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Additional Public Comments
Duckhorn Vineyards Winery Major
Modification
P19-00097-MOD

April 28, 2023

To: Trevor Hawkes, Supervising Planner, Napa County Planning

From: Nancy and Dave Yewell, 1119 Ehlers Lane, St. Helena

Concerns about the Duckhorn Vineyards Winery – Use Permit Major Modification:

1. The EIR discusses the bird situation, specifically spotted owls, but there is no discussion of ducks. Ducks nest annually in the Napa River above and below these parcels. There should be no construction on either parcel or under-river drilling during nesting season. There should be a ban of large groups and events annually during breeding season, as well. A broader look at the habitat shows not only are there birds nesting here, agricultural best practices is to encourage more birds to nest as part of integrated pest management.
2. Removal of 49 trees: According to the EIR, there are no heritage oaks to be removed. Further, the trees to be removed are not all oaks. Still, must these trees be removed? Again, we want to encourage birds to choose to nest in the area as part of integrated pest management.
3. Traffic and roads: The county must take a longer-term view of the impact of the combined traffic from the Duckhorn Wine making expansion, the Duckhorn visitor expansion, the Kendall Jackson proposed “Inn at the Abbey” and the Vine trail, as well as potential growth of visitors at Freemark Abbey Winery. Lodi Lane is in terrible shape, including the old, very narrow and fragile-looking bridge over the Napa River.
 - a. Most tourists travel up 29 to visits wineries, turning onto Lodi Lane, crossing the bridge and enter Duckhorn.
 - b. Most trucks prefer Highway 29, since there are many fewer hills and turns, causing more Lodi Lane congestion and road wear.
 - c. There will be a significant increase of large trucks, both those carrying barrels as well as heavy tankers with the Duckhorn production expansion.

4. Where will parking for guests be for the large events up to 600 people? With the size and condition of Lodi Lane, these guests' vehicles will have significant impact on the road.

5. Duckhorn ground water usage is granted 14.04 AFY. Is this amount set in perpetuity? Or in the event of drought, can an agency like Napa County, California Department of Water Resources, or the State Water Control Board set usage limits in order to preserve sustainable ground water management?



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

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April 27, 2023

Trevor Hawkes, Supervising Planner

County of Napa

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Trevor.Hawkes@countyofnapa.org

Subject: Duckhorn Vineyards Winery Use Permit Major Modification #P19-00097-MOD and Variance Request #P19-00098-VAR, Mitigated Negative Declaration, SCH No. 2023030759, Napa County

Dear Mr. Hawkes:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the County of Napa (County) for the Duckhorn Vineyards Winery Use Permit Major Modification #P19-00097-MOD and Variance Request #P19-00098-VAR (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the County, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Duckhorn Wine Company

Objective: Expand winery operations. The Project includes construction of a new 58,042-square-foot facility, expansion of the existing estate house by 8,839 square feet, and other winery improvements. The existing wastewater system will be removed, and a

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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new system will be developed, requiring directional boring under the Napa River. Parking and spaces will be increased from 68 to 96. Several buildings and structures will be demolished, and 3.55 acres of vineyard will be removed. An existing 16,900-square-foot agricultural pond will be converted into a 20,300-square-foot bioretention pond. The Project will remove 49 trees, including some oak trees.

Location: 1000 Lodi Lane in the City of St. Helena, County of Napa; Longitude: 38.528427°N, Latitude: 122.489371°W; Assessor Parcel Numbers: 022-130-010, 022-100-033, 022-100-034, and 022-100-035.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

Notification, pursuant to Fish and Game Code sections 1600 et. seq. is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **Thank you for including a mitigation measure in the MND requiring the Project to submit an LSA notification for the directional drilling that would occur under the Napa River. Please include a frac-out plan with the LSA notification.** CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in **Attachment A**, CDFW concludes that a MND is appropriate for the Project.

- I. **Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?**

COMMENT 1: Special-Status Bats – Environmental Setting Shortcoming

Issue: The Project included removal of buildings and trees which may provide suitable habitat for roosting bats, including pallid bat (*Antrozous pallidus*) and

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Townsend's big-eared bat (*Corynorhinus townsendii*), which are known to roost in tree bark, hollows, or foliage, as well as man-made structures (Johnston 2004). The California Natural Diversity Database (CNDDDB) documents several occurrences of both species occurring within five miles of the Project site. The MND does not include any measures to avoid or minimize impacts to special-status bats.

Specific impacts and why they may occur and be significant: Mature trees and buildings scheduled for removal could provide suitable roosting habitat for pallid bat and Townsend's big-eared bat. These bats are experiencing population declines in California (Brylski et al. 1998). Bats are long-lived and have a low reproductive rate (Johnston 2004); therefore, each mortality can have a protracted effect on the reproductive rate of the population.

The above bat species are California Species of Special Concern (SSC). CDFW designates certain vertebrate species as SSC because declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction or extirpation in California. If special-status bats are roosting on-site and the Project would result in removal of roosting habitat, impacts to special-status bats would be potentially significant.

Recommended Mitigation Measure: For an accurate environmental setting and to reduce impacts to less-than-significant, CDFW recommends including the following mitigation measure.

MM BIO-4: Bat Habitat Assessment and Surveys. Prior to Project activities, a Qualified Biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked.

Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a Qualified Biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a Qualified Biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with

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cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

If roosting bats are detected in anthropogenic structures that will be impacted by Project activities, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.

COMMENT 2: Special-Status Herpetofauna - Environmental Setting Shortcoming

Issue: The Project would expand and convert an agricultural pond into a bio-retention pond. The pond may provide suitable habitat for western pond turtle (*Emys marmorata*), foothill yellow-legged frog (*Rana boylei*, northwest/north coast clade), and California giant salamander (*Dicamptodon ensatus*). Additionally, these species may occur in upland habitat near suitable aquatic habitat, such as the Napa River.

Specific impacts and why they may occur and be significant: The above herpetofauna are SSC. The Project could impact aquatic habitat or upland dispersal habitat or refugia for these species through vegetation removal and grading activities, potentially injuring or killing them. Western pond turtles can move more than four miles up or down stream; therefore, the Project area is within the mobility range of western pond turtle observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015). Foothill yellow-legged frogs have been documented moving up to 500 feet from the wetted channel of a stream across upland habitat (CDFW 2018). Based on the above, if special-status herpetofauna occurs within the Project area, Project impacts to special-status herpetofauna would be potentially significant.

Recommended Mitigation Measures: For an accurate environmental setting and to reduce impacts to less-than-significant, CDFW recommends including the following mitigation measures in the MND.

MM BIO-5: Special-Status Species Survey. A qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of special-status species, including, but not limited to, western pond turtle, foothill yellow-legged frog, and California giant salamander. If any special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted with regarding avoidance and minimization

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measures to avoid and minimize impacts to special-status species. Permittee shall implement the avoidance and minimization measures if required by CDFW.

MM BIO-6: Foothill Yellow-Legged Frog Surveys. A qualified biologist shall provide a foothill yellow-legged frog survey methodology for CDFW review and written approval at least 30 days prior to conducting Project activities, unless otherwise approved in writing by CDFW. Project activities shall not begin until foothill yellow-legged frog surveys have been completed using a methodology approved by CDFW. Survey methodology shall target all life stages and shall include carefully searching under rocks, within vegetation such as sedges and other clumped vegetation, under undercut banks, and in any area with persistent moisture no less than 50 feet from both sides of the streambed, where appropriate, and at least 500 feet upstream and downstream of the Project area. Surveys should be conducted at different times of day and under variable weather conditions, if possible. Surveys should avoid windy days (15 miles per hour or greater), as ripples in the water make it more challenging to detect frogs. A final survey shall be conducted within 24 hours prior to starting Project activities.

Prior to starting Project activities, a qualified biologist shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. The results of the surveys shall be submitted to and approved in writing by CDFW prior to starting Project activities. The Permittee shall install exclusionary fencing and prepare and implement a foothill yellow-legged frog Habitat Improvement Plan if foothill yellow-legged frog or their eggs are found, if required and approved by CDFW and prior to starting Project activities.

Survey methodology and surveys are not required if the stream is dry and there are no areas of persistent summer moisture present in or within 500 feet upstream and downstream of the Project area.

MM BIO-7: Western Pond Turtle Surveys. No more than two weeks prior to the commencement of ground-disturbing activities, a qualified biologist shall perform surveys for western pond turtles and their nests within aquatic and upland habitat at the Project site, unless otherwise approved in writing by CDFW. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or shall be relocated, by a qualified biologist, to appropriate habitat within the same stream the individual was found. Any turtle nest sites shall be avoided with an appropriate buffer identified by a qualified biologist and accepted in writing by CDFW. The Permittee shall prepare and implement a Western Pond

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Turtle Habitat Improvement Plan, if western pond turtles or their nests are found, if required and approved by CDFW.

COMMENT 3: Special-Status Plants – Environmental Setting Shortcoming

Issue: Several special-status plants, including, but not limited to, Greene’s narrow-leaved daisy (*Erigeron greenei*) and Calistoga ceanothus (*Ceanothus divergens*) have the potential to occur at the Project site. The MND mentions that no sensitive plant species have been identified on or adjacent to the property in CNDDDB. The lack of positive occurrences submitted to CNDDDB does not preclude the need to evaluate whether special-status plants could occur at the Project site and be impacted by Project activities.

Specific impacts and why they may occur and be significant: The above plant species are California Rare Plant Rank² 1B.2. If special-status plants are present and not detected by appropriate surveys, the Project may result in potential significant impacts through crushing and killing plants and impacting viable seeds in the soil.

Recommended Mitigation Measure: For an accurate environmental setting and to reduce impacts to special-status plants to less-than-significant, CDFW recommends including the following mitigation measure.

MM BIO-8: Pre-Project Special-Status Plant Surveys. A qualified biologist shall conduct a habitat assessment for special-status plants on and adjacent to the Project site, and if habitat is present, shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur, prior to the start of Project construction. More than one year of surveys may be necessary. Surveys shall be conducted following CDFW’s Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>). The habitat assessment and survey results must be accepted by CDFW in writing prior to Project construction. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts cannot be avoided, the Project shall mitigate impacts at a minimum 3:1 mitigation to impact ratio through compensatory habitat, restoration, monitoring, and maintenance, or a combination thereof, following a plan approved in

² CRPR rank definitions are available in CDFW’s *Special Vascular Plants, Bryophytes, and Lichens List* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline>) and on the California Native Plant Society website (<https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>).

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writing by CDFW. The plan may include preparing, funding, and implementing a long-term management plan in perpetuity.

II. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 4: Valley Oak Riparian Forest – Environmental Setting Shortcoming

Issue: The Project site appears to include Valley Oak (*Quercus lobata*) Riparian Forest Alliance. It is unclear if any of the trees that would be removed by the Project, including the oak (*Quercus* sp.) trees that would be removed described in the MND, occur within the Valley Oak Riparian Forest Alliance as the MND does not provide a figure showing the Project area.

Specific impacts and why they may occur and be significant: The Valley Oak Riparian Forest Alliance is considered a sensitive natural community (CDFG 2010; Standiford et al. 1996; CIWTG).³ Rare natural communities have limited distribution and are often vulnerable to Project impacts (CDFW 2009).

Research suggests that valley oak trees are not regenerating enough for eventual replacement (Zavaleta et al. 2007). Therefore, trees removed by the Project may never be replaced, and loss of regenerating trees may further reduce the ability of valley oak riparian forests to persist. Introduced alien annual grasses that limit available moisture appear to be a causal factor (Danielson and Halvorson 1991). Other factors may include fire suppression, cattle grazing and herbivory of oak shoots by cattle and native mammals (Zack et al. 2002). Based on the foregoing, if the Project removes Valley Oak Riparian Forest, then impacts to this sensitive natural community would be potentially significant.

Recommended Mitigation Measure: For an accurate environmental setting and to reduce impacts to valley oak riparian forest to less-than-significant, CDFW recommends the following mitigation measure:

MM BIO-9 Valley Oak Riparian Forest Restoration and Preservation: A qualified biologist shall evaluate if Valley Oak Riparian Forest will be impacted by the Project and the evaluation must be approved in writing by CDFW prior to Project construction. Any permanently impacted Valley Oak Riparian Forest shall be mitigated through restoration of this habitat type at a minimum 3:1 mitigation to impact ratio for acreage impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the Project site as

³ For a description of sensitive natural communities, see: <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

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possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration shall occur in the same year as the impacts. The restoration area shall be monitored for a minimum of five years until success criteria are met. Trees within the Valley Oak Riparian Forest will be removed shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:

Oak trees:

- 1:1 replacement for trees up to 3 inches diameter at breast height (DBH);
- 4:1 replacement for trees greater than 3 inches and up to 7 inches DBH;
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH; and
- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks.

Non-oak trees:

- 1:1 replacement for non-native trees;
- 1:1 replacement for native trees up to 3 inches DBH;
- 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH; and
- 6:1 replacement for trees greater than 15 inches DBH.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the

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Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment A: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023030759)

REFERENCES

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ATTACHMENT A

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BIO-4	<p>MM BIO-4: Bat Habitat Assessment and Surveys. Prior to Project activities, a Qualified Biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to the beginning of Project activities and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark for colonial species, suitable canopy for foliage roosting species, and anthropogenic structures such as buildings, bridges, and culverts). If suitable habitat is found, it shall be flagged or otherwise clearly marked.</p> <p>Trees shall be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.</p> <p>If roosting bats are detected in anthropogenic structures that will be impacted by Project activities, a bat avoidance and exclusion plan shall be implemented. The plan shall recognize that both maternity and winter roosting seasons are vulnerable times for bats and require exclusion outside of these times, generally between March 1 and April 15 or</p>	<p>Prior to Ground Disturbance or Impacts to Vegetation or Anthropogenic Structures</p>	<p>Project Applicant</p>

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	September 1 and October 15 when temperatures are sufficiently warm. Work operations shall cease if bats are found roosting within the Project area and CDFW shall be consulted.		
MM BIO-5	MM BIO-5: Special-Status Species Survey. A qualified biologist shall conduct a pre-construction survey within 48 hours prior to the start of Project activities, focusing on the presence of special-status species, including, but not limited to, western pond turtle, foothill yellow-legged frog, and California giant salamander. If any special-status species are discovered during the survey, Project activities shall not begin until CDFW has been consulted with regarding avoidance and minimization measures to avoid and minimize impacts to special-status species. Permittee shall implement the avoidance and minimization measures if required by CDFW.	Prior to Ground Disturbance	Project Applicant
MM BIO-6	<p>MM BIO-6: Foothill Yellow-Legged Frog Surveys. A qualified biologist shall provide a foothill yellow-legged frog survey methodology for CDFW review and written approval at least 30 days prior to conducting Project activities, unless otherwise approved in writing by CDFW. Project activities shall not begin until foothill yellow-legged frog surveys have been completed using a methodology approved by CDFW. Survey methodology shall target all life stages and shall include carefully searching under rocks, within vegetation such as sedges and other clumped vegetation, under undercut banks, and in any area with persistent moisture no less than 50 feet from both sides of the streambed, where appropriate, and at least 500 feet upstream and downstream of the Project area. Surveys should be conducted at different times of day and under variable weather conditions, if possible. Surveys should avoid windy days (15 miles per hour or greater), as ripples in the water make it more challenging to detect frogs. A final survey shall be conducted within 24 hours prior to starting Project activities.</p> <p>Prior to starting Project activities, a qualified biologist shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. The results of the surveys shall be submitted to and approved in writing by CDFW prior to starting Project activities. The Permittee shall install exclusionary fencing and prepare and implement a foothill yellow-legged frog Habitat Improvement Plan if foothill yellow-legged frog or their</p>	Prior to Ground Disturbance and Continuing Throughout the Project	Project Applicant

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	<p>eggs are found, if required and approved by CDFW and prior to starting Project activities.</p> <p>Survey methodology and surveys are not required if the stream is dry and there are no areas of persistent summer moisture present in or within 500 feet upstream and downstream of the Project area.</p>		
MM BIO-7	<p>Western Pond Turtle Surveys. No more than two weeks prior to the commencement of ground-disturbing activities, a qualified biologist shall perform surveys for western pond turtles and their nests within aquatic and upland habitat at the Project site, unless otherwise approved in writing by CDFW. An additional survey shall occur no more than 48 hours prior to Project activities. If a pond turtle or nest site is detected at any time, CDFW shall be notified immediately. Survey results shall be submitted to CDFW prior to construction activities. All western pond turtles observed on-site shall be avoided and allowed to leave the Project activity area of their own volition or shall be relocated, by a qualified biologist, to appropriate habitat within the same stream the individual was found. Any turtle nest sites shall be avoided with an appropriate buffer identified by a qualified biologist and accepted in writing by CDFW. The Permittee shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtle or their nests are found, if required and approved by CDFW.</p>	<p>Prior to Ground Disturbance and Continuing Throughout the Project</p>	<p>Project Applicant</p>
MM BIO-8	<p>Pre-Project Special-Status Plant Surveys. A qualified biologist shall conduct a habitat assessment for special-status plants on and adjacent to the Project site, and if habitat is present, shall conduct botanical surveys during the appropriate blooming period and conditions for all special-status plants that have the potential to occur, prior to the start of Project construction. More than one year of surveys may be necessary. Surveys shall be conducted following CDFW's Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants). The habitat assessment and survey results must be accepted by CDFW in writing prior to Project construction. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If impacts cannot be avoided, the Project shall mitigate impacts at</p>	<p>Prior to Ground Disturbance and Continuing Throughout the Project</p>	<p>Project Applicant</p>

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	<p>a minimum 3:1 mitigation to impact ratio through compensatory habitat, restoration, monitoring, and maintenance, or a combination thereof, following a plan approved in writing by CDFW. The plan may include preparing, funding, and implementing a long-term management plan in perpetuity.</p>		
<p>MM BIO-9</p>	<p>Valley Oak Riparian Forest Restoration and Preservation: A qualified biologist shall evaluate if Valley Oak Riparian Forest will be impacted by the Project and the evaluation must be approved in writing by CDFW prior to Project construction. Any permanently impacted Valley Oak Riparian Forest shall be mitigated through restoration of this habitat type at a minimum 3:1 mitigation to impact ratio for acreage impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close to the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration shall occur in the same year of the impacts. The restoration area shall be monitored for a minimum of 5 years until success criteria are met. Trees within the Valley Oak Riparian Forest will be removed shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW:</p> <p>Oak trees:</p> <ul style="list-style-type: none"> • 1:1 replacement for trees up to 3 inches diameter at breast height (DBH) • 4:1 replacement for trees greater than 3 inches and up to 7 inches DBH • 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH • 10:1 replacement for trees greater than 15 inches DBH, which are considered old growth oaks <p>Non-oak trees:</p> <ul style="list-style-type: none"> • 1:1 replacement for non-native trees • 1:1 replacement for native trees up to 3 inches DBH • 3:1 replacement for trees greater than 3 inches DBH and up to 15 inches DBH • 6:1 replacement for trees greater than 15 inches DBH 	<p>Prior to Ground Disturbance and Within the Same Year as Project Implementation</p>	<p>Project Applicant</p>

From: [Bordona, Brian](#)
To: [Parker, Michael](#); [Hawkes, Trevor](#)
Subject: FW: Duckhorn Winery Modification #P19-00097-MOD P19-00098
Date: Monday, May 1, 2023 11:38:26 AM

From: kathy korteranch.com <kathy@korteranch.com>
Sent: Monday, May 1, 2023 9:32 AM
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>
Subject: Duckhorn Winery Modification #P19-00097-MOD P19-00098

[External Email - Use Caution]

April 29, 2023

To: Trevor Hawkes, Supervising Planner
From: John (Jack) Pagendarm and Kathleen (Kathy) Pagendarm
1105 Ehlers Lane, St. Helena, CA 94574
(Parcels 022-100-013-000 and 022-100-011-000)

Re: Duckhorn Vineyards Winery- Use Permit Major Modification #P19-00097-
MOD & Variance P19-00098

In response and opposition to Duckhorn Vineyards' request for a Winery Use Permit Major Modification:

Our two parcels are north and west of the Duckhorn expansion. We have several concerns regarding the size and scope of this expansion.

1. Napa County is bound by law and history to preserve agricultural land and promote its agricultural heritage. The scope of this project removes and reduces the amount of farmed land between our two parcels. The proposed building is very large, 58,000 square feet, along with storage tanks that take up a great amount of land. There are better alternatives to on site processing at this new proposed building that would have a more modest impact on the valuable vineyard lands and related resources. Duckhorn is proposing to "pave over" vital vineyard lands in their plans for the surrounding asphalt for access roads and parking to accommodate employees, visitors, trucks, and equipment. There is also the removal of

acreage to install leach fields to handle all the waste from the expanded hospitality on the east side and that of the offices on the west side. The amount of agricultural land that is lost to this “mega-winery” project, including the building of this production facility is unreasonable and excessive. This is not what Napa is about.

2. Napa County also has a vested interest in protecting our arboreal heritage and habitat. The removal of trees and the subsequent water-intensive landscaping is extremely troubling. Our home will face the back of the building and the many storage tanks for the domestic water, reclaimed water, fire suppression, irrigation, and waste. Presently, there is a partial screen of mature trees, except for an area that will need more screening. We have been told that Duckhorn has plans to landscape the facility, but there already are trees on the Duckhorn parcels. There is no need to remove them. However, if they are removed, we need to know what size and type of trees Napa County will require for this project, and who will manage them to ensure that there are not ongoing issues? If these new, young trees die, fail, or are damaged by natural causes or fire, is there a provision for equivalent size and type of replacement of trees? How long will that requirement last?
3. We are genuinely concerned about the increase in noise resulting from the requested increase in visitation, special event tastings, and the 600-person event proposals. We currently hear events taking place from as far away as Charles Krug, as well as those winery events held closer to our home. We are in one of the narrower sections of the valley, and as such, the sound carries much further. Has there been adequate study for the noise these proposed events will create?
4. Building a production facility of this size will require exterior light for security and safety. There will be more light impacts at night, which will undoubtedly keep us and our neighbors up at night. We question the validity of just mitigating this impact with motion-sensor lights. This does not eliminate the problem, and in some cases could make the problem worse. Wildlife activity is prolific in the area, and lights turning on and off at all hours of the night will be distracting.
5. We believe the structural and traffic limits of Lodi Lane will not be able to handle the traffic demands of the proposed expansion. The single lane

bridge, closer to the Estate House, would certainly not handle the traffic created by a 600-person event, nor some of the smaller events listed in the declaration. We would ask that a full traffic study be conducted to ensure that the roads serving the proposed expansion can handle the increased traffic volume.

6. We are concerned about the aquifer and the amount of water that will be used. We have 2 wells located close to the west property. We understand Duckhorn has water entitlements capped at 4,651,920 gallons a year, and we would like to know whether that allotment is subject to any controls or adjustment. If drought conditions and climate change continue to negatively affect the aquifer, Napa County needs to be able to protect our fragile water supply to ensure that short term profits do not permanently foreclose our children's future. We would ask that a full CEQA analysis be conducted to identify any and all environmental impacts from the proposed expansion.

We respectfully request that Duckhorn's proposed expansion be denied, or if Napa County is inclined to allow the project to proceed, that the size, scope, and scale of the expansion is phased in such a way to ensure that the concerns and interests of our multi-generational family and others like us are considered and protected. Napa County would be nothing without families like ours who have made Napa our home for decades, and we hope that the County realizes that allowing another mega-winery project makes life impossible for the people who made this valley the amazing place that we all call home.

Sincerely,

Jack and Kathy Pagendarm



May 2, 2023

VIA EMAIL

The Honorable Brian Bordona, Interim Director of
Planning, Building and Environmental Services
& Members of the Napa County Planning Commission
County of Napa
1195 Third Street, Suite 305
Napa, CA 94559

**Re: Opposition of Frank Sculatti and Joann Sculatti to Application of Duckhorn
Vineyards Winery for Use Permit Major Modification
#P19-00097-MOD and Variance P19-00098
1000 Lodi Lane, St. Helena, CA 94574
APN: 022-130-010, 022-100-033, 022-100-034 and 022-100-035
Hearing Date and Time: May 3, 2023, at 9:00a.m.**

Dear Interim Director Bordona and Commission Members:

The purpose of this correspondence is to advise you that Frank and Joann Sculatti (“**We**”) as property owners of the property located at 1112 Lodi Lane, St. Helena, County of Napa, California, oppose the Duckhorn Winery Vineyard Winery (“**Duckhorn**”) project as proposed in the Use Permit for Major Modification #P19-00097-MOD and Variance #P19-00098.

I. BACKGROUND

A. The Project

Duckhorn is requesting the approval of a Use Permit Major Modification to an existing 160,000 gallon per year winery to allow the following: 1) construction of a 58,042 square foot facility (“**West Winery**”) on the West Property (APN 022-100-033) containing 54,722 square feet of production space and 3,320 square feet of office and accessory uses, a 90,000 gallon fire protection water tank, two 158,000 gallon irrigation storage water tanks, a 24,000 gallon domestic water tank, landscaping, driveways, and other winery improvements; 2) construction of a 8,839 square foot expansion to the existing Estate House on the East Property (APN 022-130-010) for a total floor space of 18,162 square feet. At build out the Estate House will consist of 17,810 square feet of accessory space and 352 square feet of production space; 3) removal of the existing combined process and sanitary wastewater system on the East Property and the

development of separate process and sanitary wastewater systems on both the East and West Properties connected through Directional Boring under the Napa River; 4) increase onsite parking spaces from sixty-eight (68) to ninety-six (96); 5) demolition of the existing Tank Shed, Chais 1, 2, 3 & 4 on the East Property; 6) demolition of a single family residence (Red House), portions of the existing gravel driveway and other agricultural and single-family dwelling improvements on the West Property and APN 022-100-034; 7) conversion and expansion of a 16,900 square feet agricultural pond on the West Property to a 20,300 square feet bio-retention pond; 8) removal of approximately 3.55 acres of vineyard on the West Property; 9) removal of approximately forty-nine (49) trees; 10) increase in maximum annual permitted wine production from 160,000 gallons to 300,000 gallons; 11) increase the maximum daily visitation during both weekdays and weekends from eighty-two to two hundred nineteen (82 to 219) visitors per day and the total annual marketing visitors from 5,000 to 8,850 among other visitor increases (the “**Project**”).

For the reasons explained in this letter, We oppose the Project.

B. Project Denial Is Appropriate

Of significant concern is the failure of the Initial Study/Mitigation Negative Declaration (“**MND**”) to consider and analyze: (i) alternatives to the Project; (ii) the impacts to Lodi Lane; (iii) boring under the Napa River for Wastewater Treatment; (iv) the impacts on the groundwater in a flood zone; and (v) construction dust and debris from the driveway leading to the proposed warehouse site, which will create a negative impact on the health of our vineyard. The MND also fails to analyze: (i) air pollution and greenhouse gas emissions caused from the additional truck traffic; (ii) aesthetics of a 58,042 square foot winery on the western portion of the property; and (iii) the impacts of the Project on the community. The MND is severely deficient in addressing the environmental impacts on all other properties on Lodi Lane and fails to address the loss of market value to the properties. The Project will have a major financial impact on the adjacent properties, especially 1112 Lodi Lane, our property. The increased traffic, including truck traffic, noise, dust, and debris from the driveway will significantly reduce the quality of life for us and directly impact the market value of our property. The overall health and quality of all vineyards adjacent to the Project will be significantly impacted and will reduce the rental value of any leases for those vineyards and homes on Lodi Lane. Duckhorn has made no concessions, nor have they offered any mitigation measures for the decrease in the market value of the adjacent properties. For all of these reasons, the Project should be denied by the Planning Commission.

II. THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION IS DEFICIENT

A. Alternatives

The MND fails to identify and discuss alternatives to the Project. CEQA requires that public agencies should address alternatives that will reduce the Project’s significant

environmental impacts. In this case, there was no discussion regarding alternatives to using a small rural road, with a one-lane bridge for semi-trailer trucks to haul large tonnages of grapes and wines. There is also no discussion as to the impact of the wear and tear on Lodi Lane and who will pay for the necessary road improvements in the near future, plus safety issues regarding trucks barreling down a narrow country lane.

To fully describe the need to consider an alternative Project, We note the following. Lodi Lane is a rural two-lane roadway that varies in width between twenty-four to thirty (24 to 30) feet, with no sidewalks or curbs and has a posted speed limit of forty miles per hour (40 mph). Lodi Lane includes a sixteen (16) foot, one-lane bridge where only one (1) vehicle can access the bridge at a time. Attached hereto as **Attachment 1** is a map of Lodi Lane showing the properties. The increased production and transportation of grapes to other wineries owned by Duckhorn Winery will greatly increase the number of fifty-three (53)-foot semi-trailers on a rural two-lane road.

An image of the size of the trucks using Lodi Lane is enclosed as **Attachment 2**. Based on the facts in the MND, every 4.3 minutes there will be a huge truck going down Lodi Lane and Duckhorn's driveway. (Fourteen (14) trucks an hour).

Again, the Project's construction of a 58,042 square-foot winery, 8,839 square foot expansion to the existing Estate House and significant increases in daily and annual visitation, plus large events of up to four hundred (400) people, will negatively impact Lodi Lane as the major entry and exit into Duckhorn.

Duckhorn failed to identify alternatives regarding visitation numbers, size and number of structures, traffic trips and similar aspects of the Project.

There is no discussion in the Initial Study/MND about alternatives to fourteen (14), 53-foot semi-trailers on Lodi Lane every hour, the impacts on the road and any alternatives to using Lodi Lane. The only discussion about the 53-foot semi-trailers was whether the trucks could make the required turns at the intersection of Silverado Trail and Lodi Lane and into the private road of the winery. There are alternatives that could minimize impacts which have not been considered as required by CEQA. Therefore, the Project should be denied.

B. The Traffic Impacts on Lodi Lane Must be Analyzed in the MND

CEQA requires the identification and analysis of potential environmental impacts, including safety and traffic impacts which have been ignored. The MNDs' safety conclusions are based on the faulty analysis that there have been few accidents on Lodi Lane. The conclusion that no mitigation measures are needed to address the increase of semi-trailer truck traffic and visitor traffic on Lodi Lane has no supporting evidence. The MND must consider the impacts of trucks and the increased visitor usage and the mixing of 53-foot trailers with passenger cars on Lodi Lane from the perception of traffic and safety. Duckhorn will transform a two-lane county road into a major transportation route for production and processing of wines

and increase visitor events at Duckhorn. We request, at a minimum, that the Planning Commission continue this matter with the direction to Staff to perform additional analysis to address the traffic and safety impacts on Lodi Lane and impose mitigation measures to reduce the impacts to less than significant.

The only discussion about the 53-foot semi-trailers was whether the trucks could make the required turns at the intersection of Silverado Trail and Lodi Lane and into the private road of the winery. It is not reasonable to conclude that there will be no significant traffic or safety impact on Lodi Lane with the increased traffic.

C. There is No Analysis in the MND on Impacts From Boring Under the Napa River

Duckhorn wants to bore under the Napa River for wastewater treatment on both properties of the winery. There is no analysis as to whether this will contaminate the groundwater and local ecological system, especially since the wastewater holding ponds are in flood zones. The IS/MND makes a conclusionary statement that there will be no significant impacts from borings under the Napa River, but there is neither analysis nor evidence to support the IS/MND conclusions. Also lacking is any analysis of what the process is for the disposing of wastewater from the two properties and what the impacts would be if the groundwater is contaminated by the boring or holding ponds.

For this reason alone, the Project should be denied.

D. There is No Analysis in the MND on the Noise Impacts from the Additional Traffic, Especially Truck Traffic on Lodi Lane

The IS/MND discussed the noise impacts to the neighborhood for the Project's temporary construction impacts and ongoing events to be held at the winery. Once again, the IS/MND totally ignores the noise impacts of having the semi-trailer trucks and the increased visitor traffic on Lodi Lane. Lodi Lane is a rural two-lane road, and while the Traffic Impact Study identifies the traffic counts on Lodi Lane before and after the Project is completed, it totally fails to address the noise impacts to the neighboring property of large 53-foot semi-trailer trucks going on Lodi Lane. In fact, it is difficult to find in the Traffic Impact Study any acknowledgement of the type of vehicular traffic and noise impacts to be caused by the Project.

E. The IS/MND Fails to Identify and Address Aesthetic Impacts of the Project

The IS/MND fails to address the aesthetic impacts of the Project. In addition to forty-nine (49) trees that will need to be removed, the Project's 58,024 square-foot winery will have an impact on the aesthetics of the community. The major industrial complex in a rural residential area is inconsistent with the neighboring properties and country living in the area. When We purchased the property on Lodi Lane, We envisioned that We would be able to retire to a quiet, peaceful, rural area of the County. The Project would totally change the character and aesthetic

Brian Bordona, Interim Director of Planning
& Members of the Planning Commission
May 2, 2023
Page 5 of 6

of the area. While Duckhorn has several wineries in the area, they do not need to use the specific winery on Lodi Lane as their distribution and processing center, thereby destroying the aesthetics and rural values of the surrounding neighborhood.

F. Greenhouse Gas Emissions/Air Quality

The IS/MND attempts to piggyback on the Greenhouse Gas (“GHG”) emissions study completed for the 2008 General Plan. Relying on ancient history for current legal and technical conclusions on GHGs renders the MND legally deficient, as there is no substantial evidence to support the MND’s conclusions. There is no discussion of what the air quality impacts will be from the increased activities, including the trucks on Lodi Lane. No doubt, the trucks will need to comply with air quality standards to reduce GHG emissions and other air pollution, but there is no discussion of any mitigation measures in the IS/MND. Napa County General Plan Policy CON-65(e) requires applicants to consider methods to reduce GHG emissions. However, the IS/MND fails to address the GHG emissions of transporting grapes and finished products, the impacts on the neighborhood and the cumulative effects of the truck transportation. There is no discussion of what the baseline is for truck/transportation in this instance. As the impacts have not been identified, there are also no mitigation measures to address these impacts.

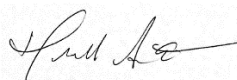
III. IN CONCLUSION THE MND IS LEGALLY DEFICIENT AND THERE IS A FAIR ARGUMENT THAT AN EIR IS REQUIRED

We, as property owners on Lodi Lane, submit there is substantial evidence in the record to support a fair argument that the Project will have a significant effect on the environment, including to our property, Lodi Lane, and the community, in the areas of noise, traffic, aesthetics, greenhouse gas, climate change, safety and air quality.

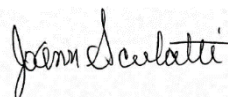
In summary, the MND is legally deficient, and the Planning Commission should deny the Project for all of the reasons noted in this letter. In the alternative, as there is a fair argument that a full Environmental Impact Report (“EIR”) needs to be prepared, the Planning Commission should direct staff to prepare an EIR. This Project is, as the title states, a “major modification” to the existing use permit and variance, and operations of Duckhorn Vineyards and Winery. The Project requires an EIR, and We respectfully request that the matter be denied or continued to have an EIR prepared on the Project.

If you have any questions, please feel free to contact the undersigned.

Very truly yours,



Frank Sculatti



Joann Sculatti

Brian Bordona, Interim Director of Planning
& Members of the Planning Commission
May 2, 2023
Page 6 of 6

cc: **Planning Commission Clerk:** -- For Distribution to All Commissioners
planningcommissionclerk@countyofnapa.org

Trevor Hawkes – Supervising Planner
Planning, Building and Environmental Services
trevor.hawkes@countyofnapa.org

Planning Commissioners:
Brian Bordona – Interim Director of
Planning, Building and Environmental Services
Brian.Bordona@countyofnapa.org

Kara Brunzell – District 1
Kara.Brunzell@countyofnapa.org

Dave Whitmer – District 2
Dave.Whitmer@countyofnapa.org

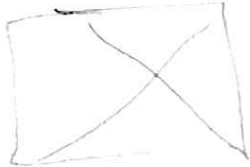
Heather Phillips – District 3
Heather.Phillips@countyofnapa.org

Andrew Mazotti – District 4
andrewmazotti@gmail.com

Megan Dameron – District 5
megan.dameron@countyofnapa.org

ATTACHMENT 1

Silverado Trail



Duckhorn
Winery
#1

Napa River

one Lane Bridge

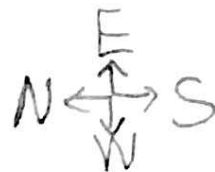
Approximate
Location of
Winery #2 X

Drive way Between Properties

LODI LANE

Sculatti Vineyard

X Sculatti
house



Hwy 29

ATTACHMENT 2



STOP

TO: Kara Brunzell, Dave Whitmer, Heather Phillips, Andrew Mazotti, Meagan Dameron, County of Napa Planning Commission; Trevor Hawkes, Supervising Planner, Napa County Planning, Building, and Environmental Services

FROM: John D. Murphy, 1115 Lodi Lane, St. Helena, CA 94574

RE: Duckhorn Winery Negative Mitigated Declaration Notice of Intent:

DATE: May 2, 2023

On March 28, 2023, the Napa County Planning, Building, and Environmental Services issued a public notice about a May 3, 2023 Planning Commission hearing on a Notice of Intent to adopt a “Mitigated Negative Declaration” to permit increases in touring, tasting, wine pairing, private tasting, touring wine and food pairing, and large events at Duckhorn Vineyards Winery (Duckhorn) at 1000 Lodi Lane adjacent to Silverado Trail:

Proposed Duckhorn Patron Increases

“11) (I)crease existing daily “By Appointment” Tours and Tastings of 82 visitors and voluntarily abandon the winery’s existing pre-Winery Definition Ordinance (WDO) entitlement of 50 visitors per week (no more than 30 on the busiest day), for “Public Tours and tastings” for a total of 219 daily visitors (110 visitors per day for Tours and Tastings without food, 109 per day for Tours and Tastings with food; 12) modification of existing Marketing Plan allowing Private Tours and Tastings events for up to 20 guests 120 times annually, Wine with Food Pairings events for up to 25 guests 36 times annually, Large events up to 600 guests twice annually, and Auction-related events for 25 guests 36 times annually, twice annually as follows: 200 Private Tours and Tastings annually for up to 20 guests, 40 Wine and Food Pairings annually for up to 25 guests, 40 medium events annually for up to 60 guests, three (3) Large events annually for up to 400 guests and one (1) Auction-related events for 250 guests;”

Total Duckhorn Patron Daily and Annual Increases

- Daily increase from 82 to 219 (137 additional guests daily): increase from 29,930 to 79,935 annually: (50,005).

Vehicle increase (assuming a minimum of 2 persons per car) : 14,965 to 39,967: (25,002).

To accommodate the increases in patrons, vehicles, wine production (160,000 to 300,000 gallons annually), and employees Duckhorn offers the following mitigations:

- Converting 3.55 acres vineyards within Napa County’s Agricultural Preserve (AG), for wine production and ancillary operations.
- Removing 60 trees (many demarcating the eastern terminus of Lodi Lane both north and south), including heritage oaks.

- Widening the eastern terminus of Lodi Lane at Silverado Trail for the installation of a left-hand turn lane for patrons to enter Duckhorn property.
- Dumping thousands of cubic yards of soil from Duckhorn property into the Napa River.

(The flooding of the Napa does result in the closure of Lodi Lane because the one-lane bridge over the Napa River becomes impassable.)

- The eastern terminus of Lodi Lane is physically bottlenecked (both east and west) and by a 17-foot wide, single span, pony truss bridge constructed in 1930.
- Widening and paving a dirt access road to newly proposed winery site on the west side of the Napa River to accommodate semi-tractor trailers commonly 57 feet long.

Mandated Traffic Studies

The County of Napa requires that studies of the impact of both current and future traffic generated by proposed increases in production, employees, and visitors to wineries be conducted within two (2) years of a proposed application.

The Duckhorn traffic studies relied upon by the Napa County Planning, Building, and Environmental Services to prospectively validate the Mitigated Negative Declaration for Duckhorn were completed in the following years:

- W-Trans Traffic Study (2019); 4 years old.
- Harvest Traffic Load Study (2017); 5 years old
- Collision Analysis (Lodi Lane Tee Intersections at Highway 29 and Silverado Trail) (2014-2019); 4 years old.
- Heavy Vehicle Study (2017); 6 years old.
- Trip Generation Formula Study (2019); 4 years old.
- Vehicle Miles Traveled (VMT) for CEQA Compliance Analysis (2018); 5 years old.

Cumulative Assessment of Traffic Increases

The CEQA required cumulative assessment of all factors increasing traffic and impact on the environment appear not to have been included in the documentation supporting the Duckhorn Mitigated Negative Declaration.

Over last five years, major permit modifications resulting in Napa County approved increases in winery production, guest amenities, and number of employees and resulted in major increases in traffic on Highway 29, Lodi Lane, and Silverado Trail were approved at the following wineries:

- Markham
- Ballentine
- Revana

- Grace Family
- Brasswood
- Elhers
- Trinchero
- Titus
- Rombauer

All the above wineries, with the exception of Rombauer, are within one-half mile of Duckhorn Vineyards Winery, and had and will continue to have a material effect on traffic and the environment, and must be included in the Notice of Intent in observation of time limits.

Lodi Lane is heartedly described as a rural road in the Notice of Intent, but the widening of Lodi Lane on the eastern terminus at Silverado Trail accompanied by the removal of trees, and striping of a left-hand turn lane will materially and visually degrade the authenticity of its rural description.

Five-year-old traffic studies of Lodi Lane documented that over 1000 vehicles utilize it weekdays, with hundreds more on week-ends. The prospective addition of nearly 40,000 patron vehicles (plus some 56 Duckhorn employees daily), and semi-truck tractor trailers to serve a proposed nearly 60,000 square foot wine production facility, all are bottlenecked by a nearly 100-year-old, one lane bridge subject to closing because of the flooding of the Napa River just 400 feet from the patron entrance to Duckhorn.

Napa County Planning, Building, and Environmental Services Duckhorn Notice of Intent Findings

“NO IMPACT” or “LESS THAN SIGNIFICANT IMPACT.”

Fidelity to the Public

What amounts to the industrialization of the eastern terminus of Lodi Lane demands a factual analysis of all operative factors affecting the environment, aesthetics, and the human condition; the deliberate failure to observe this important responsibility leaves Napa County vulnerable to legal action, the consequence of which must be unwritten by taxpayers.

The observance for thoughtful, objective, and cooperative reasoning can result in the achievement of a fine balance among Duckhorn, residents of Lodi Lane and surrounding environs, and the public.

Napa Valley now must contend with the demographic diminishment of baby boomers headed for the last crush, and the need to attract new generation if wine lovers. With only 27% of millennials consuming fine wine (60% of whom live paycheck to paycheck), saddled with high tasting and hotel fees, the need to personalize the fine wine experience is never more important for Napa County.

A Mitigated Negative Declaration unsupported by structurally operative mitigation by fact is not the way to do it.

From: [David Pizzo](#)
To: [PlanningCommissionClerk](#)
Cc: [Hawkes, Trevor](#)
Subject: Fwd: Duckhorn Vineyards Winery-Use Permit Modification #P19-00097-MOD & Variance P19-00098
Date: Tuesday, May 2, 2023 3:52:56 PM

[External Email - Use Caution]

**Subject: Duckhorn Vineyards Winery-Use Permit Modification
#P19-00097-MOD & Variance P19-00098**

Dear Napa County Planning Commissioners,
We are The Owen family, with two parcels of land, #1001 Lodi Lane. We are the direct neighbors of the Duckhorn winery on the west side of the Napa River. Our land is in between Duckhorn's east and west side properties. We do not agree with the judgement that the proposed Mitigated Negative Declaration, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures. We have inspected the CEQA report and the mitigation measures, and discussed with Trevor Hawkes our significant concerns and it is our judgment that the proposed project as it is being presented will have significant environmental impacts.

Background/History:
Our family has owned our land since 1952. Our parents made improvements and developed it for a small residential dwelling and built a pump house for our well and a barn. In 1958 the state proposed a four lane highway project that would run straight through the Napa valley and would have involved the use of five acres of our family land. This caused considerable distress to our family and the entire valley community as it would engulf a significant portion of agricultural land owned by many other owners.

Our family and others fought for the preservation of this beautiful valley including Robert Mondavi, Charles Krug winery and the Christian Brothers and won.

Without the intense effort and commitment of these Titans of the valley, we would not have the benefit of this treasure of nature today. This fight to protect the valley lands was instrumental in creating the 1968

Agricultural Preserve which included between 24,000 and 26,000 acres that would be protected from development.

As stated in Ordinance No. 947, Section 1, e.:

‘Napa county is one of the smallest counties in California and within the county area suitable for quality vineyards are limited and irreplaceable.

Any project that directly or indirectly results in the removal of existing or potential vineyard land from use depletes the inventory of such land forever.’

Now you are being asked to decide on an enormous development project and significant alteration to our neighboring adjoining properties zoned an

Agricultural Preserve and located within a floodway and flood plain. We have significant concerns about increase of flooding with this project,

with the amount, 3 acres of permeable land, being covered with a huge wine production plant, paved roads, paved entertainment areas, and other impervious additions. The multiple tree removal and over 3 acres of vineyards will also destabilize the ground that the roots hold, when the ground is saturated from rushing flood and storm waters.

We do not agree with the proposed Bio Retention Pond based on a 24 hour storm calculation with no added overflow or sub-drain that directs water to a stable outlet.

We cannot have our land eroded and washed away due to additional increase in flood velocity and ferocity from more human alteration of these sensitive properties within the floodwaters and flood plain, Agricultural Preserve with the last riparian forest.

We already experience regular and intense flooding and erosion of our riverbank and loss of land due to the berm built by the Duckhorns on the east side of the river. The berm significantly altered the course of the river through the addition of

the impervious and impermeability of surface and structure of the berm.

It changed the distribution of flood waters from equally to both our properties to only flooding onto our property resulting in significant erosion and loss of land.

A pipeline is to be bored under the Napa River carrying wastewater including raw sewage from east side to the west side to treatment tanks with the treated water to then be used to irrigate the vineyards. With extreme increase in guests and visitors will create a significant amount of wastewater and a treatment processing system with the treated going into the soil within a floodway and flood plain. The river will bring this 'treated' water to our property and anyone downstream, into the water table that we don't want to drink. We are also concerned about the visitor and guest drift onto our property. This presents a significant liability issue of trespassers onto our private property. If this project is approved we request Duckhorn put up

clear signage that defines property boundaries.

Our property is rife with all kinds of wildlife and it is a refuge long established with many communities of varying wildlife.

With the significant change with this project to now include regular heavy traffic, continuous human presence and large groups regularly, lighting, and noise, the wildlife will not feel safe anymore.

We have already experienced discomfort on our land due to the noise and regular parties, events, vehicles on the east side and this will increase significantly with this expansion project. We want to ensure that our shared road will not be impacted.

The fire in 2019 spread from the Duckhorn property across the river and burned our entire property, their property was barely touched.

We have been devastated by this hoping some of the beautiful trees survive. It will never be the same.

In the last week of our fathers life, at 100 years old, he stressed to me "you have to protect our land, you must save and preserve our St. Helena property."

I am so sad yet so glad that he died before the fire took all their hard work and dreams to ash. Please help us maintain the integrity of this valley and help protect and preserve the land that needs respectful stewardship from all is us as the previous generation fought so hard to save and preserve. The establishment of the Agricultural Preserve with its original intent before holes we're bored into it with exceptions and entitlements for wineries.

As well as protecting this pre-historical cultural site for all future generations to honor a protect.

Thank you for you consideration of this matter.

Sincerely,

Gwenith Owen-Foote

Representing the Owen family

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