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## Initial Study – Mitigated Negative Declaration

State Clearinghouse No. 2025041466

**ACOUNTY OF NAPA**  
**PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT**  
**1195 THIRD STEET SUITE 210**  
**NAPA, CA 94559**  
**(707) 253-4417**

**Initial Study Checklist**  
**(form updated January 2019)**

1. **Project Title:** The Winery at Mount Veeder Use Permit Application P22-00248-UP, Exception to the Conservation Regulations P25-00088-UP, and an Exception to the Napa County Roads and Street Standards
2. **Property Owner/Applicant:** P&M Vineyards Holdings LLC.  
  
c/o Melvin Pearl  
1730 Trancas Street #143  
Napa, CA 94558  
mel@lifetimedevolutions.com
3. **County Contact Person, Phone Number and email:** Kelli Cahill, Planner III, (707) 265-2325, kelli.cahill@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APN):**  
  
1300 Mt. Veeder Road, Napa, CA 94558, APN 034-230-029  
Sections 23, Township 6 North, Range 5 West, Mt. Diablo Base  
Longitude 38° 20' 42.19" N/ Latitude 122° 22' 26.976" W
5. **Project sponsor's name and address:** Gavin Sharrocks  
1300 Mt Veeder Road  
Napa, CA 94558
6. **General Plan description:** Agriculture, Watershed, and Open Space (AWOS)
7. **Zoning:** Agricultural Watershed (AW)
8. **Background/Project History:** The subject parcel is 114.9 acres developed with a single residence (1300 Mt Veeder Road), a 10,000 gallon water tank, and three (3) groundwater wells identified as New Well, Old Well and Well A, with the latter being the project well. Additional development on the property includes a bridge crossing Pickle Creek that has access from Mt Veeder Road to the project parcel, and driveway to the residence and vineyards. The main residence was completed in 2005, and the vineyard was approved by Erosion Control Plan (P19-00080-ECP) in 2020 totaling 13.62 acres of vines in which only 5.87 acres have been planted.
9. **Description of Project:** The request is for a new 25,000 gallon per year production winery on the existing 114.9-acre parcel. The proposed winery will consist of the following:
  - a. 13,754 square foot (sf) winery cave for production, barrel storage, administrative offices, a 1,509 sf covered pad, a 1,052 sf hospitality pavilion with outdoor deck,
  - b. Two (2) full-time and two (2) part-time employees,
  - c. Tours and tastings by appointment only for a maximum of 18 visitors per day; 126 visitors per week,
  - d. Marketing events shall include food to be prepared offsite by a catering company, consisting of
    1. Eight (8) annual events with a maximum of 25 guests;
    2. One (1) annual event with a maximum of 50 guests; and
    3. Participation in annual charitable events with a maximum of 25 guests.
  - e. On-premise consumption of wines produced on-site within the outdoor hospitality areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5;
  - f. Non-harvest production days and hours: 7:30 AM to 5:30 PM Monday through Saturday,

- g. Visitation seven (7) days per week, hours 10:00 AM to 6:00 PM,
- h. Seven (7) parking spaces, including 2 required spaces for the existing residence,
- i. Wastewater treatment system including a 10,000 gallon storage tank,
- j. Repair of an existing landslide,
- k. Recommended 60,000-gallon fire suppression tank,
- l. Use of existing groundwater well for winery purposes,
- m. Replacement of an existing bridge, and
- n. Improvements to the existing driveway that will include the removal of 0.78 acres of tree canopy which will be replaced at a 3:1 ratio onsite.

The request includes a Conservation Regulation Exception to allow earthmoving and improvements to the existing driveway within a stream setback and on slopes greater than 30 percent. Napa County Code (NCC) Section 18.108.025 establishes minimum setbacks from top of bank of intermittent and perennial streams, prohibiting structures, earthmoving activity, grading, removal of vegetation and certain agricultural uses of land within the specified setbacks. The required minimum setback is as little as 35 feet from top of bank, with the setback distance increasing as the slope at top of bank becomes steeper, up to as much as 150 feet where the slope is or exceeds 60 percent. In the proposed project area, the slope at top of bank ranges between 30 and 40 percent, so that the minimum stream setback from top of bank of Pickle Creek is 85 feet depending on the precise location along the roadway. The length of the driveway from Mt. Veeder Road to the proposed winery site is approximately 2,700 feet of which 605 linear feet are located within the 85 foot setback of Pickle Creek and ephemeral drainages that are currently piped under the existing driveway typically have setbacks of 35 feet. Additionally, portions of the driveway are on slopes of 30 percent or greater, necessitating a request for an exception to the Conservation Regulations (NCC Section 18.108.040).

The request also includes an exception to the Napa County Road & Street Standards (RSS) from the commercial driveway width standard of 22-feet where the proposed roadway width requested is 14 feet to limit earthmoving, grading and vegetation removal while still providing access for emergency vehicles.

#### 10. **Describe the environmental setting and surrounding land uses.**

A previous Mitigated Negative Declaration (MND) was adopted on April 24, 2020, associated with the Erosion Control Plan (P19-00080-ECPA) for the above referenced vineyard development. The previous MND addressed the potential impacts related to development which encompasses areas of the proposed project as previously having been part of vineyard development. The initial study analyzed the incremental effects of the proposed vineyard development to the previously approved Erosion Control Plan (ECP). The baseline against which such impacts are measured is the buildout of the previously approved ECP. Impacts of the proposed project are measured against the baseline.

The County adopted mitigation measures in connection with the approval of the ECP. These mitigation measures are still applicable to the vineyard development with some overlap where Purple needlegrass had been previously identified and a mitigation measure prescribed for protection and/or replacement. The previous mitigation measure was taken into account and letter from the biologist regarding the reestablishment of Purple needlegrass has been included within the subject project and environmental analysis.

The 114.87 acre parcel site is located on the east side of Mt. Veeder Road, approximately 2,500 feet north of its intersection with Redwood Road. The area of the proposed project is an area that is relatively flat adjacent to the existing single-family residence that is served by an existing gravel driveway that is part of the proposed project and will serve the future winery development. The project site is currently developed with a residence, associated outbuildings, vineyard, and existing driveway accessed by an existing bridge crossing Pickle Creek. As part of the project, the driveway will be improved and the existing bridge replaced with a wider bridge to accommodate emergency vehicles.

General topography of the area consists of a mountain ridge line west of the City of Napa and west of the southern section of the Napa Valley. The project site is located at elevations between 590 to 970 feet above mean sea level (msl) in the Pickle Canyon, Dry Creek and Salvador Channel watershed drainages. General topography of the project site consists of gently to steeply sloping land (ranging from 5% to 40%) with an average of approximately 17%. Pickle Creek and an unnamed, blue-lined stream cross through property along the western and southwestern area of the property. The general vegetation types present on the parcel include oak woodland, grassland, riparian woodland along Pickle Creek, and agriculture. An area west of the proposed winery there is an existing landslide located within a vineyard block. The ECP was amended to eliminate the vineyard block and is now part of the proposed project as a landslide repair and area to reestablish the Purple needlegrass.

North of the project site there are three (3) properties ranging in size from 2.65 to 173.42 acres with three (3) homes and vineyard on the

largest property. South of the project are six (6) properties ranging in size from 4.86 to 236.66 acres with four (4) homes and one winery with vineyard on the largest property. West is one (1) property, 502.41 acres with agricultural structures and vineyards. East of the project site are six (6) properties ranging in size from 12.01 to 79.55 acres with six (6) homes and one (1) second dwelling. The proposed winery is over 1,900 feet from the closest residence.

Producing wineries within a mile of the property includes Hess Collection to the west and Woolls Ranch Winery to the south-southeast.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).

The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, waste disposal permits, and an encroachment permit, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

**Responsible (R) and Trustee (T) Agencies**

California Department of Fish and Wildlife (CDFW)

California Department of Water Resources Control Board (CWRCB)

California Department of Regional Water Quality Control Board (RWQCB)

**Other Agencies Contacted**

Federal Trade and Taxation Bureau

Department of Alcoholic Beverage Control

U.S. Army Corp of Engineers (USACE)

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

On January 2, 2025, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. Staff received letters from Yocha Dehe Cultural Resources and Middletown Rancheria Tribal Historic Preservation Department, both stating the project is not their area of concern. Staff did not receive a response for consultation or to provide comments from Mishewal Wappo Tribe of Alexander Valley.

**Note:** Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

## ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:


The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

Other sources of information used in the preparation of this Initial Study include site specific studies conducted by the applicant and filed by the applicant in conjunction with Use Permit P22-00248 as listed below, and the environmental background information contained in the permanent file on this project. These documents and information sources are incorporated here by reference and available for review at the Napa County Department of Planning, Building, and Environmental Services located at 1195 Third Street, Suite 210, Napa CA 94559."

- Recommended Findings (**Attachment A**) – will be released with the Public Hearing Packet
- Recommended Conditions of Approval (**Attachment B**) – will be released with the Public Hearing Packet
- This Initial Study/Mitigated Negative Declaration (**Attachment C**) – will also be released with the Public Hearing Packet
- Use Permit Application & Project Description (**Attachment D**)
- Exception to the Conservation Regulations Application (**Attachment E**)
- Napa County Roads and Street Standards Request (**Attachment F**)
- Project Plan Set (**Attachment G**)
- Biological Report and Purple Needlegrass supplemental letter (**Attachment H**)
- Terre Moto Tree Mitigation Plan (**Attachment I**)
- Transportation Impact Study (**Attachment J**)
- Waste Water Feasibility Report (**Attachment K**)
- Water Availability Analysis (**Attachment L**)
- Storm Water Control Plan (**Attachment M**)
- Archaeological Resource Management Report (confidential)
- Winery Comparison Chart (**Attachment O**) - will be released with the Public Hearing Packet
- Project Revision Statement (**Attachment P**)
- Napa County Geographic Information System (GIS) sensitivity maps/layers

On the basis of this initial evaluation:

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



Signature

April 28, 2025

Date

Name: Kelli Cahill

Napa County

Planning, Building and Environmental Services Department

I.	<b>AESTHETICS.</b> Except as provided in Public Resources Code Section 21099, would the project:	<b>Potentially Significant Impact</b>	<b>Less Than Significant With Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

a-c. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken in. As generally described in the Environmental Setting and Surrounding Land Uses section above, the area is defined by a mix of the winery development, vineyards, rural residential structures, and forested hillsides.

The project site is located adjacent to Mt Veeder Road and approximately 0.5 miles west of Dry Creek Road, which are the nearest County viewshed roads (Napa County GIS – viewshed road). The nearest minor ridgeline is located approximately 1 mile south of the project site (Napa County GIS – ridgelines) and the site is not located on a prominent hillside, or within a scenic corridor. There are no significant rock outcroppings or geologic features on the project site that would be impacted by the proposed project. Although vegetation would be removed with the project (Attachment H), the project site is not visible from a state scenic highway, as there are no scenic highways in the area (Napa County GIS – scenic corridor).

The proposed project has been designed in consideration of the site topography and other physical constraints of the parcel in order to locate the winery underground within a proposed 13,754 sf cave to minimize visual impacts to nearby roads and neighboring properties. Due to the topography, the construction phase of the cave and temporary stockpile of cave spoils will be visible from Mt Veeder Road. Cave spoils and spoils from the driveway improvements would be used onsite to repair an existing landslide, requiring a mass grading permit through the Engineering Division of Napa County Planning, Building, and Environmental Services Department. The hospitality pavilion has been designed with a low profile but will still be partially visible from Mt Veeder Road. Due to the visibility from Mt Veeder Road, the project would provide landscape screening consistent with the landscape plan prepared by Terre Moto, dated April 27, 2022 (Attachment I). The plan includes retaining the mature vegetation and enhancing through the planting of native oak trees consistent with oak woodland that exists on the site. Based on the project design and proposed landscape screening, the project is not anticipated to result in substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of public views of the site and its surroundings. Impacts are expected to be less than significant.

d. Although the site is currently developed with an existing residence, outbuildings and a vineyard, the proposed new winery cave, crush pad, and hospitality pavilion may result in the installation of additional lighting that may have the potential to impact nighttime views. The closest residence is over 1,900 feet to the south-southwest and north-northwest of the proposed winery. Although topography would limit light exposure to most neighboring properties, the installation of new sources of nighttime lights may affect nighttime views, pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downward, with only low-level lighting allowed in parking areas. As designed, and as subject to the standard conditions of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

**6.3 LIGHTING – PLAN SUBMITTAL**

- a. *Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.*

- b. *All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No flood-lighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.*

**4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS**

- a. *All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.*

Mitigation Measures: None are required.

II.	AGRICULTURE AND FOREST RESOURCES. <sup>1</sup> Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<sup>1</sup> "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

Discussion:

- a. The Napa County Important Farmland 2016 map prepared by the California Department of Conservation, Division of Land Resources Protection identifies a portion of the project site as Grazing Land; there are no areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance mapped in the project site. Therefore, the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance resulting in no impact. The proposed winery development area is located on Grazing Land and lands designated as "Other Land" would not be inconsistent with this designation and would not result in impacts to farmland within Napa County.
- b. The 114.9-acre project site includes approximately 13.62 acres of approved vineyards on the property. The project site has a General Plan designation of Agriculture, Watershed and Open Space (AWOS) and is zoned Agricultural Watershed (AW). Therefore, the establishment of a winery consisting of a 13,754 sf cave and 1,052 sf hospitality pavilion is consistent with the property's land use and zoning designations. The subject property does not have a Williamson Act contract associated with it. Therefore, the property would not conflict with its land use designation or a Williamson Act contract and would result in no impact.
- c/d. 'Forest Land' is defined in California Public Resource Code Section 12220(g) as "land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." Neither the project site nor the project area contains forest land or coniferous forest (Napa County GIS; Vegetation, and Attachment H). The project site and project area are not zoned forest land as defined in Public Resource Code Section 12220(g), timberland as defined in Public Resource Code section 4526, or a Timberland Production Zone (TPZ) as defined in Government Code Section 51104(g). Therefore, no impact would occur.
- e. The proposed project includes road improvements to meet commercial roads and street standards. The improvements would not convert existing farmland or forestland in the area to non-agricultural or non-forestland uses. As such, the proposed project would not have an impact on agricultural or forest resources of Napa County. No impacts would occur.

Mitigation Measures: None are required.

III.	AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (now known as Bay Area Air District) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. These Thresholds are designed to establish the level at which Bay Area Air District believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on Bay Area Air District's website and included in Bay Area Air District 's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.



The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory, and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or Bay Area Air District to any specific course of regulatory action.

The Air District published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's 2015 opinion in *Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist.*, 62 Ca 4th 369.

- a-b. The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM<sub>2.5</sub>, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM<sub>2.5</sub> occasionally does reach unhealthy concentrations. There are multiple reasons for PM<sub>2.5</sub> exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM<sub>2.5</sub> within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM<sub>2.5</sub> levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (Bay Area Air District, *In Your Community: Napa County*, April 2016)

The impacts associated with implementation of the project were evaluated consistent with guidance provided by Bay Area Air District. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NO<sub>x</sub> and ROG), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), and suspended particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Other criteria pollutants, such as lead and sulfur dioxide (SO<sub>2</sub>), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

Bay Area Air District has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. Bay Area Air District also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource Bay Area Air District provides as a reference for determining appropriate thresholds is the *California Environmental Quality Act Air Quality Guidelines* developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the Bay Area Air District adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by Bay Area Air District through May 2017. Given the size of the entire project, which is approximately 14,806 sf of enclosed floor area (cave and hospitality pavilion) compared to the Bay Area Air District's screening criterion of 47,000 square feet (high quality restaurant) and 541,000 square feet (general light industry) for NO<sub>x</sub> (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. (Please note: a high quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but

grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

- c/d. In the short term, potential air quality impacts are most likely to result from construction activities related to the building construction activities. Construction emissions would have a temporary effect; consisting mainly of dust during construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other coatings. Grading will result in off-haul of soils. These potential construction impacts would be temporary in nature and subject to standard conditions of approval from the Engineering Division as part of the grading permit and/or building permit review process.

The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

#### 7.1 SITE IMPROVEMENTS

##### c. AIR QUALITY

*During all construction activities the permittee shall comply with the most current version of Bay Area Air District Basic Construction Best Management Practices including but not limited to the following, as applicable:*

1. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The Bay Area Air District's phone number shall also be visible.*
2. *Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
3. *Cover all haul trucks transporting soil, sand, or other loose material off-site.*
4. *Remove all visible mud or dirt traced onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
5. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
6. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
7. *Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required by State Regulations). Clear signage shall be provided for construction workers at all access points.*
8. *All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a Bay Area Air District permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ [http://www.arb.ca.gov/portable/perp/perfact\\_04-16-15.pdf](http://www.arb.ca.gov/portable/perp/perfact_04-16-15.pdf) or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.*

Furthermore, while earthmoving and construction on the site would generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specified in Napa County's standard condition of approval relating to dust:

#### 7.1 SITE IMPROVEMENTS

##### b. DUST CONTROL

*Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.*

While the Air District defines public exposure to offensive odors as a potentially significant impact, the project includes a winery with cave and hospitality pavilion. The physical improvements and operational changes would not significantly increase odors. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: None are required.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The following were utilized in this analysis and are incorporated herein by reference and available in the project file for review:

- Biological Resources Report, Solecology, dated May 2022, and Purple-needlegrass clarifying letters from WRA, Inc. Consultants, dated December 5, 2022 and July 11, 2023 (Attachment H)
- Reference Mitigation Monitoring and Reporting Program P19-00080-ECP

SolEcology conducted an assessment of the project area consisting of a 44 acres Study Area within the 114.9 acre parcel. The parcel is bound by vineyard, mixed oak woodland forest, streams, and riparian forest, an existing residence, with access from Mt Veeder Road. Elevations within the project area range from approximately 300 to 970 feet above mean sea level. General topography of the study area consist of fairly steep slopes of between 15 to 20 percent hillslopes of the Mayacamas Mountains on the western side of the Napa Valley. The Study Area consists of ridgetop areas comprising of vineyards, a residence with surrounding landscaping, and an existing driveway access from Mt Veeder Road with a bridge crossing Pickle Creek and several ephemeral drainages.

The Study Area was evaluated for the presence of sensitive biological communities, including riparian areas, sensitive plant communities recognized by the California Department of Fish & Wildlife (CDFW), County-mapped riparian corridors, habitat connectivity corridors, and scenic corridors. Sensitive communities were identified following A Manual of California Vegetation, Online Edition and includes California Wildlife Habitat Relationships habitat classifications.

Protocol-level surveys for special status plants with potential to occur were also performed on June 3, 2021 and July 9, 2021, in accordance with CDFW protocol (CDFW 2018) which corresponded with the period when species with potential to occur would be identifiable. The entire Project Study Area (including areas outside the proposed footprint) was traversed on foot and all observed plant species were recorded and identified with Jepson eFlora to a taxonomic level sufficient to determine rarity. All observed plant species were recorded (Attachment H - Appendix C – Observed Species Table).

The focus of the surveys was to identify whether suitable habitat elements for each of the special status species documented in the surrounding vicinity are present on the Project Study Area or not, and whether the project would have the potential to result in impacts to any of these species and/or their habitats either on- or off-site. Habitat elements examined for the potential presence of sensitive plant species included soil type, elevation, vegetation community, and dominant plant species. For wildlife species, habitat elements examined included the presence of dispersal habitat, foraging habitat, refugia or estivation habitat, and breeding (or nesting) habitat.

- a. Special Status Plant Species: Based upon review of resources and databases 74 special status plant species were identified within a 9-quadrant search of the project area. Based on the presence of vegetation communities and soils at the site, the Study Area has the potential to support six special status plant species. However, none were found to be present during protocol-level surveys which focused on the cave area, dredge spoils site, and driveway improvements area. There are isolated populations of purple needlegrass that occur near the proposed cave winery and driveway improvements (Attachment H - Appendix A, Figure 4). An approximate 800 SF area (0.03 acre) of purple needle grass is estimated to be permanently impacted by placement of cave winery dredge spoils.

According to a supplement letter provided by WRA, dated July 11, 2023, an area totaling 0.15 acres was identified as part of the vineyard develop project as a Purple needlegrass reestablishment area. Site preparation of the reestablishment area includes removal of existing vegetation and excavation of topsoil to diminish the non-native seedbank. The proposed grading and cave spoils placement is presumed to do such actions with the following recommendations. According to the geologist, the cave spoils would classify as clay once crushed and compacted. According to the Soil Survey of Napa County, existing soils are clay loam. WRA recommends mixing existing topsoil with crushed and compacted cave spoils to incorporate loam into the spoils. The mixing of the two soils, rather than placement of topsoil on top of cave spoils will reduce the amount of non-native plant establishment. The mixing should be 0.5 feet deep to match current topsoil depths.

The proposed grading associated with the landslide repair that will incorporate cave spoils, with the inclusion of WRA recommendations above, will provide site preparation of the reestablishment area as required by the Mitigation Monitoring Plan approved under P19-00080-ECP. Existing purple needlegrass grassland located near the proposed grading will be fenced consistent with proposed **Mitigation Measure BIO-1** to ensure avoidance. Grading will be conducted upon granting of a grading permit that will include standard erosion and other slope stabilizing measures.

Special Status Wildlife Species: Based on the review, eight special status wildlife species have potential to occur in the Study Area, particularly along the Pickle Creek riparian corridor. These species include foothill yellow-legged frog, California giant salamander, western pond turtle, and pallid bat. These species may be affected during proposed bridge replacement activities if present. Driveway widening may impact nesting pond turtle if present in adjacent uplands. Pallid bat may also be affected by proposed tree removal. Direct mortality to any special status species is considered significant under CEQA. Furthermore, removal of potential bat maternity roosts (common and special status) is also considered significant under CEQA. Bridge construction will require permitting and/or authorization from the California Department of Fish and Wildlife, California Regional Water Quality Control Board, US Army Corp of Engineers and Napa County Engineering Division prior to work within the creek or ephemeral drainages. Although each agency is likely to require conditions as part of permitting, the biologist has recommended mitigation measures to reduce potential impacts as a result of bridge replacement and driveway work through implementation of **Mitigation Measures BIO-2 through BIO-4**.

Migratory birds: The Study Area provides suitable nesting substrate (trees, shrubs, grasses) for many non-status migratory birds, as well as three special status avian species (e.g., white-tailed kite, oak titmouse, and Nuttall's woodpecker). Impacts to nesting birds resulting in nest abandonment or direct mortality to chicks or eggs is considered a significant impact under CEQA. Migratory birds were analyzed as part of Erosion Control Plan P19-00080-ECP with approved Mitigation Measures for nesting bird species that will be replicated with this project to reduce potential indirect significant impacts to nesting birds as a result of construction of the project to a less than significant level, **Mitigation Measure-BIO-5** would be implemented. This measure would include preconstruction nesting bird surveys and avoidance of any nests with an exclusion buffer until young have fledged.

As part of the project, the biologist has recommended environmental education and herein incorporated as **Mitigation Measure BIO-6**, for those working on the project site, including those working on road improvements, or winery development. Environmental education shall be designed to provide awareness of biological resources as well as ensure impacts will be less than significant in combination with implementation of other Mitigation Measures.

- b-e. **Mixed Oak Forest:** As part of the project select tree removal in oak woodlands will take place to construct the winery improvements, including the cave winery, new bridge, and driveway widening as shown in Attachment H (Appendix A, Figure 4). Tree avoidance measures and Best Management Practices (BMPs) will also be implemented during project construction to minimize tree disturbance and tree mortality. The Project's tree removals are limited to the least amount necessary to accomplish the proposed project while avoiding mature trees and ensuring a minimum of 81 percent retention of existing mixed oak forest.

It is understood that a total of 78 trees will be removed to establish winery structure grading pads and facilitate driveway widening and sighting along the driveway where needed, including 21 live oak (*Q. agrifolia*), 7 white oak (*Quercus alba*), 7 California bay (*Umbellularia californica*), 14 Pacific madrones (*Arbutus menziesii*), 2 Douglas fir (*Pseudotsuga menziesii*), and 2 pine (*Pinus* ssp.). These trees and affected understory habitats are located within the proposed grading at the cave winery structure and immediately adjacent to the existing roadway and new bridge; given the comparatively small impacts of the two new structures and road / bridge work, the project is well within the County's vegetation retention requirements, of the approximate 83 acres of canopy, 99.06 percent of the canopy shall be retained. This percentage accounts for those trees evaluated for removal as part of the vineyard development approved under P19-00080-ECP. The pre-project canopy area is calculated at 83.24 acres, with approximately 0.78 acres proposed to be removed as part of the proposed project. NCC Section 18.108.020.D and General Plan Goal CON-24 require the preservation or replacement of oak woodland canopy. The removal of 0.78 acres of canopy requires the replacement at a 3:1 ratio through **Mitigation Measure BIO-7** below, consistent with the Terre Moto Plan, dated April 27, 2022 (Attachment I).

**Perennial / Ephemeral Stream Channel and Riparian Setback:** There are jurisdictional streams present within the Study Area. Construction of the new bridge/bridge widening will result in five (5) linear feet (200 SF) of permanent impacts to the bank, plus 2000 square feet of temporary impacts during construction activities. Other impacts to ephemeral drainages on the site may occur as a result of culvert placement, and/or replacement and widening. Driveway widening passes by several ephemeral streams and gullies, in some instances, the existing driveway obstructs or diverts flows, causing sheet flow to pass over the driveway or diverting the flows into roadside ditches. The driveway widening involves stormwater improvements that include drain intakes and an extension of crossing culverts. NCC Section 18.108.025 establishes stream setbacks including of 35-foot for ephemeral and intermittent streams, and setback for streams started at 45-foot setback with 1-5 percent slopes and increasing in distance as slopes increase. As in the case of the riparian corridor that abuts Pickle Creek within the Project Study Area, the slopes from the top of bank to Pickle Creek is between 30-40 percent, requiring a stream setback of 85 feet measured from the top of bank. Stream setbacks will be maintained accordingly except for as requested as part of the Exception to the Conservation Regulations and exception to the Napa County Roads and Street Standards in order to replace the existing bridge, make driveway improvements where allowable to ensure line of sights and emergency vehicle access, installation of culverts, while minimizing grading and vegetation removal to the greatest extent feasible.

Bridge construction will occur within the banks of Pickle Creek and will likely require permit authorizations from CDFW, RWQCB, and USACE consistent with **Mitigation Measure BIO-8** below, as well as building and grading permit from Napa County for construction of the new bridge and proposed disturbance to the stream channel for the bridge widening and new culvert placements. Permits will be required prior to development and implementation of plans consistent with the proposed project and maintenance.

- f. There are no Habitat Conservation Plans, Natural Community Conservation Plans, or other similar plans applicable to the project site. Therefore, no impact would occur.

## **Mitigation Measures**

### **Mitigation Measure BIO-1 — Purple Needlegrass Fencing**

Orange construction fencing shall be placed around the plant groups to ensure impacts during project-related activities do not occur. In the event a plant cannot be completely avoided, then a propagation plan shall be prepared and implemented prior to activities in those areas.

Avoidance or reseedling (propagation) will ensure no significant impacts to special status plants occur. A Propagation Plan for the landslide repair where the Purple needlegrass will be reestablished will need to be developed and seed will be collected from nearby habitat onsite (Biological Resource Report, dated May 2022, Figure 1) during the season prior to being propagated.

### **Mitigation Measure BIO-2. Wildlife Exclusion Fencing**

Temporary wildlife exclusion fencing shall be installed around the perimeter of proposed activities prior to the start of any ground-disturbing activities to prevent listed species including FYLF, and/or non-listed species such as California giant salamander and western pond turtle (which may nest in uplands within the project footprint) from entering the project footprint during construction. Fencing shall be installed outside the western pond turtle nesting window (April 1 to August 31) to avoid separating juvenile turtles from nearby aquatic habitat. Wildlife exclusion fencing shall remain in place and maintained until all activities are complete and any temporarily disturbed areas have been restored to pre-existing

conditions.

New fencing located within 100 feet of the Pickle Creek and ephemeral drainages shall use a design that prevents western pond turtle and other small animals from migrating into the proposed construction area. Recommended fencing for exclusion of small animals shall consist of silt fencing with a minimum height of 18 inches, trenched and backfilled to a depth six (6) inches. The silt fencing may be installed directly adjacent to the erosion control measures outlined in Mitigation Measure BIO-3.

#### **Mitigation Measure BIO-3 Erosion Control Measures**

Where erosion control measures are proposed, tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic monofilament netting (erosion control matting) rolled erosion control products, or similar non-natural material should not be used. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

#### **Mitigation Measure BIO-4- Bat Habitat**

A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees within the project area(s), no more than 6 months and no less than 14 days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:

- a. Tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid hibernating bats and prior to formation of maternity colonies), under supervision of a qualified biologist, unless the Measure b., below, is implemented. Note that these windows may shift with atypical temperatures or rainfall if a qualified biologist determines that bats are likely to still be active based on seasonal conditions. Trees shall be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches shall be removed by a tree cutter using chainsaws only, under the supervision of a qualified biologist who has demonstrable experience with supervising tree removal for bats using this technique. Limbs with cavities, crevices and deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed.
- b. If removal of bat habitat trees must occur outside the seasonal activities identified above (between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct pre-construction survey of all potential bat habitat trees within 14 days of project initiation and/or removal to determine absence/presence of bat species. Survey methods, timing, duration, and species shall be provided for review and approval by Napa County prior to conducting pre-construction surveys. A copy of the survey shall be provided to the County Conservation Division and CDFW for review and acceptance prior to commencement of work. If bats are not present, removal can proceed without using the two-phased removal method. If bats are found to be present, the qualified biologist shall determine if a maternity colony of winter torpor bats are present. If roosting bats are present but there are no maternity colonies or winter torpor bats, the tree shall be removed using the two-phased removal method outlined in Measure BR-2a, above. If the qualified biologist determines that maternity colonies or winter torpor bats are present, or they cannot confidently determine absence of maternity colonies or winter torpor bats, then tree removal shall be delayed until during the seasonal periods of bat activity outlined in Measure BR-2a.

#### **Mitigation Measure BIO-5 Nesting Birds and Raptors**

The owner/permittee shall incorporate the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. The preconstruction survey shall be conducted no earlier than 7 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 7 days from the survey date, surveys shall be repeated. A copy of the survey results shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.
- b. After commencement of work, if there is a period of no work activity of 5 days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, a qualified biologist shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation

of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County Conservation Division and the USFWS and/or CDFW.

- d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist. Additionally, a qualified biologist shall monitor all active nests each day during construction for the first week, and weekly thereafter, to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval.

Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) shall be prohibited.

#### **Mitigation Measure BIO -6 – Worker-Awareness Environmental Training**

Environmental Training guidelines shall be prepared by the project biologist, to be presented by a designated project representative to all persons working on the project site prior to the initiation of project related activities. Training guidelines shall include a description of all biological resources that may be found on or near the project site, instructions for inspecting equipment each morning prior to activities, a contact person if protected biological resources are discovered on the project site, and include a brief description of laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations.

#### **Mitigation Measure BIO-7 - Oak and Riparian Woodland**

Removal of any vegetation canopy within the streamside setbacks shall be mitigated in accordance with NCC Sec. 18.108.020D by permanent replacement or preservation of comparable vegetation canopy cover on an acreage basis at a minimum 3:1 ratio. The tree planting plan includes replacement of removed trees with native oak species consistent with oak woodland found on the property and consistent with plans provided by Terre Moto, dated April 27, 2022.

Compensatory mitigation for oak woodland impacts and vegetation removal within the 35-foot streamside setback will be combined where feasible, in order to comply with the County oak tree replacement and streamside setback requirements.

Prior to performing any tree replanting in the mitigation area, the area should be surveyed to ensure no special status plant species are found. If special status plant species are identified, the area where the plants are located shall be flagged and construction fencing installed to avoid trampling or removal of plants.

#### **Mitigation Measure BIO-8— Stream Crossing**

Prior to construction and installation of stream crossings associated with #P22-00248-UP and/or bank restoration required pursuant to this measure, the owner/permittee shall obtain all required authorizations and/or permits from agencies with jurisdiction over Waters of the U.S. or the State, such as but not limited to: a Section 404 Nationwide Permit from the US Army Corps of Engineers (USACE), or a Section 1602 Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW).

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The following was utilized in this analysis and incorporated herein by reference, in addition to Napa County GIS Archeological sensitive areas and Archeological sites layers:

Tom Oringer & Associates, on October 4, 2016, conducted a cultural resources evaluation for the vineyard project that encompassed the area of the parcel currently under review, which included review on information on file at the Northwest Information Center, Sonoma State University, to determine presence or absence or previously recorded historic resources; contact with the Native American Heritage Commission to request a check of the Sacred Lands File and correspondence with the Native American community, and a surface reconnaissance survey of approximately 30 acres of the parcel.

- a/b. The Cultural Resource Evaluation (Tom Oringer & Associates, October 2016) conducted for 30 acres within the parcel did not identify historic or archaeological resources onsite; therefore, the proposed project would not result in any impacts to historical or archaeological resources.

No significant or potentially significant prehistoric artifacts, archaeological deposits, or features have been identified within the project area. The soil observed did not indicate any subsurface deposits or evidence of prehistoric human occupation. Since no significant cultural resources were identified on the property, no further recommendations are warranted for cultural materials at this time. Further, ARS does not recommend any archaeological subsurface testing or monitoring during the proposed development.

However, if resources are found associated with the project, a qualified archaeologist would be retained to investigate the site in accordance with the following standard condition of approval. Impacts are anticipated to be less than significant.

7.2 ARCHEOLOGICAL FINDING

*In the event that archeological artifacts or human remains are discovered during construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required.*

*If human remains are encountered during project development, all work in the vicinity must be halted, and the Napa County Coroner informed, so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the permittee shall comply with the requirements of Public Resources Code Section 5097.98.*

- c. No human remains have been previously encountered on the property; no information has been encountered that would indicate that this project would encounter human remains. If human remains are encountered during project development, construction of the project is required to cease, and the requirements of Condition of Approval 7.2, listed above, would apply. No impacts would occur.

Mitigation Measures: None are required.



VI.	ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

Consistent with Public Resource Code Section 21100(b)(3), this impact analysis evaluates the potential for the proposed project to result in a substantial increase in energy demand and wasteful use of energy during project construction, operations and maintenance. The impact analysis is informed by Appendix G of the CEQA Guidelines. The potential impacts are analyzed based on an evaluation of whether construction and operations energy use estimates for the proposed project would be considered excessive, wasteful, or inefficient.

- a. During construction of the proposed project, the use of construction equipment, truck trips for hauling materials, and construction workers; commutes to and from the proposed site would consume fuel. Project construction is anticipated to occur over twelve (12) to 24 months. Construction activities and corresponding fuel energy consumption would be temporary and localized. In addition, there are no unusual project characteristics that would cause the use of construction equipment or haul vehicles that would be less energy efficient compared with other similar construction sites within Napa County.

Once construction is complete, equipment and energy use would be slightly higher than existing levels and the proposed project would not include any unusual maintenance activities that would cause a significant difference in energy efficiency compared to the surrounding developed land uses. Furthermore, the proposed project would comply with Title 24 energy use requirements and would not result in significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.

- b. The transportation sector is a major end-user of energy in California, accounting for approximately 39 percent of total statewide energy consumption in 2014 (U.S. Energy Information Administration 2016). In addition, energy is consumed in connection with construction and maintenance of transportation infrastructure, such as streets, highways, freeways, rail lines, and airport runways. California's 30 million vehicles consume more than 16 billion gallons of gasoline and more than 3 billion gallons of diesel each year, making California the second largest consumer of gasoline in the world (CEC 2016). In Napa County, farm equipment (not including irrigation pumps) accounted for approximately 60% of agricultural emissions in Napa County in 2014, with the percentage anticipated to increase through 2050 (Napa County 2018 - <https://www.countyofnapa.org/DocumentCenter/View/9247/Revised-Draft-Climate-Action-Plan>).

With respect to transportation energy, existing energy standards are promulgated through the regulation of fuel refineries and products such as the Low Carbon Fuel Standard (LCFS), which mandates a 10% reduction in the non-biogenic carbon content of vehicle fuels by 2020. Additionally, there are other regulatory programs with emissions and fuel efficiency standards established by USEPA and the California ARB such as Pavley II/LEV III from California's Advanced Clean Cars Program and the Heavy-Duty (Tractor-Trailer) GHG Regulation. Further, construction sites will need to comply with State requirements designed to minimize idling and associated emissions, which also minimizes use of fuel. Specifically, idling of commercial vehicles and off-road equipment would be limited to five (5) minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation<sup>13</sup>. The proposed project would comply with these State requirements; see the Air Quality conditions of approval. Napa County has not implemented an energy action plan. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency or impede progress towards achieving goals and targets, and impacts would be less than significant.

Mitigation Measures: None are required

VII. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The project site could experience potentially strong ground shaking and other seismic related hazards based on the number of active faults in the San Francisco Bay region. The proposed project consists of earthmoving activities associated with the construction of a new winery development.
  - i.) No faults have been mapped in the project area, and the project site is not located on an active fault or within an Earthquake Fault Hazard Rupture zone designated by the Alquist Priolo Earthquake Zoning Act. The closest active fault to the project site is the West Napa Fault, approximately 0.75 miles southeast of the project site (Napa County GIS and earthquakes layers). Therefore, no impact would occur.
  - ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project would be required to comply with the latest building standards and codes, including the California Building Code that would reduce any potential impacts to a less than significant level.
  - iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Compliance with the latest edition of the California Building Code for seismic stability would result in less than significant impacts.
  - iv.) i The Napa County GIS Sensitivity Maps (Landslides line and polygon) did not indicate the presence of landslides within the area proposed for development. However, following approval of the vineyard Erosion Control Plan P19-00080-ECP, a

landslide occurred in the area of approved Block E. The vineyard was modified to eliminate the block and the area will be repaired as part of this project will be repaired. The repair will incorporate the use of the cave spoils. Prior to construction of the cave and repair of the landslide, the owner/applicant shall obtain a grading permit through the Napa County Engineering Division. The repair would stabilize the slope and improve conditions in the hillside where reestablishment of the Purple needlegrass is proposed as discussed in Section IV Biology above, resulting in a less than significant impact.

- b. The proposed improvements would occur on slopes of 15 to 20 percent. The spoils resulting from grading activities will be retained on-site and used for repairing an existing landslide area as discussed above. The project would require a grading permit, incorporating best management practices and would be subject to the Napa County Stormwater Ordinance, which addresses sediment and erosion control measures and dust control, as applicable. Impacts would be less than significant.

Building construction associated with the project would primarily take place in the existing developed area in the center of the existing vineyard. Total ground disturbing activities are limited, and impacts would be less than significant. Soil erosion and resulting water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval.

- c/d. Based upon the Soil Survey of Napa County, prepared by the United States Department of Agriculture (USDA), the site is composed of Fagan clay loam 15 to 30% slopes, Fagan clay loam 30-50% slopes, and Felton gravely loam 30-50% slopes. The area consists of the Great Valley Complex (Cretaceous - Jurassic). Based on the Napa County GIS Sensitivity Maps (liquefaction layer) the property includes areas generally subject to a very low tendencies to liquefy. All proposed construction will be required to comply with all the latest building standards and codes at the time of construction. Compliance with the latest editions of the California Building Code for seismic stability would reduce any potential impacts to the maximum extent possible, resulting in less than significant impacts.

- e. There is a septic system installed on site that serves residential development, which will remain separate for the wastewater treatment system for the proposed winery. RSA + Engineering prepared a wastewater feasibility report (Attachment K), dated March 21, 2023, to evaluate the feasibility of treating wastewater flows generated by the winery. According to the report, the proposed winery domestic wastewater will be treated by a Biofiltro treatment system or equivalent system, prior to surface dripped onto the vineyard. The project would require a 1.08 acres vineyard and 0.25 cover crop dispersal area. The study concludes that the proposed winery wastewater disposal needs can be accommodated onsite in the existing vineyard. The Division of Environmental Health has reviewed the application materials and determined that either of the proposed systems would be adequate to serve the winery. Full design calculations and construction plans will be prepared in accordance with Napa County standards at the time of building permit application submittal. Potential impacts would be less than significant.

- f. No paleontological resources or unique geological features have been identified on the property or were encountered on the property when the existing buildings were constructed or when the vines were planted. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the Standard Condition of Approval 7.2 identified in Section V above, resulting in less than significant impacts.

Mitigation Measures: None are required.

VIII.	GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

reducing the emissions of greenhouse gases?

#### Discussion:

On April 20, 2022, the Bay Area Air Quality adopted updated thresholds of significance for climate impacts: CEQA Thresholds for Evaluating the Significance of Climate Impacts, Bay Area Air Quality April 2022. The proposed thresholds to evaluate GHG and climate impacts from land use projects are qualitative, therefore there is no bright-line (quantitative) level to mitigate below. Projects that decline to integrate qualitative design elements can alternatively demonstrate consistency with a local Greenhouse Gas (GHG) Reduction Strategy that meets the criteria of the State CEQA Guidelines section 15183.5(b). The updated thresholds to evaluate GHG and climate impacts from land use projects are qualitative and geared toward building and transportation projects. Per the BAAQMD, all other projects should be analyzed against either an adopted local Greenhouse Gas Reduction Strategy (i.e., Climate Action Plan (CAP)) or other threshold determined on a case-by-case basis by the Lead Agency. If a project is consistent with the State's long-term climate goals of being carbon neutral by 2045, then a project would have a less-than-significant impact as endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204).

There is no proposed construction-related climate impact threshold at this time. Greenhouse gas (GHG) emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions.

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County's GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan's objectives, the BOS requested that the CAP be revised to better address transportation-related greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The BOS also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County's policy goal related to reducing GHG emissions. In addition, the BOS recommended utilizing the emissions checklist and associated carbon stock and sequestration factors in the Draft CAP to assess and disclose potential GHG emissions associated with project development and operation pursuant to CEQA.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016, the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. On July 24, 2018, the County prepared a Notice of Preparation of a Draft Focused EIR for the Climate Action Plan. The review period was from July 24, 2018, through August 22, 2018. The Draft Focused EIR for the CAP was published May 9, 2019. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or online at <https://www.countyofnapa.org/589/Planning-Building-Environmental-Services>. The County's draft CAP was placed on hold, when the Climate Action Committee (CAC) began meeting on regional GHG reduction strategies in 2019. The County is currently preparing an updated CAP to provide a clear framework to determine what land use actions will be necessary to meet the State's adopted GHG reduction goals, including a quantitative and measurable strategy for achieving net zero emissions by 2045.

For the purposes of this assessment the carbon stock and sequestration factors identified within the 2012 Draft CAP are utilized to calculate and disclose potential GHG emissions associated with agricultural "construction" and development and with "ongoing" agricultural maintenance and operation, as further described below. The 2012 Draft CAP carbon stock and sequestration factors are utilized in this assessment because they provide the most generous estimate of potential emissions. As such, the County considers that the anticipated potential emissions resulting from the proposed project that are disclosed in this Initial Study reasonably reflect proposed conditions and therefore are considered appropriate and adequate for project impact assessment.

Regarding operational emissions, as part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions. The CEQA Guidelines and the OPR Technical Advisory concluded that, absent

substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips.

The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less-than-significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT. Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15%, the conclusion would be that the project would cause a significant environmental impact.

a-b. Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan. Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO<sub>2</sub>e)]. This threshold of significance is appropriate for evaluating projects in Napa County. During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.) For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide, methane, ozone, and the fluorocarbons, that contribute to climate change (a widely accepted theory/science explain human effects on the atmosphere). Carbon Dioxide (CO<sub>2</sub>) gas, the principal greenhouse gas (GHG) being emitted by human activities, and whose concentration in the atmosphere is most affected by human activity, also serves as the reference gas to compare other greenhouse gases. Agricultural sources of carbon emissions include forest clearing, land-use changes, biomass burning, and farm equipment and management activity emissions ([http://www.climatechange.ca.gov/glossary/letter\\_c.html](http://www.climatechange.ca.gov/glossary/letter_c.html)). Equivalent Carbon Dioxide (CO<sub>2</sub>e) is the most commonly reported type of GHG emission and a way to get one number that approximates total emissions from all the different gasses that contribute to GHG (BAAMD CEQA Air Quality Guidelines, May 2017). In this case, carbon dioxide (CO<sub>2</sub>) is used as the reference atom/compound to obtain atmospheric carbon CO<sub>2</sub> effects of GHG. Carbon stocks are converted to carbon dioxide equivalents (CO<sub>2</sub>e) by multiplying the carbon total by 44/12 (or 3.67), which is the ratio of the atomic mass of a carbon dioxide molecule to the atomic mass of a carbon atom (<http://www.nciasi2.org/COLE/index.html>)

One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment and worker vehicle trips (hereinafter referred to as Equipment Emissions). These emissions also include underground carbon stocks (or Soil carbon) associated with any existing vegetation that is proposed to be removed. As previously stated, this project includes the construction of a winery cave, tasting pavilion, replacement of an existing bridge and improvements to existing internal access road.

In addition to the one time Construction Emissions, "Operational Emissions" of the winery are also considered and include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions). See Section XVI, Transportation/Traffic, for anticipated number of operational trips. Operational Emissions from the proposed winery would be the primary source of emissions over the long-term when compared to one time construction emissions.

As discussed in the Air Quality section of this Initial Study, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Criteria Air Pollutants and Precursors & GHG Screening Level Sizes) and thresholds of significance for air pollutants, including GHG emissions, which have now been updated by BAAQMD through May 2017. With the proposed winery, including 13,754 sf cave, 1,509 sf covered crush pad, and 1,052 sf hospitality pavilion totaling approximately 16,315 square feet of floor area, compared to the BAAQMD's GHG screening criteria of 121,000 square feet for general industrial, and compared to the BAAQMD's screening criterion of 9,000 square feet for high quality restaurant, the project was determined not to exceed the 1,100 MT of CO<sub>2</sub>e/yr GHG threshold of significance.

The proposed project has been evaluated against the BAAQMD thresholds and determined that the project would not exceed the 1,100 MT/yr of CO<sub>2</sub>e. GHG Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code, tightened vehicle fuel efficiency standards, and more project-specific on-site programs including those winery features noted above would combine to further reduce emissions below BAAQMD thresholds. As indicated above, the County is currently preparing a CAP and as the part of the first phase of development and preparation of the CAP has released Final Technical Memorandum #1 (2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016). Table 1 of the Technical Memorandum indicates that 2% of the County's GHG emissions in 2014 were a result of land use change. The increase in emissions expected as a result of the project would be relatively modest and the project is in compliance with the County's efforts to reduce emissions as described above.

Further, as stated above, per the OPR Technical Advisory, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact. As detailed in Section XVII (Transportation), harvest would generate up to approximately two (2) passenger vehicle round trips and six (6) truck round trips per day (resulting in up to eight (8) round trips per day) for approximately 14 days per year. Other typical vineyard operations (as outlined above) are anticipated to generate up to two (2) passenger vehicle round trips per day during the days these activities occur. Therefore, daily trips (including passenger vehicle trips and truck trips) generated by the proposed project would be well below the Governor's Office of Planning and Research's recommended screening criterion threshold for small projects generating fewer than 110 trips per day; therefore, less-than-significant impacts related to operational GHG emissions are anticipated.

The proposed project would result in negligible change to carbon storage through operational vehicle miles traveled which fall well below the established threshold of 110 daily trips, the project is considered to be consistent with the State's long-term climate goals of being carbon neutral by 2045; therefore, a less than significant impact is anticipated.

GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). The physical improvements associated with this project includes improvements to the driveway, consistent with Napa County Road and Street Standards, and wastewater treatment system. As discussed in Section III. Air Quality, construction emissions would have a temporary effect and BAAQMD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to the relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

The BAAQMD proposed thresholds for land use projects are designed to address "Operational" GHG emissions which represent the vast majority of project GHG emissions. Operational emissions associated with a winery generally include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions).

As noted above, Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

Specifically for buildings, the project must not:

- Include natural gas appliances or natural gas plumbing (in both residential and nonresidential development); and
- Result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA section 21100(b)(3) and CEQA Guidelines section 15126.2(b).

The project does propose improvements that would install natural gas appliances or water fixtures will be WaterSense wherever possible. Additionally, at the time of any construction the project will be required to comply with the California Building Code, which is currently being updated to include regulations to assist in the reduction of air quality impacts associated with construction, such as prohibiting natural gas appliance and plumbing. Any new construction will be required to install energy efficient fixtures complying with CA Building Code Title 24 standards. See section VI. Energy for additional information on energy usage.

Specifically for transportation, the project must:

- Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, and
- Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target reflecting the following recommendations:
  - o Residential projects: 15 percent below the existing VMT per capita;
  - o Office projects: 15 percent below the existing VMT per employee; or
  - o Retail projects: no net increase in existing VMT.

As discussed above and in section XVII. Transportation, the County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. Based on the total VMT that is expected to generate 24 daily trips, a full operational study was not prepared; however, a Traffic Impact Study was prepared that included site access and safety. The VMT and findings of the TIS is s presumed to have a less-than-significant impact for VMT. See Section XVII. Transportation for additional detail.

On the GHG Voluntary Best Management Practices (BMP) Checklist submitted with the use permit application, dated May 27, 2022, the applicant identified seven GHG reduction BMPs that the operators are currently implementing at the winery. These include habitat restoration and new vegetation plantings, energy conserving lighting, use of living roof as the majority of the cave will be cut and cover, install efficient water fixtures, and implements a site design that orients to optimizes for natural heating, cooling and day lighting of interior spaces to maximize winter sun exposure, such as in the cave. A condition of approval will be included to require these items to be implemented.

The project will be required, through conditions of project approval, to prohibit the use of natural gas appliances or plumbing. Additionally, at the time of construction the project will be required to comply with the California Building Code, which is currently being updated to include regulations to assist in the reduction of air quality impacts associated with construction, such as prohibiting natural gas appliance and plumbing. The new construction will be required to install energy efficient fixtures complying with CA building code Title 24 standards. See section VI. Energy for additional information on energy usage. If the proposed project adheres to these relevant design standards identified by BAAQMD, the requirements of the California Building Code, and the County's conditions of project approval, impacts are considered less than significant.

Mitigation Measures: None are required

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                                     |                                     |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Discussion:

- a. The proposed project would not involve the transport of hazardous materials other than those small amounts utilized in typical winery operations. Impacts would be less than significant.
- b. Hazardous materials such as diesel and maintenance fluids would potentially be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of an existing winery that would not be expected to use any substantial quantities of hazardous materials. The operation changes are not anticipated to significantly increase the quantities. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environments. Impacts would be less than significant.
- c. The nearest school (Salvador Elementary School and Justin Siena High School) are located approximately 2.5 miles to 2.75 miles east of the project site in the City of Napa. The nearest no schools proposed within 0.25 miles of the project site. Therefore, no impact would occur.
- d. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5 (Napa County GIS Hazardous Facility Layer). Therefore, no impact would occur.
- e. The closest public airport to the project site is the Sonoma Valley Airport located approximately 9 miles to the south. No portion of the proposed project is within an airport compatibility zone identified in the Airport Compatibility Plan (Napa County Airport Land Use Compatibility Plan, and Napa County GIS Airport Layer). Therefore, no impact would occur.
- f. The Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed project. There is an existing gravel driveway that will be used to access the winery, off of Skellenger Lane, and this will be improved per Napa County Road and Street Standards. the planned improvements have been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. The parcel is accessed off of Mt Veeder Road, which will be used by the single-family residence as well as guests of the winery with improvements proposed to sections of the existing driveway. The proposed winery is not anticipated to obstruct an emergency response or evacuation plan. Impacts would be less than significant.
- g. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the winery is within a designated high fire hazard severity zone and designated as a State Responsibility Area (SRA). The parcel is located west of the valley in an area developed with existing vineyards, and rural residential development. The new winery proposes visitation for by appointment tours and tastings, marketing events, and have two (2) full-time and two (2) part-time employees which will increase the total number of people who work at and visit the project site on a daily and annual basis as compared to existing conditions. The proposed physical improvements are within an area currently developed a single-family residence and vineyards. The improvements would not result in a physical modification to the site that would alter factors that would likely exacerbate wildfire risks. Although the project results in a larger amount of people on site, the proposed physical improvements and operational changes do not increase the potential for significant loss, injury or death due to wild-land fires. See Section XX - Wildfire for additional detail. Impacts of the project would be less than significant



Mitigation Measures: None are required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i)	result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### Discussion

The County requires all discretionary permit applications (such as use permits and ECPAs) to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

On June 7, 2022, the Napa County Board of Supervisors provided interim procedures to implement provisions of the Napa County Groundwater Sustainability Plan (GSP) for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use. The direction limits a parcel's groundwater allocation to 0.3- acre feet per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-specific Water Availability Analysis would suffice to assess potential impacts on groundwater supplies. The project well is located outside the GSA subbasin.

To assess potential impacts resulting from project well(s) interference with neighboring wells within 500 feet and/or springs within 1,500 feet, the County's WAA guidance<sup>2</sup> requires applicants to perform a Tier 2 analysis where the proposed project would result in an increase in groundwater extraction from project well(s) compared to existing levels.

To assess the potential impacts of groundwater pumping on hydrologically connected navigable waterways and those non-navigable tributaries connected to navigable waters, the County's WAA guidance requires applicants to perform a Tier 3 or equivalent analysis for new or replacement wells, or discretionary projects that would rely on groundwater from existing or proposed wells that are located within 1,500 feet of designated "Significant Streams."<sup>3</sup>

Public Trust: The public trust doctrine requires the state and its legal subdivisions to "consider," give "due regard," and "take the public trust into account" when considering actions that may adversely affect a navigable waterway. (Environmental Law Foundation v. State Water Resources Control Bd.; San Francisco Baykeeper, Inc. v. State Lands Com.) There is no "procedural matrix" governing how an agency should consider public trust uses. (Citizens for East Shore Parks v. State Lands Com.) Rather, the level of analysis "begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust." (Environmental Law Foundation, 26 Cal.App.5th at p. 403.) As demonstrated in the Environmental Law Foundation vs State Water Resources Control Board Third District Appellate Court Case, that arose in the context of a lawsuit over Siskiyou County's obligation in administering groundwater well permits and management program with respect to Scott River, a navigable waterway (considered a public trust resource), the court affirmed that the public trust doctrine is relevant to extractions of groundwater that adversely impact a navigable waterway and that Counties are obligated to consider the doctrine, irrespective of the enactment of the Sustainable Groundwater Management Act (SGMA).

On January 10, 2024, Napa County released the Interim Napa County Well Permit Standards and WAA Requirements - January 2024, providing guidance to complying with the Public Trust.

a/b. Tier 1: A Tier 1 Water Availability Analysis (WAA) (Exhibit I), Dated March 22, 2024 was prepared by Richard C. Slade and Associates LLC, to determine the estimated water use of the existing development, the proposed project demand and groundwater availability.

Because the project parcel is located outside of the GSA Subbasin, it is subject to a Tier 1 parcel specific recharge based on the parcel size of 114.87 acres. In accordance with Napa County Guidelines, and based on a conservative analysis prepared by RCS as the watershed-wide estimates of deep percolation rates of rainfall for the Redwood Creek Watershed included slopes in excess of 30%. In order to provide a more conservative and site specific estimate of groundwater recharge within the area, RCS assumed that deep percolation does not occur on areas with slopes over 30%, and that rainfall that falls on areas of slopes over 30% would leave the property through some other hydrologic process. Within the conservative recharge area, 96.3% of the ground surface slopes, approximately 42.9 acres were determined to not exceed 30%, where the remaining 3.7% of the ground surface, approximately 1.6 acres exceed 30%. Therefore, the average annual recharge that is estimated to occur at the subject property for the 42.9 acres under 30% slopes would be 10.3 acre feet per year (af/y) (calculated at a rate of 28.94 inches of rainfall, multiplied by the 42.9 acres area of the more gently slopes areas, divided by a factor of 12 to convert from inches to feet, and multiplied by the 10% deep percolation rate).

There are three existing wells on the subject parcel, including the proposed project well (Well A), and two additional wells (Old Well and New Well). The Old Well is inactive, while the New Well is offline due to vandalism of the pumps solar power source. The New Well was the primary source of water to the residence, which is currently served by a backup source. The New Well as backup source of water will be curtailed as part of the winery development.

The parcel currently has an existing three-bedroom residence and 5.87 acres of an approved 13.62 acre vineyard (P19-00080-ECP). The total entitled water demand is conservatively estimated at 7.27-acre feet of water per year, including 0.403 af/y for the residence, and between 6.13 and 6.87 af/y for the 13.62 acre vineyard development. Water demand for an average rainfall year would be 6.13 af/y for vineyard irrigation, but for the purposes of this analysis, the below average rainfall vineyard irrigation water demand of 6.87 af/y was used.

Usage Type	Existing Usage	Proposed Usage
Irrigation		

<sup>2</sup> The County's Water Availability Guidelines (adopted May 2015)

<sup>3</sup> Refer to Figure 1: Significant Streams for Tier 3, located at [www.countyofnapa.org/3074/Groundwater-Sustainability](http://www.countyofnapa.org/3074/Groundwater-Sustainability). The "Significant Streams" and "Significant\_Streams\_1500ft\_buffer" GIS layers are published as publicly-available open data through the County's ArcGIS Online Account.

Vineyard – Well	2.94	6.87 <sup>a</sup>
Vineyard – Process Wastewater	0.000	-0.270
Landscaping	0.000	0.125
Winery		
Process Water	0.000	0.384
Domestic Water	0.000	0.116
Residential	0.403	0.403
Total (Acre-ft per Year)	7.286	7.568

Note:

- a. The total water demand for vineyard irrigation was approved for 6.87 af/y under P19-00080-ECP when fully developed out to 13.62 acre. The vineyard development is currently only developed out to 5.87 acres.

The subject parcel has an annual groundwater recharge rate of 10.3 af/y, which is considerably higher than proposed groundwater demand of 7.6 af/y. The project if approved, would include the County's standard Condition of Approval 4.9, below, requiring collection of well data for the on-site well, as well as the potential to modify/alter permitted uses on-site should groundwater resources become insufficient to supply the use.

Tier 2: There are three possible off-site neighboring wells located within 500 feet of Well A (the project well), but no evidence was discovered suggesting the existence of offsite springs that are used for water supply purposed within 1,500 feet of Well A. A Tier 2 was already prepared for the subject property by RCS in 2019 as part of the Erosion Control Plan Application, which showed less than significant effects on two of the off-site wells within 500 feet of the Well A. However, it was discovered that an additional well had been drilled since that analysis was prepared. Therefore, to satisfy current County requirements for the proposed winery development (Napa County, 2015 and 2024b), a Tier 2 WAA was prepared to evaluate the possible water level drawdown interference that operational pumping of Well A might impart on the new neighboring well identified as Bachich New Well (which is in addition to two other wells on the Bachich property).

Well A is located approximately 137 feet from Bachich New Well. Mr. Bachich provided a significant amount of water level data collected for the Bachich New Well. Water level drawdown recorded in the Bachich New Well appears to occur nearly every day throughout the year, but two categories of water level drawdown events appear to exist, small being no more than 4 feet of drawdown and large, being between four (4) and seven (7) feet of drawdown. RCS interprets the small drawdown events are induced by pumping of the Bachich New Well, whereas the large drawdown events are probably induced, at least in part, by operational pumping of a nearby well during the irrigation season, but possibly not Well A. It was reported to RCS by the vineyard manager that Well A was operating at an average of 2-3 days per week during the 2023 irrigation season (May through October). However, the large drawdown events in the Bachich New Well did not appear to occur at that frequency, occurring less frequently. No active nearby wells are known to exist near the Bachich New Well, other than Well A, and the nearest known likely irrigation well, other than Well A, is more than 1,400 feet to the northwest of Bachich Well A.

The largest of the observed drawdown events are likely the result of simultaneous pumping of the Bachich New Well and another well (possibly Well A), which may have produced cumulative drawdown effects in the Bachich New Well. This phenomenon is known as the principle of superposition, which describes how the water level drawdown observed in a given well is the cumulative result of all cones of depression that intersect that well at a given time. In this scenario, the Bachich New Well is at the center of its self-induced cone of depression, and the water level in the Bachich New Well is simultaneously being influenced (drawdown) by the separate but overlapping cone of depression induced by Well A.

A totalizer was installed, however recent records for Well A are not yet available, so water use from Well A was estimated. However, according to vineyard manager, pumping durations from Well A are never more than 24 hours, and generally do not exceed 16 hours. This statement is supported by the reported lack of storage into which Well A can pump; all irrigation water pumped from Well A is conveyed directly to the vines (i.e., direct irrigation). Thus, operational periods of the well cannot exceed the irrigation periods for the vines.

At no time were any of the drawdown events observed to reach eight (8) ft in the Bachich New Well. Even if those largest events were induced entirely by Well A (which is very likely not the case), that amount of water level drawdown does not exceed the 10-ft drawdown interference criterion described on Table F-1 of the WAA guidance document (Napa County, 2015). Therefore, because the 10-ft criterion was not exceeded, the Tier 3 requirements for the proposed winery development project have been met, and the Tier 2 analysis is complete. Furthermore, because the pumping rate proposed for the project well (Well A) is the same that was proposed in the RCS 2019 WAA, and because significant water level interference was not induced in the Bachich Main and Bachich Irrigation Wells as a

result of a 24 hour pumping test of Well A, the results of that prior Tier 2 WAA are directly applicable to the subject analysis for the Bachich New Well and Irrigation Wells (i.e., Tier 2 requirements have been met).

Tier 3: Napa County has published information defining which rivers, streams, and creeks within the County are considered significant streams for purposes of Tier 3 WAA review. These Significant Streams are defined in the Napa County GIS data (GIS – Layer Significant Stream 1500 ft Buffer). According to the County updated WAA requirements, a Tier 3 WAA is required if the project well is located within 1,500 feet of a Significant Stream.

Figure 1 and 2 of the WAA (Attachment L) show the spatial relationship between the subject property and the nearby significant Stream 1,500 foot buffer areas, demonstrating that most of the subject property is within the Significant Stream 1,500 foot buffer area. However, the project well (Well A) is located approximately 740 feet outside the buffer. The Tier 3 requirements for the proposed winery development are therefore presumptively met, and a Tier 3 WAA is not necessary. As conditioned the County has satisfied its duty to consider impacts to trust resources and no further analysis is required.

#### 4.9 GROUND WATER MANAGEMENT – WELLS

*This condition is implemented by the Planning, Building and Environmental Services (PBES) Department:*

*The permittee shall be required (at the permittee's expense) to record well monitoring data (specifically, static water level no less than quarterly, and the volume of water withdrawn no less than monthly). Such data will be provided to the County, if the Director of Planning, Building, and Environmental Services (PBES Director) determines that substantial evidence<sup>4</sup> indicates that water usage at the project is affecting, or would potentially affect, groundwater supplies or nearby wells. If data indicates the need for additional monitoring, and if the applicant is unable to secure monitoring access to neighboring wells, onsite monitoring wells may need to be established to gauge potential impacts on the groundwater resource utilized for the project. Water usage shall be minimized by use of best available control technology and best water management conservation practices.*

*In order to support the County's groundwater monitoring program, well monitoring data as discussed above will be provided to the County if the Director PBES determines that such data could be useful in supporting the County's groundwater monitoring program. The project well will be made available for inclusion in the groundwater monitoring network if the Director of PBES determines that the well could be useful in supporting the program.*

*In the event that changed circumstances or significant new information provide substantial evidence<sup>1</sup> that the groundwater system referenced in this use permit would significantly affect the groundwater basin, the PBES Director shall be authorized to recommend additional reasonable conditions on the permittee, or revocation of this permit, as necessary to meet the requirements of the County Code and to protect public health, safety, and welfare.*

- c. The project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Improvement plans prepared prior to the issuance of a building permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 c) requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The proposed project has been evaluated by the Engineering Division with standard conditions of approval including implementation of standard stormwater quality treatment controls to treat runoff prior to discharge from the project site demonstrated as part of the building application that will include grading designs. The incorporation of standard features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. Impacts would be less than significant.
- d. The parcel is located within the Zone X flood boundary (500 year), considered an area of minimal flood hazard. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.

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<sup>1</sup>. Substantial evidence is defined by case law as evidence that is of ponderable legal significance, reasonable in nature, credible and of solid value. The following constitute substantial evidence: facts, reasonable assumptions predicated on facts; and expert opinions supported by facts. Argument, speculation, unsubstantiated opinion or narrative, or clearly inaccurate or erroneous information do not constitute substantial evidence.

- e. The proposed project would not conflict with a water quality control plan or sustainable groundwater management plan. No impacts would occur.

Mitigation Measures: None are required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Discussion:**

a-b. The project would not result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the Agricultural Watershed (AW) zoning districts, which allow wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” The property’s General Plan land use designation is AW, which allows “agriculture, processing of agricultural products, and single-family dwellings.” More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is consistent with the Napa County General Plan.

The use of the property for the “fermenting and processing of grape juice into wine” (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...”) and General Plan Economic Development Policy E-1 (The County’s economic development will focus on ensuring the continued viability of agriculture...).

The General Plan includes two policies requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. The proposed new winery consists of a cave and one structure that will be screened with native vegetation. As proposed, the new winery development is not visible from Mt Veeder Road with the addition of screening proposed by the Terre Moto plan (Attachment I). The façade of the winery has been designed in compliance with County’s required earth tone color palette. The maximum height of the slope-roof building is 18 feet and 4 inches. As such, the architectural design of the project would not degrade the existing character of the site and its surrounding and impacts would be less than significant. There are no applicable habitat conservation plans, or natural community conservation plans applicable to the property. No impacts would occur.

Mitigation Measures: None are required.

XII.	MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a./b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur.

Mitigation Measures: None required.

XIII.	NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. The project would result in a temporary increase in noise levels during construction of the winery and its infrastructure. Construction activities would be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. As such, the project would not result in potentially significant temporary construction noise impacts or operational impacts. Because the nearest residence to the winery development area is over 1,900 feet to the south-southwest and north-northwest of the proposed winery, there is a low potential for impacts related to construction noise to result in a significant impact. Further, construction activities would occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities would be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project would not result in long-term significant construction noise impacts. Conditions of approval identified below would require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. Impacts would be less than significant.

### 8.3. CONSTRUCTION NOISE

*Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.*

- b. Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses that surround the proposed parcel are predominantly agricultural (vineyards) but also include rural residences; of these land uses, the residential uses are considered the most sensitive to noise. Based on the standards in County Code Section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.) within which the applicant proposes to conduct events. Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use). Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes. Winery operations would occur between 7:30 a.m. and 6:00 p.m. (excluding harvest). The nearest off-site residence to the proposed winery is approximately 1990 feet to the south-southwest and north-northwest of the proposed winery. Any outdoor equipment would be subject to the following standard conditions requiring that any exterior winery equipment be enclosed or muffled and maintained so as not to create a noise disturbance.

### 6.6 OUTDOOR STORAGE/SCREENING/UTILITIES

- c. *Exterior winery equipment shall be located, enclosed or muffled so as not to exceed noise thresholds in the County Code.*

### 4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

- b. *All landscaping and outdoor screening, storage, and utility structures shall be permanently maintained in accordance with the landscaping and building plans approved by the County. No stored items shall exceed the height of the screening. Exterior winery equipment shall be maintained so as to not create a noise disturbance or exceed noise thresholds in the County Code.*

Under the proposed project, the largest event that would occur on the parcel would have an attendance of no more than 50 people, and all evening events would commence at 6:00 p.m. and conclude by 10:00 p.m., with quiet clean-up conducted afterwards. The location of events are likely to occur within the hospitality pavilion, and the area identified for outdoor marketing events and AB2004 (outdoor) tasting which is located at the northeastern side of the winery development. Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Events and non-amplified music, excluding quiet clean-up, are required to finish by 10:00 p.m. Amplified music or sound systems would not be permitted for outdoor events as identified in standard Condition of Approval 4.10 below. Temporary events would be subject to County Code Chapter 5.36, which regulates proposed temporary events. The proposed project would not result in long-term significant permanent noise impacts.

### 4.10 AMPLIFIED MUSIC

There shall be no amplified sound system or amplified music utilized outside of approved, enclosed, winery buildings.

- c. The proposed winery would not expose people to excessive noise levels associated with air traffic. No private landing facility is proposed with the requested modification, and the winery is neither within the boundaries of an airport land use compatibility planning area nor within two miles of any public or private airport or airstrip. No impact.

Mitigation Measures None are required.

XIV.	POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The Association of Bay Area Governments' Plan Bay Area 2050 Growth Pattern figures indicate that the total households for Napa County are projected to increase some 10% by the year 2050, increasing from 50,000 to 56,000. Unincorporated Napa county, along with the cities of American Canyon, Napa, St. Helena, Calistoga and the town of Yountville all have existing compliant 6th Cycle Housing Elements certified by the State Department of Housing and Community Development. For the 6th Cycle, which runs from 2023 – 2031, Napa county jurisdictions have identified and have rezoned or are in the process of rezoning land to accommodate 3,844 dwelling units, more than half of the households projected by ABAG to develop in Napa county by 2050. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and community goals. The policies and programs identified in the additional iterations of the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Impacts on the local and regional population and housing balance would be less than significant.

The proposed staffing for the project includes two (2) full-time and two (2) part-time could lead to minor population growth in Napa County. Relative to the County's projected low to moderate growth rate and overall adequate programmed housing supply that population growth does not rise to a level of environmental significance. In addition, the project would be subject to the County's housing impact mitigation fee, which provides funding to meet local housing needs.

The proposed use permit would facilitate construction and operation of a new winery. Other than on-site wastewater treatment improvements to serve exclusively the winery's operations, no new infrastructure is proposed that might induce growth by extending service outside of the boundaries of any of the winery owner's properties.

- b. No existing housing or people would be displaced as a result of the project. Therefore, the project would not displace substantial numbers of existing housing or numbers of people necessitating the construction of replacement housing elsewhere and no impact would occur.

Mitigation Measures: None are required.



XV.	PUBLIC SERVICES. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i)	Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii)	Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Public services are currently provided to the project area and the additional demand placed on existing services as a result of the proposed project would be minimal. The property is located within the service areas of both the Napa County Sheriff's Department, as well as the Napa County Fire Department. Proposed winery improvements, if approved, would be inspected by County building inspectors and fire officials in order to ensure that construction occurs in accordance with current Building and Fire Codes applicable at the time of submittal of any requisite building permit application. The proposed project does not include construction of any new residential units or accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the area of the winery. School impact fees, which assist local school districts with capacity building measures, would be levied pursuant to building permit submittal. No new parks or other public recreational amenities or institutions are proposed to be built with the proposed use permit. County revenue resulting from any building permit fees, property tax increases, and taxes from the sale of wine will help meet the costs of providing public services to the property. The proposed project will have a less than significant impact on public services. Also, see discussion under Section XVI - Recreation, below.

Mitigation Measures: None are required.

XVI.	RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ☐ ☐ ☐ ☒

Discussion:

- a-b. The proposed project is a request to establish and operate a new winery, including wine production, a hospitality program, marketing activities, new employees, and various other sites and utility changes. The proposed project includes no new residential units or accompanying introduction of new residents that would utilize existing parks in the area, potentially accelerating those recreational facilities' deterioration. The proposal would include new employees at the winery and visitors to the property, some of whom might visit recreational facilities in the area during breaks, before or after work, or on the way to or from other wineries. However, given that the purpose of the employees' and guests' trips are to and from the winery as the primary destination, such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of the park amenities. No new parks or other public recreational amenities are proposed to be built with the proposed winery resulting in no impact.

Mitigation Measures: None are required

XVII.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a./c./d. A Transportation Impact Study, prepared by W. Trans, dated June 3, 2024, including discussion of access for pedestrians, bicyclists and to transit; and analysis that includes the estimated vehicle miles traveled (VMT) for the proposed project, including safety. The existing driveway will be improved to comply with the Napa County Roads and Street Standards (RSS). However, there are areas along the driveway where the project proponent is requesting an exception to the RSS to avoid grading and vegetation removal as the existing road can accommodate emergency vehicle access.

The anticipated trip generation for the proposed project was estimated using the Napa County Winery Trip Generation Worksheet (Attachment J). Based on the worksheet, the project would be expected to generate 24 daily trips during non-harvest months and

26 daily trips during harvest. Peak hour volumes would range from nine to 12 trips between weekdays and weekends as well as during typical operation and harvest. Based on the trip generation as estimated using the County worksheet, the project would generate fewer than 40 trips daily, so a full operational study was not prepared.

Given the location of the project being northwest of the City of Napa as well as the limited number of circulation options in the area, it is anticipated that all or nearly all of the project trips would be from or to the southeast using Mt Veeder Road and Redwood Road.

As part of the report, collision history for the segment of Mt Veeder Road within one half mile of the project was reviewed for trends or patterns that may indicate safety issues. Based on a five year study period from January 1, 2018, and December 31, 2022, from the California Highway Patrol Statewide Integrated Traffic Records System, there were four collisions reported on this segment of roadway. That translates to a collision rate of 3.09 collision per million vehicle miles. The rate is considered higher than the statewide average for two-lane rural roadways. All four crashes on Mt. Veeder were single vehicle incidents where drivers hit fixed objects, none were associated with turning movements into or out of the project driveway. Given the lack of any specific location or correctable patterns, no remedial action is recommended.

Access to the project is from Mt Veeder Road across an existing 14-foot-wide bridge over Pickle Creek with a two-way driveway that presently leads to an existing residence and vineyard. The existing access and driveway alignment would serve the proposed winery with improvements including widening the existing bridge to 20 feet wide and where possible widening the driveway to meet the Napa County Roads and Street Standards. As previously mentioned, the existing driveway passes within the required setback of Pickle Creek as well as several ephemeral drainages. To avoid additional disturbance through grading and vegetation removal within these areas, the applicant is seeking Exception to the Conservation Regulations by allowing the existing driveway to maintain its alignment with improvements within 605 linear feet of the 2,700-foot driveway with the stream setback, and to maintain the reduced width of the driveway by requesting an exception to the Roads and Street Standards.

In addition to reviewing the site access, W-Trans reviewed the site distance along Mt Veeder Road, and provided recommendations for the driveway approaches based on stopping sight distance with approach travel speed used as the basis for determining the recommended sight distance.

The posted speed limit on Mt Veeder Road is 25 miles per hour (mph), with a minimum stopping sight distance needed of 150 feet, and minimum corner sight distance needed for existing vehicle of 275 feet. Based on field conditions, sight lines to and from the project driveway on Mt Veeder Road extend nearly 280 feet to the north and approximately 275 feet to the south, which are adequate to meet both stopping sight distance and corner sight distance criteria. There is adequate stopping sight distance available for a following driver to notice and react to a preceding motorist slowing to turn right or stopping to turn left into the project driveway. In order to maintain adequate corner sight lines along Mt Veeder Road, vegetation and foliage at the driveway entrance shall be maintained with foliage kept three feet or lower, and trees with branches trimmed to a minimum height of seven feet above the roadway consistent with the Public Works Memorandum of Conditions of Approval, dated May 29, 2024.

- b. As part of the statewide implementation of Senate Bill (SB) 743, the Governor's Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions.

The County's General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that would reduce their project's VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that "projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact." That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that "would not be considered to have a significant impact to VMT" and that could therefore be exempted from VMT reduction requirements.

The new CEQA Guidelines and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 square feet, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 square feet". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips.

The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less than significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT. Based on the County's winery trip generation assumptions, the proposed project would be expected to generate 24 new daily trips on a Friday and Saturdays, including 9 new trips during the Friday p.m. peak hour and 11 during the Saturday p.m. peak hour. During harvest the proposed project would be expected to generate 26 new daily trips on a Friday and Saturdays, including 10 new trips during the Friday p.m. peak hour and 12 during the Saturday p.m. peak hour. The trip generation does not exceed 110 net new daily trips; therefore, the TIS that was prepared did not require the full operation study as the County Winery Trip Generation Worksheet estimated less than 110 net new daily passenger vehicle trips.

The County's TIS Guidelines include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. Furthermore, The TIS Guidelines state that if the net cumulative result of all project modifications after January 1, 2022, would generate less than 110 net new daily passenger vehicle and truck trips, the project is presumed to have a less than significant impact for VMT. As noted above, based on the trip generation sheet, the maximum employee and visitor/guest data for the harvest/crush season, the proposed project would not exceed the 110 trip threshold and is therefore presumed to have a less than significant impact. The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

- e. Developers of new or expanded land uses are required to provide adequate parking or demonstrate that adequate parking exists to meet their anticipated parking demand. Excess parking that could stimulate unnecessary vehicle trips or commercial activity exceeding the site's capacity is discouraged. The project is proposing seven (7) parking stalls, one (1) of which will be ADA compatible, which should accommodate employees and visitors. For large events of 50 persons or more, the applicant shall provide shuttle services or arrange for guests to park off site consistent with Condition of Approval 4.3. The proposed project would not be in conflict with General Plan Policy CIR-14.

Mitigation Measures: None are required.

<b>XVIII. TRIBAL CULTURAL RESOURCES.</b> Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1? In	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Discussion:

- a-b. On January 2, 2025, County Staff sent invitations to consult on the proposed project to Native American tribes who had a cultural interest in the area and who as of that date had requested to be invited to consult on projects, in accordance with the requirements of Public Resources Code section 21080.3.1. A response letter was received from the Yocha Dehe Winton and Middletown Rancheria who noted that there are no specific comments at the time of the letter, but that should new information or evidence of human habitation be found as the project progresses, work should cease, and the Middletown Rancheria should be contacted immediately. Consistent with standard Conditions of Approval 7.2, under Section V, Cultural Resources above. The 30-day response period ended on February 1, 2025, and no response was received from Mishewal Wappo. Therefore, the consultation period was closed.

Mitigation Measures: None are required

XIX.	UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. As discussed in Section VII. Geology and Soils, a Wastewater Feasibility Study, dated March 21, 2023, was prepared by RSA Civil. The proposed winery domestic wastewater will be treated by an Biofiltro treatment system or equivalent system, prior to surface dripped onto the vineyard. An area of 1.08 acres of vineyard area and 0.25 acres of cover crop were used to calculate the storage capacity required. Based on monthly analysis (Attachment K – Table 2) a maximum of 7,587 gallons of storage is required. In order to store the treated wastewater a 10,000-gallon storage tank will be sufficient for the winery. The system will be designed by a licensed engineer and will be reviewed and approved by the Department of Environmental Health. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Additionally, the applicant proposes installing a 60,000-gallon water tank to the north of the winery building. The proposed water tank will be used for fire suppression in accordance with the 2019 California Fire Code. Impacts will be less than significant.

- b. As discussed in Section X. Hydrology, a Water Availability Analysis (WAA) was prepared by Richard C. Slade and Associates LLC, dated March 22, 2024. As directed by the County WAA Guidelines (May 2015), the report includes a Tier 1 calculations for the existing and proposed water uses and a groundwater recharge analysis. The parcel specific groundwater recharge analysis estimated a recharge potential of 10.3 af/yr which is greater than the estimated use of 7.6 af/yr demonstrating that the subject parcel has enough capacity to serve the proposed use. No impacts would occur.
- c. The proposed winery domestic wastewater will be treated by an Biofiltro treatment system or equivalent system, prior to surface dripped onto the vineyard. The existing domestic septic system for the residence will remain in place with adequate septic reserve area previously permitted by the County. The Division of Environmental Health reviewed this report and concurred with its findings, conditioning that the selected design and plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. The project is not served by a wastewater treatment provider; therefore, no impact would occur.
- d/e. According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed of have sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None are required.

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Discussion:**

- a. There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The existing road and proposed project will be designed and improved to meet commercial standards as defined in the Napa County Road and Street Standards (NCRSS). The parcel is served by an existing gravel road that starts at the intersection of Mt. Veeder Road. From Mt. Veeder Road, the road crosses Pickle Creek, and then meanders to terminate its 2,700 ft. length at the proposed site. The NCRSS requires a 22 ft. minimum width for roads serving commercial uses such as this proposed winery. The majority of the existing road does not meet the minimum width requirement. The proposed project is seeking exception to the NCRSS to accommodate environmental and physical constraints that forbid compliance to the standards. Engineering Division staff has reviewed the Request noted above with the applicant's authorized agents, Engineering staff and the Fire Marshal's office. With respect to Section (3) of the NCRSS as adopted by Resolution No. 2023-59 by the Board of Supervisors on April 18, 2023, the Engineering Division has determined

that the applicant has met the provisions for an exception to the NCRSS. The proposed improvement achieves the same overall practical effect by installing intervisible turnouts along sub-standard segments of the road and implementing vegetation management measures to maintain the line of sight. Access onto and throughout the parcel includes design components to accommodate fire and emergency apparatus. The Fire Marshal's office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the proposed project. The cave would be equipped with sprinklers and fire suppression equipment as required by the California Building Code and 2019 California Fire Code. No impacts would occur.

- b. According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones), the proposed project is located within a high fire hazard severity zone and in the State Responsibility (SRA) zone. The project site is accessed from Mt Veeder Road, which is located approximately 3 miles northwest of the City of Napa. The proposed project's access road provides access to the winery and is adjacent to oak woodland and grassland with approved vineyard, which is situated on slopes ranging from 15 to 20 percent. The Fire Marshal's office and Engineering Division have reviewed the plans and determined that the proposed improvements would not result in a physical modification to the slope of the site, change prevailing winds, or alter other factors that would likely exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts of the project would be less than significant.
- c. The existing driveway will be improved to meet NCRSS. This development is not considered a type of improvement that exacerbates wildfire risk or significant environmental risk. Impacts will be less than significant.
- d. The physical improvements include construction of a new cave, hospitality pavilion, replacement of the bridge crossing, improvements to the existing driveway and other winery related infrastructure. The proposed project would not physically alter the site in a way which would expose people or structure to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes. Impacts would be less than significant.

Mitigation Measures: None are required.

XXI.	MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. As discussed in Section IV. Biological Resources, a reconnaissance level survey was conducted by Sol Ecology biologist of the project site on June 3 and July 9, 2021. The report found based on resources and database review potential for 74 special status plant species to be present within the project vicinity; however, the project site was found to be potentially suitable to only six of those species and only one of which was identified during the protocol level surveys. The Purple needlegrass was identified during surveys for the erosion control plan as well as the proposed winery including an area of approximately 800 sf (or 0.03 acres) which will be permanently impacted by placement of cave winery dredge spoils. Upon review of the proposed reestablishment plan by WRA and the prior Mitigation Measure approved under Erosion Control Plan P19-00080-ECPA, WRA found the reestablishment plan for the Purple needlegrass in this area proposed cave spoils area consistent with recommendations. Isolated Purple needlegrass that is not located within the replacement area shall be fenced in accordance with **Mitigation Measure BIO-1** to avoid inadvertent impacts during construction. In addition to flora, the biological review resources for fauna within the Study Area and found potential habitat within the riparian area of Pickle Creek and upland habitat adjacent to the existing driveway and adjacent to the proposed, temporary bridge replacement and driveway improvements. Potential fauna includes foothill yellow-legged frog, California giant salamander, western pond turtle, pallid bat, as well as avian species. Although construction is temporary, and the project has been designed to minimize grading and vegetation removal, the presence of these species cannot be ruled out; therefore, **Mitigation Measures BIO-2 through BIO-6** are required to be followed to reduce potential adverse impacts resulting from the bridge replacement and driveway improvements. The project shall comply with NCC Section 18.108.020.D and **Mitigation Measure BIO-7** by replacing canopy at a minimum of 3:1 ratio onsite. The bridge replacement will require authorizations and/or permits from agencies with jurisdiction over Waters of the U.S. or the State prior to construction and installation of the bridge replacement consistent with **Mitigation Measure BIO-8**. Through implementation of the aforementioned Mitigation Measures, the project is anticipated to result in less than significant impacts to special status plant and animal species, oak woodlands, and the perennial and ephemeral stream channel and riparian setbacks.
- b. As identified in Section V. Cultural Resources, according to the Napa County Environmental Resource Maps and the cultural resource evaluation prepared as part of the erosion control plan application, there are no known cultural or historic structures on the site. There are no records of cultural resources observed during prior development of the site. The project would not result in significant impacts or eliminate important examples of the major periods of California history or prehistory. Impacts would be less than significant.
- c. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to aesthetics, agriculture, air quality, biology, energy, geology and soils, greenhouse gas emissions, hazard and hazardous materials, hydrology and water quality, noise, population, public services, transportation, utilities and service systems, and wildfire are discussed in the respective sections above and were determined to have a less than significant impact. As discussed in Section VIII. Green House Gas and Section XVII. Transportation, potential impacts to air pollution and GHG emissions are being addressed through meeting Bay Area Air District recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, as included on the form dated April 3, 2023. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would slightly increase water use from the existing allowable water use approximately 0.30 af/yr from 7.3 af/yr to a total of 7.6 af/yr. The groundwater recharge analysis estimates 10.3 af/yr which is greater than the proposed use of 7.6 af/yr. Consequently, the project would not interfere with groundwater recharge or lowering of the local groundwater level. The project did not reach the County thresholds for preparation of a VMT analysis, assuming a less than significant impact. Per County TIS Guidelines any future modification to the winery would look at a VMT analysis for the net cumulative result of all project modifications after January 1, 2022, including this project. Overall, potential cumulative impacts would be less than significant.



The Winery At Mount Veeder  
Winery Use Permit P22-00248-UP, Conservation Regulations Exception # P25-00088-UP, and  
Exception to the Road and Street Standard  
Mitigation Monitoring and Reporting Program

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
<b>Impact BIO-1:</b> Project implementation could result in direct or inadvertent impacts special-status species (i.e. Purple needlegrass)	<p><b>Mitigation Measure BIO-1:</b> Installation of temporary fencing shall minimize potential impacts to special-status plant species (i.e., Purple needlegrass) as follows:</p> <p>Orange construction fencing must be placed around the plant groups to ensure impacts during project-related activities do not occur. In the event a plant cannot be completely avoided, then a propagation plan shall be prepared and implemented prior to activities in those areas.</p> <p>Avoidance or reseedling (propagation) will ensure no significant impacts to special status plants occur. A Propagation Plan will need to be developed and seed will be collected during the season prior to being propagated in a nearby habitat.</p>	Permittee shall implement <b>Measure BIO-1</b> prior to ground breaking activities.	P	PD CDFW	PC/CPI/OG _/_/_
<b>Impact BIO-2:</b> Project development activities could result in potentially significant to Foothill Yellow-legged frog, California giant salamander and western pond turtle.	<p><b>Mitigation Measure BIO-2</b> - The Owner/Permittee shall install temporary fencing prior to commencing work on road improvements:</p> <p>Temporary wildlife exclusion fencing shall be installed around the perimeter of proposed activities prior to the start of any ground-disturbing activities to prevent listed species including FYLF, and/or non-listed species such as California giant salamander and western pond turtle (which may nest in uplands within the project footprint) from entering the project footprint during construction. Fencing must be installed outside the western pond turtle nesting window (April 1 to August 31) to avoid separating juvenile turtles from nearby aquatic habitat. Wildlife exclusion fencing shall remain in place and maintained until all activities are complete and any temporarily disturbed areas have been restored to pre-existing conditions.</p> <p>New fencing located within 100 feet of the Pickle Creek and ephemeral drainages shall use a design that prevents western pond turtle and other small animals from migrating into the proposed construction area. Recommended fencing for exclusion of small animals shall consist of silt fencing with a minimum height of 18 inches, trenched and backfilled to a depth six (6) inches. The silt fencing may be installed directly adjacent to the erosion control measures outlined in Mitigation Measure BIO-3.</p>	Permittee shall implement <b>Measure BIO-2</b> by incorporating provisions this mitigation measure prior to ground disturbing activities associated with P22-00248-UP, but outside the western pond turtle nesting window of April 1 to August 31 <sup>st</sup> .	P	PD	PC/CPI/OG _/_/_

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, CDFW = California Dept of Fish & Wildlife, CSWB – California State Water Board, USACE = US Army Corp of Engineers, T = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G =Project Engineer/Geologist  
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
<b>Impact BIO-3:</b> Proposed erosion control measures have the potential to impact small amphibians if not sized to avoid trappings in the control measures.	<p><b>Mitigation Measure BIO-3:</b> Permittee/owner shall Installation erosion control measures in conformance with BIO-2 prior to commencing ground disturbing activities:</p> <p>Where erosion control measures are proposed, tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic monofilament netting (erosion control matting) rolled erosion control products, or similar non-natural material should not be used. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds</p>	Permittee shall implement <b>Measure BIO-4</b> by installing the specified erosion control measures prior to ground disturbing activities	P	PD	PC/CPI/OG _/_/_
<b>Impact BIO-4:</b> Project development activities could result in potentially significant direct and indirect impacts to bats.	<p><b>Mitigation Measure BIO-4:</b> A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees within the project area(s), no more than 6 months and no less than 14 days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:</p> <ol style="list-style-type: none"> <li>Tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and March 1 to April 15 to avoid hibernating bats and prior to formation of maternity colonies), under supervision of a qualified biologist, unless the Measure b., below, is implemented. Note that these windows may shift with atypical temperatures or rainfall if a qualified biologist determines that bats are likely to still be active based on seasonal conditions. Trees shall be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches shall be removed by a tree cutter using chainsaws only, under the supervision of a qualified biologist who has demonstrable experience with supervising tree removal for bats using this technique. Limbs with cavities, crevices and deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed.</li> <li>If removal of bat habitat trees must occur outside the seasonal activities identified above (between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct pre-construction survey of all potential bat habitat trees within 14 days of</li> </ol>	<p>Permittee shall implement <b>Measure BIO-4</b> by incorporating provisions <b>BIO-4a</b> through <b>BIO-4b</b> prior to project initiation.</p> <p>Schedule <b>BIO-4a:</b> Prior to initiation of P22-00248-UP.</p> <p>Schedule <b>BIO-4b:</b> Prior to initiation of P22-00248-UP.</p>	P	PD CDFW	PC _/_/_

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, CDFW = California Dept of Fish & Wildlife, CSWB – California State Water Board, USACE = US Army Corp of Engineers, T = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G =Project Engineer/Geologist  
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	project initiation and/or removal to determine absence/presence of bat species. Survey methods, timing, duration, and species shall be provided for review and approval by Napa County prior to conducting pre-construction surveys. A copy of the survey shall be provided to the County Conservation Division and CDFW for review and acceptance prior to commencement of work. If bats are not present, removal can proceed without using the two-phased removal method. If bats are found to be present, the qualified biologist shall determine if a maternity colony of winter torpor bats are present. If roosting bats are present but there are no maternity colonies or winter torpor bats, the tree shall be removed using the two-phased removal method outlined in Measure BR-2a, above. If the qualified biologist determines that maternity colonies or winter torpor bats are present, or they cannot confidently determine absence of maternity colonies or winter torpor bats, then tree removal shall be delayed until during the seasonal periods of bat activity outlined in Measure BR-2a.				
<b>Impact BIO-5:</b> Temporary and intermittent increases in noise levels during construction could result in potentially significant indirect and cumulative impacts on special-status and migratory birds.	<p><b>Mitigation Measure BIO-5:</b> The owner/permittee shall incorporate the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:</p> <ol style="list-style-type: none"> <li>For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. The preconstruction survey shall be conducted no earlier than 7 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 7 days from the survey date, surveys shall be repeated. A copy of the survey results shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.</li> <li>After commencement of work, if there is a period of no work activity of 5 days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.</li> </ol>	<p>Permittee shall implement <b>Measure BIO-5</b> by incorporating provisions <b>BIO-5a</b> through <b>BIO-5d</b> prior to project initiation P22-00248-UP.</p> <p>Schedule <b>BIO-5a:</b> prior to project initiation P22-00248-UP.</p> <p>Schedule <b>BIO-5b:</b> prior to project initiation P22-00248-UP.</p>	P	PD CDFW	PC/CPI/OG _/_/_

Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, CDFW = California Dept of Fish & Wildlife, CSWB – California State Water Board, USACE = US Army Corp of Engineers, T = CALTRANS, EH = Environmental Health, PW = Public Works Dept, PE/G = Project Engineer/Geologist  
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing (throughout construction is complete)

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	<p>c. In the event that nesting birds are found, a qualified biologist shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County Conservation Division and the USFWS and/or CDFW.</p> <p>d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist. Additionally, a qualified biologist shall monitor all active nests each day during construction for the first week, and weekly thereafter, to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval.</p> <p>Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) shall be prohibited.</p>	<p>Schedule <b>BIO-5c</b>: After to project initiation P22-00248-UP.</p> <p>Implement <b>BIO-5-d</b>: After initiation of #P22-00248-UP.</p>			
<b>Impact BIO-6:</b> The project could result in inadvertent impacts to biological resources.	<p><b>Mitigation Measure BIO-6</b> The Biologist shall provide training materials to be presented by the Permittee/owner or designee prior to ground disturbing and construction activities:</p> <p>Environmental Training guidelines shall be prepared by the project biologist, to be presented by a designated project representative to all persons working on the project site prior to the initiation of project related activities. Training guidelines shall include a description of all biological resources that may be found on or near the project site, instructions for inspecting equipment each morning prior to activities, a contact person</p>	Permittee shall implement <b>Measure BIO-6</b> to provide worker environmental training prior to ground disturbing or construction activities	P	PD	PC/CPI/OG _/_/_

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	if protected biological resources are discovered on the project site, and include a brief description of laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations,				
<b>Impact BIO-7:</b> The project could result in potentially significant impacts on vegetation canopy cover related to consistency with Napa County Code Section 18.108.020(D).	<p><b>Mitigation Measure BIO-7:</b> To minimize oak and riparian woodland canopy cover removal, implementation is consistent with Napa County Code Conservation Regulations, as follows:</p> <p>Removal of any vegetation canopy within the streamside setbacks shall be mitigated in accordance with Napa County Sec. 18.108.020D by permanent replacement or preservation of comparable vegetation canopy cover on an acreage basis at a minimum 3:1 ratio. For specific planting details please refer to the tree planting plan in the plan set provided by Terre Moto, dated April 27, 2022.</p> <p>Compensatory mitigation for oak woodland impacts and vegetation removal within the 35-foot streamside setback will be combined where feasible, in order to comply with the County oak tree replacement and streamside setback requirements.</p> <p>Prior to performing any tree replanting in the mitigation area, the area should be surveyed to ensure no special status plant species are found. If special status plant species are identified, the area where the plants are located shall be flagged and construction fencing installed to avoid trampling or removal of plants.</p>	Permittee shall implement <b>Measure BIO-7</b> by incorporating canopy replacement in accordance with Napa County Section 18.108.020(D) through permanent replacement and replanting of canopy within the oak and riparian woodlands.	P	PD	PC/CPI _/_/_
<b>Impact BIO-8:</b> Replacement of the bridge stream crossing may require permitting through the State and/or Federal agencies prior to issuance of building and grading permits.	<p><b>Mitigation Measure BIO-8:</b> The Owner/Permittee shall obtain all required permitting to replace the stream crossing and working within state and/or federal jurisdiction within the riparian zone of Pickle Creek through the following measures:</p> <p>Prior to construction and installation of stream crossings associated with #P22-00248-UP and/or bank restoration required pursuant to this measure, the owner/permittee shall obtain all required authorizations and/or permits from agencies with jurisdiction over Waters of the U.S. or the State, such as but not limited to: a Section 404 Nationwide Permit from the US Army Corps of Engineers (USACE), or a Section 1602 Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW)..</p>	Permittee shall implement <b>Measure BIO-8</b> by obtaining the necessary permits or authorization from state and/or federal agencies with jurisdiction over Waters of the U.S. or the State, prior to the County issuing building or grading permits.	P	PD/E  CDFW  SWB  USACE	PC _/_/_

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