



City of Willits GENERAL PLAN LAND USE ELEMENT UPDATE

Final Programmatic Environmental Impact Report

SCH No. 2023030321

Prepared for:

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List of Acronyms

AB	Assembly Bill
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
City	City of Willits
Draft EIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
Final EIR	Final Environmental Impact Report
FMMP	Farmland Mapping and Monitoring Program
GHG	Greenhouse Gas
MMRP	Mitigation Monitoring and Reporting Program
NCUAQMD	North Coast Unified Air Quality Management District
NOP	Notice of Preparation
NRCS	National Resource Conservation Service
OPR	California Governor's Office of Planning and Research
PG&E	Pacific Gas and Electric Company
PM	Particulate Matter
PRC	Public Resources Code
ROG	Reactive Organic Gases
SB	Senate Bill
TAC	Toxic Air Contaminant
VMT	Vehicle Miles Traveled

1. INTRODUCTION

1.1 PURPOSE OF THE FINAL ENVIRONMENTAL IMPACT REPORT

This Final Environmental Impact Report (Final EIR) for the City of Willits Land Use Element Update (Land Use Element Update; Project) consists of the Draft Programmatic Environmental Impact Report (Draft EIR), comments received on the Draft EIR, the responses to comments, revisions to the Draft EIR, and a Mitigation, Monitoring and Reporting Program. To certify the Final EIR, the City Council must find that:

- The Final EIR has been completed in compliance with CEQA;
- The Final EIR was presented to the decision-making body of the Lead Agency and the decision-making body reviewed and considered the information contained in the Final EIR prior to approval of a project;
- The Final EIR reflects the Lead Agency's independent judgment and analysis (CEQA Guidelines Section 15090);
- The findings of the EIR are consistent with Section 15091 of the CEQA Guidelines, findings are supported by substantial evidence, the Final EIR includes a Mitigation, Monitoring, and Reporting Program, and a Statement of Overriding Considerations has been made for each significant effect pursuant to Section 15093 of the CEQA Guidelines;
- When a Final EIR identifies one or more significant effects, the Lead Agency and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project;
- Approval of the EIR is consistent with Section 15092 of the CEQA Guidelines.

1.2 ENVIRONMENTAL REVIEW PROCESS

CEQA requires lead agencies to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This FEIR has been prepared to respond to the written comments received on the Draft EIR.

The Notice of Preparation (NOP) was published on March 10, 2023, by the Office of Planning and Research (State Clearing House #2023030321). CEQA Guidelines Section 15082 (b) requires a 30-day response period for input on the scope and content of the EIR. The NOP review period ended on April 10, 2023. Sections 1.1 Project Background and Purpose summarizes the public scoping process.

The Draft EIR was made available for public review on July 25, 2024. The review period lasted over 45 days and ended at 5:00 pm on September 13, 2024. The document was made available for review at City of Willits Community Development department at 111 E. Commercial Street, Willits, CA and online at: <https://willitslanduseupdate.com/>. The Draft EIR was uploaded to the State Clearinghouse on July 25, 2024, and available for download at <https://ceqanet.opr.ca.gov/Project/2023030321>, and was distributed to local, state, and federal responsible and trustee agencies and tribal governments. The general public was advised of the Draft EIR through a Notice of Availability posted at the County Clerk as required by law, and through a posting in a local newspaper, the Willits Weekly, on August 1, 2024. The Notice of Availability of the Draft EIR was also sent to the listserv of parties who signed up for project updates on the City of Willits Land Use Element Update project webpage (103 recipients) as well

as emails to Tribal organizations, trustee agencies, responsible agencies, service providers, area schools, and regional planning agencies. A public hearing before the City Council was held on September 11, 2024, where public input on the Draft EIR was received.

This Final EIR will be provided to the City Council for review and consideration on certification of the EIR as a full disclosure of potential impacts, mitigation measures and alternatives. The Final EIR will be sent to the public agencies who commented on the Draft EIR at least 10 days prior to certification of the EIR per CEQA Guidelines Section 15088.

If the Project is approved, recommended mitigation measures will be adopted and implemented as specified in the City Council's resolution and an accompanying Mitigation Monitoring and Reporting Program (MMRP). The additions made in this Final EIR do not constitute "significant new information" requiring recirculation pursuant to Public Resources Code section 21092.1 and CEQA Guidelines Section 15088.5. The Final EIR merely clarifies, amplifies, and makes insignificant modifications to an adequate EIR, per CEQA Guidelines Section 15088.5(b).

1.3 DOCUMENT ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following chapters:

- Chapter 1 – Introduction. This chapter discusses the use and organization of this Final EIR and the environmental review process.
- Chapter 2 – Comments and Responses. This chapter includes a list of persons, organizations, and public agencies who commented on the DEIR, reproductions of the letters received from the public on the DEIR, and responses of the Lead Agency to those comments.
- Chapter 3 – Comments Received Following the Close of Public Circulation. This chapter states that no comments were received by the City of Willits following the close of public circulation.
- Chapter 4 – Errata. This chapter includes text modifications to the Draft EIR. Proposed text additions are signified with underlined bold text (example), and stricken text is signified with strike through (example).
- Chapter 5 – A table containing the procedures to monitor and report take place through implementation of a Mitigation Monitoring and Reporting Program Mitigation Monitoring and Reporting. This chapter lists the .
- Chapter 6 – List of Preparers. This chapter includes the list of individuals who contributed to this document.

2. COMMENTS AND RESPONSES

This chapter includes responses to comments received during the comment period. Included are copies of the written comments received by the City of Willits through September 13, 2024.

When changes to the Draft EIR are necessitated, the change is indicated by indented text. Text that has been added to the Draft EIR is indicated in underline font, while text that has been deleted is indicated with ~~striketrough~~ font. Where a change to the Draft EIR revises text that appears in multiple chapters of the Draft EIR, it can be assumed that the revision is changed in all locations. For example, if a mitigation measure has been revised, and that mitigation measure is referenced in additional chapters other than the chapter in which it was modified herein, it can be assumed to be changed in all chapters including the Executive Summary which contains a summary table of all mitigation measures. Revisions herein typically reference the primary location of the text.

2.1 COMMENTS RECEIVED DURING CIRCULATION

During the public comment circulation period for the Draft EIR, the City of Willits received eight comment letters/emails, which included numerous comments on the Draft EIR. A list of the comments received via letters and comments received at a public hearing is shown below in Table 1 (either by agency/organization or name of the individual).

Table 1: Draft EIR Comments Received by Agency or Name

LETTER	LAST NAME OR AGENCY	FIRST NAME	LETTER DATE	PGS.	CMT#
1	North Coast Regional Water Quality Control Board		8/26/2024	1	1
2	Brooktrails Township Community Services District		9/3/2024	7	7
3	Wilson	Veronica	9/5/2024	1	2
4	Sherwood Valley Band of Pomo Indians		9/11/2024 & 10/3/2024	6	9
5	Mendocino LAFCo		9/12/2024	1	1
6	Willits Environmental Center		9/12/2024	5	9
7	Ford	Ruth	9/13/2024	1	2
8	Mendocino County Farm Bureau		9/13/2024	2	4

2.2 PUBLIC COMMENTS RECEIVED DURING CIRCULATION

LETTER 1 - NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD

Comment received via email

Hi Dusty, we reviewed the CEQA documents for the General Plan Land Use Element Update and saw that within many of the areas zoned for a change in land use from a less sensitive use (i.e. commercial) to and more sensitive use (mixed use) there exists contaminated sites that are within our regulatory oversight program that would need significant mitigations and testing were they to be developed for any residential use. I would like to ensure that if you move forward with this that there are policies or guidelines in place to make sure that housing is not inadvertently built on top of contaminated sites which could have a significant impact on the occupants health. Would you be able to meet with Kelsey and I to discuss this? Thank you.

Comment
1-1

Best,

Heidi

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Site Cleanups Unit Supervisor
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LETTER 1 – RESPONSE TO COMMENTS**Response to Comment 1-1**

The comment letter states that there are many “contaminated sites” within the North Coast Regional Water Quality Control Board regulatory oversight program where the land use is proposed to be changed from a less sensitive use to a more sensitive use that would need “significant mitigations and testing” if they are to be developed for any residential use and that there should be “policies or guidelines” in place to make sure that housing is not inadvertently built on top of contaminated sites which could have a significant impact on the occupants health.

This comment documents established agency procedures and does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Draft EIR Section 3.9 Hazards and Hazardous Materials, Environmental Setting, under the heading Cortese List, on page 3.9-2 lists ten locations with a Willits address that are listed in the EnviroStor database (listed in Table 3.9a: DTSC EnviroStor Sites with a Willits Address) and further states that the EnviroStor database “provides information on hazardous waste facilities (both permitted and corrective action) as well as available site cleanup information. This site cleanup information includes: Federal Superfund Sites on the National Priority List (NPL), State Response Sites, Voluntary Cleanup Sites, School Cleanup Sites, Corrective Action Sites, Tiered Permit Sites, and Evaluation / Investigation Sites. The hazardous waste facilities include Permitted–Operating, Post- Closure Permitted, and Historical Non-Operating.”

Section 3.9 Hazards and Hazardous Materials further lists 55 locations in Table 3.9b: GeoTracker LUST Sites with a Willits Address with a Willits address that are listed in the GeoTracker database for Leaking Underground Storage Tanks as “Completed – Case Closed” or “Open - Site Assessment”; 11 locations with a Willits address that have Permitted Underground Storage Tanks in Table 3.9c: Permitted UST Sites with a Willits Address; and 18 locations with a Willits address that are listed in the GeoTracker database, which are either “Completed – Case Closed,” “Open – Inactive,” “Open – Remediation,” “Open – Assessment & Interim Remedial Action,” or “Open – Site Assessment.” Some sites are located within the Planning Area but outside of the City of Willits and the Proposed Sphere of Influence and some sites are on multiple lists.

Draft EIR Impact HAZ-04 on page 3.9-21 analyzed the potential for a development project to be located on a hazardous materials site and to create a significant hazard to the public or the environment. This analysis concluded that the Land Use Element Update “does not propose specific development projects”, but could “create a hazard to the public or the environment through a disturbance or release of contaminated materials if the development occurs on or adjacent to contaminated sites without appropriate measures to contain or mitigate the existing contamination”, but that “(f)ederal and state regulations ensure that existing hazards, including those associated with known hazardous materials sites, are addressed prior to development. Compliance with federal and state regulations would ensure that potential impacts associated with the hazardous conditions on sites listed pursuant to Government Code Section 65962.5 Cortese List would be less than significant.”

State law (Government Code Section 65962.5) requires that the state annually provide a consolidated list of hazardous waste sites to each City and that the list be consulted by applicant in applications for development projects and by the City. Various other components of California Planning and Zoning law, including the Housing Accountability Act and the Housing Crisis Act of

2019, and CEQA, direct applicants for development projects that include housing to disclose, and for the City to identify, whether the project site is within a hazardous waste site.

The following list identifies sites either from the GeoTracker sites list or EnviroStor sites list above that are within the City of Willits and where there is a proposed change in the Land Use Designation shown on the Draft Land Use Element Update Land Use Map.

APN	Site Name	Existing Use of Land*	State List & Information	Proposed General Plan Land Use Change
005-211-16	Whitney Property	Single Family Residential	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to General Mixed-Use
005-147-06	Noyo Theater	Recreational	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Downtown Mixed-Use
006-044-21	Willits Automotive	Service Stations	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Downtown Mixed-Use
005-216-43	SBC Facility Willits	Utilities	GeoTracker LUST Sites Completed ? Case Closed	Industrial-General to Public Service
007-120-03	Blaze Chevrolet-Pontiac	Single Family Residential	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Residential-Medium Density
007-130-06 (portion)	Berglund, Inc.	Service Shops	Envirostor GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Residential-Medium Density
005-150-61	Chevron #9-6188	Vacant Commercial	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Downtown Mixed-Use
005-150-06	Redwood Oil, Willits	Service Stations	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Downtown Mixed-Use
005-141-01	Willits Service Station (Former)	Light Manufacturing	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Downtown Mixed-Use
005-146-21	Alliance Self Service	Church	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Downtown Mixed-Use
006-075-37	Villanova, Remo	Retail Store	GeoTracker LUST Sites Completed ? Case Closed	Commercial-General to Downtown Mixed-Use
006-170-35 (portion)	Abex	Heavy Manufacturing	Envirostor	Residential-Low Density to Industrial-General

* Existing use of land is based on the Mendocino County Assessor's Use Code for the Assessor's Parcel.

As stated in Impact HAZ-04 the Land Use Element does not include any specific development projects. The table above indicates that ten sites that contained leaking underground storage tanks for which the state GeoTracker website indicates that the associated cleanup case has been closed are proposed to be changed from a commercial land use designation to a mixed use or residential land use designation. It should be noted that two of these land use change sites

currently contain residential uses and the Willits Housing Element allows residential uses above ground floor commercial uses.

The cleanup of contaminated sites consistent with state law, especially leaky underground storage tanks, is a normal part of land use development. The analysis in Draft EIR Impact HAZ-04 concludes that the implementation of state and federal laws ensures that existing hazards, including those associated with known hazardous materials sites, are addressed prior to new development that could occur under the Land Use Element Update, and that compliance with such laws would ensure that potential impacts associated with the hazardous conditions on sites listed pursuant to Government Code Section 65962.5 are less than significant. State law directs that housing development projects on hazardous materials sites be disclosed as part of the application process and the conclusion in this impact topic states that compliance with federal and state regulations would ensure that potential impacts associated with the hazardous conditions on sites listed pursuant to Government Code Section 65962.5.

The review of Section 3.9 Hazards and Hazardous Materials Regulatory Setting as part of this Final EIR indicates that it does not fully enumerate the obligations of applicants for development within sites on the Cortese List or requirements of the City. In addition, in conflict with the 3.9 Hazards and Hazardous Materials Environmental Setting (described above) and the analysis in Draft EIR Impact HAZ-04, the Regulatory Setting states that there “are no hazardous materials release sites located in the Planning Area listed on the Cortese List (DTSC 2023).” This is clearly an error in the Draft EIR. However, given that the Environmental Setting clearly enumerates the Cortese List sites within the City and evaluates these sites in Draft EIR Impact HAZ-04, this error does not affect the adequacy of the Draft EIR.

The following modifications to the EIR will be made with newly proposed text underlined and bolded with single strikethrough, and unchanged text remaining in normal font and included in Final EIR Section 4, Errata, and further address these comments. Section 3.9, Hazards and Hazardous Materials, State, under the heading Cortese List,” on page 3.9-13 shall be revised in the following manner to clarify the responsibilities of future applicants for development and the City:

Cortese List

California Government Code Section 65962.5 established the (Cortese) List, which requires state agencies to compile a list of all properties affected by hazardous waste and develop a framework for how they will continue to be monitored and addressed by the state. A site’s presence on the list has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA). The DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. ~~There are no hazardous materials release sites located in the Planning Area listed on the Cortese List (DTSC 2023).~~

California Government Code Section 65962.5(e) requires that the Secretary for Environmental Protection “distribute (the Cortese List) in a timely fashion to each city and county in which sites on the lists are located.” Section 65962.5(f) requires that an applicant for any development project “consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is

included” on the Cortese List, and if the site is within a site on the Cortese List not specified by the applicant “the lead agency shall notify the applicant” thereof.

The comment does not state that the conclusions in Draft EIR Impact HAZ-04 are incorrect, rather the comment recommends that there should be additional “policies or guidelines” in place if the City is to move forward with the Land Use Element Update. In response to this request and to provide greater transparency, strengthen local procedures and further ensure that the health and safety of the public is protected, City staff has informed the EIR preparers that a new implementation measure is recommended to be added to the “General Plan Implementation and Maintenance” implementation program group under Goal LU-9 of the Land Use Element relating to General Plan Implementation and maintenance:

“LU-9D List of Hazardous Waste Sites

City staff shall maintain a listing of state or County of Mendocino regulated hazardous waste sites that are on the Cortese Listing, including Envirostor and Geotracker, that is provided by the state of California in a manner that is readily available to applicants for development projects and the public. The City shall consult this list during the review discretionary and ministerial projects, and consistent with state law, require that applicants for development disclose, as part of their applications, whether the project site is within a hazardous waste site. Appropriate mitigations or site cleanup and closure, under permit and approval of the applicable agency, must occur prior to approval of a development permit to ensure that a project site within a hazardous waste site will not result in an adverse human health or environmental effect.”

LETTER 2 - BROOKTRAILS TOWNSHIP COMMUNITY SERVICES DISTRICT

Comment received via mail

September 3, 2024

City of Willits
Community Development Director
Mr. Dusty Duley
111 Commercial Street
Willits, CA 95490



**BROOKTRAILS
TOWNSHIP**
COMMUNITY SERVICES DISTRICT
24860 Birch Street
Willits, CA 95490
707-459-2494

Re: City of Willits General Plan Land Use Element Draft Environmental Impact Report

Dear Dusty:

The City of Willits General Plan Land Use Element Update Draft Environmental Impact Report (Draft EIR/DEIR) has been reviewed by our staff. After over thirty years since the last Land Use Element was adopted, we are grateful that the City is taking this opportunity to update the document. The City's consultant, PlanWest has provided a reasonably comprehensive DEIR to identify and address significant impacts that could be caused by future land use policies of the City Council. Finally, the Draft EIR indicates that the City of Willits is moving forward productively toward some growth, both in population and land area.

Most of the comments from Brooktrails will be on Section 3.18 Utilities and Service Systems. There is significant information in the DEIR regarding the wastewater treatment plant, its flows, current and future capacity, and impacts from additional population growth in the City, but its source prompts concern. There is missing and inadequate information about Brooktrails' use and wastewater flow contributions to the treatment plant, which considerably impacts the conclusions provided in the report.

Therefore, our review of the wastewater flows and treatment plant information provided in the DEIR has elicited questions and comments that are being provided for inclusion in the upcoming Public Hearing process. These comments should be considered and addressed in the DEIR before adopting policies and approving additional population growth that could impact available capacity of the City's wastewater treatment plant.

1. Source of Wastewater Flow Data

The City and its consultants have chosen to use the information in the Local Agency Formation Commission (LAFCo) 2019 Municipal Service Review (MSR) as its wastewater flow data. This five-year old planning document is a good source for basing much of the information needed to update this Land Use Element. However, the MSR should not be used for wastewater flow data when that data is being considered as justification for making findings that there is available capacity in the City's wastewater treatment plant to accommodate growth.

Comment
2-1

Comment
2-2

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The City provides a monthly wastewater flow log from four flow meters at the wastewater treatment plant, of which three are measuring City flows and one Brooktrails flow. Brooktrails staff has been receiving and logging the monthly wastewater flow information into a spreadsheet since 2019. With the exception of City flow data from the month of August 2019 and December 8th- 31st, 2019, complete monthly data is compiled for every month since January 2019. This information should be used for calculating and making conclusions based on wastewater flows in the Land Use Element Draft EIR document instead of the LAFCo MSR data used in the current draft.

Using the actual flow data will allow the City to effectively plan for population growth. If the anticipated growth exceeds the wastewater treatment plant capacity, new development will need to contribute to expansion of the wastewater treatment plant facility. This DEIR should accurately reflect whether or not the wastewater treatment plant needs to be expanded and the flow data from City wastewater treatment plant meters is the most accurate resource for that information.

If City staff has not compiled the last five years of monthly wastewater meter flow data into a usable format like Brooktrails' spreadsheet, our staff would be happy to work with you to share and use that information. The volumetric information included in the attachment to this comment letter came directly from the City's recorded data. Since the volumes themselves came from City records, City staff can have confidence in the information in our spreadsheet. The monthly wastewater meter flow reports have also been saved; however, it may be easier for City staff to contact Trimble directly if there are missing reports in the City's records, rather than Brooktrails providing the monthly reports. Either way, our staff is willing to participate in the data analysis if needed.

2. Wastewater Treatment Plant Capacity and Recorded Flow Volumes

The Draft EIR identifies the capacity of the City wastewater treatment plant at 7.0MGD. The State Water Resources Control Board NPDES Permit and DEIR both identify a maximum average monthly flow that cannot exceed 4.0MGD. Since no exceedances appear throughout 2021 and 2022, it is supportable to use these two years for analysis purposes.

As referred to under the last item, the City provides a monthly wastewater volume log from four flow meters at the wastewater treatment plant. When that data is analyzed over the last five years, accurate flow information can be used for capacity planning. Conclusions in the DEIR reflect Brooktrails contributing its contractual volume of 0.49 MGD, or 30% of the total flow. However, the actual flow contribution from Brooktrails averaged 0.39 MGD in 2021 and 0.32 MGD in 2022, or 21% of the total recorded flow.

A settlement agreement between the City of Willits and Brooktrails does allocate a total volume of flows to the wastewater treatment plant to each party. However, the settlement agreement is a threshold of volumetric use and not actual wastewater flows. Using the same parameters as identified in the DEIR, and only including 2021 and 2022 data and their accordant averages, the following information is provided in the attached table to reflect recorded flows provided through the City's Telog system administered by Trimble:

Comment 2-3

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- Brooktrails total percentage of flow annual in 2021 and 2022
- City of Willits total percentage of flow annual in 2021 and 2022
- Brooktrails total percentage of flow by month in 2021 and 2022
- City of Willits total percentage of flow by month in 2021 and 2022
- Brooktrails average daily flow by month in 2021 and 2022
- City of Willits average daily flow by month in 2021 and 2022
- Brooktrails average dry weather flow in 2021 and 2022 (June 1-September 30)
- City of Willits average dry weather flow in 2021 and 2022(June 1-September 30)

Brooktrails can also support the City and PlanWest using just the last two years of total recorded wastewater flow data, as it is generally similar going back to 2019, when the LAFCo MSR was adopted. Therefore, we are only including those years of data in the attached table. However, if the City and PlanWest decide that they would like to include additional back years of data, our staff is happy to assist in compiling that information.

Although there is a conclusion in Section 3.18-15 that the City has 64% capacity available for accommodating additional City wastewater flows, the flow records show that the City has only 6% available in its maximum share of capacity. New capacity at the wastewater treatment plant cannot be relied upon through encroachment into the Brooktrails existing and paid share. This is the most significant impact being overlooked by not using recorded wastewater flow data.

Unfortunately, the current information in the DEIR cannot be used to adequately reflect future growth impacts to the City’s wastewater treatment plant. Due to the discrepancy between the actual wastewater flows and the planning numbers in the LAFCo MSR, the conclusions made on capacity should be revised before adopting the final Land Use Element Update EIR.

3. Brooktrails’ Contribution to Wastewater Flow Capacity

Please note that Brooktrails has only 1,439 wastewater connections and not 1,560 as stated in the DEIR under Section 3.18-11. This is an overstatement of approximately 9% and appears indicative of overstatements made about Brooktrails’ contribution to wastewater flow and its share of capacity. The amount of wastewater flow from Brooktrails is already overstated in the LAFCo MSR. However, this document is used for general planning purposes and as an informational resource for the public. Therefore, the broad statements are not as critical as the amount of wastewater flow used in this DEIR to characterize the City’s ability to accommodate growth in its wastewater treatment plant.

Notably, wet months indicate that Brooktrails has made significant strides in reducing its inflow and infiltration rates. Although 2023 is not being used in the DEIR analysis, the best example of this fact is indicated in the flows recorded January 2023, when flows to the wastewater treatment plant were the highest of the 2019-2024 recording period. Only 18% of the total flow that January came from Brooktrails, a pointedly lower than average rate when compared to most months, wet or dry.

When we review the Average Dry Weather Month flows, it is clear that Brooktrails has contributed far less than its allocated share. Section 3.18-13 of the DEIR states that Brooktrails contributes “approximately 30% of the effluent treated at the WWTP”. However, in 2021 and

Comment 2-3 Continued

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2022, Brooktrails never contributed 30% of the recorded wastewater flows to the treatment plant. Its average annual contribution in both years was 25% of the recorded flows to the treatment plant. This 20% overstatement is significant to determining whether or not there is capacity for growth at the wastewater treatment plant.

Using the actual amount of Brooktrails recorded wastewater flow brings down the average daily dry weather flow down in numerous instances. Unfortunately, this also shows that the City may be encroaching into the Brooktrails share of capacity. Since Brooktrails pays for wastewater flows to be accommodated at a higher rate than being used, there is likely some room for negotiation if the City wanted to reallocate some of the Brooktrails share of wastewater capacity to itself.

However, when the wastewater flow rates show that the City may be encroaching into the Brooktrails capacity, it is indicative of a lack of overall capacity for the City to grow as is being planned with this Land Use Element Update. For this very reason, Brooktrails staff believes that the City should revise the DEIR to reflect the recorded volumes instead of using the volumes in the terms of the settlement agreement or LAFCo MSR.

Upon review of the actual flows recorded, it is clear that the discrepancies between planning numbers and recorded flow will impact the amount of available wastewater treatment capacity for the City to develop. Brooktrails' staff believes that it is very important to start planning now for additional capacity at the wastewater treatment plant, especially in light of the information included in the DEIR and the City's discussion of its Sphere of Influence expansion. If new development is going to move into both infill areas and expanded City limits, then it is critical that all builders and developers pay their fair share to expand the wastewater treatment plant.

Comment 2-3 Continued

4. Other Comments

Fire Services Clarification

Clarification is requested under Section 3.15 Public Services; Fire Services. Little Lake Fire Protection District and Brooktrails Township Fire Department provide automatic aid fire protection to each other on all structure fires, calls for CPR, and on all traffic collisions on Sherwood Road. A mutual aid agreement is in effect for other call types, including medical aids, traffic collisions in the City and hazardous materials events.

Comment 2-4

Solid Waste Provider Update

In the solid waste discussion under Section 3.18-17, the City should update its provider from Solid Wastes of Willits to Redwood Waste Solutions/C&S Waste Solutions. As did Brooktrails, the City has had a revised contract with this new solid waste provider since 2023.

Comment 2-5

SB 1383 and Organic Waste Requirements

There is a brief discussion on Senate Bill 1383 under Section 3.8 Greenhouse Gas Emissions. It is recommended that this discussion be relocated under the Regulatory Setting; Regional around Section 3.18-21 near other solid waste regulations in this section. The reporting requirements for this regulation could be helpful to future readers and staff-level users by relocating its discussion to be nearer to accompanying legislation.

Comment 2-6

“A California General Law Local Government”

Brooktrails Water Reuse Planning Study

As we have briefly discussed with Councilman Gonzalez, City Manager Bender and Utilities Director Herman, Brooktrails is moving forward on a planning study with our consultant, Carollo Engineers, to explore the feasibility of providing potable water reuse as an alternative source of supply to our customers. Treating and redistributing high quality, treated wastewater to the Brooktrails community before it is sent to Willits for wastewater treatment may provide an additional source of supply to augment our surface water sources, as well as potentially reduce Brooktrails' volumetric wastewater demand on the City's treatment plant, allowing future negotiation of flows to accommodate new users in both of our communities. Our consultant began work on this planning study in August 2024 and will reach out to the City to initiate necessary coordination on this potentially beneficial project.

Comment
2-7

Finally, I would like to take this opportunity to thank you for including Brooktrails in this Land Use Element Update. Our communities are intertwined and share a common population and future that should be considered together before significant land use policy changes are adopted by either Brooktrails or the City.

Sincerely,

Tamara Alaniz
General Manager

ATTACHMENT

Table of 2021 and 2022 wastewater flow records from City of Willits' Telog System (including parameters listed above)

"A California General Law Local Government"

Draft EIR Comment Letter - Attachment with Recorded Wastewater Flows Data

2021

	City 1a	City 1b	City 3	BTCSD	Total	BTCSD%
J	11,351,424	34,071,859	174,917	17,656,335	63,254,535	28%
F	11,481,709	41,948,562	806,116	19,532,756	73,769,143	26%
M	7,912,726	37,573,414	595,666	16,719,209	62,801,015	27%
A	3,799,617	22,183,288	569,573	8,957,735	35,510,213	25%
M	3,179,525	18,416,556	336,076	7,367,931	29,300,088	25%
J	2,277,663	15,447,039	139	6,242,486	23,967,327	26%
J	2,024,197	15,234,925	45	5,793,945	23,053,112	25%
A	1,922,058	15,224,865	2,161	5,919,198	23,068,282	26%
S	1,820,331	14,995,660	774	6,137,310	22,954,075	27%
O	5,422,116	25,309,892	870	10,733,775	41,466,653	26%
N	6,278,916	31,545,325	633,602	13,675,381	52,133,224	26%
D	21,246,077	55,836,134	2,421,715	21,895,907	101,399,833	22%
				140,631,968	552,677,500	25%
				BTCSD TOTAL	GRAND TOTAL	GRAND BT %
	21&22 total avg	510,659,765.5		BT Dry Total		24,092,939
				City Dry Total		68,949,857

BT dry avg 21&22	25,037,583.50
City dry avg 21&22	73,126,448.50

all	daily avgs	BTCSD	City	avg		MGD (wettest months)	
	avg daily J	569,559	1,470,910	1,020,234.44	wet	2,040,468.87	
	avg daily F	697,598	1,937,014	1,317,306.13	wet	2,634,612.25	dry avgs 21
	avg daily M	539,329	1,486,510	1,012,919.60	wet	2,025,839.19	B 197,625.80
	avg daily A	298,591	885,083	591,836.88	wet		C 565,332.61
	avg daily M	237,675	707,489	472,582.06	wet		All 381,479.20
avg dry mo. total	93,042,796	avg daily J	208,083	590,828	399,455.45	dry	
		avg daily J	186,901	556,747	371,824.39	dry	21 wet avg
		avg daily A	190,942	553,196	372,069.06	dry	948,508.04
		avg daily S	204,577	560,559	382,567.92	dry	
		avg daily O	346,251	991,383	668,816.98	wet	
		avg daily N	455,846	1,281,928	868,887.07	wet	
avg wet mo. total	459,634,704	avg daily D	706,320	2,564,643	1,635,481.18	wet	3,270,962.35
		annual avg	385,293.06	1,128,891.87			

Draft EIR Comment Letter - Attachment with Recorded Wastewater Flows Data

2022

	City 1a	City 1b	City 3	BTCSD	Total	BTCSD%
J	13,553,491	42,588,582	6,638,719	18,091,687	80,872,479	22%
F	3,359,581	20,428,230	459,997	8,636,443	32,884,251	26%
M	3,293,903	20,798,199	97,685	8,992,525	33,182,312	27%
A	9,719,603	33,393,331	662,718	14,428,143	58,203,795	25%
M	4,457,813	25,796,394	735	10,688,208	40,943,150	26%
J	2,677,905	19,810,246	682	8,227,900	30,716,733	27%
J	2,408,671	16,853,048	137	5,467,396	24,729,252	22%
A	2,040,475	15,679,906	226	5,950,947	23,671,554	25%
S	1,850,375	15,980,724	645	6,335,985	24,167,729	26%
O	2,534,012	14,790,668	425	6,266,316	23,591,421	27%
N	3,026,192	17,163,559	566	7,538,810	27,729,127	27%
D	12,289,778	39,811,995	6,426	15,842,029	67,950,228	23%
				116,466,389	468,642,031	25%
				BTCSD TOTAL	GRAND TOTAL	GRAND BT %
	21&22 total avg	510,659,766			BT Dry Total	25,982,228
					City Dry Total	77,303,040

all	daily avgs	BTCSD	City	avg		MGD (wettest months)		
	avg daily J	583,603	2,025,187	1,304,394.82	wet	2,608,789.65		
	avg daily F	308,444	865,993	587,218.77	wet			
	avg daily M	290,081	780,316	535,198.58	wet		B	dry avgs 22 21&22
	avg daily A	480,938	1,459,188	970,063.25	wet		C	213,449 205,537.46
	avg daily M	344,781	975,966	660,373.39	wet		All	634,250 599,791.54
avg dry mo. total	103,285,268	274,263	749,628	511,945.55	dry			423,849.80 402,664.50
	avg daily J	176,368	621,350	398,858.90	dry			
	avg daily A	191,966	571,632	381,799.26	dry			
	avg daily S	211,200	594,391	402,795.48	dry			
	avg daily O	202,139	558,874	380,506.79	wet			
	avg daily N	251,294	673,011	462,152.12	wet			
avg wet mo. total	365,356,763	511,033	1,680,910	1,095,971.42	wet	2,191,942.84		
	annual avg	319,086.00	964,864.77					
								22 wet avg 21&22 wet avg
								749,484.89 848,996.47

LETTER 2 – RESPONSE TO COMMENTSResponse to Comment 2-1

The comment letter states that most comments within the comment letter relate to the analysis in Draft EIR Section 3.18, Utilities and Service Systems, and express concern about the information cited in this section, or missing therefrom, which impacts the wastewater treatment plant capacity and the findings of the analysis and requests that these comments be addressed in the Final EIR and considered in the action approving the Land Use Element Update.

This is an introductory statement and not a comment EIR adequacy. No further response is necessary.

Response to Comment 2-2

The comment letter states that Section 3.18, Utilities and Service Systems Impact UTL-03, which relates to the capacity of the wastewater treatment plant to serve projected demand in addition to the provider's existing commitments, relies on "information in the Local Agency Formation Commission (LAFCo) 2019 Municipal Service Review (MSR) as its wastewater flow data" and this information "should not be used for wastewater flow data when that data is being considered as justification for making findings that there is available capacity in the City's wastewater treatment plant to accommodate growth."

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. The Environmental Setting in Section 3.18, Utilities and Service Systems, a background section for the environmental analysis, contains a section entitled "Wastewater System Service Area and Infrastructure" that describes the existing geographic service area and population served by the wastewater collection, treatment, and disposal system, and current wastewater production. This section attributes information to the Mendocino Local Agency Formation Commission (LAFCo) May 6, 2019, City of Willits Municipal Service Review (MSR) and Sphere of Influence Update, as well as to the North Coast Regional Water Quality Control Board (NCRWQB) Order R1-2021-0021 in relation to general statements about wastewater collection system components, design capacity, permitted average monthly flows, and the approximate percentage of effluent treated that is contributed by the Brooktrails Township Community Services District (CSD). References to wastewater treatment capacity and permit flows in the text of the LAFCo MSR are made to the City of Willits November 2018, response to the Administrative Draft from the Local Agency Formation Commission of Mendocino County in preparation for the Municipal Service Review and Sphere of Influence Update. The Environmental Setting in Section 3.18, Utilities and Service Systems uses data from "City of Willits. 2023 Wastewater Production Totals" for average daily wastewater production for the years 2021 and 2022, see Table 3.18f Average Daily Wastewater Production on page 3.18-13.

The impact analysis uses projected wastewater flow data (see Table 3.18j Projected Wastewater Flows on page 3.18-26) from Appendix F, LACO Associates (LACO). April 19, 2023. City of Willits Land Use Element Existing Conditions Report – Water, Wastewater, Stormwater, Recycling & and LACO Associates (LACO). September 22, 2023. City of Willits Land Use Element Update Infrastructure Assessment – Water, Wastewater, Stormwater, Recycling & Solid Waste. It should also be noted that Appendix F also makes the same references to the LAFCo 2018 MSR that are described above in the Environmental Setting in Section 3.18, Utilities and Service Systems.

Draft EIR analysis in Section 3.18, Utilities and Service Systems Impact UTL-03 uses City of Willits 2023 Wastewater Production Totals for current wastewater flows and projected wastewater

flows are modified from Appendix F, which was prepared by LACO Associates as a background report for the Land Use Element Update. LACO Associates also prepared Section 3.18, Utilities and Service Systems. The above statements demonstrate that the Draft EIR does not rely on “information in the Local Agency Formation Commission (LAFCo) 2019 Municipal Service Review (MSR) as its wastewater flow data,” and no further response is necessary.

Response to Comment 2-3

The comment letter describes City of Willits wastewater flow data that is provided to the Brooktrails Township CSD from four flow meters, three of which measure City wastewater influent and one measures Brooktrails Township CSD influent and states that this information should be used for the Draft EIR rather than LAFCo MSR data to accurately reflect wastewater treatment plant needs in response to future growth. The comment letter further states that the Draft EIR reported wastewater treatment plant capacity, NCRWCB permitted flows, and the use of 2021 and 2022 flow data is supportable. The comment letter further states that actual Brooktrails Township CSD flow contribution in 2021 and 2022 was 21% of total recorded flow. The comment letter describes the City recorded flow data that is attached to the comment letter. The comment states that the “conclusion in Section 3.18-15 that the City has 64% capacity available for accommodating additional City wastewater flows, the flow records show that the City has only 6% available in its maximum share of capacity. New capacity at the wastewater treatment plant cannot be relied upon through encroachment into the Brooktrails existing and paid share. This is the most significant impact being overlooked by not using recorded wastewater flow data.” “Unfortunately, the current information in the Draft EIR cannot be used to adequately reflect future growth impacts to the City’s wastewater treatment plant. Due to the discrepancy between the actual wastewater flows and the planning numbers in the LAFCo MSR, the conclusions made on capacity should be revised before adopting the final Land Use Element Update EIR.”

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. As described in the Responses to 2-1 above, the LAFCo MSR references in the Draft EIR are to background wastewater system information and not to wastewater flows. The comment letter agrees that the use of “the use of 2021 and 2022 flow data is supportable” using City of Willits wastewater flow data. The Draft EIR in Section 3.18, Utilities and Service Systems Impact UTL-03, uses City of Willits wastewater flow data for the years 2021 and 2022.

The comment letter states that “(t)he City provides a monthly wastewater flow log from four flow meters at the wastewater treatment plant, of which three are measuring City flows and one Brooktrails flow. According to NCRWCB Order No. R1-2021-0021, the City of Willits Wastewater Treatment Facility has three influent metering locations shown in Table E-1. Monitoring Station Locations:

- INF-001 - Influent at the headworks of the wastewater treatment facility (WWTF) prior to treatment and consisting of wastewater from both the collection system and septage receiving station;
- INF-002 - Influent diverted from the secondary influent splitter box to the equalization basins; and
- INF-003 - Influent returned from the equalization basins to the headworks.

Order No. R1-2021-0021 Section 3, Influent Monitoring Requirements, states that total “influent shall be metered at INF-001. During periods when high influent flows are diverted to the

equalization basins, diverted flow shall be measured at INF-002. Flows returning from the equalization basins shall be measured at INF-003 then measured for a second time at INF-001. In order to account for flows passing through INF-001 twice, the flows passing through INF-003 shall be automatically subtracted from the measured value at INF-001.” As a result, actual total influent flows are not correctly reflected in the Brooktrails Township CSD “ATTACHMENT Table of 2021 and 2022 wastewater flow records from City of Willits’ Telog System.”

The table headings for Draft EIR Comment Letter - Attachment with Recorded Wastewater Flows Data for 2021 and 2022 “City 1a” “City 1b,” and “City 3” likely refer to INF-001, INF-002, and INF-003, respectively. Given that the influent meters are located at the City of Willits Wastewater Treatment Facility, Brooktrails Township CSD wastewater flows are a part of the three influent flow values and are not a separate value that is added to the influent values to calculate total wastewater influent flows.

A comparison of the wastewater flow data provided by Brooktrails Township CSD and the wastewater flow data used in the Draft EIR analysis in Section 3.18, Utilities and Service Systems Impact UTL-03 is contained in the following tables.

BTCSW Wastewater Flow Attachment 2021

Month	City 1a	City 1b	City 3	BTCSW	Total	BTCSW%	Corrected Total (1)	Corrected BTCSW% (3)
Jun	2,277,663	15,447,039	139	6,242,486	23,967,327	26%	17,724,563	35.2%
Jul	2,024,197	15,234,925	45	5,793,945	23,053,112	25%	17,259,077	33.6%
Aug	1,922,058	15,224,865	2,161	5,919,198	23,068,282	26%	17,144,762	34.5%
Sep	1,820,331	14,995,660	774	6,137,310	22,954,075	27%	16,815,217	36.5%

Calculated Monthly Wastewater Flows (MGD) Based on BTCSW Wastewater Flow Attachment 2021

Month	Days per Month	Willits (MGD)	BTCSW (MGD)	MGD (2)
Jun	30	0.38	0.21	0.59
Jul	31	0.37	0.19	0.56
Aug	31	0.36	0.19	0.55
Sep	30	0.36	0.20	0.56

BTCSW Wastewater Flow Attachment 2022

Month	City 1a	City 1b	City 3	BTCSW	Total	BTCSW%	Corrected Total (1)	Corrected BTCSW% (3)
Jun	2,677,905	19,810,246	682	8,227,900	30,716,733	27%	22,487,469	36.6%
Jul	2,408,671	16,853,048	137	5,467,396	24,729,252	22%	19,261,582	28.4%
Aug	2,040,475	15,679,906	226	5,950,947	23,671,554	25%	17,720,155	33.6%
Sep	1,850,375	15,980,724	645	6,335,985	24,167,729	26%	17,830,454	35.5%

Calculate Monthly Wastewater Flows (MGD) Based on BTCSW Wastewater Flow Attachment 2022

Month	Days per Month	Willits (MGD)	BTCSW (MGD)	MGD (2)
Jun	30	0.48	0.27	0.75
Jul	31	0.44	0.18	0.62
Aug	31	0.38	0.19	0.57
Sep	30	0.38	0.21	0.59

Average Monthly Dry Weather Flows Based on BTCSD Wastewater Flow Attachment

2021 Avg	0.37	0.20	0.57
2022 Avg	0.42	0.21	0.63
2021-22 Avg	0.39	0.21	0.60

Notes:

1. Total wastewater flows = City 1 + City 2 – City 3, consistent with Order No. R1-2021-0021 Section 3
2. MGD = million gallons per day (this is the unit of analysis that is averaged to determine average dry weather flow) and is calculated by dividing the total monthly flow by the days of the month, divided by 1,000,000.
3. Corrected BTCSD % = dividing BTCSD (which equal the total flow from BTCSD into the City of Willits collection system) by total flows

Based on the above tables, the flow data used in Draft EIR analysis in Section 3.18, Utilities and Service Systems Impact UTL-03 are the same as the data provided by Brooktrails Township CSD. Given that average wastewater flows used in the analysis reflect City of Willits wastewater flow data, which is the best available data, the conclusion in Impact UTL-03 properly reflects future growth impacts to the City's wastewater treatment plant. There is no need to revise the Draft EIR analysis in Section 3.18, Utilities and Service Systems Impact UTL-03.

Response to Comment 2-4

The comment letter provides detail regarding the automatic and mutual aid agreements between the Little Lake Fire Protection District and Brooktrails Township Fire Department for fire protection and requests clarification in Section 3.15 Public Services to reflect these details.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Nor is it a comment on the adequacy of the Draft EIR. Rather, this comment relates to additional detail regarding the automatic aid agreement and does not affect the conclusion in Impact PS-01, whereby impacts to fire protection services would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities would be less than significant. Section 3.15 Public Services on page 3.15-1 describes the Environmental Setting for Fire Services and states that "Little Lake FPD provides automatic aid fire protection to Brooktrails and maintains mutual aid agreements with Laytonville, Redwood Valley, and the CalFire for wildland fire. There is a countywide mutual aid agreement so that fire departments in Mendocino County respond, as available, to the needs of nearby fire departments." This section clearly indicates the presence of an automatic aid agreement with Brooktrails Township CSD Fire Department and the Little Lake FPD participation in a countywide mutual aid agreement.

In recognition of the request to provide greater detail, the following edits to Section 3.15 Public Services Environmental Setting for Fire Services on page 3.15-1 shall be made:

The Little Lake FPD covers an area of 239.4 square miles serving all of the City of Willits, as well as the highway corridors (Highways 101 and 20) and outlying rural areas (Mendocino LAFCo, 2019). This area includes Federal Bureau of Land Management (BLM) land on the eastern edge of the District, a small portion of the Jackson State Forest on the western boundary, and the City of Willits. Other fire-related districts in the region include the Brooktrails Township Community Services District (**CSD**, which provides fire protection services) adjacent to and west of Little Lake FPD, the Long Valley Fire Protection District to the northwest, the Potter Valley Community Services District (which provides fire protection services) to the southeast, and the Redwood Valley-Calpella Fire Protection District to the south. Little Lake FPD provides automatic aid fire protection to

Brooktrails **Township CSD on calls related to structure fire, CPR, and traffic collisions on Sherwood Road**, and maintains mutual aid agreements with Laytonville, Redwood Valley, and the CalFire for wildland fire. There is a countywide mutual aid agreement so that fire departments in Mendocino County respond, as available, to the needs of nearby fire departments, **including the Little Lake FPD and the Brooktrails Township CSD**.

Response to Comment 2-5

The comment letter states that the solid waste discussion under Section 3.18-17 should be revised to reflect that Solid Wastes of Willits is no longer the provider and the new provider is Redwood Waste Solutions/C&S Waste Solutions.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Nor is it a comment on the adequacy of the Draft EIR. On December 13, 2023, the City of Willits, at the request of Solid Wastes of Willits, Inc. terminated the Franchise Agreement to Collect, Haul and Dispose of Residential and Commercial Solid Wastes from City Customers and approved the granting of the existing Franchise Agreement with the City of Willits to Redwood Wastes Solutions, Inc. with a new expiration date of December 31, 2032, and with an option for a ten-year extension. The terms of the Franchise Agreement between the City of Willits and Redwood Wastes Solutions, Inc., are the same as those with the prior waste hauler. This is not a comment on the adequacy of the Draft EIR. Rather, this comment relates to a correction to the name of the solid waste hauler and does not affect the conclusion in Section 3.18 Utilities and Service Systems Impact UTL-04, whereby impacts relating to the generation of solid waste would not be in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, or Impact UTL-05, whereby impacts relating to the compliance with federal, state, and local management and reduction statutes and regulation related to solid waste would be less than significant.

There are multiple references to Solid Wastes of Willits, Inc., or SWOW, within the Draft EIR.

This Final EIR will reflect that all references to Solid Wastes of Willits, Inc., or SWOW in the following sections shall be replaced with Redwood Wastes Solutions, Inc.:

- Table 1-1: Summary of Impacts, Mitigations, and Significance Levels page 1.0-51
- Section 3.18 Utilities and Service Systems, Existing Conditions page 3.18-17
- Impact UTL-04 page 3.18-26
- Impact UTL-05 page 3.18-26
- Section 3.18 Utilities and Service Systems Acronyms/Abbreviations page 3.18-31

Response to Comment 2-6

The comment letter states that the solid waste discussion under Section 3.18-17 should be revised to reflect the discussion on Senate Bill 1383 under Section 3.8 Greenhouse Gas Emissions should be included in the Regulatory Setting for Section 3.18 Utilities and Service Systems.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Nor is it a comment on the adequacy of the Draft EIR. The EIR authors agree that Senate Bill 1383, which relates to a variety of short-lived climate pollutants, should be referenced in the Regulatory Setting for Section 3.18 Utilities and Service Systems. However, the omission of this reference does not change the analysis for Impact UTL-05, which

states that the City is required to comply with federal, state, and local management regulation related to solid waste or the conclusion that “(w)ith continued compliance with the applicable regulations, leading to increased recycling and waste diversion, and adherence to the proposed General Plan goals, policies, and actions”, impacts relating to the compliance with federal, state, and local management and reduction statutes and regulation related to solid waste would be less than significant.”

The following text shall be added to the Regulator Setting for Section 3.18 Utilities and Service Systems under Solid Waste on page 3.18-21:

Senate Bill 1383

Adopted in September 2016, SB 1383 required a 50 percent reduction in the level of the statewide disposal of organic waste from 2014 levels by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from 2014 levels by 2025.

Response to Comment 2-7

The comment letter states that Brooktrails Township CSD is moving forward on a planning study with our consultant, Carollo Engineers, to explore the feasibility of providing potable water reuse as an alternative source of supply to its customers.

This is a statement about Brooktrails Township CSD planning and not a comment on EIR adequacy. No further response is necessary.

LETTER 3 - VERONICA WILSON

Comment received via email

My name is Veronica Wilson and I am a resident of Willits. Please accept this email as written public comment on the Draft Environmental Impact Report for the City of Willits Land Use Element & Sphere of Influence Updates.

I attempted to review the 528 page EIR but was immediately overwhelmed by the density of the document and the complexity of the concepts contained. I understand this is the first major update since the year I was born at Howard Hospital, 1983, and such complexity is to be expected. However, it is the responsibility of the City to be transparent and accountable to the Public when making such major and extensive changes.

}
} **Comment**
} **3-1**

I attended the August 28th Public Hearing on the Land Use Update and a PowerPoint presentation was displayed during the City's presentation that clarified many areas and provided transparency on many important components of the Update. Unfortunately, I have not been able to locate a copy of this presentation and would encourage City Staff to include this presentation on the WillitsLandUseUpdate.com website before the close of the extended Public Comment period to aid in the Public's understanding of the Update. I also request this presentation be provided to me directly.

}
} **Comment**
} **3-2**

LETTER 3 – RESPONSE TO COMMENTSResponse to Comment 3-1

The comment letter states that the Draft EIR is overwhelming and complex, and it is the City's responsibility to be transparent and accountable to the Public.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. The preparers of the Draft EIR acknowledge that EIRs often cover a wide range of topics, each of which contain a great deal of information related to environmental settings, existing conditions, and potential impacts and can require significant effort to review. Chapter 1 provides a summary of environmental impacts in Table 1-1: Summary of Impacts, Mitigations, and Significance Levels, which is intended to serve as a summary that can guide readers to the topics of greatest interest.

Response to Comment 3-2

The comment letter requests that PowerPoint presentation be made available on the WillitsLandUseUpdate.com website.

This comment does not relate to the Draft EIR. The PowerPoint presentations for public meetings related to the Land Use Element Update are available on <https://willitslanduseupdate.com/> website.

LETTER 4 - SHERWOOD VALLEY BAND OF POMO INDIANS

Comment received via email



SHERWOOD VALLEY BAND OF POMO INDIANS

190 Sherwood Hill Drive, Willits, CA 95490
(707) 459-9690 • Fax (707) 459-6936

September 11, 2024

To:
Willits City Council
Community Development Department
Attn: Dusty Duley, Community Development Director
111 E. Commercial Street
Willits, CA 95490

Subject: Formal Request for Government-to-Government Consultation Regarding Willits Land Use Element

Dear Willits City Council and Community Development Department,

On behalf of the Sherwood Valley Band of Pomo Indians, I am writing to formally request a government-to-government consultation regarding the City of Willits' proposed updates to the General Plan Land Use Element and associated Environmental Impact Report (EIR) under consideration.

It is essential that we work collaboratively to address potential impacts on our tribal cultural resources, environmental concerns, and the overall development strategy as outlined in the draft Land Use Element. This update includes expansions of the city's sphere of influence and changes in land use designations that could affect areas of historical, biological, environmental, and cultural significance to our tribe.

We propose Thursday, October 3rd, or Friday, October 4th, as potential dates for the consultation. Please let us know if either of these dates works for your team, and we will plan accordingly. Please contact Anna Hope Farporte, Environmental Director, at (707) 354-4793 or via email at afarporte@sherwoodband.com to confirm.

We look forward to working together to create a sustainable and respectful plan for the future of Willits. Thank you for your attention to this matter.

Sincerely,

Hazel Ramirez
Chairwoman
Sherwood Valley Band of Pomo Indians
190 Sherwood Hill Drive
Willits, CA 95490
hramirez.chairwoman@sherwoodband.com

Comment 4-1

Government to Government Consultation
Sherwood Valley Band of Pomo Indians with City of Willits
Requests - October 3, 2024

Per Law AB 52 of Tribal consultation, cooperation, and co-management in this beautiful land we call our home, the Tribe wants to see wording in the City of Willits General Plan Land Use Element Update Environmental Impact Report that would identify, create policies, and/or mitigation measures that would minimize potentially significant impacts not only to the contemporary idea of Tribal Cultural Resources but that wording such as “living cultural resources” would be included in the Land Use Element to ensure the protection of, access to, and a seat at the table when discussions of or discovery of all cultural resources occurs within the SOI.

A few general requests that apply to the whole document:

- The word Tribal should always be capitalized.
- Please take out all references to location of the village of Mitoma
- Include “Living Cultural Resources” alongside “Biological Resources” and/or “Archaeological Resources”

Requests for changes to specific sections of the document:

3.2-3

Regional Pre-contact

This is the unceded traditional territory of the local indigenous people past and present. Tribal communities with cultural ties to the land depend on access to maintain traditional ecological knowledge and continued lifeways. Indigenous people were not apart from nature but were a part of nature, and lived accordingly. Throughout pre-contact and continuing to present day the local Indigenous groups stewarded the land as their cultural resource. Indigenous traditional agro-ecological practices were a lifeway built upon a rich oral tradition that passed along essential knowledge of stewardship techniques honed to perfection intergenerationally through application and observation. From burning, pruning, coppicing, to re-seeding, intentional application of these and other stewardship techniques at their proper time were the cultural lifeway to assure access to and a healthy balance of essential cultural resources. The contemporary view of Tribal Cultural Resources typically only accounts for the archaeological items left behind and neglects the “Living Tribal Cultural Resources” that were, and are, essential pieces of Native lifeways; cultural foods, fibers, and medicines.

Regional History

Timber and agriculture were the mainstays of the County’s economy from the 19th Century into the 20th, and in the 21st Century continue to remain important to both the economy and culture of Mendocino County, although the character of agriculture is changing. The County’s timber industry faces increasing competition from worldwide sources of lumber that have made it difficult for local mills to remain competitive. The County’s agricultural industry is seeing a shift from historic crops such as pears, apples, prunes, and livestock, to grapes and wine making, and cannabis in some areas of the County (LACO, 2020).

Comment 4-2

3.4-2

Prior to 1910, the aforementioned streams historically contributed to a large seasonal lake at the north end of the Planning Area, from which, Little Lake Valley derived its name. **Little Lake was a biologically rich area that supported many diverse species that local Indigenous people co-existed with in reciprocity through tending, burning, coppicing, and harvesting materials for housing, clothing, baskets, medicine and food. The lake was habitat for native species of plants, birds, fish, amphibians, reptiles, mollusks, insects, and mammals including species that today are threatened and endangered, such as coho salmon and steelhead. Water resources were utilized by local Indigenous people and kept pristine through good stewardship practices.**

Beginning in 1910, substantial diking, channelization, flow redirection, and other forms of hydrological modification were undertaken to connect the aforementioned streams to Outlet Creek and drain the seasonal lake in order to convert the former lakebed to grazing pasturage and cropland (LeDoux-Bloom and Downie 2007). Subsequent flooding events, particularly in 1955 and 1964, resulted in additional channelization and levee construction along portions of some of the aforementioned streams to reduce flood-related impacts within the incorporated City limits and the surrounding area and to further facilitate drainage within Little Lake Valley. Currently, rel

Comment 4-2
continued

3.5-1

• Tribal cultural resources (TCR) are sites, features, landscapes, sacred places, or objects of value to California Native American tribes. This covers non unique archaeological resources or **living cultural resources** deemed tribal cultural resources by the lead agency (AB 52 and Tribal Cultural Resources in CEQA 2017).

Comment 4-3

3.5-2

Ethnographic Background

Around Euroamerican contact (circa 1769), Mendocino County housed diverse indigenous groups: Central Pomo, Northern Pomo, Coast Yuki, Yuki, Huchnom, Cahto, Sinkyone, and Wailaki. Central and Northern Pomo mainly inhabited the county, while other groups settled nearer its north. These tribes had similar material cultures, emphasizing basketry for essential tasks. However, each group had distinct territories, **languages**, practices, and societal norms.

Pomo

In Mendocino County, Central Pomo were in the **southern area**, Northern Pomo in the north. Northern Pomo controlled the coast to Clear Lake, ~~including tribes like Coyote, Yokayo, Redwood, and Potter Valley~~ The Pomo had diverse social structures, used baskets for fishing, **cooking**, and ceremonies, and traded with neighbors. ~~Conflicts arose over expansion and resources.~~ **Many Central and Northern Pomo Tribes were forced onto the Round Valley Reservation to clear the land for settlers.**

Comment 4-4

Coast Yuki, Yuki, and Huchnom

Coast Yuki ~~occupied Fort Bragg to Rockport (Miller 1978)~~, adapting ~~ed~~ to coastal life due to limited inland resources. Yuki and Huchnom were east in upper Eel River, past Round Valley and south of Willits (Miller 1978; Ukiah 2040 General Plan Update 2022). ~~With scarce records and~~ They had smaller populations than Pomo. They ~~united in 1860s at~~ ~~were forced on to~~ Round Valley Reservation (Miller 1978), Mendocino's largest Indian land, established in 1858, ~~along with many other Tribes from the region.~~

Cahto

Cahto's land includes Branscomb, Laytonville, Cummings, and valleys along South Fork Eel River, slightly beyond the Mendocino County border. ~~There is limited ethnographic data on Cahto, as they~~ were a smaller group than the Pomo, ~~sharing the Athabaskan language group with their neighbors to the north.~~ By 1920s, most Cahto ~~were~~ moved to Round Valley or a Tribal rancheria near Laytonville ~~by force.~~

Historic Setting Spanish Period (1769 – 1822)

From 1542, Spanish explored California without ~~creating~~ settlements. In 1769, Spain claimed Alta California and in the 18th century, Spain built presidios, missions, and towns to ~~forcibly~~ convert natives and settle Spaniards. In 1823, the closest mission to Willits was founded, Mission San Francisco Solano in Sonoma (California Missions 2023). Alta California later became New Spain's colony. ~~During this time many Russian fur trappers came to Mendocino County and beaver populations were decimated as a result. Beaver ponds drying up changed the ecosystem and water cycle of the region to be drier and less diverse.~~

Mexican Period (1822 – 1848)

In California's Mexican era (circa 1821-1848), missions ~~were~~ secularized, ranchos ~~were~~ formed, and Native Americans ~~labored~~ ~~were forced to labor for the very people who took their land and ways of life from them.~~ ~~Land grants shaped counties, including Mendocino, in the 1840s. No towns existed until 1859,~~ ~~Counties were shaped by land grants issued by Mexican authorities, including Mendocino County in the 1840's. No towns existed in the area until 1859,~~ and administration was under Sonoma County due to the low population of Mendocino County. The Bear Flag Revolt in 1846 showed U.S. settlers' concerns about Mexican rule. The U.S./Mexico conflict in 1846 and the Treaty of Guadalupe Hidalgo in 1848 marked the beginning of California's American Period.

American Period (1848 – Present)

Statehood followed through the Compromise of 1850, designating territories. Horticulture, livestock, and cattle-based economy continued. The Gold Rush in 1848 shifted cattle's value. Severe drought in the 1860s hurt cattle herds and rancheros' income. Property boundary issues caused conflicts. Debt and legal costs led to rancho lands transfer to Americans, often converting to plots or towns. ~~Native people were massacred and the survivors rounded up by~~

Comment 4- 4 continued

settlers and forced on to Rancherias. Many of the Rancherias were later terminated and Tribes had to fight legal battles to regain federal recognition, some are still fighting for recognition.

Local History

Within Little Lake Valley, the City of Willits (City) is surrounded by a secondary forest teeming with tan oak, madrone, Douglas fir, and redwood trees. This landscape resides within the Pacific Coast Range, earning the City the monikers "Gateway to the Redwoods" and the "Heart of Mendocino County." Notably, the region was originally inhabited by the Pomo Tribe of Native Americans, who continue to live in the area and enjoyed a deep-rooted connection with their ancestral land. Their presence echoes through time, enriching the City's heritage and present day culture. Several prehistoric sites have been noted in the vicinity of Willits and the ethnographic village of Mitoma is reported to be in the southwestern part of the City. Prehistoric cultural resources are most likely to be found at the base of hills and along seasonal and perennial water courses. These areas have been identified as potentially sensitive on the Historical and Archaeological Resources Map located in the City of Willits General Plan (1992). This Map is attached in Appendix C.

Comment 4- 4 continued

California Senate Bill 18 (Chapter 905, "Traditional Tribal Cultural Places") Signed into law in 2004, Senate Bill (SB) 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. Cities and counties must provide general and specific plan amendment proposals to California Native American tribes that have been identified by the Native American Heritage Commission (NAHC) as having traditional lands located within the city's a project's boundaries. If requested by the Native American tribes, the city must also conduct consultations with the tribes prior to adopting or amending their general and specific plans. These consultations are for preserving or mitigating impacts to Native American historic, cultural, sacred sites, features, and objects located within the city or county. A tribe has 90 days from the date of contact to request a consultation, unless the tribe agrees to a shorter timeframe. SB 18 also added a new topic that must be addressed in the Open Space Element of the General Plan: open space land for the protection of Native American historic, cultural, sacred sites, features, and objects.

Comment 4-5

3.5-1

- Tribal cultural resources (TCR) are sites, features, landscapes, sacred places, living cultural resources or objects of value to California Native American tribes. This covers nonunique archaeological resources or those deemed tribal cultural resources by the lead agency (AB 52 and Tribal Cultural Resources in CEQA 2017)

Comment 4- 6

3.5-12

As previously ~~discussed~~ **mentioned**, there are several prehistoric sites noted in the vicinity of the City of Willits. ~~The ethnographic village of Mitoma is noted to be located in the southwestern portion of the City of Willits.~~ In addition, prehistoric cultural resources are likely to be found at the base of hills and along seasonal and perennial water courses. According to the City of Willits General Plan (1992), the areas along the base of the hills and along the water sources are identified to be potentially sensitive on the historical and archaeological resources map. The NRHP identifies four (4) historical buildings known as the Skunk Train Depot; Willits Carnegie Library; Babcock, Dr. Raymond, House; and Larsen Family House (NRHP, 2023). There are also four (4) creeks that are identified as areas of potential archaeological significance; therefore, the City of Willits has established a no development buffer around them, in order to protect the creeks, and potential resources, from impacts of future development. While there is no site-specific development proposed as part of the Project, future development could cause a substantial adverse change in the significance of known or unknown archaeological resources. This is considered a potentially significant impact.

Comment 4-7

3.5-14

As discussed above, there are four (4) historic structures within the City of Willits limits. ~~The ethnographic village of Mitoma is noted to be located in the southwestern portion of the City of Willits.~~ In addition, prehistoric cultural resources are likely to be found at the base of hills and along seasonal and perennial water courses.

3.5-15

Implementation Measure LU-7.X1: In the event archaeological resources or cultural resources, including human remains, are inadvertently unearthed or ~~discovered~~ **uncovered** during construction, the contractor shall immediately halt all grading/land-clearing activities and contact the City of Willits Community Development Department (CDD). All activity in the vicinity of the resources shall cease until it can be evaluated by a qualified archaeologist and a Native American representative. If the archaeologist and Native American representative determine that the resources may be significant, they shall notify the

Comment 4-8

3.5-18

Implementation Measure LU-7.X3: If previously unidentified tribal cultural resources are encountered during project implementation, altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, **photograph, post on social media**, or disturb cultural resources. A representative from a locally-affiliated Native American Tribe shall be contacted **in a timely manner** to evaluate the resource and prepare a tribal cultural resources plan identifying methods necessary to protect the resource, in consultation with the City of Willits.

Comment 4-9

LETTER 4 – RESPONSE TO COMMENTSResponse to Comment 4-1

The comment letter requests government to government consultation regarding the update to the General Plan Land Use Element and Environmental Impact Report.

This comment addresses the importance of working collaboratively, not Draft EIR adequacy. Draft EIR Section 3.5, 3.5 Cultural and Tribal Cultural Resources, on page 3.5-10 and 11 states that in “February 2023, the City of Willits sent a letter to the NAHC requesting a current SB 18 and AB 52 Native American Contact List for the Project vicinity and a Sacred Lands File (SFL) search. On February 28, 2023, the NAHC provided a list of 13 tribal contacts with tribal connections to the Planning Area. In accordance with AB 52 and SB 18, on April 12, 2023, the City of Willits notified the following thirteen (13) tribes of the project and invited them to participate in consultation”. “No requests for consultation were received from the 13 Native American tribes that were sent formal notification of the project. As no requests for consultation were received within 30 days specified by PRC Section 21082.3 (d) for AB 52 nor within the 90 days specified by California Government Code Sections 65352.3 and 65352.4, the City of Willits, as Lead Agency, has deemed the tribal consultation process complete.” It is the understanding of the EIR preparers that the City of Willits is reaching out to the Sherwood Valley Rancheria of Pomo Indians to engage in discussions regarding the Draft Land Use Element.

Response to Comment 4-2

The comment letter requests that the Section 3.2 Agricultural and Forestry Resources Environmental Setting (B) Agriculture and Section 3.4 Biological Resources Environmental Setting Aquatic Resources be expanded to include a description of agricultural resources during the pre-contact period.

This comment does not identify a new impact or suggest that previously identified impacts would be more significant. Rather, the comment requests that additional environmental setting information be added related the agricultural history of the region. In response to this comment:

- the following text shall be added to Section 3.2 Agricultural and Forestry Resources Environmental Setting (B) Agriculture on page 3.2-3 before the heading “Regional History”:

“Regional Pre-contact

This is the unceded traditional territory of the local indigenous people past and present. Tribal communities with cultural ties to the land depend on access to maintain traditional ecological knowledge and continued lifeways. Indigenous people were not apart from nature but were a part of nature, and lived accordingly. Throughout pre-contact and continuing to present day the local Indigenous groups stewarded the land as their cultural resource. Indigenous traditional agro-ecological practices were a lifeway built upon a rich oral tradition that passed along essential knowledge of stewardship techniques honed to perfection intergenerationally through application and observation. From burning, pruning, coppicing, to re-seeding, intentional application of these and other stewardship techniques at their proper time were the cultural lifeway to assure access to and a healthy balance of essential cultural resources. The contemporary view of Tribal Cultural Resources typically only accounts for the archaeological items left behind

and neglects the “Living Tribal Cultural Resources” that were, and are, essential pieces of Native lifeways; cultural foods, fibers, and medicines.”

- the following text shall be added to the first paragraph on page 3.4- of Section 3.4 Biological Resources Environmental Setting Aquatic Resources:

Prior to 1910, the aforementioned streams historically contributed to a large seasonal lake at the north end of the Planning Area, from which, Little Lake Valley derived its name. **Little Lake was a biologically rich area that supported many diverse species that local Indigenous people co-existed with in reciprocity through tending, burning, coppicing, and harvesting materials for housing, clothing, baskets, medicine and food. The lake was habitat for native species of plants, birds, fish, amphibians, reptiles, mollusks, insects, and mammals including species that today are threatened and endangered, such as coho salmon and steelhead. Water resources were utilized by local Indigenous people and kept pristine through good stewardship practices.** Beginning in 1910, substantial diking, channelization, flow redirection, and other forms of hydrological modification were undertaken to connect the aforementioned streams to Outlet Creek and drain the seasonal lake in order to convert the former lakebed to grazing pasturage and cropland (LeDoux-Bloom and Downie 2007). Subsequent flooding events, particularly in 1955 and 1964, resulted in additional channelization and levee construction along portions of some of the aforementioned streams to reduce flood-related impacts within the incorporated City limits and the surrounding area and to further facilitate drainage within Little Lake Valley.

Response to Comment 4-3

The comment letter requests that Tribal Cultural Resources as defined in Section 3.5 Cultural and Tribal Cultural Resources Environmental Setting on page 3.5-1 of the Draft EIR be expanded to include “living cultural resources”. This response to comment also addresses Comment 4-6 which also relates to the definition of Cultural Resources as defined in Section 3.5 Cultural and Tribal Cultural Resources Environmental Setting on page 3.5-1 of the Draft EIR.

This comment does not identify a new impact or suggest that previously identified impacts would be more significant. Rather, the comment requests that the definition of Tribal Cultural Resources, which references Assembly Bill 52 and is a threshold for impacts specified in CEQA Appendix G XVIII and defined in Public Resources Code Section 21074 be changed to include “living cultural resources”. The analysis in the Draft EIR adheres to the thresholds in CEQA Appendix G, which in checklist question XVII(a) asks if the project would “cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074.”

The Draft EIR evaluates the potential impact to living cultural resources in Impact TCR-01, where potential impacts to Tribal Cultural Resources are evaluated. This analysis identifies that living cultural resources, such as “plants and other natural resources, as well as geographic locations can also be” Tribal Cultural Resources. This analysis indicates that the potential impacts of yet to be defined future projects would be analyzed for potential environmental impacts, consistent with the requirements of CEQA, pursuant to the City of Willits entitlement review process. This analysis determines that potential impacts are significant without mitigation and “would require implementation of Mitigation Measures TCR-1 and TCR-2 in order to ensure proper treatment of TCRs should they be encountered during implementation of future development facilitated by the

Project. Therefore, impacts from the project would be less than significant with mitigation incorporated.”

In response to this request, which was made through government-to-government consultation, City staff has informed the EIR preparers that Implementation Measure LU-7A, Tribal Consultation, is to be modified to include specific reference to “living cultural resources”:

LU-7A TRIBAL CONSULTATION.

Consistent with State law, Native American Tribes shall be consulted during amendments to the General Plan and CEQA review for the identification, protection and mitigation of adverse impacts to significant cultural resources, **including living cultural resources**. Consultation on ministerial permits shall be initiated if it has been determined the project may create a substantial adverse change to a significant cultural resource.

Response to Comment 4-4

The comment letter requests edits to the Section 3.5 Cultural Resources, Environmental Setting, Ethnographic Background on pages 3.5-2 and 3.5-3.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Rather, this comment requests that the Draft EIR better characterize local history and be sensitive to the need to protect Tribal Cultural Resources.

In response to this request, the following edits are made to Section 3.5 Cultural Resources, Environmental Setting, Ethnographic Background on pages 3.5-2 and 3.5-3:

Ethnographic Background

Around Euroamerican contact (circa 1769), Mendocino County housed diverse indigenous groups: Central Pomo, Northern Pomo, Coast Yuki, Yuki, Huchnom, Cahto, Sinkyone, and Wailaki. Central and Northern Pomo mainly inhabited the county, while other groups settled nearer its north. These tribes had similar material cultures, emphasizing basketry for essential tasks. However, each group had distinct territories, **languages**, practices, and societal norms.

Pomo

In Mendocino County, Central Pomo were in the **southern area**, Northern Pomo in the north. Northern Pomo controlled the coast to Clear Lake, ~~including tribes like Coyote, Yokayo, Redwood, and Potter Valley.~~ The Pomo had diverse social structures, used baskets for fishing, **cooking**, and ceremonies, and traded with neighbors. ~~Conflicts arose over expansion and resources.~~ **Many Central and Northern Pomo Tribes were forced onto the Round Valley Reservation to clear the land for settlers.**

Coast Yuki, Yuki, and Huchnom

Coast Yuki occupied Fort Bragg to Rockport (Miller 1978), ~~adapting~~ to coastal life due to limited inland resources. Yuki and Huchnom were east in upper Eel River, past Round Valley and south of Willits (Miller 1978; Ukiah 2040 General Plan Update 2022). ~~With scarce records and~~ **They had** smaller populations than Pomo, ~~they united in 1860s at~~ **were forced on to the** Round Valley Reservation (Miller 1978), Mendocino's largest Indian land, established in 1858-, **along with many other Tribes from the region.**

Cahto

Cahto's land includes Branscomb, Laytonville, Cummings, and valleys along South Fork Eel River, slightly beyond the Mendocino County border. ~~There is limited ethnographic data on Cahto, as they were a smaller group than the Pomo,~~ **sharing the Athabaskan language group with their neighbors to the north.** By 1920s, most Cahto moved to Round Valley or a tribal rancheria near Laytonville **by force.**

Historic Setting

Spanish Period (1769 – 1822)

From 1542, Spanish explored California without **creating** settlements. In 1769, Spain claimed Alta California and in the 18th century, Spain built presidios, missions, and towns to **forcibly** convert natives and settle Spaniards. In 1823, the closest mission to Willits was founded, Mission San Francisco Solano in Sonoma (California Missions 2023). Alta California later became New Spain's colony. **During this time many Russian fur trappers came to Mendocino County and beaver populations were decimated as a result. Beaver ponds drying up changed the ecosystem and water cycle of the region to be drier and less diverse.**

Mexican Period (1822 – 1848)

In California's Mexican era (circa 1821-1848), missions **were** secularized, ranchos **were** formed, and Native Americans **were forced to labored for the very people who took their land and ways of life from them.** **Counties were shaped by** ~~Land grants~~ **issued by Mexican authorities** ~~shaped counties,~~ including Mendocino, in the 1840s. No towns existed until 1859, and administration was under Sonoma County due to the low population of Mendocino County.

The Bear Flag Revolt in 1846 showed U.S. settlers' concerns about Mexican rule. The U.S./Mexico conflict in 1846 and the Treaty of Guadalupe Hidalgo in 1848 marked the beginning of California's American Period.

American Period (1848 – Present)

Statehood followed through the Compromise of 1850, designating territories. Horticulture, livestock, and cattle-based economy continued. The Gold Rush in 1848 shifted cattle's value. Severe drought in the 1860s hurt cattle herds and rancheros' income. Property boundary issues caused conflicts. Debt and legal costs led to rancho lands transfer to Americans, often converting to plots or towns. **Native people were massacred, and the survivors rounded up by settlers and forced on to Rancherias. Many of the Rancherias were later terminated and Tribes had to fight legal battles to regain federal recognition, some are still fighting for recognition.**

Local History

Within Little Lake Valley, the City of Willits (City) is surrounded by a secondary forest teeming with tan oak, madrone, Douglas fir, and redwood trees. This landscape resides within the Pacific Coast Range, earning the City the monikers "Gateway to the Redwoods" and the "Heart of Mendocino County." Notably, the region was originally inhabited by the Pomo ~~T~~tribe of Native Americans, who **continue to live in the area and** enjoyed a deep-rooted connection with their **ancestral** land. Their presence echoes through time, enriching the City's heritage **and present day culture.** Several prehistoric sites have been noted in the vicinity of Willits ~~and the ethnographic village of Mitoma is reported to be in the southwestern part of the City.~~ Prehistoric cultural resources are most likely to be found

at the base of hills and along seasonal and perennial water courses. These areas have been identified as potentially sensitive on the Historical and Archaeological Resources Map located in the City of Willits General Plan (1992). This Map is attached in Appendix C.

Response to Comment 4-5

The comment letter requests that an edit be made to Section 3.5 Cultural Resources, Regulatory Setting, State, relating to Senate Bill 18 on page 3.5-6.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Rather, this comment requests that the Drant EIR refer to the applicability of Senate Bill 18 to the entire Project Areas, which includes the City and proposed Sphere of Influence Area.

In response to this this request, the following edits are made to Section 3.5 Cultural Resources, Regulatory Setting, State, relating to Senate Bill 18 on page 3.5-6:

California Senate Bill 18 (Chapter 905, “Traditional Tribal Cultural Places”)

Signed into law in 2004, Senate Bill (SB) 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. Cities and counties must provide general and specific plan amendment proposals to California Native American tribes that have been identified by the Native American Heritage Commission (NAHC) as having traditional lands located within a project’s ~~the city’s~~ boundaries. If requested by the Native American tribes, the city must also conduct consultations with the tribes prior to adopting or amending their general and specific plans. These consultations are for preserving or mitigating impacts to Native American historic, cultural, sacred sites, features, and objects located within the city or county. A tribe has 90 days from the date of contact to request a consultation, unless the tribe agrees to a shorter timeframe. SB 18 also added a new topic that must be addressed in the Open Space Element of the General Plan: open space land for the protection of Native American historic, cultural, sacred sites, features, and objects.

Response to Comment 4-6

The comment letter requests that Tribal Cultural Resources as defined in Section 3.5 Cultural and Tribal Cultural Resources Environmental Setting on page 3.5-1 of the Draft EIR be expanded to include “living cultural resources”. This response to comment also addresses Comment 4-6 which also relates to the definition of Cultural Resources as defined in Section 3.5 Cultural and Tribal Cultural Resources Environmental Setting on page 3.5-1 of the Draft EIR.

See Response to Comment 4-3.

Response to Comment 4-7

The comment letter requests edits to the introductory paragraph to Impact CUL-01: Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5, on page 3.5-12, in particular to remove reference to the name of a village site. An identical sentence is also included in the second paragraph of the analysis on page 3.15-14 in Impact CUL-02: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Rather, this comment requests that the Draft EIR be sensitive to the need to protect Tribal Cultural Resources.

In response to this request, the following edits are made to the first two sentences in the introductory paragraph to Impact CUL-01 on page 3.5-12:

As previously ~~discussed~~ **mentioned**, there are several prehistoric sites noted in the vicinity of the City of Willits. ~~The ethnographic village of Mitoma is noted to be located in the southwestern portion of the City of Willits.~~

In response to this request, the following edits are made to the first two sentences in the introductory paragraph to Impact CUL-02 on page 3.5-14:

As discussed above, there are four (4) historic structures within the City of Willits limits. ~~The ethnographic village of Mitoma is noted to be located in the southwestern portion of the City of Willits.~~ In addition, prehistoric cultural resources are likely to be found at the base of hills and along seasonal and perennial water courses.

Response to Comment 4-8

The comment letter requests a minor wording change to Mitigation Measure CUL-1. Cultural Resource Discovery Protocols New Implementation Measure for “Coordinate with Local Communities” Group:

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Rather, this comment requests that edits be made to Mitigation Measure CUL-1 to reflect that archaeological resources or cultural resources, including human remains would be inadvertently uncovered rather than discovered.

In response to this request, the following edits are made to Mitigation Measure CUL-1. Cultural Resource Discovery Protocols New Implementation Measure for “Coordinate with Local Communities” Group:

Implementation Measure LU-7.X1: In the event archaeological resources or cultural resources, including human remains, are inadvertently unearthed or **undiscovered** during construction, the contractor shall immediately halt all grading/land-clearing activities and contact the City of Willits Community Development Department (CDD). All activity in the vicinity of the resources shall cease until it can be evaluated by a qualified archaeologist and a Native American representative. If the archaeologist and Native American representative determine that the resources may be significant, they shall notify the CDD and develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources. In considering suggested mitigation proposed by the archaeologist and Native American representative, the CDD will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may

proceed in other parts of the project area while mitigation for cultural resources is being carried out.

Response to Comment 4-9

The comment letter requests a minor wording change to Mitigation Measure TCR-1. Avoid Impacts to Tribal Cultural Resources New Implementation Measure for “Coordinate with Local Communities” Group:

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Rather, this comment requests that edits be made to Mitigation Measure TCR-1 to further specific protections and that the locally-affiliated Native American Tribe be contacted in a timely manner.

In response to this request, the following edits are made to Mitigation Measure TCR-1. Avoid Impacts to Tribal Cultural Resources New Implementation Measure for “Coordinate with Local Communities” Group:

Implementation Measure LU-7.X3: If previously unidentified tribal cultural resources are encountered during project implementation, altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, photograph, post on social media, or disturb cultural resources. A representative from a locally-affiliated Native American Tribe shall be contacted in a timely manner to evaluate the resource and prepare a tribal cultural resources plan identifying methods necessary to protect the resource, in consultation with the City of Willits.

LETTER 5 - MENDOCINO LAFCo

Comment received via email



Mendocino LAFCo

Encouraging Well-Planned Community Growth

200 S School Street | Ukiah, CA 95482

Phone: (707) 463-4470

Email: eo@mendolafco.org

Web: mendolafco.org

September 12, 2024

Dusty Duley, Community Development Director
City of Willits
111 East Commercial Street
Willits, CA 95490

Re: Notice of Availability of a Draft Programmatic Environmental Impact Report for the
City of Willits Land Use Element & Sphere of Influence Update

Dear Mr. Duley:

Thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Report (PEIR) for the City of Willits' Land Use Element and Sphere of Influence Update. LAFCo staff provided comments in response to the Notice of Preparation for this PEIR by letter dated April 5, 2023. We have reviewed the Draft PEIR and appreciate the City's efforts to address our comments.

We look forward to continuing to be involved in the City's long range planning activities and anticipate working closely with City staff on its application(s) to LAFCo to update its Sphere of Influence and potential annexations.

Please contact me with any questions.

Regards,

Uma Hinman
Executive Officer

Comment
5-1

LETTER 5 – RESPONSE TO COMMENTS

Response to Comment 5-1

The comment letter expresses appreciation to the City of Willits for addressing the Mendocino LAFCo Notice of Preparation comments in the Draft EIR.

This comment addresses continuing to work with the City on the Sphere of Influence (SOI) Update and does not address EIR adequacy. No further response is necessary.

LETTER 6 - WILLITS ENVIRONMENTAL CENTER

Comment received via email

September 12, 2024

From : The Willits Environmental Center
630 South Main Street
Willits CA 95490
wece@sbcglobal.net

To: Mr. Dusty Duley, Community Development Director
Community Development Department, City of Willits
111 E. Commercial Street
Willits, CA
95490
dduley@cityofwillits.org

Re: Comments From the Willits Environmental Center on the General Plan Land Use Element Update Draft Programmatic Environmental Impact Report

Dear Mr. Duley;

We are pleased that it is a goal of the City of Willits to prioritize infill development, as stated many times throughout the DEIR, in order to conserve natural resources and the natural diversity and environmental health of Willits' god-given, still lovely natural setting. However, we are sorely disappointed that this proposed update, for the most part, harkens back to the 1960's when growth, more roads, more pavement, more structures, and a unjustified confidence in the inexhaustibility of natural resources, such as water, living creeks, blue skies, close-by scenic vistas and access to natural landscapes, were the common perceptions of communities like Willits. We of course know now that such amenities are not inexhaustible and that they will surely be destroyed, despite reassuring intentions to some day do something different. Now is the time to do that something different. Therefore, we submit the following comments.

The proposed new expanded Sphere of Influence (SOI) is absurdly large. It would increase the size of Willits by close to one hundred percent. (And this is a community that hasn't experienced population growth in over 50 years. Furthermore here is no evidence that that trend will change over the next 20 years.) Such a proposed expansion of the City limits is flagrantly irresponsible when the vacancy rate of multiple categories of properties is quite high within the existing city limits.

For example, the DEIR states that 30% of the city land base is zoned for industrial use (508 acres), but only 10% is actually in use (about 180 acres). Of the 317 acres of land zoned commercial, less than half of those acres are actually in use. There is clearly ample room for infill. If the industrial sites are contaminated, they should be cleaned up so as to be appropriate for other uses, including residential use. If owners of commercial properties are reluctant to sell or develop their commercial lots, the city should create incentives for those owners to sell, or pass ordinances that discourage or ban prolonged vacancy.

Comment 6-1

We recommend the following actions to avoid the urban sprawl proposed in this Land Use Update, protect the surrounding natural landscapes and their vital functions threatened by this Update, and to create a more vibrant, walkable, energy efficient, and forward thinking small town of the future which we assume is the goal of this Update.

There should be no new SOI's that include any areas that are presently undeveloped, wooded, or without existing easy road access to downtown Willits that will necessitate a car trip for every simple errand in town. No SOI's should be proposed that have natural habitats such as creeks, woodlands or forest, meadows, or seasonal wetlands, or the potential for larger scale food production. There should be no residential development proposed for an existing natural wooded setting.

For Example, and though not in an SOI, the proposed re-zone to residential development of the wooded area south of the Haehl Creek development would undoubtedly result in the need to clear vegetation, especially trees, around houses and other associated structures. This would strip away most of the natural functions and benefits of this undeveloped wooded landscape. In 2024, these are precisely the areas that should not be in the City's sights for new development.

The proposed SOI along Highway 20 west of Willits is a glaring example of an unnecessary overreach into areas too far from the city, as is the SOI that includes Exley Lane west and south to Hwy 20. We also recommend eliminating the SOI west of the South Main Street businesses because it will encroach upon the precious open space, potential agriculture, and critical watershed/riparian and wetland functions of Baechtel Creek as that creek enters the troubled, creek-unfriendly city limits.

In summary, the DEIR should dramatically shrink the size of the proposed SOI's to include only those areas with existing well maintained road access, city utilities, preexisting residential or commercial lot-size configurations, will have no impacts on the existing and future healthy functions of natural ecosystems, and that have a super majority of lot owners who want to be annexed.

In addition, the proposed land use changes within the existing City limits should reflect the same urgency to prioritize infill development as a way to vitalize community life, and to retain the rare and precious bits of natural landscape that still exist within the city. In particular, we recommend that the substantial piece of property between Baechtel Road and Railroad Avenue (page 2.0-30) should be zoned open space. This is one of the last opportunities for Willits to provide adequate riparian protection for one of its four Class I salmon and steelhead-bearing streams that flow through the incorporated city limits. There is space here for a park, for pedestrian walkways, shaded gathering areas, all in a perfect location for connecting the developments on East Hill Rd, the Senior Center and residential development to the south, to the Safeway commercial complex and the downtown center to the north.

The Willits Environmental Center together with Lynn Kennelly and the Chamber of Commerce spearheaded the 2003 Baechtel Road/Railroad Ave. Corridor study cited in the DEIR. The purpose of that study was to investigate creating a second north/south road corridor through Willits that would take traffic off Hwy 101 by providing a local north/south road mainly for local

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tramfic and thus avoid the necessity for a freeway bypass around Willits. Willits now has the Bypass, and traffic flows easily through Willits, so to abuse that miraculous bit of open pace in the heart of Willits with more pavement would be a terrible lost opportunity to celebrate one of Willits' most remarkable features - its four salmon and steelhead streams and associated riparian areas. We strongly recommend that this area be zoned as a potential Ashland-like stream-side park along Baechtel Creek.

We also urge the City to include "pocket parks" zoning for some of the strategically located empty lots in the City. The empty lot across from the post office is an example of one location. Another is the grassy lot with the lovely Redwood tree on the corner of Central and W. Oak St. The occasional respite from the summer heat offered by a tree and a bench can make all the difference when someone is deciding whether or not to drive to the store, or simply enjoy a fifteen minute walk. Neighborhood pocket parks can also provide a playground for youngsters which is close to home. These decisions can enhance the look and the congeniality of our town, and can be part of Willits' contribution to reducing the impacts of climate change.

Parks are the City's responsibilities, of course, which generally means it costs money to maintain (and acquire). Forward thinking cities and counties have created Open Space Districts, tax their residents (a minor amount spread over thousands of residents) and thus are able to care for their public spaces. Willits (or perhaps the entire 95490 area code) could institute such a district and thus fund loveliness, shade, places to pause and smell the roses. **We could have such amenities, not just by accident or luck, but by intention.**

In addition to the above suggestions for purposefully protecting the natural environmental beauty and richness of Willits' setting, we want to bring to your attention certain important errors and omissions in the DEIR.

The DEIR fails to describe in any detail the four class I salmon and steelhead-bearing streams, Willits Creek, Broaddus Creek, Baechtel Creek, and Haehl, Creek that flow through the city, nor does it mention specifically the 2000 acre wetland mitigation project which borders the city to the east and north. These are environmental features that are directly in the way of significant negative impacts from the proposed Land Use Element Update. The DEIR totally fails to describe with the required specificity the potential significant impacts to these natural habitats. According to the CEQA Portal Topic Paper, 2020, mitigations need to include details of what will be done, where it will be done, and how the mitigation will be enforced. General Plan policies, such as LU-9.X1 and LU-9.3, which are included in the mitigations for impacts to Biological resources, do not address specific potential impacts to these four creeks. For example, data collection, resource assessment, and mapping are not "mitigations" as envisioned by CEQA, and certainly do not assure the public that these creeks will be protected from the very likely negative impacts being maneuvered into place by the proposed land use changes. In addition, General Plan promises/policies of future ordinances are also not sufficient mitigation for identified likely negative impacts. Willits has had a policy to create a riparian overlay zone for almost thirty years. While the years have gone by, the opportunities to actually create riparian protection zones have been lost, over and over until now Willits has few opportunities left to actually back off development from creek banks. As recently as two years ago, large riparian

Comment
6-4 continued

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6-5

trees were being removed to extend a parking lot to the very edge of Broaddus Creek’s banks within the City of Willits. Nothing in this Update mitigates this continuing threat.

We recommend that an adopted riparian protection overlay zone ordinance be a PREREQUISITE for approval of this Land Use Element Update. We don’t bring about peace by expending our resources on weapons production. Likewise, we don’t protect streams by proposing development that will cause negative impacts, and then, after the fact, try to reduce the damage.

The absence of a city tree protection ordinance is another example of setting the stage for loss of tree cover within the city limits, in particular some of the city’s large “heritage trees”, and in any annexed SOI’s, if this DEIR is approved BEFORE Willits has a strong, enforceable tree protection ordinance. The DEIR references the city’s Urban Forest Management Plan, as a mitigation available to protect woodlands, and in particular oaks. However, this Plan has never been turned into an enforceable ordinance. Consequently, it is of no value in protecting city oak groves, of which there are very few, nor has it provided any lever for protecting individual unique, beloved or heritage trees in the City.

As above, we recommend that as a PREREQUISITE to approving this Updated Land Use Element, the City pass a comprehensive tree (and grove) protection ordinance that, in advance, serves to direct development, including SOI’s, away from protected trees and groves that the City has determined it will protect. As we ALL know, avoiding impacts in the surest and best mitigation.

In several categories of potential impacts, the DEIR concludes that because certain State or federal designations do not exist for certain natural resources, then we local folks don’t risk causing any harm. For example, because there are no State or federally designated Scenic Highways in and around Willits there can be no significant negative impacts to scenic resources. However, we can determine locally that certain vistas are important to our community aesthetics and identity, and without a federal or state requirement to do so, we can protect those meadows and ridges and hillsides and forested vistas from grading or clearing or buildings. The absence of state and federal regulations doesn’t prevent Willits from taking protective measures to preserve those views and sense of place. The proposed Hwy 20 SOI is an example of a scenic vista that could be damaged by road building, grading and other development activities.

Likewise, the absence of designated soils of special concern or value by the State does not mean that Willits and the surrounding planning area does not have soils that are of particular value to our local farmers and gardeners and graziers that are worthy of special protection and therefore vulnerable to significant negative impacts. The DEIR must not simply dismiss the question of whether or not there could be significant loss to such soils as a result of the proposed Land Use Element Date. Willits and/or the SOI’s could very well have agricultural soils that if protected could be of value to local farmers and the residents of Willits and surrounds.

Similarly, because the State does not consider the Little Lake Valley groundwater basin to be of particular concern to the State because it has a relatively small population and industrial activity doesn’t mean that the Little Lake ground water basin is not of absolutely critical concern to

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Willits, surrounding residents, and the success of the ongoing in perpetuity wetland enhancement project of 2000 acres of Little Lake Valley. Nor does it mean that Willits can avoid potential significant impacts to the environment of Little Lake Valley (in its planning area), and its future requirements for water without having in place a state-of-the-art groundwater basin assessment and use plan equivalent to a state-required ground water basis assessment and use plan for other ground water basins. We feel strongly that the DEIR cannot minimize the potential for significant impacts on Willits' water quantity and quality.

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6-7 (continued)

As an example of the importance of this issue, new pavement, foundations, roads or other impermeable surfaces resulting from new development will hinder water infiltration into the soil, or block it completely, and could cause more runoff and potential increased flooding. Also, the Little Lake Valley aquifer, on which the City is now relying for adequate water, is recharged solely through infiltration of annual rainfall. The infiltration takes place primarily on the south and west edges of the basin. Every new impermeable surface on the west and south limits of the city prevent more rainfall from recharging the groundwater basin on which Willits is relying for current and future use. A true state-of-the-art groundwater assessment should be done prior to any expansion proposal.

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Finally, Willits is currently out of compliance with its State water right. Before the DEIR for the Land Use Element Update is approved, we recommend that Willits be operating with a current State-approved water right. Any Land Use Element Update must be based on a verifiable water right in compliance with all state and federal water use regulation.

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Thank you for your attention to these comments.

Sincerely,
Ellen Drell for the Willits Environmental Center

LETTER 6 – RESPONSE TO COMMENTS**Response to Comment 6-1**

The comment letter states that the proposed expanded Sphere of Influence (SOI) defined in the Draft Land Use Element is very large and that only a small portion of the SOI area is developed, only a portion of the land within the City planned for development is currently developed, and that there is “ample room” within the City to accommodate infill development. The comment letter also states that the SOI should not include undeveloped areas, especially those that include natural habitats.

This comment addresses the proposed SOI size, not the Draft EIR. The SOI must be approved by Mendocino LAFCo in a separate action. The comment indicates that a large proposed SOI would likely include a variety of environmental resources, and could result in a more dispersed pattern of development, this comment does not address a specific aspect of EIR adequacy. The Draft EIR addresses 3.4 Biological Resources potential biological resource impacts in Section 3.4 Biological Resources and vehicles miles traveled in Section 3.17 Transportation and Circulation. No further response is necessary.

Response to Comment 6-2

The comment letter states that future development of the South Haehl Creek land use change area would involve the removal of vegetation, especially trees.

This comment does not identify new information not already disclosed as part of this Draft EIR, or EIR adequacy. Vegetation removal would be evaluated and mitigated at time of development. The Land Use Element does not include any specific projects and instead enables development that could occur in the future. The Draft EIR is a program EIR that identifies important resources and evaluates potential impacts at a higher, programmatic, level focusing on the degree to which the application of existing federal and state regulations and existing and proposed local policies and regulations to a future application for development will ensure that the impacts of future project would be less than significant.

The Biological Resources analysis describes this approach under the heading of “Assumptions” on page 3.4.26, with the following: “The proposed Project is intended to facilitate growth and also has the potential to induce additional future growth indirectly. The Land Use Element Update assumes that the City population will grow to 7,500 during the Planning Period; however, the timing, location, and scale of future development consistent with the Project is unknown. In order to ensure that potential impacts to biological resources are not underestimated in this analysis, we assume the maximum realization of potential development for which the Land Use Element Update and Sphere of Influence Amendment are intended to accommodate.”

The Biological Resources analysis assumes that the existing federal and state regulations and local policies, as well as the proposed policies of the Land Use Element, would be fully implemented as applicable to each future application for development. Where the analysis cannot reasonably assume that the implementation of the existing and proposed regulations and policies would adequately reduce potential impacts, this section requires new policies and implementation measures be fully implemented as mitigations that are necessary to further reduce the likelihood for potential development-related impacts to protected biological organisms identified in this analysis to a level that would be less than significant.

The Draft EIR evaluates the South Haehl Creek land use change area and the potential biological resource impacts that could occur if future development were to occur in this area. The “Vegetation” section of the 3.4 Biological Resources Environmental Setting describes the vegetation types present in the City and proposed SOI area. Potential impacts to resources within the South Haehl Creek area was specifically addressed in the Impact BIO-01, Potentially Significant Impacts to Special Status and/or Otherwise Protected Fish, Wildlife, and/or Botanical Taxa, where potentially significant impacts had the potential to occur without mitigation. A new policy is required to address potential biological resource impacts in areas that are proposed for annexation as well as the South Haehl Creek area (Mitigation BIO-01.2. Require Pre-Project Biological Resource Assessments and Surveys New Policy for “Protect Natural Resources within Areas Planned for Development” Group, Mitigation BIO-01.2).

This policy would require the preparation of pre-project biological resource assessments and surveys that would involve site- and/or project-specific biological resource assessments prior to annexing any properties into the City from the Proposed Sphere of Influence additions, and prior to approval of principally permitted development of multifamily housing on properties planned Residential-Medium Density in the South Haehl Creek area. Biological resource assessments would also be required to identify mitigation measures to avoid and/or reduce impacts to protected biological resources to less than significant levels from all new development allowed within the study area by the General Plan. No further response is required.

Response to Comment 6-3

The comment letter recommends reducing or eliminating proposed SOI area due to potential open space, agricultural, watershed, riparian, and wetlands impacts.

This comment addresses the proposed Land Use Element Update and does not identify a specific aspect of EIR adequacy. SOIs can include and protect natural areas and resources. Section 3.4 Biological Resources addresses potential watershed, riparian, and wetlands impacts within the proposed SOI area and requires a series of mitigations to address potential resource impacts of future development. The mitigation described above specifically addresses biological resource assessments and measures to avoid and/or reduce impacts to protected biological resources to less than significant levels from all new development allowed within the study area by the General Plan proposed SOI area. Section 3.2 Agricultural and Forestry Resources evaluates agricultural uses within the proposed SOI, agricultural soils, and applies the Local Agency Formation Commission criteria for identifying Prime Agricultural Land and finds that potential impacts to agricultural resources are potentially significant and requires that a new policy be adopted as mitigation that would protect designated open space land and existing agricultural activities in potential annexation areas. No further response is required.

Response to Comment 6-4

The comment letter recommends planning the Baechtel Road land use change area be designated as open space to protect the riparian area and to provide land for a park. The comment letter states that the purpose of the secondary roadway that is a component of the planning for this land use change area is now unnecessary. The comment letter also encourages the creation of parks throughout the City.

This comment addresses the proposed Land Use Element Update and does not identify a specific aspect of EIR adequacy. No further response is necessary.

Response to Comment 6-5

The comment letter states that there are errors and omissions in the Draft EIR, including the lack of detail regarding class I streams within the City and the lack of specificity in describing potential significant impacts, details regarding mitigation measures including when or if they will be implemented. The comment letter also states that the following mitigation measures do not address potential impacts to the four Class I streams and are not CEQA mitigations, nor do they assure the streams will be protected: New Policy LU-9.X1-BIO-01.1. Utilize Biological Resource Inventory Assessment Tools During Project Review; Policy LU-9.X2-BIO-01.2. Require Pre-Project Biological Resource Assessments and Surveys; and New Policy LU-9.X3 - BIO-01.4. Require Low Impact Development (LID) Stormwater Design Standards and Use of Appropriate Plant Species in LID and Other Development-Related Landscaping and Revegetation Efforts.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Chapter 1 of the Draft EIR defines the CEQA document for the Land Use Element and Sphere of Influence Update as a Draft Program Environmental Impact Report. The State of California General Plan Guidelines, 2017, on page 273 Chapter 10, CEQA, states that a “program EIR prepared for a general plan examines broad policy alternatives, considers the cumulative effects and alternatives to later individual activities where known, and contains plan-level mitigation measures. Later activities that have been described adequately under the program EIR will not require additional environmental documents (CEQA Guidelines § 15168(c)(2)).” The General Plan Guidelines further state on page 271 that the General Plan “EIR must identify mitigation measures and alternatives to avoid or minimize potential impacts, to the extent feasible. The general plan EIR is a particularly useful tool for identifying measures to mitigate the cumulative effects of new development.” “Pursuant to Public Resources Code section 21081.6, the general plan must incorporate the approved mitigation measures identified in the EIR into its policies and programs.”

Draft EIR Chapter 1, page 1.0-1 states the “PEIR provides a first-tier analysis of the potential environmental effects of the proposed Project. Section 15152 of the CEQA Guidelines indicates that tiering is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site specific EIR or negative declaration if additional analysis is necessary. Subsequent activities in accordance with the proposed Project are examined in light of this PEIR to determine whether an additional environmental document must be prepared. If a subsequent project or later activity would have effects that were not examined in this PEIR, or not examined at an appropriate level of detail to be used for the later activity, an initial study would need to be prepared to determine the appropriate environmental document.”

This Draft EIR analyzes the potential impacts of implementing the Land Use Element Update and associated zoning, as well as a subsequent application to the Mendocino Local Agency Formation Commission to expand the City Sphere of Influence, which constitutes the Project as defined by CEQA. The Draft EIR evaluates the environmental conditions that currently exist and how those conditions could potentially be impacted by the implementation of the Land Use Element Update. This evaluation takes into account the geography and nature of the City of Willits and proposed SOI, the setting, and other physical characteristics that affect the environment. The Land Use Element Update is a policy document that does not, and cannot, speculate on the specific characteristics or details of individual future projects that may be proposed. This EIR provides as much detail as possible and focuses on the secondary effects that can be expected from adoption

of the of the General Plan but is not as detailed as an EIR for a specific construction project. Content and process requirements for Program EIRs are found in the Title 14 CCR Chapter 3: Guidelines for Implementation of the CEQA.

The comment letter states that the Draft EIR lacks detail regarding class I streams within the City and lacks specificity regarding potential significant impacts. The letter also specifically highlighted several mitigation measures and states that these mitigations do not address potential impacts to the four Class I streams and are not CEQA mitigations. The following paragraphs address the preceding statements in the comment letter.

Streams. Streams are described in Section 3.4, Biological Resources, Environmental Setting, Aquatic Resources, beginning on page 3.4-1. This section states that the “most significant streams within the Planning Area that feed Outlet Creek flow through the incorporated City limits and proposed expanded Sphere of Influence and include Willits, Mill, Broaddus, Baechtel, and Haehl Creeks.” This section generally describes the historic and present conditions of these streams and indicates that these streams are identified in the U.S. Fish and Wildlife Service’s National Wetlands Inventory. Figure 3.4a, Planning Area Aquatic Resources within the City of Willits Planning Area, shows the location of the specific creeks identified in the comment letter. Table 3-4a identifies special status fish and wildlife taxa known from, or that have reasonable potential to occur within the City of Willits Planning Area and Table 3.4c. identifies Designated Critical Habitat and/or Essential Fish Habitat for Federally-Listed Taxa known from, or that have reasonable potential to occur within, the City of Willits Planning Area.

The Draft EIR states on pages 3.4-9 through 13: “Much of Outlet, Upp, Mill, Willits, Broaddus, Baechtel, Haehl, Davis, and Berry Creeks—including portions of their associated riparian habitats—within the incorporated City limits, the proposed expanded Sphere of Influence, and elsewhere within the Planning Area are federally-designated Critical Habitat for Coho Salmon (*Oncorhynchus kisutch*—Southern Oregon/Northern California ESU), Chinook Salmon (*Oncorhynchus tshawytscha*—California Coastal ESU), and “winter-run” Steelhead (*Oncorhynchus mykiss irideus*—Northern California DPS) (Table 3.4c). Although there is considerable overlap, the extent of the Critical Habitat designation for each species varies both within and between each of the aforementioned watersheds, all of which are also federally-designated as Essential Fish Habitat for both Coho and Chinook Salmon as well (Table 3.4c).”

Draft EIR Appendix B - Biological Resources, Table 1. Special Status Fish and Wildlife Taxa Known From, or That Have Reasonable Potential to Occur Within, the City of Willits Planning Area details pertinent distribution information for, and describes potentially suitable habitat for various life history stages of, special status fish (and other wildlife) taxa identified within the City of Willits Planning Area, and specifies individual tributary streams where that resolution of geographical information is available—including those streams identified within the comment letter.

Detail Regarding Potential Impacts. In Impact BIO-01: Potentially Significant Impacts to Special Status and/or Otherwise Protected Fish, Wildlife, and/or Botanical Taxa, the analysis describes potential direct impacts to streams and riparian areas in the following sentence: “Ministerial and/or discretionary projects that involve instream work (e.g., road or utility crossings, etc.) could result in the incidental take of special status aquatic (or semi-aquatic) organisms (including their eggs, larva, and/or immature individuals) such as state- and/or federally-listed Coho Salmon (*Oncorhynchus kisutch*—Southern Oregon/Northern California ESU), Chinook Salmon

(*Oncorhynchus tshawytscha*—California Coastal ESU), and “winter-run” Steelhead (*Oncorhynchus mykiss irideus*—Northern California DPS); as well as other stream-dependent or associated special status organisms such as Pacific Lamprey (*Entosphenus tridentatus*), California Floater (*Anodonta californiensis*), Northwestern Pond Turtle (*Emys marmorata*), Red-bellied Newt (*Taricha rivularis*), and/or Foothill Yellow-legged Frog (*Rana boylei*).” The analysis further enumerates the special status species that could be affected by development under the heading “Special Status Organisms Associated with Riparian Habitats.” Impact BIO-01 also describes and enumerates potential indirect and/or cumulative impacts, in particular under the headings “Potential Impacts to Special Status Aquatic Organisms Due to Development-Related Hydrological Alterations” and “Potential Impacts to Special Status Organisms Due to Removal or Degradation of Riparian Vegetation.” Additional analyses relating to streams and riparian areas can be found in Impact BIO-02: Potentially Significant Impacts to Riparian Habitats and/or Other Sensitive Natural Communities and Impact BIO-03: Potentially Significant Impacts to State- and/or Federally-Regulated Wetlands and/or Waters. All of these impact analyses refer to the various tributary streams of the Outlet Creek watershed and other sensitive natural communities within the Proposed Sphere of Influence and/or within the City of Willits’ proposed Land Use Change Areas, as described in the Environmental Setting.

Mitigations. Given that the proposed project is an update to the General Plan Land Use Element and the nature, location, timing, and details of future projects are unknown, the biological resources impact analyses, summarized above, consider the degree to which existing and proposed goals, policies, and implementation measures proposed in the current City of Willits General Plan and proposed Land Use Element Update would protect streams, riparian habitats, other sensitive natural communities, and the biological organisms they support from development that may occur following the adoption of Land Use Element policy and changes to the General Plan Land Use Map. The impact analyses list each existing or proposed policy or implementation measure that could protect important resources. The analyses conclude that policies would likely reduce potential impacts to special status fish, wildlife, and/or botanical taxa identified herein, but additional mitigation is necessary to further reduce the likelihood for future potential development-related impacts to protected biological organisms to a level that would be less than significant.

As described above, each of the impact topics lists current and proposed policies that would lessen potential environmental impacts. Those policies and the mitigations that revise them are summarized in the following (the policy numbering is revised to reflect the current Public Review Draft Land Use Element):

Policy LU-8.1 Riparian Buffer Areas is a high-level policy echoing Conservation and Open Space Policies and Mitigation Measures requiring project applicants that are located adjacent to streams to include appropriate measures to achieve stream channel and native riparian vegetation preservation. This is not a standalone policy, rather it is made operational by Policy LU-8.3 Riparian Area Land Use Overlay and Implementation Measure LU-8A Stream and Riparian Combining Zone which prohibits development within a buffer around stream/riparian areas and makes this the requirement for all projects.

Policy LU-8.2 No Net Loss of Wetlands Resulting from Development requires that the presence of potential wetlands in the vicinity of a proposed project be determined during the review process for discretionary projects and for ministerial building and grading permit applications to ensure that no net loss of wetlands results from development, consistent with Conservation and Open Space Policies and Mitigation Measures.

Policy LU-8.3 Riparian Area Land Use Overlay is a policy, coupled with implementation Measure LU-8A Stream and Riparian Combining Zone, that further operationalizes Conservation and Open Space Element Implementation Measure 3.320 by requiring the implementation of a combining zone around streams that prohibits development within a prescribed buffer area, provides clear procedures requiring findings, in consultation with CDFW, for exceptions, vegetation removal and to avoid takings, and defines allowable uses in streams and riparian areas that shall not result in significant adverse effects to biological resources.

Mitigation BIO-01.2 revises Policy LU-8.3, Riparian Area Land Use Overlay, to define riparian buffer area metrics (100 feet for perennial streams and 50 feet for intermittent streams and 150 for perennial wetlands and 50 feet for seasonal wetlands) to ensure a minimum level of resources protection, requires the use of wildlife-permeable fencing materials and designs, and requires low impact development standards implementation and the use of locally-appropriate native vegetation in landscaping.

Policy LU-8.4 Protect Oak Trees and Woodlands, coupled with Implementation Measure LU-8B Oak Tree Protections, integrates important tree protections from the Urban Forest Management Plan into the Zoning Regulations to establish an oak tree and oak woodland retention and protection program applicable to new ministerial and discretionary development approvals that emphasizes the avoidance, minimization, or mitigation of oak tree and oak woodlands removal. (Source: New Policy)

Mitigation BIO-01. New Policy LU-9.X1 Utilize Biological Resource Inventory Assessment Tools During Project Review requires the adoption of a new policy directing City staff to ensure that the best available biological resource mapping data (with specific references) is used as a screening tool during the ministerial and discretionary project review process to identify biological resource concerns, evaluate project alternatives, and guide mitigation to avoid or reduce biological resource impacts to insignificant levels consistent with CEQA.

Mitigation BIO--01.2. New Policy LU-9.X2 Require Pre-Project Biological Resource Assessments and Surveys requires that site- and/or project-specific biological resource assessments be prepared by a qualified professional prior to annexing any properties into the City from the Proposed Sphere of Influence additions and prior to approval of principally permitted development of multifamily housing on properties planned Residential-Medium Density in the South Haehl Creek area and specifies what the assessments shall address and that mitigation measures be defined to avoid and/or reduce impacts to less than significant levels and requires pre-project biological surveys and/or habitat delineations.

Mitigation BIO-01.4. New Policy LU-9.X3 Low Impact Development Stormwater Design Standards Near Important Streams requires that all development within 250 feet of Willits, Broaddus or Baechtel Creeks and their tributaries implement stormwater requirements from the Mendocino County Low Impact Development Standards Manual.

Mitigation BIO-01.4. New Policy LU-9.X4 Local Native Plant List requires that the City develop and make available a list of locally appropriate native vegetation suitable for planting within low impact development features and for development-related landscaping and revegetation and encourage the use of locally appropriate and locally sourced native

vegetation, appropriately-selected revegetation seed applications, or blends for use in revegetation and landscaping efforts and prohibit the use of any plant species designated as: “invasive,” “noxious weed,” or “federal noxious weed.”

Mitigation BIO-01. New Policy LU-9.X5 Require Appropriate Design Standards to Minimize Artificial Light Pollution requires that the design and location of all outdoor lighting fixtures associated with development prevent direct illumination of streams, wetlands, and Riparian Buffer Areas. This mitigation measure and new policy serve to avoid and/or reduce light pollution associated with development, which is known to adversely affect the migration, movements, and other important behaviors of salmonids, as well as other fish and wildlife taxa.

Mitigation BIO-01. New Policy LU-9.X6 Initiate Community Outreach to Reduce Impacts to Wildlife directs the City to partner with local organizations to educate applicants and residents about the impacts to special status and otherwise protected wildlife from toxic pest control methods and free-ranging house cats on special status and otherwise protected wildlife.

As described above, the Land Use Element update is not a specific project and therefore site-specific impacts and mitigations cannot be developed. The proposed policies, as revised by the mitigations, should be considered comprehensive and appropriately protective of the biological resources within the City and proposed SOI expansion areas for future development, given that they:

1. ensure that the best available biological resource mapping data (with specific references) is used as a screening tool during the review of all ministerial and discretionary projects;
2. establish explicitly defined buffers around streams, known wetlands, and their associated riparian habitats within the City to be protected during development for all projects and require that consultation with CDFW occur and that findings be made for any exceptions;
3. establish a range of protective requirements, including low impact drainage infrastructure, native plantings, and non-pollutive lighting for development near riparian areas;
4. require that an oak tree and oak woodland retention and protection program be added to the Zoning Regulations applicable to new ministerial and discretionary development; and
5. require that annexations and development in the South Haehl Creek area prepare and adhere to the requirements of a biological resources assessment and mitigations to protect biological resources.

The Draft EIR preparers acknowledge that the implementation of General Plan measures through Zoning Regulations or otherwise by local agencies is not immediate and may be delayed for one reason or another. However, state law directs local agencies to ensure that all development occurs in a manner consistent with the General Plan.

Response to Comment 6-6

The comment letter recommends that Land Use Element implementations, such as the riparian protection overlay zone or changes to the Zoning Regulation relating to oak tree protections, be approved prior to the adoption of the Land Use Element. The comment letter also suggests that the Urban Forest Management Plan is used as a mitigation in the Draft EIR.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. Regarding the Urban Forest Management Plan, the Draft EIR

states that “Implementation of the Land Use Element could result in potential impacts from development within open and wooded hillslope areas, grading for roads and other developed areas, and the removal of mature tree groves that contribute to visual quality. New development in areas such as the Baechtel Road land use change area (a change from Industrial-General (M-G) to General Mixed-Use (GM-U)) may allow more intense future development within an undeveloped area containing a riparian area along Baechtel Creek, periodic grazing, and potential oak woodlands. Policies LU-8.1, Riparian Buffer Areas, and LU-8.4, Protect Oak Trees and Woodlands, and associated policies and implementations would enhance protections for riparian areas and oak woodlands and limiting potential impacts to scenic vistas from Baechtel Road.” Policy LU-8.4, Protect Oak Trees and Woodlands, directs the City to Integrate important tree protections from the Urban Forest Management Plan into the Zoning Regulation and LU-8B, Oak Tree Protections requires the adoption of Zoning Standards to protect oak trees as part of new ministerial and discretionary development consistent with Urban Forest Management Plan. The policies and implementation measures use aspects of the Urban Forest Management Plan, adopted as Zoning Regulations, to protect oak trees and oak woodlands as part of development approval.

The proposed project is an update to the City of Willits Land Use Element. Based on the project description, the General Plan Land Use Element policy would be updated and subsequent amendments to the Zoning Regulations would occur to assure consistency with the General Plan. As stated in response to comment 6-5, the proposed policies, as revised by the mitigations, should be considered comprehensive and appropriately protective of the biological resources within the City and proposed SOI expansion areas for future development. The EIR preparers acknowledge that the implementation of General Plan measures through Zoning Regulations or otherwise by local agencies is not immediate and may be delayed for one reason or another. However, state law directs local agencies to ensure that all development occurs in a manner consistent with the General Plan.

Response to Comment 6-7

The comment letter suggests that the Draft EIR concludes that there are no impacts to scenic resources because there are no designated state scenic highways and that the absence of certain state designated farmlands resulted in a conclusion that there are no soils “worthy of protection” or “vulnerable to significant impacts.” The comment letter also states that the Draft EIR bases its conclusion on the state of California designation of the Little Lake Groundwater Basin “very low priority”.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. In Section 3.1 Aesthetics, the Draft EIR identifies potential scenic resources and evaluates potential impacts thereto. Regarding state designated scenic highways, Threshold AES-02 is specific to CEQA Guidelines Appendix G Topic I(b) and assesses whether the Land Use Element Update would substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. The Draft EIR analysis of impacts to state designated scenic highways was conducted based on this definition. For the purposes of CEQA, this analysis is sufficient to consider the potential impacts on state designated scenic highways. This analysis concludes that, given that there are no designated state scenic highways within the Planning Area, the proposed project would not damage scenic resources within a state scenic highway. Consequently, the project would have no impact.

In addition to Impact Topic AES-02, Section 3.1 Aesthetics evaluated the potential for significant environmental effects relating to scenic resources in the following:

- Threshold AES-01 evaluated whether the Land Use Element would have a substantial adverse effect on a scenic vista and found that it could result in potential impacts from future development within open and wooded hillslope areas, grading for roads and other developed areas, and the removal of mature tree groves that contribute to visual quality. Implementation of the Land Use Element could also result in potential impact the character of scenic vistas along State Route 20 west of Willits. However, the Land Use Element does not contain policies that would require that development on highly visible hillslopes be clustered or requiring that grading be minimized to protect scenic vistas. Therefore, this impact would be potentially significant, and mitigation would be required to minimize adverse effects on scenic vistas. Mitigation AES-1 requires clustered development, minimizing grading, and minimizing the removal of trees, potential adverse effects on a scenic vista would be reduced to less than significant levels.
- Threshold AES-03 evaluates whether the Land Use Element would substantially degrade the existing visual character or quality of public views of the site and its surroundings and found that it could degrade existing visual character or quality of public views in non-urban areas and impacts would be potentially significant. Impacts would be reduced to less than significant levels with the implementation of Mitigation AES-1 that clusters new development, minimizes grading and preserves trees and native vegetation that contribute to visual quality

The Draft EIR comprehensively identifies potential agricultural resources and evaluated potential impacts thereto. Impact Topic AG-01 is specific to CEQA Guidelines Appendix G Topic II(a), which is focused on whether the project would convert Prime Farmland, Farmland of Statewide Importance, or unique farmland, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use. The City conducted its analysis of impacts in Impact Topic AG-01 based on this definition. For the purposes of CEQA, this analysis is sufficient to consider the potential impacts on agricultural resources relating to Impact Topic AG-01. The Draft EIR sought to comprehensively evaluate the potential for impacts to agricultural resources by evaluating County General Plan Land Use and Zoning, soils based on the USDA Natural Resources Conservation Service (NRCS), and the use of land based on Assessor's and geographic information data.

In addition to Impact Topic AG-01, Section 3.2 Agricultural and Forestry Resources evaluated the potential for significant environmental effects relating to agricultural resources in the following:

- Threshold AG-02 evaluated whether the project would conflict with existing zoning for agricultural use, or a Williamson Act contract, finding that there are lands within the proposed SOI that are zoned for an agricultural use and that there are no lands subject to Williamson Act contracts, although there are Williamson Act lands adjacent to the proposed SOI and City. This analysis found that there is the potential for the proposed Land Use Element Update to convert land currently used for agricultural purposes to a non-agricultural uses, and that land adjacent to the proposed SOI is enrolled in the Williamson Act and the potential future annexation and development of SOI land could increase the likelihood that these lands may be converted to non-agricultural uses and as a result the proposed land uses in the Sphere of Influence area represent a potentially significant environmental effect that requires mitigation. Mitigation AG-01: Proposed New

Policy: Annexation Planning adds a requirement that, when the City is considering proposals for annexation, designated open space land and existing agricultural activities must be protected. This proposed policy adds consideration of open space preservation to other proposed annexation policy considerations included in the Land Use Element Update. Proper planning by the City in these proposed SOI areas prior to annexation would result in less than significant impacts.

- Threshold AG-05 evaluated whether the project involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. This analysis identified each parcel within the proposed SOI that contains irrigated or prime soils if irrigated and drained as mapped by the NRCS. The analysis found that The proposed Land Use Element Update would apply land use designation that would allow more intensive residential uses and as a result, the Project could result in the conversion of prime agricultural soils to a non-agricultural use. The Land Use Element Update contains Policy LU-2.4 that is intended to preserve open space land as part of annexation. However, this policy may not be adequate to ensure that the potential for the conversion of Farmland to a non-agricultural use is less than significant. By including Mitigation Measure AG-01, the annexation planning process would be expanded to protect agricultural operations on prime agricultural soils. Through the implementation of this mitigation measure, potential impacts from the conversion of prime agricultural soils would be less than significant.

In Impact HYD-01, the Draft EIR evaluates whether the proposed Land Use Element Update would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. In Impact HYD-02, the Draft EIR evaluates whether the proposed Land Use Element Update would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it may impede sustainable groundwater management of the basin. Impact HYD-01 states that the Little Lake Groundwater Management Plan is voluntary and non-regulatory; which is due to the fact the state of California designates this groundwater basin as “low priority.” The state Sustainable Groundwater Management Act requires “medium- and high-priority basins” to develop groundwater sustainability agencies, develop groundwater sustainability plans and manage groundwater for long-term sustainability. The City of Willits has prepared a voluntary, non-regulatory groundwater management plan that describes existing local groundwater management policies and recommends a range of actions that the City of Willits may take within the boundaries of its legal authority, to monitor, analyze, and interpret characteristics of the Little Lake Valley groundwater basin. The analysis in Impact HYD-02 concludes that because the City of Willits water system has sufficient water to serve the Planning Area during times of non-drought, and the City of Willits Council could approve an increase in groundwater usage during time of emergency, the water system would have adequate water supply to serve current demand and future development that may be facilitated by the proposed Project. Additionally, as groundwater in the Basin appears to recover quickly from declines, the proposed Project would not interfere with groundwater recharge or impede sustainable groundwater management. A less than significant impact would occur.

Impact HYD-01 evaluates whether the Land Use Element Update would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. This analysis concludes that development facilitated by the proposed Land Use Element Update would be required to comply with the state Construction General Permit

Order 2022-0057-DWQ and City of Willits Design and Construction Standards, and because the existing General Plan and proposed Land Use Element Update contains policies consistent with protecting surface water and groundwater quality, the proposed Land Use Element Update would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The impact would be less than significant.

The conclusion in Impact HYD-02 also relates to the analysis in Impact UTL-02, which evaluates whether the Land Use Element Update would have sufficient water supplies available to serve the planned growth and reasonably foreseeable future development during normal, dry and multiple dry years. This analysis concluded that the City currently produces an average of 867 AF of water per year, it is anticipated that the City would produce approximately 1,076 AF per year with the development anticipated in the Land Use Element Update. The City's theoretical water supply is 4,317 AF. If the projected development were to occur, the projected water usage would equate to approximately 25 percent of the City's theoretical water supply. Therefore, the City has sufficient water supply to serve the City's current and projected water demand.

Response to Comment 6-8

The comment letter states that new development will hinder or block water infiltration and could cause increased flooding and that Little Lake Valley groundwater, on which the city is now relying for adequate water, is solely recharged from rainfall, every impermeable surface limits the recharge of the basin, and that a state-of-the-art groundwater assessment should be done prior to any expansion proposal.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. This comment appears to relate to the proposed Land Use Element and to not the adequacy of the Draft EIR. The Draft EIR addresses groundwater recharge in Section 3.10, Hydrology and Water Quality, Environmental Setting, Groundwater, on page 3.10-1. The Draft EIR, citing the Little Lake Valley Groundwater Management Plan, states that the "main source of recharge in the Basin is precipitation, although other sources of recharge include surface water infiltration, return flows from sewage and irrigation, and the potential up flow of groundwater along fault zones. Groundwater levels in the Basin fluctuate principally in response to pumping and precipitation, with seasonal variations. Long term groundwater levels have been observed to be relatively flat to slowly recovering from heavy well pumping and drought. Additionally, current groundwater levels are as high or higher than the earliest recorded data." As described in Response to Comment 6-7, the Draft EIR in HYD-02 concludes that groundwater in the Little Lake Valley Groundwater Basin appears to recover quickly from declines, the proposed Land Use Element Update would not interfere with groundwater recharge or impede sustainable groundwater management and that a less than significant impact would occur.

Response to Comment 6-9

The comment letter states that the City of Willits is out of compliance with its State water right and that the City should be operating under a State-approved water right prior to approval of the Land Use Element Update.

This comment addresses the proposed Land Use Element content and not the adequacy of the Draft EIR. Draft EIR Section 3.18 Utilities and Service Systems, Environmental Setting, Surface Water on page 3.18-1 and Source Water Summary on page 3.18-5 describes the City's surface water rights to Davis Creek.

LETTER 7 - RUTH FORD

Comment received via email

September 13, 2024

RE: Property on north side of East Hill Road that is east of the freeway and is bordered on two sides by agricultural land.

I would like to begin that the Mendocino County Farm Bureau's comment letter has my backing and support.

Four housing units on the East Hill Road property are incompatible with the surrounding area. The freeway should be considered a buffer between city and rural areas there. It would set a precedent for leapfrog development into the valley.

Multiple housing would be encroaching onto and adjacent to agricultural land.

Housing units would not be compatible with neighbor's bees, cattle, or dry land farming. Farming can cause noise, dust, odd odors, bright lights at all times of the day or night and it's essential to notify the homeowners there if these proceed.

The city has plenty of areas identified for housing west of the freeway. Our rural atmosphere is what attracts many people to Willits.

Growing plants in agriculture help to reduce greenhouse gases and purify the atmosphere.

That piece of property would make a wonderful little farm for one of the limitless number of people who are craving to buy a plot of land to begin producing food.

The Willits General Plan emphasizes compatibility, infill before expanding to new areas, limiting incompatible and conflicting uses, environmental health and sustainability, greenhouse gas reduction, encouraging agriculture, encouraging self-sufficiency, preserve open space lands, encourage local production of and access to healthy food, preserving wetlands, preserving riparian vegetation and wildlife, preserving oak trees and discouraging leapfrog development.

By allowing multiple housing units on that parcel, you would be going against the Willits General Plan which has already cost innumerable hours to create.

Respectfully submitted,



Ruth Ford
21351 East Side Road
Willits, CA 95490

Comment 7-1

Comment 7-2

LETTER 7 – RESPONSE TO COMMENTS**Response to Comment 7-1**

The comment letter states that housing units are not appropriate uses within the East Hill land use change area and would be incompatible and could create conflicts with the surrounding area and with neighboring agricultural uses. Agriculture is the appropriate use for the East Hill land use change area. The Willits General Plan emphasizes infill before annexation of new areas, limiting incompatible uses, and other aspects of open space and resource protection. This land use change would not be consistent with these aspects of the General Plan.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. This comment appears to relate to the proposed Land Use Element and not to the adequacy of the Draft EIR. The Draft EIR evaluates potential impacts to agricultural resources in Section 3.2 Agricultural and Forestry Resources, including impact topics that evaluate the following:

- Threshold AG-01, the potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. The Draft EIR comprehensively identifies potential agricultural resources and evaluated potential impacts thereto. Impact Topic AG-01 is specific to CEQA Guidelines Appendix G Topic II(a), which is focused on whether the project would convert Prime Farmland, Farmland of Statewide Importance, or unique farmland, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use. The City conducted its analysis of impacts on agricultural resources based on this definition. For the purposes of CEQA, this analysis is sufficient to consider the potential impacts on agricultural resources relating to Impact Topic AG-01.
- Threshold AG-02 evaluated whether the project conflict with existing zoning for agricultural use, or a Williamson Act contract, finding that there are lands within the proposed SOI that are zoned for an agricultural use there are no land subject to Williamson Act contracts, although there Williamson Act lands adjacent to the proposed SOI and City. This analysis found that there is the potential for the proposed Land Use Element Update to convert land currently used for agricultural purposes to a non-agricultural uses, and that land adjacent to the proposed SOI is enrolled in the Williamson Act and the potential future annexation and development of SOI land could increase the likelihood that these lands may be converted to non-agricultural uses, the proposed land uses in the Sphere of Influence area represent a potentially significant environmental effect that requires mitigation. Mitigation AG-01: Proposed New Policy: Annexation Planning adds a requirement that, when the City is considering proposals for annexation, designated open space land and existing agricultural activities must be protected This proposed policy adds consideration of open space preservation to existing annexation policy considerations. Proper planning in these proposed SOI areas by the City prior to annexation would result in less than significant impacts.
- Threshold AG-05 evaluated whether the project involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. This analysis identified each parcel within the proposed SOI that contains irrigated or prime soils if

irrigated and drained as mapped by the NRCS. The analysis found that The proposed Land Use Element Update would apply land use designation that would allow more intensive residential uses and as a result, the Project could result in the conversion of prime agricultural soils to a non-agricultural use. The Land Use Element Update contains Policy LU-2.4 that is intended to preserve open space land as part of annexation. However, this policy may not be adequate to ensure that the potential for the conversion of Farmland to a non-agricultural use is less than significant. By including Mitigation Measure AG-01, the annexation planning process would be expanded to protect agricultural operations on prime agricultural soils. Through the implementation of this mitigation measure, potential impacts from the conversion of prime agricultural soils would be less than significant.

The analysis in Section 3.2 Agricultural and Forestry Resources lists a number of policies of the City of Willits General Plan and Land Use Element Update that seek to preserve agricultural land and that allow agricultural uses as interim uses of vacant land. Unlike most other land evaluated in Section 3.2 Agricultural and Forestry Resources, the East Hill land use change area is located within the City, and no annexation is needed. This land is currently planned Open Space - Recreation (O-R), which is applied to sites which are to be used primarily for open space and/or recreation purpose. The Zoning that is currently applied allows recreational, conservation or light agricultural types. Although there is no record of this in the General Plan, City staff indicates that this Land Use Designation was applied as a holding designation to areas that may be involved in the U.S. 101 bypass project.

This property is one of very few City parcels that are located on the east side of U.S. 101 and is directly adjacent to smaller parcels that contain single family residences and U.S. 101. Further east of the East Hill land use change area there is property zoned for agriculture uses that is across the street from land planned and zoned for rural residential uses containing lots that range from less than one acre in size to several acres. There are other similar areas adjacent to the City within the unincorporated area that area planned by the County for zoned for residential uses residential uses of varying density (e.g., multiple family or suburban residential) and are adjacent to land zoned for agriculture.

The above referenced agricultural resources analyzed whether the Land Use Element Update involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. The Land Use Element includes several policies in the Planning Area group under Goal LU-1, to maintain a compact City boundary as well as surrounding open space, working lands and natural resources and Goal LU-2, which promotes growth within infill and redevelopment sites near neighborhood commercial areas that are intended to support County land use regulations that protect the viability of local agriculture in the Little Lake Valley. The Land Use Element encourages the County to protect agricultural land and open space within the Planning Area. Policy LU-1.1, Planning Area, request that Mendocino County and the Local Agency Formation Commission refer applications for development or changes in organization within the Planning Area to the City for review and comment and encourages the County to implement measures to protect areas within the Planning Area not planned for development, including the City watersheds and groundwater recharge areas.

This analysis concluded that the Land Use Element Update has the potential for the conversion of Farmland to a non-agricultural use and by including Mitigation Measure AG-01, the annexation

planning process would be expanded to protect agricultural operations on prime agricultural soils. Through the implementation proposed policies and this mitigation measure, potential impacts from the conversion of prime agricultural soils would be less than significant.

LETTER 8 - MENDOCINO COUNTY FARM BUREAU

Comment received via email



303-C Talmage Rd. Ukiah, CA 95482	admin@mendofb.org	(707) 462-6664
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Affiliated with California Farm Bureau and American Farm Bureau Federation

September 13, 2024

Willits City Council
 City of Willits
 111 East Commercial Street
 Willits, CA 95490

Submitted via email to: dduley@cityofwillits.org

RE: Comments on the Draft Environmental Impact Report (PEIR) and Zoning Inclusions within the Sphere of Influence (SOI)

Dear Mr. Duley,

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB would like to offer the following comments on the Willits General Plan Draft Programmatic Environmental Impact Report.

While the PEIR provides an important analysis of the potential environmental impacts related to urban growth and development, there are several areas of concern that we believe need further attention. These concerns primarily focus on the inclusion of new zoning categories within the SOI and the concern of agricultural impact from adjacent placements.

The proposed zoning changes within the SOI appear to be inconsistent with existing county-level land use policies. The reclassification of rural and agricultural areas to accommodate more urban developments could have long-term consequences for land use compatibility, particularly with neighboring unincorporated areas. These changes may create land-use conflicts, reduce agricultural viability, and strain local infrastructure. We urge the city to collaborate closely with

Comment 8-1

Mendocino County and to ensure that the zoning designations within the SOI are consistent with both the City’s General Plan and the County’s long-term growth and conservation goals.

The inclusion of agricultural lands within the expanded SOI raises concerns about the potential loss of prime farmland and open space. Agricultural areas around Willits contribute significantly to the local economy and the overall rural character of the region. Any zoning changes that permit residential or commercial development should carefully consider the preservation of these critical resources. The EIR should provide a more detailed analysis of the potential impacts on agriculture, including the potential for land-use conversion, water availability, and the broader implications for this transition. The federal resources noted within the PEIR should be fully utilized.

Comment 8-2

The city’s expansion of the SOI raises serious questions about water availability and infrastructure capacity. Given the ongoing challenges with drought conditions and water resource management in Mendocino County, it is crucial that any development within the SOI be evaluated with regard to long-term water sustainability. The EIR should include a more detailed analysis of how the proposed zoning changes will impact local water supplies, stormwater management, and wastewater treatment facilities. A failure to adequately plan for water resources could result in significant strain on both city and county infrastructure.

Comment 8-3

Finally, while we appreciate the community meetings held by the city, we encourage you to further engage with local stakeholders, including nearby residents, and other knowledgeable individuals to ensure that any proposed zoning changes reflect the needs and priorities of the broader community. Transparent decision-making and collaboration with Mendocino County, as well as other regional partners, are critical to the successful implementation of land use and zoning policies within the SOI.

Comment 8-4

We respectfully request that the City of Willits revise the PEIR to further address the potential impacts of zoning inclusions within the SOI and expand on the usage of the resources listed within the PEIR. We believe that by prioritizing sustainable growth, protecting agricultural lands, and ensuring adequate infrastructure planning, the city can better align its development policies with the needs of the community and the environment.

Respectfully submitted,



Jazzmynn Randall
MCFB Executive Director

LETTER 8 – RESPONSE TO COMMENTS**Response to Comment 8-1**

The comment letter states that the concerns relate to the potential impact to agriculture, particularly within the neighboring unincorporated areas, from the application of new General Plan Land Use Designations and Zoning Classifications within the SOI and the potential conflict between City land use and zoning and County land use and zone.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. The following paragraphs are intended to demonstrate that the Draft EIR addresses potential impacts to agriculture, particularly within the neighboring unincorporated areas, from the application of new General Plan Land Use Designations and Zoning Classifications within the SOI and the potential conflict between City land use and zoning and County land use and zone.

The Draft EIR evaluates potential impacts to agricultural resources and potential conflict with existing zoning for agricultural use in Section 3.2 Agricultural and Forestry Resources, including impact topics that evaluate the following:

- Threshold AG-01, the potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. The Draft EIR comprehensively identifies potential agricultural resources and evaluated potential impacts thereto. Impact Topic AG-01 is specific to CEQA Guidelines Appendix G Topic II(a), which is focused on whether the project would convert Prime Farmland, Farmland of Statewide Importance, or unique farmland, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use. The City conducted its analysis of impacts on agricultural resources based on this definition. For the purposes of CEQA, this analysis is sufficient to consider the potential impacts on agricultural resources relating to Impact Topic AG-01.
- Threshold AG-02 evaluated whether the project conflicts with existing zoning for agricultural use, or a Williamson Act contract, finding that there are lands within the proposed SOI that are zoned for an agricultural use there are no land subject to Williamson Act contracts, although there Williamson Act lands adjacent to the proposed SOI and City. Table 3.3a East Valley Street Sphere of Influence Land Use Designation Changes, on page 3-2.9 lists the parcels within the proposed SOI that are planned and zoned for agricultural use and identifies the actual use of land. The analysis states that in most all cases the proposed Land Use Designations reflect the current use of land. For instance, APN 007-031-07 is zoned AG-40 and is less than one acre and contains a single-family dwelling which is proposed to be planned R-M, Residential Medium Density, like the current County Zoning of the five adjacent parcels to the east. As these proposed land use zoning changes do not change the current use, they will have no new impact on any existing agricultural use on the property or potential adjacent agricultural activities. Three adjacent developed parcels that average 2.5 acres in area are planned and zoned for agriculture by Mendocino County and show evidence of grazing or haying. The City proposed to plan and zone these three parcels in a manner consistent with the current County plan and zone. There are no other parcels within the proposed SOI that are planned and zoned for agricultural use.

The analysis in Threshold AG-02 found that there is the potential for the proposed Land Use Element Update to convert land currently used for agricultural purposes to a non-agricultural uses, and that land adjacent to the proposed SOI is enrolled in the Williamson Act and the potential future annexation and development of SOI land could increase the likelihood that these lands may be converted to non-agricultural uses, the proposed land uses in the Sphere of Influence area represent a potentially significant environmental effect that requires mitigation. Mitigation AG-01: Proposed New Policy: Annexation Planning adds a requirement that, when the City is considering proposals for annexation, designated open space land and existing agricultural activities must be protected. This proposed policy adds consideration of open space preservation to existing annexation policy considerations. Proper planning in these proposed SOI areas by the City prior to annexation would result in less than significant impacts.

- Threshold AG-05 evaluated whether the project involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. This analysis identified each parcel within the proposed SOI that contains prime soils or prime soils if irrigated and drained as mapped by the NRCS. Table 4.3b: Use of Parcels in SOI with Prime Soils, beginning on page 3-2.13 lists all parcels in the proposed SOI where at least some portion of the parcels contains prime agricultural soils. This table lists the County, and proposed City, Land Use Designation and Zone and the Assessor's, or observed, use of land for that parcel.

The analysis found that the proposed Land Use Element Update would apply land use designation that would allow more intensive residential uses and as a result, the Project could result in the conversion of prime agricultural soils to a non-agricultural use. The Land Use Element Update contains Policy LU-2.4 that is intended to preserve open space land as part of annexation. However, this policy may not be adequate to ensure that the potential for the conversion of Farmland to a non-agricultural use is less than significant. By including Mitigation Measure AG-01, the annexation planning process would be expanded to protect agricultural operations on prime agricultural soils. Through the implementation of this mitigation measure, potential impacts from the conversion of prime agricultural soils would be less than significant.

It is important to note that the Land Use Designations applied to the proposed SOI area do not have any effect on the land use policies and regulations that apply within County land use jurisdiction. City land use jurisdiction, General Plan policy, and Zoning Regulations would only apply to areas within the proposed SOI only after a future annexation application, that is consistent with the City General Plan, undergoes CEQA review, is consistent with Mendocino Local Agency Formation Commission policy, and is approved by the Local Agency Formation Commission. The City has stated that it does not have plans to annex any land in the proposed SOI and would likely do so only when consistent with City General Plan policies regarding infill, population growth, residential land supply, annexations, and planned growth in the Planning Area and Planning for Growth policy groups, and after an interested land owner requests to be annexed.

Most of the proposed SOI is planned for some level of rural or suburban residential development, aside from the parcels on East Valley Street described above, and most developed parcels have City of Willits water. Policy LU-1.3, County General Plan Land Use Within Sphere Of Influence,

seeks an agreement with the County on appropriate interim land use designations and zoning classifications for Sphere of Influence areas that any development prior to annexation is consistent with the City of Willits General Plan and does not prevent attainment of planned densities. The Land Use Element encourages the County to protect agricultural land and open space within the Planning Area. Policy LU-1.1, Planning Area, request that Mendocino County and the Local Agency Formation Commission refer applications for development or changes in organization within the Planning Area to the City for review and comment and encourages the County to implement measures to protect areas within the Planning Area not planned for development, including the City watersheds and groundwater recharge areas. In addition, Mitigation AG-01 would add a new Policy, LU-2.X Annexation Planning, that would discourage the approval of urban development within the City's Sphere of Influence until such lands are annexed by the City, support County land use regulations that protect the viability of local agriculture in the Little Lake Valley, and would direct the City to, when considering proposals for annexation, protect designated open space land and existing agricultural activities.

Response to Comment 8-2

The comment letter states that the inclusion of agricultural lands in the SOI could result in the loss of prime farmland and open space and the Draft EIR should provide more detail on potential impacts to agriculture, including potential agricultural conversion and water availability.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. The Draft EIR evaluates potential impacts to prime farmland in Threshold AG-01, which evaluated the potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use; Threshold AG-02, which evaluated whether the project conflicts with existing zoning for agricultural use, or a Williamson Act contract; and Threshold AG-05, which evaluated whether the project involves other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use. The 3.2 Agricultural and Forestry Resources Environmental Setting and analysis in Threshold AG-05 provide extensive detail regarding the presence of prime soils within the proposed SOI using the USDA Natural Resource Conservation Service Web Soil Survey and the use of parcels that contain prime soils. The analysis in Threshold AG-02 and Threshold AG-05 evaluates the potential for the Land Use Element Update and potential future annexations to the City of Willits to convert prime soils or agricultural activities to an urban use. See Response to Comment 8-3 for information regarding the Draft EIR evaluation of water availability.

Response to Comment 8-3

The comment letter states that the expansion of the SOI raises concerns about water availability an infrastructure capacity and that the Draft EIR should contain more detailed information about the impact of the Land Use Element Update on water supply, stormwater management, and wastewater treatment.

This comment does not identify a new impact or identify information that has not already been disclosed as part of this Draft EIR. In Impact HYD-01, the Draft EIR evaluates whether the proposed Land Use Element Update would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Impact HYD-02, the Draft EIR evaluates whether the proposed Land Use Element Update would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it

may impede sustainable groundwater management of the basin. Impact HYD-01 states that the Little Lake Groundwater Management Plan is voluntary and non-regulatory; which is due to the fact the state of California designates this groundwater basin as “low priority.” The state Sustainable Groundwater Management Act requires medium- and high-priority basins to develop groundwater sustainability agencies, develop groundwater sustainability plans and manage groundwater for long-term sustainability. The City of Willits has prepared a voluntary, non-regulatory groundwater management plan that describes existing local groundwater management policies and recommends a range of actions that the City of Willits may take within the boundaries of its legal authority, to monitor, analyze, and interpret characteristics of the Little Lake Valley groundwater basin. The analysis in Impact HYD-02 concludes that because the City of Willits water system has sufficient water to serve the planned land uses identified in the Land Use Element Update during times of non-drought, and the City of Willits Council could approve an increase in groundwater usage during time of emergency, the water system would have adequate water supply to serve current demand and future development that may be facilitated by the proposed Project. Additionally, as groundwater in the Basin appears to recover quickly from declines, the proposed Project would not interfere with groundwater recharge or impede sustainable groundwater management. A less than significant impact would occur.

The conclusion in Impact HYD-02 also relates to the analysis in Impact UTL-02, which evaluates whether the Land Use Element Update would have sufficient water supplies available to serve the planned growth, a total of 7,500 people within City limits, and reasonably foreseeable future development during normal, dry and multiple dry years. This analysis concluded that the City currently produces an average of 867 AF of water per year, it is anticipated that the City would produce approximately 1,076 AF per year with the development anticipated in the Land Use Element Update. The City’s theoretical water supply is 4,317 AF. If the projected development were to occur, the projected water usage would equate to approximately 25 percent of the City’s theoretical water supply. Therefore, the City has sufficient water supply to serve the City’s current and projected water demand.

Impact HYD-01 evaluates whether the Land Use Element Update would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. This analysis concludes that development facilitated by the proposed Land Use Element Update would be required to comply with the state Construction General Permit Order 2022-0057-DWQ and City of Willits Design and Construction Standards, and because the existing General Plan and proposed Land Use Element Update contains policies consistent with protecting surface water and groundwater quality, the proposed Land Use Element Update would not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The impact would be less than significant.

3.10 Hydrology and Water Quality, Environmental Setting, Flooding and Dam Inundation, on page 3.10-1 describes the conditions relating to flooding within the Planning Area and Figure 3.10a shows Federal Emergency Management Agency Flood Zones. The Environmental Setting relating Stormwater Runoff is presented on page 3.10-3. Impact HYD-03 analyzes whether the Land Use Element Update would substantially alter the existing drainage patterns in a manner which would result in substantial erosion or siltation, substantially increase the rate or amount of surface runoff, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flood flows. This analysis is organized by first evaluating the potential for

the Land Use Element Update to cause erosion and siltation; next the potential for increased surface runoff or polluted runoff, then whether the Land Use Element Update would impede or redirect flood flows. The analysis finds that adherence to the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit and City of Willits Design and Construction Standards would result in less than significant impacts relating to stormwater drainage and flood flows.

Impact HYD-04 analyzes whether the Land Use Element and facilitated development would result in flood hazard, tsunami, or seiche zones, or risk release of pollutants due to project inundation. This analysis notes that portions of the City and proposed SOI area are within the mapped 100-year and 500-year flood zones, primarily in the northeastern portion of the Project Area and that the Sphere of Influence Areas and Land Use Change Areas containing flood zones would have the potential to facilitate additional residential development. The analysis finds that compliance with the and City of Willits Design and Construction Standards and Construction General Permit requires stormwater controls and specific best management practices to be implemented to minimize the amount of sediment and other pollutants associated with construction sites from being discharged in stormwater runoff. Additionally, development located within a flood zone would be required to comply with Title 17 Sections 38 and 40 of the City of Willits Municipal Code, which regulates development in flood zones and requires that development and construction within flood zones be designed to withstand floods.

Draft EIR Section 3.18, Utilities and Service Systems Impact UTL-03, analyzes the capacity of the wastewater treatment plant to serve projected demand. The Environmental Setting in Section 3.18, Utilities and Service Systems, a background section for the environmental analysis, contains a section entitled "Wastewater System Service Area and Infrastructure" that describes the existing geographic service area and population served by the wastewater collection, treatment, and disposal system, and current wastewater production, design capacity, permitted average monthly flows. Impact UTL-03 provides an estimate of projected wastewater flows (see Table 3.18j Projected Wastewater Flows on page 3.18-26) and finds that that the treatment plant would have adequate capacity to provide wastewater services to the projected population and that a less than significant impact would occur. Please see response to comments 2-2 through 2-4 for additional details regarding the sources of data used in the Impact UTL-03 analysis.

3. COMMENTS RECEIVED FOLLOWING CIRCULATION

3.1 COMMENTS RECEIVED VIA LETTER OR EMAIL

No Draft EIR related comments have been received since the close of the comment period on September 12, 2024.

4. ERRATA, REVISIONS AND CLARIFICATIONS

The following revisions and clarifications reflect the response to comments in Chapter 2 Response to Comments and additional revisions and clarifications that have been identified by the Draft EIR preparers during the review of the Draft EIR.

4.1 TEXT REVISIONS AND CLARIFICATIONS

CHAPTER 1.0 INTRODUCTION AND SUMMARY

- 1.1 Project Background and Purpose. Page 1.0-2 first full paragraph should be revised to remove all yellow highlighting and to show the correct reference Appendix A. Scoping Comments.

To define the scope of the investigation of the Draft PEIR. The City distributed a Notice of Preparation (NOP) on February 8, 2023, to the State Clearinghouse, State agencies, Cities, and Humboldt County; other public agencies; and interested private organizations and individuals, in accordance with the requirements of the California Code of Regulations, Title 14, Sections 15082(a), 15103, and 15375. Pursuant to Section 15082 of the CEQA Guidelines, recipients of the NOP were requested to provide responses within 30 days after their receipt of the NOP. An initial study was not prepared with NOP; CEQA Guidelines Section 15063(a) permits a lead agency to omit an initial study if it determines that an EIR is clearly required. The purpose of the NOP was to identify agency and public concerns regarding potential impacts of the proposed Project. The following is a list of the comment letters received during the NOP public comment period, a brief summary of the issues raised, and reference to where the issues are discussed in the EIR. The NOP comment letters are included in Appendix ~~X~~**A** of the EIR.

- All instances of the word “Tribe” in Section 1.7 Summary of Impacts and Mitigation Measures should be should have a capitalized “T”.

CHAPTER 2.0 PROJECT DESCRIPTION

- Corrections to Section 2.5 Features of the Land Use Element Update, Zoning Map and Regulations, Add Stream and Riparian Area Combining Zone, page 2.0-48

Add Stream and Riparian Area Combining Zone

Add a Stream and Riparian Area Combining Zone to parcels that contain or are adjacent to natural creeks, streams, and riparian **habitats** that specifies protective criteria consistent with consistent with to the Land Use Element Riparian Area Land Use Overlay. The Combining Zone shall prohibit development within **buffer areas** ~~30 feet from the top of bank~~ on either side of the stream, and shall contain regulations ~~to~~ implement the following requirements and exceptions: buffers may be reduced or eliminated where the City determines, in consultation with CDFW, that the reduction will not significantly affect the biological resources of the creek or stream within the property; when the prescribed buffer prohibits development of the site for the primary use for which it is designated, measures shall be applied that allow development that results in the least environmentally damaging feasible project; road, bridge, and trail

construction or replacement may be permitted that would not degrade fish and wildlife resources or water quality, and where vegetative clearing is kept to a minimum; the removal of vegetation for disease control or public safety purposes may be approved, in consultation with CDFW.

CHAPTER 3.0 ENVIRONMENTAL ANALYSIS – GLOBAL CHANGE

- The following references to “*Section 4*”, not otherwise corrected in this Final EIR, should be revised to refer to “Section 3” on the following pages:
 - Section 3.6 Energy in the third and fourth paragraph on page 3.6-11 should be revised as follows, replace ~~Chapter 4.17~~ with **Section 3.17 Transportation and Circulation**.
 - Section 3.9 Hazards and Hazardous Materials, Environmental Setting, Hazardous Materials, second paragraph on page 3.9-1 should be revised as follows, replace ~~Section 4.13 Noise~~ with **Section 3.13 Noise**.
 - Section 3.9 Hazards and Hazardous Materials, Environmental Setting, Fire Hazards on page 3.9-8 should be revised as follows, replace ~~Section 4.13 Noise~~ with **Section 3.13 Noise**.
 - Section 3.9 Hazards and Hazardous Materials, Impact HAZ-07 on page 3.9-24 should be revised as follows, replace ~~Section 4.19 Wildfire~~ with **Section 3.19 Wildfire**.
 - Section 3.15 Public Services introductory paragraph on page 3.15-1 should be revised as follows, replace ~~section 4.17 Recreation~~ with **Section 3.16 Recreation**.
 - Section 3.15 Public Services Environmental Setting, Parks on page 3.15-1 should be revised as follows, replace ~~section 4.16 Recreation~~ with **Section 3.16 Recreation**.
 - Section 3.15 Public Services, Impact PS-01d on page 3.15-1 should be revised as follows, replace ~~section 4.17 Recreation~~ with **Section 3.16 Recreation**.
 - Section 3.19 Wildfire, B. Wildfire Conditions, Pre-Fire Management Tactics on page 3.19-9 should be revised as follows, replace ~~Section 4.16 Public Services~~ with **Section 3.15 Public Services**.
 - Section 3.19 Wildfire, Impact WF-04 on page 3.19-32 should be revised as follows, replace ~~Section 4.10 Hydrology and Water Quality~~ with **Section 3.10 Hydrology and Water Quality**.
 - Section 3.19 Wildfire, Impact WF-05A, Category 6. Evacuation Egress, on page 3.19-37 should be revised as follows, replace ~~Section 4.15 Public Services~~ with **Section 3.15 Public Services**.

CHAPTER 3.0, SECTION 3.4 BIOLOGICAL RESOURCES

- References to Figure 2-1 should be revised on the following pages:
 - Section 3.4, Environmental Setting, Aquatic Resources pages 3.4-2 through 3.4-3: references to Figure 2-1 should be changed to Figure 3.4a to refer to Planning Area Aquatic Resources within the City of Willits Planning Area

- Appendix B PDF pages 2 through 28:

Appendix **BA**, Table 1. Special Status Fish and Wildlife Taxa Known From, or That Have Reasonable Potential to Occur Within, the City of Willits Planning Area. Within each category, taxa are listed alphabetical order. Referenced sources of distribution information reflect the results of “positive reporting” methodologies; a lack of occurrence data for any particular resource in any particular location should not be misconstrued to represent “absence” or lack of suitable habitat unless explicitly stated as such with substantiating information.

- Appendix B PDF pages 30 through 41:

Appendix **BA** Table 2. Special Status Botanical Taxa Known From, or That Have Reasonable Potential to Occur Within, the City of Willits Planning Area. Within each botanical category, taxa are listed alphabetically. Referenced sources of distribution information reflect the results of “positive reporting” methodologies; a lack of occurrence data for any particular resource in any particular location should not be misconstrued to represent “absence” or lack of suitable habitat unless explicitly stated as such with substantiating information.

- Appendix B PDF pages 43 through 54, delete the following because it is the same as Appendix **BA** Table 2:

~~Table Botanical. Special Status Botanical Taxa Known From, or That Have Reasonable Potential to Occur Within, the City of Willits Planning Area. Within each botanical category, taxa are listed alphabetically. Referenced sources of distribution information reflect the results of “positive reporting” methodologies; a lack of occurrence data for any particular resource in any particular location should not be misconstrued to represent “absence” or lack of suitable habitat unless explicitly stated as such with substantiating information.~~

- Appendix B PDF pages 56 through 54, delete the following Table because it is the same as Appendix **BA** Table 1:

~~Table Wildlife. Special Status Fish and Wildlife Taxa Known From, or That Have Reasonable Potential to Occur Within, the City of Willits Planning Area. Within each category, taxa are listed alphabetical order. Referenced sources of distribution information reflect the results of “positive reporting” methodologies; a lack of occurrence data for any particular resource in any particular location should not be misconstrued to represent “absence” or lack of suitable habitat unless explicitly stated as such with substantiating information.~~

CHAPTER 3.0, SECTION 3.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

- All instances of the word “Tribe” in Section 3.5 Cultural and Tribal Cultural Resources should have a capitalized “T”.
- the following text shall be added to Section 3.2 Agricultural and Forestry Resources Environmental Setting (B) Agriculture on page 3.2-3 before the heading “Regional History”:

“Regional Pre-contact

This is the unceded traditional territory of the local indigenous people past and present. Tribal communities with cultural ties to the land depend on access to maintain traditional ecological knowledge and continued lifeways. Indigenous people were not apart from nature but were a part of nature, and lived accordingly. Throughout pre-contact and continuing to present day the local Indigenous groups stewarded the land as their cultural resource. Indigenous traditional agro-ecological practices were a lifeway built upon a rich oral tradition that passed along essential knowledge of stewardship techniques honed to perfection intergenerationally through application and observation. From burning, pruning, coppicing, to re-seeding, intentional application of these and other stewardship techniques at their proper time were the cultural lifeway to assure access to and a healthy balance of essential cultural resources. The contemporary view of Tribal Cultural Resources typically only accounts for the archaeological items left behind and neglects the “Living Tribal Cultural Resources” that were, and are, essential pieces of Native lifeways; cultural foods, fibers, and medicines.”

- the following text shall be added to the first paragraph on page 3.4- of Section 3.4 Biological Resources Environmental Setting Aquatic Resources:

Prior to 1910, the aforementioned streams historically contributed to a large seasonal lake at the north end of the Planning Area, from which, Little Lake Valley derived its name. **Little Lake was a biologically rich area that supported many diverse species that local Indigenous people co-existed with in reciprocity though tending, burning, coppicing, and harvesting materials for housing, clothing, baskets, medicine and food. The lake was habitat for native species of plants, birds, fish, amphibians, reptiles, mollusks, insects, and mammals including species that today are threatened and endangered, such as coho salmon and steelhead. Water resources were utilized by local Indigenous people and kept pristine through good stewardship practices.** Beginning in 1910, substantial diking, channelization, flow redirection, and other forms of hydrological modification were undertaken to connect the aforementioned streams to Outlet Creek and drain the seasonal lake in order to convert the former lakebed to grazing pasturage and cropland (LeDoux-Bloom and Downie 2007). Subsequent flooding events, particularly in 1955 and 1964, resulted in additional channelization and levee construction along portions of some of the aforementioned streams to reduce flood-related impacts within the incorporated City limits and the surrounding area and to further facilitate drainage within Little Lake Valley.

- The following edits are made to Section 3.5 Cultural Resources, Environmental Setting, Ethnographic Background on pages 3.5-2 and 3.5-3:

Ethnographic Background

Around Euroamerican contact (circa 1769), Mendocino County housed diverse indigenous groups: Central Pomo, Northern Pomo, Coast Yuki, Yuki, Huchnom, Cahto, Sinkyone, and Wailaki. Central and Northern Pomo mainly inhabited the county, while other groups settled nearer its north. These tribes had similar material cultures, emphasizing basketry for essential tasks. However, each group had distinct territories, **languages**, practices, and societal norms.

Pomo

In Mendocino County, Central Pomo were in the **southern area**, Northern Pomo in the north. Northern Pomo controlled the coast to Clear Lake, ~~including tribes like Coyote, Yokayo, Redwood, and Potter Valley.~~ The Pomo had diverse social structures, used baskets for fishing, **cooking**, and ceremonies, and traded with neighbors. ~~Conflicts arose over expansion and resources.~~ **Many Central and Northern Pomo Tribes were forced onto the Round Valley Reservation to clear the land for settlers.**

Coast Yuki, Yuki, and Huchnom

Coast Yuki occupied Fort Bragg to Rockport (Miller 1978), ~~adapting~~ to coastal life due to limited inland resources. Yuki and Huchnom were east in upper Eel River, past Round Valley and south of Willits (Miller 1978; Ukiah 2040 General Plan Update 2022). ~~With scarce records and~~ **They had** smaller populations than Pomo, ~~they united in 1860s at~~ **were forced on to the** Round Valley Reservation (Miller 1978), Mendocino's largest Indian land, established in 1858, **along with many other Tribes from the region.**

Cahto

Cahto's land includes Branscomb, Laytonville, Cummings, and valleys along South Fork Eel River, slightly beyond the Mendocino County border. ~~There is limited ethnographic data on Cahto, as they were a smaller group than the Pomo,~~ **sharing the Athabaskan language group with their neighbors to the north.** By 1920s, most Cahto moved to Round Valley or a tribal rancheria near Laytonville **by force.**

Historic Setting

Spanish Period (1769 – 1822)

From 1542, Spanish explored California without **creating** settlements. In 1769, Spain claimed Alta California and in the 18th century, Spain built presidios, missions, and towns to **forcibly** convert natives and settle Spaniards. In 1823, the closest mission to Willits was founded, Mission San Francisco Solano in Sonoma (California Missions 2023). Alta California later became New Spain's colony. **During this time many Russian fur trappers came to Mendocino County and beaver populations were decimated as a result. Beaver ponds drying up changed the ecosystem and water cycle of the region to be drier and less diverse.**

Mexican Period (1822 – 1848)

In California's Mexican era (circa 1821-1848), missions **were** secularized, ranchos **were** formed, and Native Americans **were forced to labored for the very people who took their land and ways of life from them.** **Counties were shaped by** land grants **issued by Mexican authorities** ~~shaped counties,~~ including Mendocino, in the 1840s. No towns existed until 1859, and administration was under Sonoma County due to the low population of Mendocino County.

The Bear Flag Revolt in 1846 showed U.S. settlers' concerns about Mexican rule. The U.S./Mexico conflict in 1846 and the Treaty of Guadalupe Hidalgo in 1848 marked the beginning of California's American Period.

American Period (1848 – Present)

Statehood followed through the Compromise of 1850, designating territories. Horticulture, livestock, and cattle-based economy continued. The Gold Rush in 1848 shifted cattle's value. Severe drought in the 1860s hurt cattle herds and rancheros' income. Property boundary issues caused conflicts. Debt and legal costs led to rancho lands transfer to Americans, often converting to plots or towns. **Native people were massacred, and the survivors rounded up by settlers and forced on to Rancherías. Many of the Rancherías were later terminated and Tribes had to fight legal battles to regain federal recognition, some are still fighting for recognition.**

Local History

Within Little Lake Valley, the City of Willits (City) is surrounded by a secondary forest teeming with tan oak, madrone, Douglas fir, and redwood trees. This landscape resides within the Pacific Coast Range, earning the City the monikers "Gateway to the Redwoods" and the "Heart of Mendocino County." Notably, the region was originally inhabited by the Pomo ~~T~~Tribe of Native Americans, who **continue to live in the area and** enjoyed a deep-rooted connection with their **ancestral** land. Their presence echoes through time, enriching the City's heritage **and present day culture**. Several prehistoric sites have been noted in the vicinity of Willits ~~and the ethnographic village of Mitoma is reported to be in the southwestern part of the City.~~ Prehistoric cultural resources are most likely to be found at the base of hills and along seasonal and perennial water courses. These areas have been identified as potentially sensitive on the Historical and Archaeological Resources Map located in the City of Willits General Plan (1992). This Map is attached in Appendix C.

- The following edits are made to Section 3.5 Cultural Resources, Regulatory Setting, State, relating to Senate Bill 18 on page 3.5-6:

California Senate Bill 18 (Chapter 905, “Traditional Tribal Cultural Places”)

Signed into law in 2004, Senate Bill (SB) 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. Cities and counties must provide general and specific plan amendment proposals to California Native American tribes that have been identified by the Native American Heritage Commission (NAHC) as having traditional lands located within **a project's** ~~the city's~~ boundaries. If requested by the Native American tribes, the city must also conduct consultations with the tribes prior to adopting or amending their general and specific plans. These consultations are for preserving or mitigating impacts to Native American historic, cultural, sacred sites, features, and objects located within the city or county. A tribe has 90 days from the date of contact to request a consultation, unless the tribe agrees to a shorter timeframe. SB 18 also added a new topic that must be addressed in the Open Space Element of the General Plan: open space land for the protection of Native American historic, cultural, sacred sites, features, and objects.

- The following edits are made to the first two sentences in the introductory paragraph to Impact CUL-01 on page 3.5-12:

As previously discussed ~~mentioned~~, there are several prehistoric sites noted in the vicinity of the City of Willits. The ethnographic village of Mitoma is noted to be located in the southwestern portion of the City of Willits.

- The following edits are made to the first two sentences in the introductory paragraph to Impact CUL-02 on page 3.5-14:

As discussed above, there are four (4) historic structures within the City of Willits limits. ~~The ethnographic village of Mitoma is noted to be located in the southwestern portion of the City of Willits.~~ In addition, prehistoric cultural resources are likely to be found at the base of hills and along seasonal and perennial water courses.

- The following edits are made to Mitigation Measure CUL-1. Cultural Resource Discovery Protocols New Implementation Measure for “Coordinate with Local Communities” Group:

Implementation Measure LU-7.X1: In the event archaeological resources or cultural resources, including human remains, are inadvertently unearthed or undiscovered during construction, the contractor shall immediately halt all grading/land-clearing activities and contact the City of Willits Community Development Department (CDD). All activity in the vicinity of the resources shall cease until it can be evaluated by a qualified archaeologist and a Native American representative. If the archaeologist and Native American representative determine that the resources may be significant, they shall notify the CDD and develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources. In considering suggested mitigation proposed by the archaeologist and Native American representative, the CDD will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed in other parts of the project area while mitigation for cultural resources is being carried out.

- The following edits are made to Mitigation Measure TCR-1. Avoid Impacts to Tribal Cultural Resources New Implementation Measure for “Coordinate with Local Communities” Group:

Implementation Measure LU-7.X3: If previously unidentified tribal cultural resources are encountered during project implementation, altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, photograph, post on social media, or disturb cultural resources. A representative from a locally-affiliated Native American Tribe shall be contacted in a timely manner to evaluate the resource and prepare a tribal cultural resources plan identifying methods necessary to protect the resource, in consultation with the City of Willits.

CHAPTER 3.0, SECTION 3.8 GREENHOUSE GAS EMISSIONS

The Draft EIR incorrectly refers to the threshold relating to “conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG” (CEQA Appendix G VIII(b)) as Impact GHG-01, when it should have been referred to as Impact GHG-02. The following pages contain incorrect reference to Impact GHG-01 when it should have been referred to as Impact GHG-02

1. Table 1-1: Summary of Impacts, Mitigations, and Significance Levels on page 1.0- 32 in the second row under the heading 3.8 Greenhouse Gas Emissions should read as follows:

<p>Threshold GHG-021: <i>For the impacts on other GHG emission reduction plans, the analysis focuses on whether the project would be consistent with statewide GHG emission reduction goals?</i></p> <p>Quantitative information about GHG emissions from future development projects resulting from the Project are unknown at this time and GHG emission reduction measures developed through Policy LU-3.9 are yet-to-be developed so it is uncertain how much GHG emissions will result from the Project and whether those emissions are consistent with or conflict with the targets established in the state’s 2022 Scoping Plan. Accordingly, this impact is conservatively determined to be significant. Developing mitigation measures to ensure the Project’s GHG emissions will be consistent with state targets is not feasible at this time.</p>	<p>Potentially Significant</p>	<p>Mitigation GHG-1 Revise Policy LU-3.9 Plan for Climate Change</p> <p>Revise Policy LU-3.10 Plan for Climate Change.</p>	<p>Significant and Unavoidable</p>
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2. Section 3.8 Greenhouse Gas Emissions, Impact GHG-01, on pages 3.8-7 and 3.8-8 should refer to Section 3.17 Transportation and Circulation and not to Chapter 4.17

Compared to current conditions the Project is likely to reduce the GHG emissions associated with transportation of goods and services into and out of the newly developed areas. This is because of its focus on encouraging higher density residential and mixed-use projects in areas close to existing population and employment centers. **Section 3.17 Transportation and Circulation** Chapter 4.17 of this EIR documents the transportation impacts of the proposed Project and concludes vehicle trips generated under the Project

are expected to be shorter in length compared current conditions which means less gasoline and diesel will be used in transportation supporting residents and businesses in the Planning Area resulting in fewer GHG emissions.

Specifically, ~~Chapter 4.17~~ **Section 3.17 Transportation and Circulation Impact TRAN-01 on page 3.17-16** states, “(a)ttracting growth to the city and adjacent to the city instead of outlying unincorporated areas of the county could reduce future (Vehicle Miles Travelled or “VMT”) growth in the region.” The discussion in **Section 3.17 Transportation and Circulation Impact TRAN-01** ~~Chapter 4.17~~ goes on to surmise that even lower vehicle use rates and corresponding lower gasoline and diesel energy use are possible due to the proposed Project’s policy changes that support infill and mixed-use growth and improved active transportation conditions including LU-2.2 Infill Development and LU-3.1 Complete Streets and several others. Lower amounts of gasoline and diesel used in transportation under the Project are expected to reduce GHG emissions compared to current conditions.

3. Section 3.8 Greenhouse Gas Emissions, Impact Analysis, page 3.8-8 should read as follows:

“Impact GHG-024: The proposed project may conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG, resulting in a significant, unavoidable impact.”

CHAPTER 3.0, SECTION 3.9 HAZARDS AND HAZARDOUS MATERIALS,

The following modifications to the EIR will be made to Section 3.9, Hazards and Hazardous Materials, Regulatory Environment, State, under the heading “Cortese List” on page 3.9-13 to clarify the responsibilities of the applicant and the City for applications for development:

Cortese List

California Government Code Section 65962.5 established the (Cortese) List, which requires state agencies to compile a list of all properties affected by hazardous waste and develop a framework for how they will continue to be monitored and addressed by the state. A site’s presence on the list has bearing on the local permitting process as well as on compliance with the California Environmental Quality Act (CEQA). The DTSC is responsible for a portion of the information contained in the Cortese List. Other State and local government agencies are required to provide additional hazardous material release information for the Cortese List. ~~There are no hazardous materials release sites located in the Planning Area listed on the Cortese List (DTSC 2023).~~

California Government Code Section 65962.5(e) requires that the Secretary for Environmental Protection “distribute (the Cortese List) in a timely fashion to each city and county in which sites on the lists are located.” Section 65962.5(f) requires that an applicant for any development project “consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included” on the Cortese List, and if the site is within a site on the Cortese List not specified by the applicant “the lead agency shall notify the applicant” thereof.

CHAPTER 3.0, SECTION 3.15 PUBLIC SERVICES

The following modifications to the EIR shall be made to Section 3.15 Public Services Environmental Setting for Fire Services on page 3.15-1 to provide greater detail regarding automatic and mutual aid agreements between the Brooktrails Township CSD and the Little Lake FPD:

The Little Lake FPD covers an area of 239.4 square miles serving all of the City of Willits, as well as the highway corridors (Highways 101 and 20) and outlying rural areas (Mendocino LAFCo, 2019). This area includes Federal Bureau of Land Management (BLM) land on the eastern edge of the District, a small portion of the Jackson State Forest on the western boundary, and the City of Willits. Other fire-related districts in the region include the Brooktrails Township Community Services District (**CSD**, which provides fire protection services) adjacent to and west of Little Lake FPD, the Long Valley Fire Protection District to the northwest, the Potter Valley Community Services District (which provides fire protection services) to the southeast, and the Redwood Valley-Calpella Fire Protection District to the south. Little Lake FPD provides automatic aid fire protection to Brooktrails **Township CSD on calls related to structure fire, CPR, and traffic collisions on Sherwood Road**, and maintains mutual aid agreements with Laytonville, Redwood Valley, and the CalFire for wildland fire. There is a countywide mutual aid agreement so that fire departments in Mendocino County respond, as available, to the needs of nearby fire departments, **including the Little Lake FPD and the Brooktrails Township CSD**.

CHAPTER 3.0, SECTION 3.18 UTILITIES AND SERVICE SYSTEMS

This Final EIR will reflect that all references to Solid Wastes of Willits, Inc., or SWOW, in the following sections shall be replaced with **Redwood Wastes Solutions, Inc.**:

- Table 1-1: Summary of Impacts, Mitigations, and Significance Levels, Threshold UTL-05: page 1.0-51
- Section 3.18 Utilities and Service Systems, Existing Conditions “Recycling and Solid Waste Collection System” page 3.18-17
- Impact UTL-04 page 3.18-27
- Impact UTL-05 page 3.18-26
- Section 3.18 Utilities and Service Systems Acronyms/Abbreviations page 3.18-31

The following text shall be added to the Regulatory Setting for Section 3.18 Utilities and Service Systems under Solid Waste on page 3.18-21:

Senate Bill 1383

Adopted in September 2016, SB 1383 required a 50 percent reduction in the level of the statewide disposal of organic waste from 2014 levels by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from 2014 levels by 2025.

CHAPTER 6.0 EIR PREPARERS

J.B. Lovelace & Associates

Principal Environmental ScientistJ. Brett Lovelacer

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5. MITIGATION MONITORING AND REPORTING

To avoid, reduce or mitigate significant effects resulting from the proposed Project, the City of Willits General Plan Land Use Element Update, Public Resources Code Section 21081.6 requires that a reporting or monitoring program be designed to ensure compliance during project implementation through the implementation of a Mitigation Monitoring and Reporting Program (MMRP). The following table provides the MMRP for the proposed City of Willits General Plan Land Use Element Update in accordance with those guidelines.

TABLE 5A MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria
<p>Mitigation AES-1 - New Policy</p> <p>LU-9.X. Development in Hillside Areas. Require new development in hillside areas be sited and designed to retain the natural hillside setting by minimizing grading and other major disruptions of the natural slope areas. The City shall encourage clustered dwelling units in hillside areas to preserve the scenic character of the hillsides.</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new policy in the Land Use Element
<p>Mitigation AG-01: Proposed New Policy:</p> <p>New Policy LU-2.X. Annexation Planning. Discourage urban development within the City’s Sphere of Influence until such lands are annexed by the City and support County land use regulations that protect the viability of local agriculture in the Little Lake Valley. When considering proposals for annexation, protect designated open space land and existing agricultural activities.</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new policy in the Land Use Element
<p>Mitigation BIO-01.1. [NEW POLICY]</p> <p>LU-8.X1 Utilize Biological Resource Inventory Assessment Tools During Project Review. The City shall ensure that the best available biological resource mapping data is used during the ministerial and discretionary project review process to identify biological resource concerns, evaluate project alternatives, and guide mitigation to avoid or reduce biological resource impacts to insignificant levels consistent with CEQA. At a minimum, the following biological resource mapping data sources shall be used for project</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new policy in the Land Use Element

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<p>evaluation: California Department of Fish and Wildlife’s California Natural Diversity Database (CNDDB) and their Biogeographic Information and Observation System (BIOS), EcoAtlas and the California Aquatic Resource Inventory (CARI), and U.S Fish and Wildlife Service’s National Wetland Inventory (NWI).</p>				
<p>Mitigation BIO-01.2.</p> <p>Policy LU-8.X2 Require Pre-Project Biological Resource Assessments and Surveys The City shall require site- and/or project-specific biological resource assessments: 1) prior to annexing any properties into the City from the Proposed Sphere of Influence additions, and 2) prior to approval of principally permitted development of multifamily housing on properties planned Residential-Medium Density in the South Haehl Creek area. Biological resource assessments shall address potential impacts to special status and/or otherwise protected fish, wildlife, and botanical taxa (including potential interferences with their movement, migration, and/or dispersal); sensitive natural communities; and wetland habitats. Biological resource assessments shall also identify mitigation measures to avoid and/or reduce impacts to protected biological resources to less than significant levels from all new development allowed within the study area by the General Plan.</p> <p>Where biological resource assessments identify potentially suitable habitat for special status fish, wildlife, and/or botanical taxa; nesting bird or roosting bat habitat; sensitive natural communities; and/or wetlands or other state- or federally regulated waters within respective study areas, appropriate pre-project biological surveys or habitat delineations shall also</p>	<p>City of Willits</p>	<p>City of Willits</p>	<p>Prior to the adoption of the Land Use Element Update</p>	<p>Incorporation of this mitigation measure as a new policy in the Land Use Element</p>

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<p>be required. All biological resource assessments, surveys, and delineations shall be performed in coordination with CDFW by qualified professionals with demonstrated familiarity and experience within the region and consistent with respective current field survey protocols.</p>				
<p>Mitigation BIO-01.3. Revise LU-9.3, Riparian Area Land Use Overlay, as follows to Define Riparian Buffer Area Metrics, Facilitate Landscape Permeability, Reduce Stormwater-Related Impacts, and Require Use of Appropriate Plant Species in Revegetation and Landscaping Efforts</p> <p>Revise Policy LU-8.3, Riparian Area Land Use Overlay. Apply an overlay to the Land Use Map, consistent with Conservation and Open Space Element Implementation Measure 3.320 identifying streams and wetlands within the City to be protected from development. Prohibit development within a buffer area on both sides of streams subject to the following criteria:</p> <ul style="list-style-type: none"> (a) A combining zone for stream and riparian areas shall also be established and applied to parcels adjacent to streams and subject to the Riparian Area Land Use Overlay that specifies protective criteria consistent with this policy. <u>(b) Riparian Buffer Areas associated with streams shall be established on both sides of streams and shall be measured from either the outer drip-line of riparian vegetation or the top-of-bank, whichever is furthest from the stream centerline, and shall extend horizontally for a distance of:</u> 	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a revision to a proposed policy in the Land Use Element

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<p style="text-align: center;">Mitigation</p> <ul style="list-style-type: none"> • <u>100 feet for perennial streams, or</u> • <u>50 feet for intermittent streams.</u> <p><u>Riparian Buffer Areas associated with wetlands shall extend horizontally from the delineated wetland boundary for a distance of:</u></p> <ul style="list-style-type: none"> • <u>150 feet for perennial wetlands, or</u> • <u>50 feet for seasonal wetlands.</u> <p>(b) Buffers may be reduced or eliminated where the City determines, based on factual findings and in consultation with CDFW, that the reduction will not result in significant adverse effects to the water quality, dependent biological resources, or ecological functional capacity of the aquatic resource of interest.</p> <p>(e) For ministerial projects that are located on land planned R-L, C-G, GM-U, DM-U containing occupied structures or on vacant parcels that are substantially surrounded by developed parcels where improvements are located within the buffer area, exceptions to these standards may be allowed after a site evaluation has been conducted by City staff and factual findings are made that development is sited to minimize potential impacts to streams, wetlands, and associated riparian resources; does not involve the removal of native riparian vegetation; and the incorporation of performance standards relating to the revegetation of locally-appropriate riparian species and the</p>				

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<p>implementation of best management practices for erosion control.</p> <p>(de) When the prescribed buffer prohibits development of the site for the primary use for which it is designated, measures shall be applied that allow development that results in the least environmentally damaging feasible project.</p> <p>(ef) Road, bridge, and trail construction or replacement may be permitted that would not result in significant adverse effects to water quality, dependent biological resources, or ecological functional capacity of the aquatic resource of interest, where vegetative clearing is kept to a minimum, and where revegetated with locally-appropriate native riparian species.</p> <p>(g) <u>The installation or replacement of new or existing fencing contiguous with Riparian Buffer Areas shall require the use of wildlife-permeable materials and designs to reduce the likelihood of wildlife entrapment and otherwise facilitate wildlife movement.</u></p> <p>(h) <u>All projects shall implement stormwater requirements from the Mendocino County Low Impact Development Standards Manual to protect water quality and associated aquatic habitats, avoid the use of noxious weeds or other invasive plants identified by the California Invasive Plant Council (Cal-IPC) in associated revegetation and landscaping efforts, and prioritize use of</u></p>				

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<p><u>locally-appropriate native vegetation during any such revegetation.</u></p> <p>(fi) The removal of vegetation for disease control or public safety purposes may be approved, in consultation with CDFW.)</p> <p>(gj) An exception to the implementation of regulations for this policy shall be included for “minor additions” to buildings or structures provided the aggregated total increase in square footage for all changes does not exceed three hundred (300) square feet of floor area.</p>				
<p>Mitigation BIO-01.4. Require Low Impact Development (LID) Stormwater Design Standards and Use of Appropriate Plant Species in LID and Other Development-Related Landscaping and Revegetation Efforts</p> <p>New Policy for “Protect Natural Resources within Areas Planned for Development” Group:</p> <p>Policy LU-8.X3 To reduce stormwater impacts to streams and wetlands and improve water quality associated with discretionary development and all development within 250 feet of Willits, Broaddus or Baechtel Creeks and their tributaries, the City shall implement stormwater requirements from the Mendocino County Low Impact Development Standards Manual to attenuate runoff, reduce scouring and erosion, promote on-site infiltration, and to protect water quality and associated aquatic habitats.</p>				

<p>New Policy for “Protect Natural Resources within Areas Planned for Development” Group:</p> <p>Policy LU-8.X4 The City shall develop and make available a list of locally appropriate native vegetation suitable for planting within low impact development features and for development-related landscaping and revegetation. The City shall encourage the use of locally appropriate and locally sourced native vegetation for use in revegetation and landscaping efforts as well as encourage the planting of native milkweed (<i>Asclepias</i> spp.) species (i.e., the sole plant group within the Planning Area region suitable for egg laying and larval development for the federal candidate species, Western Monarch butterfly [<i>Danaus plexippus plexippus</i>]). Where rapid plant establishment and development is required for purposes of soil stabilization and to minimize erosion potential, the City shall encourage the use of sterile hybrid “wheatgrass” x “wheat” (<i>Elymus x Triticum</i>) or other similar non-reproductive seed material in conjunction with otherwise appropriately-selected revegetation seed applications or blends.</p> <p>In all low impact development infrastructure and other development-related landscaping and revegetation, the City shall prohibit the use of any plant species designated as: “invasive” by the California Invasive Plant Council (Cal-IPC), a “noxious weed” by the California Department of Food & Agriculture (CDFA), or a “federal noxious weed” by the U.S. Department of Agriculture (USDA), as well as any other plants that the City has determined warrant concern based on a known potential for preventing the establishment of the intended vegetation assemblage within respective revegetation areas.</p>	<p>City of Willits</p>	<p>City of Willits</p>	<p>Prior to the adoption of the Land Use Element Update</p>	<p>Incorporation of this mitigation measure as a new policy in the Land Use Element</p>
<p>Mitigation BIO-01.5. Require Appropriate Design Standards to Minimize Artificial Light Pollution</p>	<p>City of Willits</p>	<p>City of Willits</p>	<p>Prior to the adoption of the Land Use</p>	<p>Incorporation of this mitigation measure as a</p>

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<p>New Policy for “Protect Natural Resources within Areas Planned for Development” Group:</p> <p>Policy LU-8.X5 The design and location of all outdoor lighting fixtures shall prevent direct illumination of streams, wetlands, and Riparian Buffer Areas.</p>			Element Update	new policy in the Land Use Element
<p>Mitigation BIO-01.6. Initiate Community Outreach to Reduce Impacts to Wildlife from Pesticide-Related Poisonings and Free-Ranging House Cats.</p> <p>New Policy for “Protect Natural Resources within Areas Planned for Development” Group:</p> <p>Policy LU-8.X6 Partner with local organizations to educate applicants and residents about the impacts to special status and otherwise protected wildlife from toxic pest control methods, and to discourage their use within the City; as well as to educate the community about the impacts of free-ranging house cats on special status and otherwise protected wildlife.</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new policy in the Land Use Element
<p>Mitigation CUL-1. Cultural Resource Discovery Protocols</p> <p>New Implementation Measure for “Coordinate with Local Communities” Group:</p> <p>Implementation Measure LU-7.X1: In the event archaeological resources or cultural resources, including human remains, are inadvertently unearthed or <u>undiscovered</u> during construction, the contractor shall immediately halt all grading/land-clearing activities and contact the City of Willits Community Development Department (CDD). All activity in the vicinity of the resources shall cease until it can be evaluated by</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new implementation measure in the Land Use Element

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<p>a qualified archaeologist and a Native American representative. If the archaeologist and Native American representative determine that the resources may be significant, they shall notify the CDD and develop an appropriate treatment plan for the resources. The archaeologist shall consult with Native American representatives in determining appropriate treatment for prehistoric or Native American cultural resources. In considering suggested mitigation proposed by the archaeologist and Native American representative, the CDD will determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) will be instituted. Work may proceed in other parts of the project area while mitigation for cultural resources is being carried out.</p>				
<p>Mitigation TCR-1. Avoid Impacts to Tribal Cultural Resources</p> <p>New Implementation Measure for “Coordinate with Local Communities” Group:</p> <p>Implementation Measure LU-7.X2: When feasible, development facilitated by the project shall be designed to avoid known tribal cultural resources. Known tribal cultural resources within 60 feet of planned construction activities shall be protected by establishing an Environmentally Sensitive Area (ESA) that would be fenced, or otherwise protected, to ensure avoidance. The feasibility of avoidance of tribal cultural resources shall be determined by the City of Willits and applicants in consultation with local California Native American tribe(s).</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new implementation measure in the Land Use Element

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<p>Mitigation TCR-2. Inadvertent Discovery of Tribal Cultural Resources New Implementation Measure for “Coordinate with Local Communities” Group:</p> <p>Implementation Measure LU-7.X3: If previously unidentified tribal cultural resources are encountered during project implementation, altering the materials and their stratigraphic context shall be avoided and work shall halt immediately. Project personnel shall not collect, move, <u>photograph, post on social media,</u> or disturb cultural resources. A representative from a locally-affiliated Native American Tribe shall be contacted <u>in a timely manner</u> to evaluate the resource and prepare a tribal cultural resources plan identifying methods necessary to protect the resource, in consultation with the City of Willits.</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new implementation measure in the Land Use Element
<p>Mitigation GEO-1: Adopt Draft Safety Element</p> <p>Prior to, or within six months following, the adoption of the Land Use Element, the City of Willits shall complete the process of updating and adopting the Draft Safety Element consistent with state law and initiate the process of putting into effect the implementation program.</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update or within six months after adoption	Adoption of the updated City of Willits Safety Element
<p>Mitigation GEO-2: Other Paleontological or Geological Resource Discover Protocols</p> <p>Implementation Measure LU-7.X4 If fossils are encountered during construction (i.e., bones, teeth, or unusually abundant and well-preserved invertebrates or plants), the City and its contractor shall divert construction activities away from the</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a new implementation measure in the

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<p>discovery within 50 feet of the find, and a professional paleontologist shall be contracted to document the discovery as needed, to evaluate the potential resource, and to assess the nature and importance of the find. Based on the scientific value or uniqueness of the find, the paleontologist may record the find and allow work to continue, or recommend salvage and recovery of the material, if it is determined that the find cannot be avoided. The paleontologist shall make recommendations for any necessary treatment that is consistent with currently accepted scientific practices. Any fossils collected from the area shall then be deposited in an accredited and permanent scientific institution where they would be properly curated and preserved.</p>				Land Use Element
<p>Mitigation GHG-1 Revise Policy LU-3.9 <i>Plan for Climate Change</i></p> <p>Revise Policy LU-3.10 <i>Plan for Climate Change</i>. Plan for the public health implications of climate change, including potential disease and temperature effects, and work with state and county public health agencies to identify necessary programs to reduce, adapt to, and increase resiliency to potential impacts and develop and implement programs to achieve City-wide reductions in greenhouse gas emissions <u>consistent with state targets</u>.</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update	Incorporation of this mitigation measure as a revision to a new policy in the Land Use Element
<p>Mitigation Measure WF-01.</p> <p>Prior to adoption of the Draft Safety Element, review, an update shall be required to is consistent with applicable state legislation that has been passed since the draft’s preparation in 2019.</p>	City of Willits	City of Willits	Prior to the adoption of the Land Use Element Update or within six	Adoption of an updated City of Willits Safety Element that is s consistent with applicable state

Mitigation	Responsible Party for Monitoring and Reporting	Responsible Party for Verifying Compliance	Timing	Performance Criteria
			months after adoption	legislation that has been passed since 2019

6. REPORT OF PREPARERS

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