATUS
Northern Spotted Owl *Strix occidentalis caurina* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/1123	Threatened
Western Snowy Plover *Charadrius nivosus nivosus* Population: Pacific Coast population DPS-U.S.A. (CA, OR, WA), Mexico (within 50 miles of Pacific coast) There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/8035	Threatened
Yellow-billed Cuckoo *Coccyzus americanus* Population: Western U.S. DPS There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/3911	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog *Rana draytonii* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/2891	Threatened

Insects

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Burke's Goldfields *Lasthenia burkei* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4338	Endangered
Contra Costa Goldfields *Lasthenia conjugens* There is **final** critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/7058	Endangered
Showy Indian Clover *Trifolium amoenum* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6459	Endangered

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Sep 30
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31

NAME	BREEDING SEASON
Oak Titmouse *Baeolophus inornatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656	Breeds Mar 15 to Jul 15
Olive-sided Flycatcher *Contopus cooperi* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Rufous Hummingbird *selasphorus rufus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002	Breeds Apr 15 to Jul 15
Wrentit *Chamaea fasciata* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 10

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12

(0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

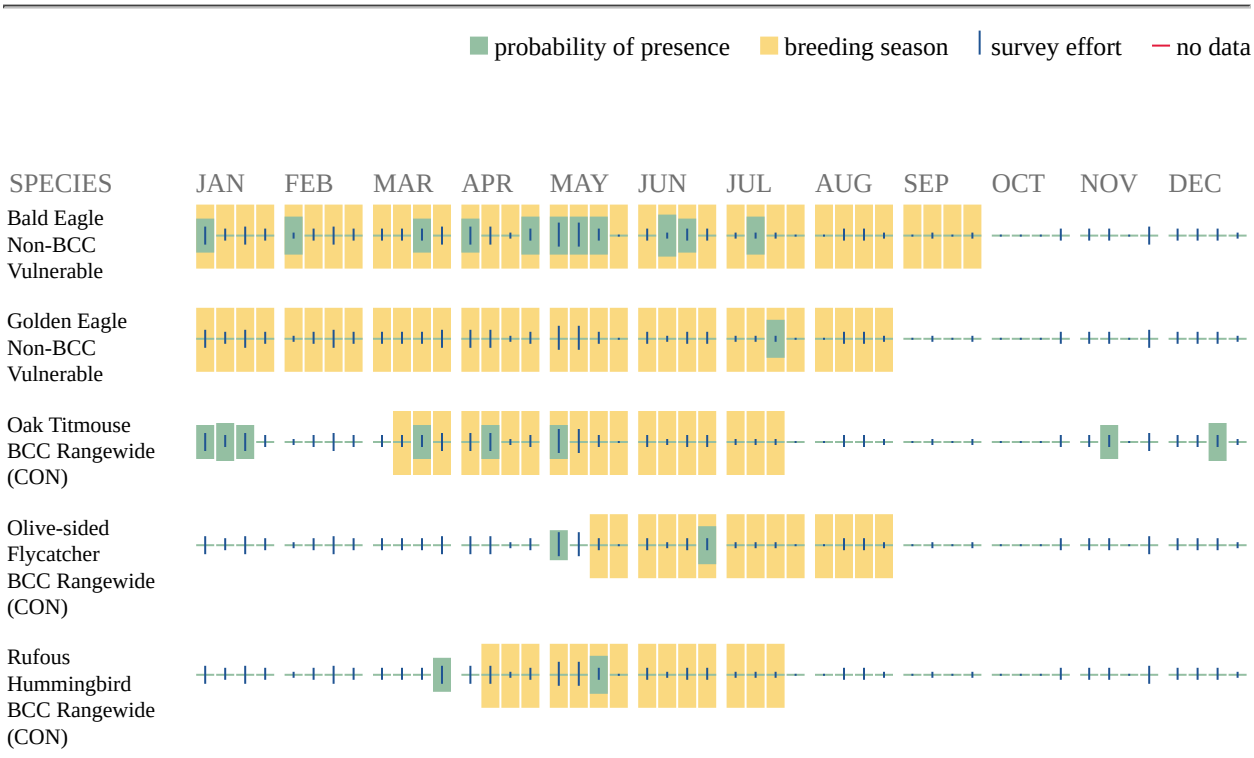
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

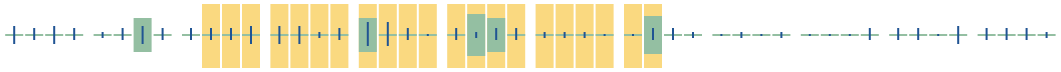
Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Wrentit
BCC Rangewide
(CON)



Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?
To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?
Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?
If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

LAKE

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IPaC User Contact Information

Name: Gregg Young
Address: 2251 S State St
City: Ukiah
State: CA
Zip: 95482
Email gregg-young@comcast.net
Phone: 7074621213