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Mitigated Negative Declaration and Mitigation, Monitoring and Reporting Program
Duckhorn Vineyards Winery Major Modification
P19-00097-MOD

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

2. **Property Owner:** Duckhorn Wine Company dba Duckhorn Vineyards Winery. 1000 Lodi Lane, St. Helena, CA 94574

3. **County Contact Person, Phone Number and email:** Trevor Hawkes, Supervising Planner. Planning, Building & Environmental Services, 1195 Third Street, Second Floor. Napa, CA 94559. Phone: 707-254-4388 or email: trevor.hawkes@countyofnapa.org

4. **Project Location and Assessor's Parcel Number (APN):** The project is located on four (4) parcels approximately 32.35 acres in size within the AP (Agricultural Preserve) zoning district at 1000 Lodi Lane, St. Helena, CA 94574. APN's 022-130-010, 022-100-033, 022-100-034 and 022-100-035.

5. **Project sponsor's name and address:** George H Monteverdi, Principle, Monteverdi Consulting, PO Box 6079, Napa, CA 94581. Phone: 707-761-2516 or email: george@monteverdiconsulting.com

6. **General Plan description:** APN 022-130-010 (referred to as the East Property) primarily has a General Plan designation of Agricultural Resource (AR) with a small portion of the south-western corner designated Agriculture, Watershed, and Open Space (AWOS). APN 022-100-033 (referred to as the West Property), 022-100-034 and 022-100-035 have a General Plan Designation of AR.

7. **Zoning:** AP (Agricultural Preserve)

8. **Background/Project History:** On August 4, 1976, the Napa County Planning Commission approved Use Permit #U-827576 to convert a portion of an existing greenhouse to a winery with a maximum production capacity of 36,000 gallons over a 7-year period. The winery was approved to operate from 8:00AM to 5:00PM Monday through Friday with ten parking spaces, six (6) full time employees and two (2) part-time employees. The permit was limited to a three (3) year period with the possibility of renewal. No public tours and tastings were approved. In the intervening time prior to the permit being considered 'used', the applicant would receive two extensions of the time period to act on the permit as well as a reduction in wine production capacity from 36,000 to 2,500 gallons per year and relocation of the proposed production area from a bay of an existing greenhouse to an adjacent 1,200 sq. ft. building.

   Subsequent to the approval of the original Use Permit, the permittee has received approval for the following modifications:

   On November 19, 1980, the Planning Commission approved Use Permit Modification #U-28081 to increase the production capacity to 36,000 gallons per year, construct an additional 11,200 sq. ft. of building space, and a minimum of 23 parking spaces. The application included a Variance request #V-18081 to allow a reduced roadway setback along Silverado Trail from the required 600 feet from centerline to allow expansion of winery buildings. The application included a request for public tours and tastings subsequent to the completion of physical improvements, however no hospitality area was identified. A mitigation measure requiring the installation of a northbound left-turn lane on Silverado Trail was included as a prerequisite prior to initiation of public tours and tastings.

   On July 2, 1986, the Planning Commission approved U-428586 to increase the production capacity to 50,000 gallons per year and expand the area within the winery building for barrel storage and fermentation tanks by 3,908 sq. ft.

   On April 15, 1994, the Zoning Administrator approved Use Permit Modification #93369-MOD to construct a 2,500 sq. ft. barrel building attached to an existing structure and a 544 sq. ft. expansion to enclose the fermentation tanks.

   On September 2, 1994, the Zoning Administrator approved Use Permit Modification #94053-MOD to allow relocation of a water storage tank pad and placement of a 31,000 gallon tank.

   On December 4, 1995, the Zoning Administrator approved Use Permit Modification #95168-MOD to relocate the winery driveway

entrance from Silverado Trail to Lodi Lane and add eight (8) new parking spaces for a total of 40 parking spaces.

On May 7, 1997, the Planning Commission approved Use Permit Modification 96346-MOD to increase production to 110,000 gallons, construct a 7,880 sq. ft. building for office, marketing and public tastings, recognize marketing activities, increase employees from seven (7) to 16, and abandoning the previous condition requiring a left turn lane on Silverado Trail to recognize the relocated winery access off of Lodi Lane. Visitors for public tours and tastings were limited to 50 per week and 30 on the busiest day. The public tasting area was limited to a 672 sq. ft. tasting room and a 240 sq. ft. entry area. The 75% rule was applied to the increase of 60,000 gallons. The modification include a marketing plan allowing five (5) to seven (7) private industry events per year for 25 guests and 10 invitational tastings per month for up to 20 guest (prearranged trade customer tours and tastings).

On June 5, 1998, the Zoning Administrator approved Use Permit Modification #97488-MOD allowing the conversion of a 235 sq. ft. mezzanine to winery office/lab use.

On December 18, 1998, the Zoning Administrator approved Use Permit Modification #98122-MOD and Variance #98123-VAR. The permit revised the office, tasting, and retail sales building design and layout (approved under #96346-MOD), reducing the overall building area to 7,060 sq. ft. and increasing the public tasting area to 1,000 sq. ft. No public wine tasting was permitted in the entry/reception area or on the terrace/veranda. The Variance allowed the building to be detached from the existing winery and constructed 90 feet from Silverado Trail.

On April 23, 1999, the Zoning Administrator approved Use Permit Modification #98373-MOD to replace an existing 2,760 sq. ft. greenhouse with a new 3,705 sq. ft. winery production building including a 2,730 sq. ft. first floor and 975 sq. ft. of upstairs office space; relocate an existing water tank and install a temporary winery office trailer.

On February 23, 2005, the Director approved Use Permit Modification P05-0040 to convert existing attic storage in Chai #5 to administrative office space; increase the number of full-time employees to 12; and reclassify blending room in Chai #7 from accessory to production.

On October 5, 2005, the Planning Commission approved Use Permit Modification P05-00199-MOD to increase wine production to 160,000 gallons per year, expand wastewater systems, increase employees from 28 to 45 full-time with five (5) part-time and six (6) seasonal; increase operations to seven (7) days per week; expand hours of operation to 6 a.m. to 7 p.m., except during crush; tours and tastings by appointment; and approve a marketing plan. The marketing plan consisted of: 36 events with food for 25 guests (replaced previous seven events for 25 guests); two (2) wine events for 600 guests; two (2) auction events for 250 guests; 10 private tastings per month up to 20 guests. Visitation consisted of: a maximum of 82 visitors per day with an average of 576 persons/week (48 private tours and tastings per week for a maximum of 12 guests at each appointment). Tours and Tastings completed by 4:00 p.m. and retail sales of wine completed by 4:30 p.m. The winery's existing entitlement of 50 public tours and tastings (no more than 30 on the busiest day) remained in effect. The 75% rule was expanded to include the additional wine production for a total of 110,000 gallons per year.

On March 20, 2012, the Director of Planning, Building & Environmental Services approved Very Minor Modification P11-00426-VMM to recognize new landscape area, and allow tastings and marketing events to occur within the garden area.

On November 12, 2019, the Director of Planning, Building & Environmental approved Very Minor Modification P19-00375-VMM to allow reconfiguration of accessory spaces on the second floor of the existing Estate House.

Existing Characteristics: Prior to the submittal of the Use Permit Major Modification application a Lot Line Adjustment (LLA) was completed merging the East Property (APN 022-130-010, 10.67 acres) and the recently purchased West Property (APN 022-100-033, 19.67 acres) for a total parcel size of approximately 30.44 acres. This parcel contains the existing 160,000 gallon per year winery consisting of 27,637 sq. ft. of grape processing, fermentation and storage space distributed across seven production buildings (referred to as "Chai's") and a covered crush pad, a 4,185 sq. ft. tank shed, 1,045 sq. ft. of winery maintenance space in two structures and 9,323 sq. ft. of office and hospitality in the "Estate House", which includes an attached outdoor porch and a garden.

9. **Description of Project:** Approval of a Use Permit Major Modification to an existing 160,000 gallon per year winery to allow the following:
    a. Construction of a new 58,042 sq. ft. facility ('West Winery') on the West Property (APN 022-100-033) containing 54,722 sq. ft. of production space and 3,320 sq. ft. of office and accessory uses, a 90,000 gallon fire protection water tank, two 158,000 gallon irrigation storage water tanks, a 24,000 gallon domestic water tank, landscaping, driveways, and other winery improvements;
    b. Construction of a 8,839 sq. ft. expansion to the existing Estate House on the East Property (APN 022-130-010) for a total floor space of 18,162 sq. ft.. At build out the Estate House will consist of 17,810 sq. ft. of accessory space and 352 sq. ft. of production space;
    c. Removal of the existing combined process and sanitary wastewater system on the East Property and the development of separate process and sanitary wastewater systems on both the East and West Properties connected through Directional Boring under the Napa River;

d. Increasing onsite parking spaces from 68 to 96;
e. Demolition of the existing Tank Shed, Chai's 1, 2, 3 & 4 on the East Property;
f. Demolition of a single-family residence (Red House), portions of the existing gravel driveway and other agricultural and single-family dwelling improvements on the West Property and APN 022-100-034;
g. Conversion and expansion of a 16,900 sq. ft. agricultural pond on the West Property to a 20,300 sq. ft. bio-retention pond;
h. Removal of approximately 3.55 acres of vineyard on the West Property;
i. Removal of approximately 49 trees;
j. Increase in maximum annual permitted wine production from 160,000 gallons to 300,000 gallons;
k. Increase the existing daily "By Appointment" Tours and Tastings of 82 visitors and voluntarily abandon the winery's existing pre-Winery Definition Ordinance (WDO) entitlement of 50 visitors per week (no more than 30 on the busiest day) for "Public Tours and Tastings" for a total of 219 daily visitors for By Appointment Tours and Tastings (110 visitors per day for Tours and Tastings without food, 109 per day for Tours and Tastings with food);
l. Modification of the existing Marketing Plan allowing Private Tours and Tastings events for up to 20 guests 120 times annually, Wine with Food Pairings events for up to 25 guests 36 times annually, Large events for up to 600 guests twice annually, and Auction-related events for up to 250 guests twice annually as follows:
    i. 200 Private Tours and Tastings annually for up to 20 guests;
    ii. 40 Wine with Food Pairings annually for up to 25 guests;
    iii. 40 Medium Events annually for up to 60 guests;
    iv. Three (3) Large Events annually for up to 400 guests; and
    v. One (1) Auction-related event for up to 250 guests;
m. Addition of in-premise consumption activities in conformity with AB 2004 (Evans Bill) on the Estate House porch and landscaped gardens west of the Estate House; and
n. Temporary relocation of approved hospitality activities (Tours and Tastings, Marketing Events, AB 2004) in and around the Estate House to the 2,067 sq. ft. of ground floor accessory space and adjacent outdoor areas of the proposed West Winery during the expansion of the Estate House. Hospitality activities to return to the Estate House and East Property upon approval of a Final Certificate of Occupancy for the Estate House.

A Variance application (P19-00098) is also requested to allow the expansion of the existing Estate House approximately 100 feet from the center line of Silverado Trail. Napa County code requires a 600-foot winery setback from Silverado Trail (N.C.C. § 18.104.230.A.1)

An Exception to the Napa County Road and Street Standards is also requested from a Left Turn Lane Warrant for east bound traffic on Lodi Lane entering the East Property driveway in order to avoid significant environmental impacts by preserving unique features of the natural environment.

10. **Describe the environmental setting and surrounding land uses.**
The project site is located on the Napa Valley Floor, approximately a half mile northwest of the boundaries of the City of St. Helena. The project includes four (4) parcels, encompassing approximately 32.35 acres. APN 022-130-010, referred to as the East Property, is approximately 10.67 acres in size and includes an existing winery, driveway, vineyards, and other improvements typical to production and hospitality facilities of wineries as well as agricultural operations. APN 022-100-033, referred to as the West Property, is approximately 19.67 acres in size and includes an existing single-family residence, vineyards, a driveway, a pond and various other agricultural improvements. APN 022-100-034 is approximately 1.01 acres in size and includes existing vineyards and a driveway. APN 022-100-035 is approximately 1.01 acres in size and includes existing vineyards. Access for the East Property is achieved from a driveway accessed from Lodi Lane, approximately 200 feet from the intersection of Lodi Lane and Silverado Trail. Access for the West Property is also achieved from a accessing a driveway from Lodi Lane, approximately 1,380 feet from the intersection of Lodi Lane and Silverado Trail, and driving through APN 022-100-034. The subject properties form a 'horseshoe' configuration, property lines abut each other along the Napa River which splits the two properties (along the northwestern boundary of the East Property and along the northeastern boundary of the West Property. Heading further south the two properties are divided by two properties of approximately 4.9 acres (APN's 022-130-008 & 022-130-009). The West Property also abuts the former Southern Pacific right-of-way on its west side. The site is generally flat with slopes between zero (0) and five (5) percent in the vineyard and winery areas, and slopes of five (5) to 15 percent along the sections of the Napa River. Highest elevation on the site is approximately 245 feet amsl while the lowest elevation on the site is approximately 230 feet amsl. All three (3) properties are primarily agriculture or built up, with Riparian Forest (California Bay – Coast Live Oak – Walnut – Ash) running along the stretch of the Napa River in the northern sections of the West and East properties and along a drainage ditch on the north side of Lodi Lane where the road abuts the property line of APN 022-100-034. A small portion of Valley Oak woodland extends into the West Property just south of the existing pond. Soil types include Bale loam, 0 to 2 percent slopes and Forward-Kidd complex, 11 to 60 percent slopes. Due to the location of the Napa River, the entire East Property and a majority of the West Property lie within the boundaries of the 100-year FEMA Flood Zone and Regulatory Floodway. The project site is outside of the State Responsibility Area (SRA).

Land uses in the area are dominated by large lot residential properties, wineries, and vineyards. The existing winery is located approximately 500 feet to the southwest and approximately 160 feet downhill of the nearest neighboring residence located east of Silverado Trail. The proposed West Winery would be approximately 580 feet to the southeast of the nearest residence.

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, and the California Department of Fish and Wildlife.

Responsible (R) and Trustee (T) Agencies

Other Agencies Contacted

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 July 14, 2021, 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 and as advised in the Cultural Resource Study submitted for the project. The Yocha Dehe Wintun Nation responded and declined comment as the project site is not located within their aboriginal territories. No other responses were received within 30-days of the tribe's receipt of the invitations.

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.

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a *(SUBSEQUENT)* 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 _____ Date 3/29/23

Name: Trevor Hawkes
Napa County
Planning, Building and Environmental Services Department

I.	**AESTHETICS.** Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Discussion:

a/b/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, this area is defined by a mix of wineries, vineyards, and large lot rural residential uses. The project consists of the development of a new 58,042 sq. ft. winery facility, a 8,839 sq. ft. expansion to an existing building, the demolition of a tank shed, four (4) Chai's, a single-family residential building, removal of 3.55 acres of vineyards and removal of 49 trees. Neither parcel is within an area considered a scenic vista, nor does it preclude views of a scenic vista. The project does not endanger any scenic resources within a state scenic highway, such as trees, rock outcroppings or historic buildings, because the project is not viewable from a designated state scenic highway. The project also does not substantially degrade the existing visual character or quality or public views of the site from Lodi Lane or Silverado Trail. The project is the development of a new winery facility and associated winery infrastructure, compliant with the County General Plan and typical of land uses in the surrounding area.

d. The proposed West Winery facility and expansion of the existing Estate House may result in the use of additional lighting that may have the potential to impact nighttime views. Pursuant to standard Napa County conditions of approval for wineries, the existing outdoor lighting for the winery is required to be shielded and directed downwards, with only low level lighting allowed in parking areas. As designed and operating subject to the County's standard condition of approval, below, the project would 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.[1] 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?	☐	☐	☒	☐
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion:

a/b/e As shown on the Napa County Important Farmland Map 2002 prepared by the California Department of Conservation District, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, the project site includes areas designated as Prime Farmland (mostly vineyard areas), Unique Farmland (southwestern vineyard area on the East Property), Urban/Built Up (Red House and a portion of the area of the proposed West Winery) and Other Land (Napa River). A Napa County Agricultural Preserve Contract (P17-00160) was made and entered into by the County and the property owner on December 5, 2017, restricting uses on the property other than agriculture and agriculture adjacent uses such as a single family dwelling unit, farm management, etc. The project proposes to remove approximately 3.55 acres of vineyard from the area of the proposed West Winery and along the area of improvement to accommodate widening of the driveway for the West Property and APN 022-100-034. General Plan Agricultural Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. As a result, this application will not result in the conversion of special status farmland to a non-agricultural use. The proposed project would not conflict with existing zoning for agricultural uses. There are no other changes included in this proposal that would result in the conversion of Farmland beyond the immediate project site.

c/d The project site is zoned Agricultural Preserve (AP), which allows wineries upon grant of a use permit. According to the Napa County Environmental resource maps the project site does contain a small portion of Oak Woodland south of the single-family residence proposed for demolition and a Riparian Forest exists along the extent of the Napa River and along the frontage of APN 022-100-034 and Lodi Lane. Improvements through these areas are minor, consisting of tree removal at the West Property entrance and along the existing gravel driveway in order to improve the driveway to a paved code compliant driveway. Thus the proposed project does not conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in

[1] "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.

Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g) nor will the project conflict with existing zoning for, or cause rezoning of forest land, timberland, or timberland zoned Timberland Production.

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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	☐	☐	☒	☐

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) 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 BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD'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 BAAQMD to any specific course of regulatory action.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

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 PM2.5, 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 PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 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 PM2.5 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 (BAAQMD, In Your Community: Napa County, April 2016)

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. 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 (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO2), and suspended particulate matter (PM10 and PM2.5). Other criteria pollutants, such as lead and sulfur dioxide (SO2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD 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. BAAQMD 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 BAAQMD 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 BAAQMD 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 BAAQMD through May 2017. Given the size of the entire project, which is approximately 79,392 sq. ft. of floor area dedicated to production uses with 23,120 sq. ft. of space dedicated to tasting/hospitality uses compared to the BAAQMD's screening criterion of 47,000 sq. ft. (high quality restaurant) and 541,000 sq. ft. (general light industry) for NOX (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 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 earthmoving and construction activities required for project construction related to the West Winery building, Estate House expansion, building demolition, access driveway improvements, and other infrastructure associated with winery operations. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles, and relatively minor emissions from paints and other architectural coatings. 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 BAAQMD 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 BAAQMD'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 BAAQMD 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/perpfact_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, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The nearest residence to the proposed new winery building is approximately 580 feet to the north and the nearest residence to the expansion of the existing Estate House is approximately 500 feet to the east, but also 160 higher in elevation and on the opposite side of Silverado Trail. 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?	☐	☒	☐	☐
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?	☐	☐	☒	☐
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?	☐	☒	☐	☐
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?	☐	☐	☒	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐

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?	☐	☐	☐	☒

Discussion:

a/b. The project consists of the development of a new 58,042 sq. ft. winery facility, a 8,839 sq. ft. expansion to an existing building, the demolition of a tank shed, four (4) Chai', a single-family residential building, removal of 3.55 acres of vineyards, removal of 49 trees and related improvements. As described in the Environmental Setting description the site is generally flat with slopes between zero (0) and five (5) percent in the vineyard and winery areas, and slopes of five (5) to 15 percent along the sections of the Napa River. Highest elevation on the site is approximately 245 feet amsl while the lowest elevation on the site is approximately 230 feet amsl. According to the Napa County Environmental Mapping (GIS - Vegetation layer) all four (4) properties are primarily agriculture or built up, with Riparian Forest (California Bay – Coast Live Oak – Walnut – Ash) running along the stretch of the Napa River in the northern sections of the West and East properties and along Lodi Lane where the road abuts the property line of APN's 022-100-034 and 022-100-035. A small portion of Valley Oak woodland extends into the West Property just south of the existing pond. According to the GIS layer – Natural Diversity Database (CNDDB) no sensitive plant species have been identified on or adjacent to the property.

The GIS layer – CNDDB Owl Habitat, shows the potential for owl habitat to occur on all three parcels where vegetation clearing activities associated with the project will take place. The general attributes of Northern Spotted Owl (NSO) include dense, multi-layered canopy of several tree species of varying size and ages with open spaces among the lower branches to allow flight under the canopy. NSO habitat also tends to include abundant logs, snags/cavity trees with broken tops or platform-like substrates. While this habitat does not generally describe the small vegetation areas identified for removal under the project's demolition plan, because this species is known to occur nearby, spotted owls could nest in trees in the vicinity, especially where the tree canopy is denser. Thus mitigation measure **BIO-1** would reduce impacts to northern spotted owls to less than significant impact. Because of the number of trees identified for removal (49) and the general heights mitigation measure **BIO-2** would reduce impacts to nesting birds or raptors protected under the migratory bird treaty and/or California Fish and Game code to a less than significant impact.

c. The National Wetlands Inventory identifies the Napa River as a Freshwater Emergent Wetland. There are no other identified state or federally protected wetlands located within or adjacent to the project. The project would not have a substantial adverse effect on the Napa River. No development is proposed adjacent to the Napa River which would potentially remove, fill, or interrupt the river hydrologically. The project does propose to connect existing water and wastewater systems on the East Property to the proposed development on the West Property through the application of Horizontal Directional Drilling, also referred to as Directional Boring, which will allow for the extension of piping system underneath the Napa River in order to avoid potential environmental impacts. Prior to the application being found complete by Napa County, the applicant's engineer contacted the California Department of Fish and Wildlife (CDFW), the California Regional Water Quality Control Board (RWQCB) and the United States Army Corp of Engineers in relation to the proposed Directional Boring project. RWQCB and the United States Army Corp of Engineers both informed the applicant that permits would not be required from their agencies for the Directional Boring. It is unclear at this time whether permits from CDFW could be required. For this reason, and in order to mitigate any potentially significant impacts to the Napa River, mitigation measure **BIO-3** requires the applicant to obtain a Lake or Streambed Alteration (LSA) agreement or demonstrate that CDFW has determined that an LSA agreement is unnecessary, prior to the issuance of building permits.

d. As described in the Environmental Setting description land uses in the area are dominated by large lot residential properties, wineries, and vineyards. Given the surrounding land uses and the project as proposed would not interfere 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 nursey site since no wildlife corridors or nursery sites are impacted from the project. Impacts would be less than significant.

e. The proposed project would not conflict with any local policies or ordinances protecting biological resources. Construction and earthmoving activities related to the driveway, West Winery building and related infrastructure on the West Property and APN 022-100-034 will require the removal of approximately 21 trees, 14 of which are native oak species. These oaks species are located either directly adjacent to the existing driveway entrance, which requires widening in order to meet County Code, or scattered around the existing single family residence and pond. The other seven (7) trees are not species that are generally protected. All trees planned for removal on the West Property are located in areas where the applicant proposes to develop an expanded code compliant driveway to access the West Winery building. The project is not expected to conflict with General Plan policy CON-24, which requires replacement of lost oak woodland or preservation at a 2:1 ratio where it is infeasible to retain. To comply with Con-24,the applicant's planting plan for the West Property includes approximately 37 oak tree species (15 gallon or 24' box sizes), largely planted along the west and south parcel boundaries. There are 28 trees planned to be removed from the East Property, but these trees are primarily existing landscape trees and none are classified as oak species. Impacts would be less than significant.

f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures:

MM BIO-1: A qualified biologist shall conduct an assessment of potential NSO nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

Method of Monitoring: Prior to issuance of the grading/building permits, a report by a qualified biologist shall be submitted to the Napa County Planning, Building & Environmental Services Department including the results of the three focused nesting spotted owl surveys. If an active nest was identified on site the report shall include nest buffers and monitoring.

MM BIO-2: 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 and experienced with conducting pre-construction nesting bird and raptor surveys) shall conduct pre-construction surveys for nesting birds and raptors, within all suitable habitat on the project site, and all suitable nesting habitat within 500 feet of the Project site. The preconstruction survey shall be conducted no earlier than seven (7) days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, or if there is a lapse in Project activities of seven (7) days or more during the nesting season surveys shall be repeated. A copy of the survey report shall be provided to the Napa County Planning Division and the CDFW prior to commencement of work.

In the event that nesting birds are found, the qualified biologist shall determine adequate no-disturbance buffer distances from all active nests based on the species and in consultation with the County Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities.

All active nests shall be monitored by a qualified biologist for the first week during Project activities to ensure the established buffer distances are adequate to avoid disturbances to the nest. If the qualified biologist observes bird behavior that may indicate nest disturbance, the qualified biologist shall have the authority to immediately cease Project activities. In this event, the qualified biologist shall consult with CDFW regarding larger buffer distances, and buffer zones shall be refenced accordingly, prior to resuming Project activities. If larger buffer distances cannot be established, Project activities shall be delayed until the nest is no longer active (i.e. the young have fledged the nest and can feed independently, or the nest fails due to natural causes), as determined by a qualified biologist.

Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County Planning Division 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.

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) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the Napa County Planning Division, USFWS and/or CDFW prior to any activity that could disturb nesting birds.

Method of Monitoring: If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permits.

MM BIO-3: The applicant shall submit a Notification of Lake or Streambed Alteration with the California Department of Fish and Wildlife for the horizontal directional drilling and installation of utility lines under the Napa River. Issuance of a Streambed Alteration Agreement or demonstration that CDFW determined that the agreement was unnecessary shall be provided to the Planning, Building & Environmental Services department prior to issuance of building permits associated with the drilling.

Method of Monitoring: A Streambed Alteration Agreement or other notification from CDFW determining the permit is unnecessary for this project will be submitted prior to the issuance of permits associate with the installation of utility lines under the Napa River.

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?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

Discussion:

a/b. Evans & De Shazo, Inc. (EDS) was contracted by the applicant to provide a Cultural Resource Study for the proposed Duckhorn Winery Project located at the three (3) project parcels. The study covers three components in the review of the proposed project's potential impacts to cultural resources; A Sacred Sites inventory request, a records search with the Northwest Information Center, and a Field Survey.

A Sacred Sites inventory request was made to the Native American Heritage Commission (NAHC) on July 14, 2017, to determine if there are any Sacred Sites located within or near to the Project Area and to obtain a list of Native American tribes and individuals to contact for further information. A search of the Sacred Sites file conducted by the NAHC on July 26, 2017 did not indicate the presence of a Native American Sacred Site within or in the immediate vicinity of the Project Area. The NAHC provided a list of local Native Americans organizations and individuals to contact who may have specific knowledge about other Native American resources or cultural places located near the Project Area. Four tribes are listed: the Cortina Indian Rancheria of Wintun Indians, Middletown Rancheria, Mishewal-Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation. A letter was sent to each of the tribes on July 31, 2017. On August 4, 2017, a response was received from Stephanie L. Reyes, Tribal Historic Preservation Officer (THPO) for Middletown Rancheria. The letter stated the following:

> *"The Middletown Rancheria (Tribe) is in receipt of your letter dated July 31, 2017, regarding the property at 1000 Lodi Lane, St. Helena, Napa County, California. Though we have no specific comments at this time, should any new information or evidence of human habitation be found as the project progresses, we request that all work cease and that you contract us immediately. We do have a process to protect such important and sacred resources".*

As of the date of this report, no additional comments have been received.

A Record Search was conducted at the NWIC on July 17, 2017 (NWIC File #17-0068). According to information on file at the NWIC, only the southeastern portion APN 022-130-010 has been previously surveyed for cultural resources; the remaining portion of the property has not previously been surveyed. The portion of the Duckhorn Winery property that was subject to a previously cultural resource study includes a 10-acre portion of APN 022-130-010 that was surveyed in 1980 for the proposed Duckhorn Winery (Flynn 1980 / S-2325). The survey resulted in the identification of both worked and unworked obsidian in a rhyolitic matrix as well as alluvial soils. It was noted that "much of the obsidian was found within fill soil used for the driveway. This material was no doubt derived from cut and fill operations along the flank of Napa Glass Mountain for the building of Silverado Trail" (Flynn 1980). The record search at the NWIC also revealed that there are twelve (12) previously recorded cultural resources located within one quarter-mile of the Project Area.

The field survey resulted in the identification of large number of primary and secondary obsidian flakes, flake tools, and bifaces in all stages of manufacture, as well as naturally-occurring obsidian that is associated with the adjacent Glass Mountain obsidian source. While obsidian flakes and tools were observed throughout all three parcels, areas having a higher concentration of obsidian artifacts were observed. Within APN 022-100-031, a high concentration (50+ flakes per square meter) of obsidian artifacts was observed along the north/south oriented dirt and gravel access road that bisects the vineyard at the north end of the parcel; and within APN 022-100-032, a high concentration (50+ flakes per square meter) of obsidian artifacts was observed in the area where a building was recently demolished that extends into the adjacent vineyard to the east and south. Two areas having a higher concentration of obsidian artifacts were also observed within APN 022-130-010, including within the vineyard south of the estate house (25+ flakes per square meter), and within the thin strip of exposed soil at the north end of the parcel (50+ flakes per square meter).

Overall, the large amount of obsidian and the concentrated areas of obsidian observed within all three parcels appear to indicate that the entire property was used as an obsidian quarry and workshop area in prehistoric times, and reflects use of a broader cultural landscape that includes obsidian quarry locations, obsidian workshop areas, midden deposits indicating long-term habitation and areas in between that contain evidence of an thriving economy centered around the procurement and processing of Glass Mountain obsidian by Native Americans in prehistoric times. This indicates that the broad scatter of obsidian artifacts, and concentrations thereof, observed within the Duckhorn Winery properties has the potential to yield information that is important to the prehistory of the local area and California. Therefore, the resource appears to have the potential to be eligible for listing on the California Register of Historical Resources (CRHR) under Criterion 4, and also as a unique archaeological resource. However, due to past land use activities that includes agriculture, winery buildings, and road construction and maintenance, much of the obsidian has been damaged over the years as a result of these activities, and in many instances, it is difficult to discern between the culturally-modified obsidian and the naturally occurring obsidian that has been damaged in more recent times. Therefore, integrity, or the ability for the resource to convey significance under Criterion 4 of the CRHR, is a potential issue that warrants further investigation. Due to the presence of a potentially significant prehistoric resource within the project area, Mitigation Measure **CUL-1** requires further investigations of the development areas prior to issuance of grading, demolition or building permits. Mitigation Measure **CUL-2** requires archeological monitoring during ground disturbing activities.

Even with the inclusion of MM CUL-1 & 2, in the event that any archaeological materials are encountered during earth-disturbing activities when an archaeologist is not present the project would be expected to comply with standard Condition of Approval 7.2, listed below, and construction of the project would be required to cease, and a qualified archaeologist would be retained to investigate the site. Compliance with both cultural resource mitigation measures and the project's conditions of approval are expected to keep potential impacts to cultural resources from being potentially 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 encountered on the property and 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.

Mitigation Measures:

MM CUL-1: Prior any earthmoving activities, the permittee shall retain an archeologist to perform further archeological testing on the areas of development to determine whether the sites are eligible for listing in the California Registry of Historic Resources or whether they meet the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. Standard archeological testing procedures (i.e. auger excavation, test units, mechanical trenching) shall be utilized to define the nature and extent of the potential resource, as well as obsidian hydration analysis to establish chronology. A geoarchaeological study shall be prepared to develop soil profiles and investigate stratigraphy within the excavation areas to define and distinguish disturbed and intact soils and interpret soil development and past disturbances. At the conclusion of the geoarchaeological study a report shall be prepared and submitted to the County, by a professional who meets the Secretary of the Interior's professional qualification standards demonstrating that the testing and geoarchaeological study have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. The applicant shall comply with all recommendations from the report.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval a report shall be prepared, by a professional who meets the Secretary of the Interior's professional qualification standards, demonstrating that the testing and geoarchaeological study described under MM CUL-1 have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. In the event that the sites are found to be eligible for listing on the California Registry of Historic Resources or if they would meet the definition of a "unique archeological resource", the report will also outline the steps the County must take to consider potential adverse impacts under Public Resource Code 21084.1 and 21083.2(i) or the treatment of a "unique archeological resource" under the provisions of Public Resource Code 21083.2.

MM CUL-2: The permittee shall retain a professional, who meets the Secretary of the Interior's professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:

- Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire

work day, and daily while ground-disturbing activities are taking place in culturally sensitive areas.

- During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.
- When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present.
- Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
- A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.

Method of Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building & Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building & Environmental Services division shall be contacted at the conclusion of monitoring activities.

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?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

Discussion:

a. 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 proposed project would not conflict with the provisions of a state or local plan for renewable energy or energy efficiency because there are no plans applicable to the subject site. No impacts would occur.

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.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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.	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Discussion:

a. i) There are no known faults on the project site as shown on the most recent Alquist-Priolo Earthquake Fault Zoning Map. As such, the proposed project would result in a less than significant impact with regards to rupturing a known fault.

ii) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project will be required to comply with all 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. Although the project site is identified as having a high liquefaction potential according to the Napa County Environmental Resource Maps (liquefaction layers), compliance with the latest edition of the California Building Code for seismic stability would result in less than significant impacts.

iv) According to the Napa County Environmental Resource Maps (Landslides line, polygon, and geology layers) there are known landslide areas on the subject site.

b. The proposed improvements would occur on slopes of zero (0) to five (5) percent. The project would require incorporation of 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.

c/d. According to preliminary geologic mapping of the St. Helena Quandrangle performed by the California Geologic Survey (CGS-2004), the property is underlain by terrace deposits of the Holocene era. There are no active faults or potentially active faults through the project site. No slope instability or unstable landforms are mapped beneath or near the vicinity of the project. Based on the Napa County Environmental Sensitivity Maps (liquefaction layer) the project site has a high susceptibility for liquefaction on the entirety of the property. Development will be required to comply with all the latest building standards and codes, including the California Building Code that would reduce any potential impacts to the maximum extent possible.

e. According to the Onsite Wastewater Dispersal Feasibility Study for Duckhorn Vineyards Winery prepared by Bartelt Engineering in August 2022, the project site and proposed system would have adequate disposal capacity to serve the project. The Division of Environmental Health reviewed this report and concurred with its findings. Impacts would be less than significant.

f. A Cultural Resource Study of the Duckhorn Property was completed by Evans & De Shazo on August 21, 2017. The study included a

record search and review with the Northwest Information Center (NWIC), a Native American Sacred Sites inventory and consultation, and a field survey. Implementation of mitigation measure **MM CUL-1** and standard condition of approval 7.2 identified in Section V above would reduce potential impacts to a less than significant level.

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?	☐	☐	☒	☐
b)	Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Discussion:

On April 20, 2022, the BAAQMD adopted updated thresholds of significance for climate impacts (CEQA Thresholds for Evaluating the Significance of Climate Impacts, BAAQMD April 2022)[2]. 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

[2] https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines, April 2022

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 the 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.

The County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). Pursuant to State CEQA Guidelines Section 15183, this assessment focuses on impacts that are "peculiar to the project," rather than the cumulative impacts previously assessed, because this Initial Study assesses a project that is consistent with an adopted General Plan for which an EIR was prepared. GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide (CO2), methane, ozone, and the fluorocarbons, which contribute to climate change. CO2 is the principal GHG emitted by human activities, and its concentration in the atmosphere is most affected by human activity. It also serves as the reference gas to which to compare other GHGs. For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

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 include the construction of an approximately 58,042 sq. ft. new winery building (West Winery), a 8,839 sq. ft. expansion of an existing building (Estate House), domestic water tanks, driveways, landscaping and other winery related improvements. 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 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 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.

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:
    - Residential projects: 15 percent below the existing VMT per capita;
    - Office projects: 15 percent below the existing VMT per employee; or
    - Retail projects: no net increase in existing VMT.

The project will be required to comply with the recently adopted version of CALGreen Tier 2. Project approval will include a condition of approval to ensure this is reviewed and implemented at the time of construction through adherence to the California Building Code.

As discussed above and in section XVII. Transportation, the County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers required completion of a traffic study and VMT analysis. The project TIS, prepared by W-Trans, dated June 10, 2021, includes the applicant's proposal for a Traffic Demand Management (TDM) Plan for reducing vehicle miles traveled. See section XVII. Transportation for additional detail.

The applicant currently implements some GHG reduction strategies through an existing VMT reduction plan which includes employee incentives and current vineyard certification as "Napa Green Land". As a function of this Use Permit Major Modification the applicant intends to implement further GHG reduction strategies These include exceeding Title 24 energy efficiency standards with new construction; reuse of process wastewater for vineyard irrigation, the installation of water efficient fixtures; designing new construction to achieve low-impact development; the installation of water efficient landscaping; and limiting the amount of grading and tree removal. Existing vineyards on the newly acquired West Property are also intended to be certified as "Napa Green Land".

New development resulting from this project will utilize energy conserving lighting and water efficient fixtures. A condition of approval will be included to require implementation of the checked Voluntary Best Management Practices Measures submitted with the project application. 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?	☐	☐	☒	☐

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?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires?	☐	☐	☒	☐

Discussion:

a. The proposed project will not involve the transport of hazardous materials other than those small amounts normally used in winery operations. A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater the 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less than significant impact.

b. Hazardous materials such as diesel, maintenance fluids, and paints would 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 the continued operations of an existing winery that would not be expected to use any substantial quantities of hazardous materials. 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. There are no schools located within one-quarter mile from the existing or proposed winery buildings. According to Google Earth, the nearest school to the project site is the Culinary Institute of America at Greystone, located approximately 1 mile to the south. No impacts would occur.

d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.

e. No impact would occur as the project site is not located within an airport land use plan.

f. The proposed access driveway improvements and on-site circulation configuration meets Napa County Road and Street Standards. The applicant has submitted a exception request to the Napa County Road and Street standards for the Left Turn Lane Warrant which was triggered for the existing driveway at the East Property for east bound traffic. That exception request has been reviewed by the Director of Public Works and received tentative approval. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. Therefore, the proposed project would not obstruct emergency vehicle access and impacts would be less than significant.

g. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The proposed driveway improvements would provide adequate access to Lodi Lane. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts 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?	☐	☐	☒	☐
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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:				
	i) result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
	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?	☐	☐	☒	☐
	iv) impede or redirect flood flows?	☐	☐	☒	☐
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☒

Discussion:

On April 21, 2021, Governor Gavin Newsom declared a drought emergency in the state of California and as of July 8, 2021, 50 counties are under the drought state of emergency, including Napa County. The Governor directed the Department of Water Resources to increase resilience of water supplies during drought conditions. On June 8, 2021, the Napa County Board of Supervisors adopted a resolution declaring a Proclamation of Local Emergency due to drought conditions which are occurring in Napa County. On October 19, 2021, the Governor issued a proclamation extending the drought emergency statewide. 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.

In March 2022, Governor Newsom enacted Executive Order N-7-22, which requires prior to approval of a new groundwater well (or approval of an alteration to an existing well) in a basin subject to the Sustainable Groundwater Management Act and that is classified as medium- or high-priority, obtaining written verification from the GSA (Groundwater Sustainability Agency) managing the basin that groundwater extraction would not be inconsistent with any sustainable groundwater management program established in any applicable GSP (Groundwater Sustainability Plan) and would not decrease the likelihood of achieving sustainability goals for the basin covered by a GSP, or that it is determined first that extraction of groundwater from the new/proposed well is (1) not likely to interfere with the production and functioning of existing nearby wells, and (2) not likely to cause subsidence that would adversely impact or damage nearby infrastructure. Because the project contains existing wells which are not being altered, Executive Order N-7-22 does not apply.

On March 8, 2022 and August 9, 2022, the Napa County Board of Supervisors adopted resolutions proclaiming a continued state of Local Emergency due to the 2021-2022 drought. On June 7, 2022, the Napa County Board of Supervisors provided direction regarding interim procedures to implement Executive Order N-7-22 for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use during the declared drought emergency. 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. Because the parcel is located within the GSA Subbasin, and the existing uses exceed the 0.3 acre feet per acre per year calculation, the applicant has designed a water and wastewater system that will be able to achieve a no net increase in groundwater use.

a. The project would not violate any water quality standards or waste discharge requirements. According to the Onsite Wastewater Dispersal Feasibility Study prepared by Bartelt Engineering (Revised August 2022), the applicant proposes to remove the existing combined process and sanitary wastewater system and replace it with separated process and sanitary wastewater systems capable of accommodating the wastewater flows under the proposed project. Process wastewater is proposed to be pretreated then surface applied as vineyard irrigation, while sanitary wastewater is proposed to be pretreated before being dispersed through a subsurface drip dispersal field. Both systems will utilize pump and lift stations to transfer wastewater between the East and West properties through forcemains bored under the Napa River and along vineyard avenues. The proposed systems have been sized to handle daily and peak wastewater flows of the proposed project. No disposal of wastewater effluent (either PW or SS) will occur within 100 feet of any existing or proposed wells. The Onsite Wastewater Dispersal Feasibility Study has been provided to the Division of Environmental Health who reviewed the report and concurred with its findings. Impacts would be less than significant.

b. The parcel is located within the GSA Subbasin so the 0.3 acre feet per acre per year calculation was used to determine the water allocation. All three parcels (East and West Properties plus APN 022-100-034) combine for a total 32.34 acres and a groundwater allocation of 9.7 acre feet per acre per year under the BOS interim guidance for implementing Executive Order N-7-22. According to the submitted plans there are five (5) existing wells on the East and West Properties. The East Property contains Domestic Well #1, currently used for domestic water use at the existing winery facilities, and Well #4, primarily used for vineyard irrigation and landscaping. The West property contains Well #2, which was used for domestic water uses at the existing single-family residence and vineyard irrigation, as well as Wells #1 and #3, which have been out of service and are planned to be destroyed as part of the project.

The existing water use associated with the winery, vineyards, and residence is estimated to be 14.04 acre feet per year. Because the existing water use exceeds the 0.3 acre feet per acre per year allocation, the applicant is required to design a project which can achieve a no net increase over existing conditions. The proposed project would demolish the existing single-family residence on the West Property, include a reduction in vineyard from 15.67 acres to 12.12 acres and include increases in wine production, visitation and marketing events. The project also proposes to replace the existing combined process and sanitary wastewater system on the East Property and develop separate process and sanitary wastewater systems across the East and West properties which will be connected through forcemains bored under the Napa River. Process wastewater is proposed to be treated and beneficially reused for vineyard irrigation and heat protection on the West Property. This reuse of process wastewater is expected to reduce water demand by 4.65 af/yr. Total estimated water use for the existing and proposed project is calculated based on the Guidelines for Estimating Residential and Non-residential Water Use from the Napa County Water Availability Analysis Guidelines (2015) and summarized in the table below.

Source of Demand	**Existing (acre-ft.)**	**Proposed (acre-ft.)**	**Difference (acre-ft.)**
Primary Residence	.75	0	-0.75
Vineyard	7.84	4.19	-3.65
Process Water	3.44	6.45	3.01
Domestic & Landscaping	.8	1.50	.7
Employees	.7	.7	0
Tasting Room Visitation	.27	.74	.5
Events and Marketing, with onsite catering	.24	.42	.18
Total	**14.04**	**14**	**-0.04**

Tier II and Tier III WAA analyses may be required for project wells within 500 feet of non-project wells or if project wells within 1,500 feet of significant stream channels. Non-project wells are located within 500 feet of wells #1 (domestic well) and Well #4 (East Property vineyard and landscaping), but because total water use on the parcel is estimated to decrease over existing conditions by approximately 0.04 acre feet per year a Tier II and Tier III analysis is not required for this project.

Staff has considered impacts to public trust resources in the event the project wells may be connected to a navigable waterway. Staff determined that because the project applicant has demonstrated that there will be no net increase in groundwater extraction over existing uses, there are no adverse impacts to trust resources which would result from issuance of this permit. Applicants have reasonably demonstrated no net increase of groundwater extraction over existing demand by abandoning an existing single-family residence, reductions in total vineyard irrigated and reuse of process wastewater for vineyard irrigation. County has satisfied its duty to consider impacts to trust resources and no further analysis is required.

The project will include the County's project specific Condition of Approval setting a limitation on groundwater use for the parcel to 14

af/yr and requiring well monitoring. The condition would also include the potential to modify/alter permitted uses on site should groundwater resources become insufficient to supply the use.

4.20 OTHER CONDITIONS APPLICABLE TO THE OPERATIONAL ASPECTS OF THE PROJECT

a. Groundwater Management - The parcel shall be limited to 14 acre-feet of groundwater per year for all water consuming activities (utilizing wells) on the parcel. A Groundwater Demand Management Program shall be developed and implemented for the property as outlined in COA 6.15(a) below.

   In the event that changed circumstances or significant new information provide substantial evidence[3] that the groundwater system referenced in the 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.

6.15 OTHER CONDITIONS APPLICABLE TO THE PROJECT PERMITTING PROCESS

a. Groundwater Demand Management Program
   1. The permittee shall install a meter on each well serving the parcel. Each meter shall be placed in a location that will allow for the measurement of all groundwater used on the project parcel. Prior to the issuance of a grading or building permit for the winery or expanding any operations as approved under this modification, the permittee shall submit for review and approval by the PBES Director a groundwater demand management plan which includes a plan for the location and the configuration of the installation of a meter on all wells serving the parcel.
   2. The Plan shall identify how best available technology and best management water conservation practices will be applied throughout the parcel.
   3. The Plan shall identify how best management water conservation practices will be applied where possible in the structures on site. This includes but is not limited to the installation of low flow fixtures and appliances.
   4. As a groundwater consuming activity already exists on the property, meter installation and monitoring shall begin immediately and the first monitoring report is due to the County within 120 days of approval of this modification.
   5. For the first twelve months of operation under this permit, the permittee shall read the meters at the beginning of each month and provide the data to the PBES Director monthly. If the water usage on the property exceeds, or is on track to exceed, 14.0 acre-feet per year, or if the permittee fails to report, additional reviews and analysis and/or a corrective action program at the permittee's expense shall be required and shall be submitted to the PBES Director for review and action.
   6. The permittee's wells shall be included in the Napa County Groundwater Monitoring program if the County finds the well suitable.
   7. At the completion of the reporting period per 6.15(a)(5) above, and so long as the water usage is within the maximum acre- feet per year as specified above, the permittee may begin the following meter reading schedule:
      i. On or near the first day of each month the permittee shall read the water meter, and provide the data to the PBES Director during the first weeks of April and October. The PBES Director, or the Director's designated representative, has the right to access and verify the operation and readings of the meters during regular business hours.

9.9 OTHER CONDITIONS APPLICABLE PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY

a. All required meters shall be installed and all groundwater usage monitoring required in COA 4.20(a) and 6.15(a) above shall commence prior to issuance of a final certificate of occupancy.

c/d. All proposed work would take place on flat areas of prior disturbance. 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 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 would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these 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. The parcel is not located in an area that is known to be subject to inundation by tsunamis, seiches, or mudflows.

The site lies within the boundaries of the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area 100 Year "Zone

[3] 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.

AE". The project has been reviewed by the Engineering Division and will be conditioned to meet the requirement the Floodplain Management Ordinance (FMO) outlined in Chapter 16.04 of the Napa County Code. The FMO requires that any new construction or substantial improvements to the existing structure shall be constructed using methods and practices that minimize the potential for and impact of flood damage. All new and replacement water supply systems shall be designed to minimize or eliminate the potential for infiltration of floodwater into the system. New and replacement sanitary sewage systems shall be designed to minimize or eliminate the potential for infiltration of floodwaters into the systems and for the discharge from the systems into floodwaters. On-site waste disposal systems shall be located so as to avoid the potential for their impairment, or their causing contamination during flooding. Impacts would be less than significant.

e. On January 26, 2023 the County's Groundwater Sustainability Plan (GSP) was approved by the Department of Water Resources (DWR). As discussed above, although the winery operational changes would increase water use (production increase, increases in visitation and annual marketing guests), the project includes the reductions in groundwater use through the demolition of an existing single-family residence, reduction in vineyard acres, and the application of treated process wastewater in vineyard irrigation such that the project is designed to slightly reduce water use and maintain "no net increase". The project would not result in an impact to groundwater use and would therefore comply with the GSP. Water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion:

a/b. The project would not occur within an established community, nor would it result in the division of an established community.

The project complies with the Napa County Code and all other applicable regulations with the exception of a Variance application (P19-00098) requested to allow expansion of the existing Estate House within the required 600-foot winery setback for Silverado Trail. As shown in the "Variance Request for Duckhorn Vineyards Winery Use Permit Modification" exhibit prepared by Duckhorn Vineyards Winery in June of 2021, strict application of the required setbacks would prevent expansion of the existing Estate House due to parcel size and configuration encumbered by multiple regulatory setbacks (winery setbacks, creek setbacks for the Napa River).

The subject parcel is located in the AP (Agricultural Preserve) zoning district, which allows 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, including the Winery Definition Ordinance (WDO), with the exception of the required 600-foot setback from Silverado Trail (N.C.C. 18.104.230; Wineries located in open space areas – setbacks). The County has adopted the 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 designations are AWOS (Agriculture, Watershed, and Open Space) and AR (Agricultural Resource) which allow "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 continued 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. Proposed architectural design of the Estate house expansion addition maintains the existing architectural design, but incorporate stone finish and utilizes earth tone colors in compliance with Napa County Use Permit standard conditions for Colors (COA 6.5). The proposed West Winery building on the West Property would architecturally be similar to a barn type structure similar to other structures of similar use and would utilize earth tone colors as well. The average midpoint roofline for the expanded Estate House would be approximately 28 feet above grade and the maximum height would be 38 feet (chimney), and the maximum building height for the proposed new winery on the West Property would be 25.5 feet. As such, the project would fit within the context of its surroundings. Impacts would be less than significant.

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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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 are 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?	☐	☐	☒	☐
b)	Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Discussion:

a/b. The project would result in a temporary increase in noise levels during grading and construction activities for the proposed West Winery

building, existing Estate House expansion, building demolition, driveway and other infrastructure expansion. 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 or vibration impacts. The nearest residence to the proposed new winery building is approximately 580 feet to the north and the nearest residence to the expansion of the existing State House is approximately 500 feet to the east, but also 160 higher in elevation and on the opposite side of Silverado Trail. Due to this distance 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.

"7.3 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."

The project proposes to increase daily visitation, by increasing their existing By Appointment Tours and Tastings of 82 visitors per day and voluntarily combining their existing Pre-WDO Public Tours and Tastings of 50 visitors per week (no more than 30 visitors on the busiest day) for a proposed total of 219 daily visitors for By Appointment Tours and Tastings. The project also proposes to modify their existing marketing program as described under Project Description (l). The applicant also proposes to allow for activities in conformity with AB 2004 (Evans Bill) on the Estate House porch and the landscaped gardens west of the Estate House. Finally the applicant proposes that all approved hospitality activities, including those consistent with AB 2004, would be allowed temporarily within the proposed West Winery, and in its vicinity during the redevelopment of the Estate House on the East Property. All hospitality activities and AB 2004 activities would return to the Estate House and surrounding vicinity once a certificate of occupancy has been procured for the Estate House expansion.

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 large lot residential properties, wineries, and vineyards; of these land uses, the residential land use is 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). The nearest off-site residence to the proposed West Winery is approximately 580 feet to the east. The nearest off-site residence to the existing but expanded Estate House is approximately 500 feet to the east but also 160 feet higher in elevation and on the opposite side of Silverado Trail. Under the proposed project, the largest outdoor event that would occur on the parcel would have an attendance of no more than 400 guests, and all events would end by 10:00 p.m., with quiet clean-up conducted afterwards. Winery operations would occur between 6:00 a.m. and 7:00 p.m. (production, excluding harvest) and 10:00 am to 4:00 pm (hospitality). The potential for the creation of significant noise from visitation is significantly reduced, since the tasting areas are predominantly within the winery building itself, with the exception of the patio and garden areas. 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, including 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.

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

The proposed project would not result in long-term significant permanent noise impacts.

c. The project site in not located within the influence area of the Napa County Airport, according to the Airport Land Use Compatibility Plan. No impacts would occur.

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)?	☐	☐	☐	☒
b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

Discussion:

a. The proposed project does not include a direct inducement of population growth, because the proposed project does not include an increase in full-time or part-time seasonal employment or onsite workforce housing. The proposed project also does not indirectly induce population growth through the extension of infrastructure or other services/improvements necessary to sustain population growth. No impacts would occur.

b. The project proposes to demolish an existing single-family residence on the East Property. The dwelling unit is currently vacant and the existing Agricultural Preserve zoning district would potentially allow up to three dwelling units to be constructed on the East Property by-right (single-family residence, Accessory Dwelling Unit, Junior Accessory Dwelling Units). Therefore, the project would not displace substantial numbers of existing housing or numbers of people necessitating the construction of replacement housing elsewhere. Impacts would be less than significant.

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?	☐	☐	☒	☐
	ii) Police protection?	☐	☐	☒	☐
	iii) Schools?	☐	☐	☒	☐

iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

Discussion:

Public services are currently provided to the project site and the additional demand placed on existing services would be marginal. Fire protection measures are required as part of the development pursuant to Napa County Fire Marshall conditions and there will be no foreseeable impact to emergency response times with the adoption of standard conditions of approval. The Fire Department and Engineering Services Division have reviewed the application and recommend approval as conditioned. School impact mitigation fees, which assist local school districts with capacity building measures, will be levied pursuant to building permit submittal. The proposed project will have little to no impact on public parks. 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.

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?	☐	☐	☒	☐
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 project would not significantly increase the use of recreational facilities, nor does the project include recreational facilities that may have a significant adverse effect on the environment.

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?	☐	☐	☒	☐
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c)	Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐

d) Result in inadequate emergency access?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion:

a. As proposed the project would not conflict with any plans, ordinances or policies addressing the circulation system. Existing pedestrian and transit facilities serving the site are limited, though given the rural location of the project site and anticipated demand for these modes, this is considered an acceptable condition. There is an existing Class II bike lane on Silverado Trail and along with the shared use of Lodi Lan with motorist and planned facilities consisting of the Vine Trail and a Class III bike route on SR 29 there is adequate access for bicyclists. The project has been conditioned by the Napa County Public Works Department to provide a maximum of 10 bicycle parking spots to provide for adequate bicycle storage, as recommended in the project's Traffic Impact Study (June 10, 2021). CalFire and Engineering divisions have reviewed the proposed plans for access and circulation and found them to be in compliance with the Napa County Road and Street Standards. The applicant has also submitted a request for an exception to the Napa County Road and Street Standards for a Left Turn Lane Warrant that was found to be triggered for the East Property driveway by the additional trips from the expansion of hospitality operations. The RSS exception request has been tentatively approved by the Director of Public Works. Impacts would be less than significant.

b. The date of analysis for the project's Traffic Impact Study predates the establishment of Napa County thresholds of significance related to Vehicle Miles Traveled (VMT) and guidance documents. The Traffic Impact Study assessed VMT based on guidance provided by the California Governor's Office of Planning and Research (OPR) in the publication *Transportation Impacts (SB 743) CEQA Guidelines Update and Technical Advisory*. The OPR Technical Advisory identifies several criteria that may be used to identify certain types of projects that are unlikely to have a significant VMT impact and can be "screened" from further analysis. One of the screening criteria pertains to small projects, which OPR defines as generating fewer than 110 new vehicle trips per day on average. OPR specifies that VMT should be based on a typical weekday and should take into consideration seasonal fluctuations. The proposed project is anticipated to result in 120 new daily vehicle trips on harvest Friday and 108 new daily vehicle trips on a non-harvest Friday, though based on count data collected at the existing driveway the winery generates approximately 36 percent fewer trips on the other weekdays compared to Friday. Adjusting the number of net new trips anticipated on Friday to a typical weekday average, and accounting for a two-month harvest season, the project would be expected to result in approximately 79 new daily trips per weekday over the course of the year. Since this is below the small project threshold of 110 trips, it is reasonable to conclude that the project can be presumed to have a less than significant impact on VMT. The change in VMT from truck trips no longer traveling to Duckhorn's production facility in Hopland and instead utilizing the new winery building on the East Property was not calculated but is expected to generate a reduction in overall VMT associated with the operations of the production facility. Impacts would be less than significant.

c/d. The proposed project does not contain any incompatible uses. The project's Traffic Impact Study found that the addition of trips to the project triggered a Left Turn Lane Warrant for east bound traffic on Lodi Lane accessing the East Property Driveway. Design requirements and feasibility for a left turn lane accessing the East Property Driveway were explored in the Traffic Impact Study and determined that widening of Lodi Lane to incorporate a LTL design would result in either (1) the placement of significant cubic yards of soil into the floodway and floodplain of the Napa River, and (2) the removal of heritage oaks and other large, native trees along Lodi Lane. The applicant has submitted a request for exception to the Napa County Road and Street Standards and that request has been reviewed and tentatively approved by the Director of Public Works. The applicant's exception request includes an analysis of whether the addition of new trips to the East Property Driveway could exacerbate any existing safety issues if an LTL is not provided. As contained in the TIS collisions analysis, there were no collisions reported on Lodi Lane during the five-year study period between October 1, 2014, and September 30, 2019, even though an LTL is warranted based on existing traffic volumes. Therefore, it is reasonable to conclude that there are no documented safety issues associated with motorist turning left into the driveway for the East Property without a left turn lane. The proposed project is expected to generate five new left-turn movements over existing volumes during the peak hour on Fridays and Saturdays, resulting in a new total of 14 left turns during each hour. This equates to approximately one left-turn every 4.3 minutes, when averaged over the course of an hour. Based on an analysis using the American Association of State Highway and Transportation Officials (AASHTO's) *Policy on the Geometric Design of Highways and Streets* LTL warrant methodology, which is based on safety issues, an LTL would not be needed at the Duckhorn driveway for volumes of less than approximately 237 left turn movements (one every 15 seconds). Because the Duckhorn proposal is expected to produce one additional left-turn movement every 4.3 minutes during peak hour, the modest increase in project traffic would not create any new safety issues.

e. The project was analyzed to determine whether the proposed parking supply would be sufficient for the anticipated daily demand during harvest conditions. The project site, as proposed, would have a total of 96 parking spaces between both parcels. To accommodate the daily parking demand for the winery and tasting room, there should be at least one space provided for every employee, as well as parking stalls for about 25 percent of the expected daily tasting room visitors. During harvest, there would be up to 56 full- and part-time employees and a maximum of 219 daily visitors to the tasting room. Assuming the County's standard occupancy rate of 2.8 guests per

vehicle, a total of 78 guests vehicles would visit the site over the course of the day. Therefore, the proposed project would need at least 76 parking spaces, consisting of 56 for employees and 20 for guests assuming one-quarter of the guests would be there at any one time. The proposed supply of 96 spaces would be adequate to accommodate the approximate day-to-day peak demand. Impacts would be less than significant.

Mitigation Measures: None are required.

XVIII.	**TRIBAL CULTURAL RESOURCES.** 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	☐	☒	☐	☐
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 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. Outreach to Native American tribes who may have a cultural interest in the area where made on two separate occasions; first on July 31, 2017, letters were sent in association with the Cultural Resource Study conducted by Evans & De Shazo to the Cortina Indian Rancheria of Wintun Indians, Middletown Rancheria, Mishewal-Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation requesting if the tribes had specific knowledge of about Native American resources or cultural places near the project area, Inc, and later on July 14, 2021, in accordance with the requirements of Public Resources Code section 21080.3.1 (AB 52). The Middletown Rancheria responded to the July 31, 2017, letter thanking the applicant for contacting them, requested to be notified immediately if new information or evidence of human habitation was found but had no specific comments at that time. A letter was received from the Yocha Dehe Wintun Nation in response to letters sent out in accordance with AB 52 declining to comment due to the project being outside of their aboriginal territories.

A field survey of the project area was conducted that identified a large number of primary and secondary obsidian flakes, flake tools, and bifaces in all stages of manufacture, as well as naturally-occurring obsidian that is associated with the adjacent Glass Mountain obsidian source. The overall large amount of obsidian and the concentrated areas of obsidian observed within all three parcels appear to indicate that the entire property was used as an obsidian quarry and workshop area in prehistoric times, and reflects use of a broader cultural landscape that includes obsidian quarry locations, obsidian workshop areas, midden deposits indicating long-term habitation and areas in between that contain evidence of an thriving economy centered around the procurement and processing of Glass Mountain obsidian by Native Americans in prehistoric times. This indicates that the broad scatter of obsidian artifacts, and concentrations thereof, observed within the Duckhorn Winery properties has the potential to yield information that is important to the prehistory of the local area and California. Therefore, the resource appears to have the potential to be eligible for listing on the California Register of Historical Resources (CRHR) under Criterion 4, and also as a unique archaeological resource. However, due to past land use activities that includes agriculture, winery buildings, and road construction and maintenance, much of the obsidian has been damaged over the years as a result of these activities, and in many instances, it is difficult to discern between the culturally-modified obsidian and the naturally occurring obsidian that has been damaged in more recent times. Therefore, integrity, or the ability for the resource to convey significance under Criterion 4 of the CRHR, is a potential issue that warrants further investigation. Due to the presence of a potentially significant prehistoric resource within the project area, Mitigation Measure **CUL-1** has been proposed which requires further investigations of the development areas prior to issuance of grading, demolition or building permits. Mitigation Measure **CUL-2** has also been proposed which requires archeological monitoring during ground disturbing activities.

Mitigation Measures: Refer to Section V. Cultural Resources for proposed mitigation

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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?	☐	☐	☒	☐
b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Discussion:

a. As discussed in Section X. Hydrology and Water Quality the applicant proposes to remove the existing combined process and sanitary wastewater systems and developed new and expanded separate process and sanitary wastewater systems that will span both the East and West properties and connect via Horizontal Directional Drilling (HDD) of forcemains under the Napa River. The HDD is not expected to cause impacts to the Napa River and is regularly used to construct pipelines under rivers, wetlands, ravines and transportation corridors. The applicant has been in contact with the California Department of Fish and Wildlife and will submit notification of Lake or Streambed Alteration for a Standard Agreement to the department to determine if a Streambed Alteration Agreement is necessary prior to construction. Impacts would be less than significant.

b. As discussed in Section X. Hydrology and Water Quality the parcel is located within the GSA Subbasin. Using the 0.3 acre-feet allocation, the 32.34 acre parcel the water availability allocation would be 9.7 af/yr. The existing water use associated with the winery, vineyards, and residence is 14.04 af/yr. Because the existing water use exceeds the water availability allocation, the project is required to achieve a no net increase in groundwater demand. The increase in production, employees, and visitation results in an increase in water use of 4.36 af/yr, however the applicant intends to demolish an existing single-family residence and develop a new process wastewater system that will reuse treated wastewater for vineyard irrigation. The demolition of the single-family residence and the reuse of treated wastewater for vineyard irrigation is expected to reduce groundwater demand for the project by 4.4 af/yr. This results in an overall reduction of 0.4 af/yr. Impacts would be less than significant.

c. Wastewater would be treated on-site and would not require a wastewater treatment provider. Impacts would be less than significant.

d/e. According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have more than 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Discussion:

a-d. The proposed project is located within a non-wildland/non-urban fire hazard severity zone and in the Napa County Local Responsibility Area (LRA district). There are no project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The project site is generally flat with slopes ranging from 0-5% and is located on the valley floor with access from Lodi Lane which can provide access to both Silverado Trail and Highway 29. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. 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?	☐	☐	☒	☐
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)?	☐	☐	☒	☐
c)	Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion:

a. The project does not 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 or substantially reduce the number or restrict the range of a rare or endangered plant or animal species. Development and ground disturbance activities associate with the proposed project are primarily in areas where previous disturbance has taken place. For the few areas where tree removal is proposed mitigation measures **BIO-1** and **BIO-2** are proposed on the off chance that Northern Spotted Owl or nesting bird and raptors species could be using the trees as nesting habitat during vegetation removal and ground disturbance. The applicant plans to horizontally bore utility connections for water and wastewater under the Napa River, while it is not known at this time whether a Lake and Streambed Alteration Agreement with the California Department of Fish and Game will be required, **BIO-3** has been proposed which requires the applicant to provide an LSA permit or other documentation that the permit was not required, prior to issuance of permits associated with the drilling.

As identified in Section V. Cultural Resources, the parcel is located in area that has been surveyed for and found to contain archaeological resources. Mitigation measures **CUL-1** & **CUL-2** have been proposed to reduce any potential impacts to the major periods of California's history and prehistory to below a level of significance. Impacts are anticipated to be less than significant.

b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to air quality, greenhouse gas emissions, hydrology, and traffic 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 BAAQMD recommended design elements, with the addition of Greenhouse Gas Voluntary Best Management Practices, and VMT reduction strategies. The applicant intends to implement a number of greenhouse gas reduction strategies including exceeding Title 24 energy efficiency standards, connection to a recycled water system, installation of water efficient fixtures, employing low-impact development practices, installation water efficient landscaping, and limiting the amount of grading and tree removal. The vineyards on the East Property are already certified as "Napa Green Land" and the applicant intends to implement the program for the vineyards on the west property. Section X. Hydrology includes detail on the Water Availability Analysis which demonstrates that the proposed project would result in a decrease of 0.4 af/yr over the existing levels. The Traffic Impact Study detailed in Section XVII. Transportation concluded that the proposed project would not have significant impacts on the County roadway system. The project includes appointment of a TDM Coordinator and TDM program to implement operational procedures to reduce daily and overall trips and resulting vehicle miles traveled. All records of the TDM activities will be kept and provided to the County as required. Potential cumulative impacts would be less than significant.

c. All potential impacts identified in this Negative Declaration are less than significant with the exception of Cultural Resources, for which Mitigation measure are proposed. The impacts to Cultural Resources identified in this Negative Declaration are not expected to cause substantial adverse effects on human beings and the impacts can be mitigated to a less than significant impact with the implementation of Mitigation Measures **CUL-1** and **CUL-2**. Therefore, the proposed project would not result in significant environmental effects that cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None are required.

Duckhorn Vineyards Winery Use Permit Major Modification No. P19-00097-MOD
Mitigation Monitoring and Reporting Program

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-1: Spotted Owl. Spotted owls are known to occur in the area and could also nest near the project site. Construction, earthmoving, and disturbance activities associated with the project could disturb spotted owl nests. Therefore, the following measures shall be implemented to reduce potential impacts to these special status species.	**MM BIO-1:** A qualified biologist shall conduct an assessment of potential NSO nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.	Prior to issuance of the grading/building permits, a report by a qualified biologist shall be submitted to the Napa County Planning, Building & Environmental Services Department including the results of the three focused nesting spotted owl surveys. If an active nest was identified on site the report shall include nest buffers and monitoring.	P	PD	PC ___/___/___
Impact BIO-2: Nesting Birds. Suitable potential nesting habitat for raptors, as well as other migratory nesting birds, is present on or adjacent to the Project. These birds are protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their nest, eggs, and young are protected under California CDFG Code §3503, 3503.5, 3800, and 3513. Any project-related impacts on the nesting success of these species would	**MM BIO-2:** 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 and experienced with conducting pre-construction nesting bird and raptor surveys) shall conduct pre-construction surveys for nesting birds and raptors, within all suitable habitat on the project site, and all suitable nesting habitat within 500 feet of the Project site. The preconstruction survey shall be conducted no earlier than seven (7) days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than	If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permits.	P	PD	PC ___/___/___

Notes: P = Permittee, PD = Planning Division, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
be considered a significant adverse impact. These impacts could be mitigated to a level considered less than significant by Mitigation Measure BIO-2.	seven (7) days from the survey date, or if there is a lapse in Project activities of seven (7) days or more during the nesting season surveys shall be repeated. A copy of the survey report shall be provided to the Napa County Planning Division and the CDFW prior to commencement of work. In the event that nesting birds are found, the qualified biologist shall determine adequate no-disturbance buffer distances from all active nests based on the species and in consultation with the County Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. All active nests shall be monitored by a qualified biologist for the first week during Project activities to ensure the established buffer distances are adequate to avoid disturbances to the nest. If the qualified biologist observes bird behavior that may indicate nest disturbance, the qualified biologist shall have the authority to immediately cease Project activities. In this event, the qualified biologist shall consult with CDFW regarding larger buffer distances, and buffer zones shall be refenced accordingly, prior to resuming Project activities. If larger buffer distances cannot be established, Project activities shall be delayed until the nest is no longer active (i.e. the young have fledged the nest and can feed independently, or the nest fails due to natural causes), as determined by a qualified biologist. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County Planning Division 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. 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) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the Napa County Planning Division, USFWS and/or CDFW prior to any activity that could disturb nesting birds.				

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Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
Impact BIO-3: Lake or Streambed Alteration Agreement. The applicant intends to extend utility lines underneath the Napa River, which is identified as a Freshwater Emergent Wetland. Utility extension may require a Lake or Streambed Alteration Agreement with the California Department of Fish & Wildlife. Mitigation Measure Bio-3 will ensure that the applicant demonstrates compliance with the state regulatory agency prior to issuance of a Building Permit to extend the utility lines beneath the river.	**MM BIO-3:** The applicant shall submit a Notification of Lake or Streambed Alteration with the California Department of Fish and Wildlife for the horizontal directional drilling and installation of utility lines under the Napa River. Issuance of a Streambed Alteration Agreement or demonstration that CDFW determined that the agreement was unnecessary shall be provided to the Planning, Building & Environmental Services department prior to issuance of building permits associated with the drilling.	A Streambed Alteration Agreement or other notification from CDFW determining the permit is unnecessary for this project will be submitted prior to the issuance of permits associate with the installation of utility lines under the Napa River.	P	PD	PC ___/___/___
Impact CUL-1: Obsidian artifacts and Prehistoric activities To better understand if the obsidian artifacts in the Project Area can contribute information about the prehistoric activities associated with the procurement and processing of obsidian, it is recommended that further testing be conducted. Further testing should focus on the areas that are chosen for development, but may also include areas outside of the proposed development areas if needed to determine eligibility and integrity.	**MM CUL-1:** Prior any earthmoving activities, the permittee shall retain an archeologist to perform further archeological testing on the areas of development to determine whether the sites are eligible for listing in the California Registry of Historic Resources or whether they meet the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. Standard archeological testing procedures (i.e. auger excavation, test units, mechanical trenching) shall be utilized to define the nature and extent of the potential resource, as well as obsidian hydration analysis to establish chronology. A geoarchaeological study shall be prepared to develop soil profiles and investigate stratigraphy within the excavation areas to define and distinguish disturbed and intact soils and interpret soil development and past disturbances. At the conclusion of the geoarchaeological study a report shall be prepared and submitted to the County, by a professional who meets the Secretary of the Interior's professional qualification standards demonstrating that the testing and geoarchaeological study have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. The applicant shall comply with all recommendations from the report.	Prior to issuance of any grading, demolition or building permits pursuant to this approval a report shall be prepared, by a professional who meets the Secretary of the Interior's professional qualification standards, demonstrating that the testing and geoarchaeological study described under MM CUL-1 have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. In the event that the sites are found to be eligible for listing on the California Registry of Historic Resources or if they would meet the definition of a "unique archeological resource", the report will also outline the steps the County must take to consider	P	PD	PC ___/___/___

Notes: P = Permittee, PD = Planning Division, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
		potential adverse impacts under Public Resource Code 21084.1 and 21083.2(i) or the treatment of a "unique archeological resource" under the provisions of Public Resource Code 21083.2.			
Impact CUL-2: Archaeological Monitoring Given the number of artifacts that have been identified within the Project Area and the high potential of encountering buried archaeological resources, archaeological monitoring of Project-related ground-disturbing activities shall be required.	The permittee shall retain a professional, who meets the Secretary of the Interior's professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows: • Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire work day, and daily while ground-disturbing activities are taking place in culturally sensitive areas. • During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered. • When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the archaeological monitor	Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building & Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building & Environmental Services division shall be contacted at the conclusion of monitoring activities.	P	PC	PC ___/___/___ OG ___/___/___

Notes: P = Permittee, PD = Planning Division, PC = Prior to Project Commencement, OG = Ongoing

Potential Environmental Impact	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/ Completion
	removes the artifact(s) and determines that further artifacts or an archaeological feature are not present. • Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue. • A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.				

Notes: P = Permittee, PD = Planning Division, PC = Prior to Project Commencement, OG = Ongoing

PROJECT REVISION STATEMENT
Duckhorn Vineyards Winery Use Permit #P19-00097-MOD & Variance Request #P19-00098

I hereby revise Duckhorn Vineyards Winery Use Permit #P19-00097 and Variance Request #P19-00098 for a 300,000-gallon approximately 102,512 sq. ft. winery (production and hospitality buildings) with tours and tastings and marketing program located on a 30.34 acre parcel (APN's 022-130-010 and 022-100-033; SFAP) located at 1000 Lodi Lane, St. Helena, CA 94574 to include the measures specified below:

MM BIO-1: A qualified biologist shall conduct an assessment of potential NSO nesting habitat within the Project area and a 0.25-mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25-mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal ESA.

Monitoring: Prior to issuance of the grading/building permits, a report by a qualified biologist shall be submitted to the Napa County Planning, Building & Environmental Services Department including the results of the three focused nesting spotted owl surveys. If an active nest was identified on site the report shall include nest buffers and monitoring.

MM BIO-2: 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 and experienced with conducting pre-construction nesting bird and raptor surveys) shall conduct pre-construction surveys for nesting birds and raptors, within all suitable habitat on the project site, and all suitable nesting habitat within 500 feet of the Project site. The preconstruction survey shall be conducted no earlier than seven (7) days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, or if there is a lapse in Project activities of seven (7) days or more during the nesting season surveys shall be repeated. A copy of the survey report shall be provided to the Napa County Planning Division and the CDFW prior to commencement of work.

In the event that nesting birds are found, the qualified biologist shall determine adequate no-disturbance buffer distances from all active nests based on the species and in consultation with the County Planning Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities.

All active nests shall be monitored by a qualified biologist for the first week during Project activities to ensure the established buffer distances are adequate to avoid disturbances to the nest. If the qualified biologist observes bird behavior that may indicate nest disturbance, the qualified biologist shall have the authority to immediately cease Project activities. In this event, the qualified biologist shall consult with CDFW regarding larger buffer distances, and buffer zones shall be refenced accordingly, prior to resuming Project activities. If larger buffer distances cannot be established, Project activities shall be delayed until the nest is no longer active (i.e. the young have fledged the nest and can feed independently, or the nest fails due to natural causes), as determined by a qualified biologist.

Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County Planning Division 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.

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) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the Napa County Planning Division, USFWS and/or CDFW prior to any activity that could disturb nesting birds.

Monitoring: If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permits.

MM BIO-3: The applicant shall submit a Notification of Lake or Streambed Alteration with the California Department of Fish and Wildlife for the horizontal directional drilling and installation of utility lines under the Napa River. Issuance of a Streambed Alteration Agreement or demonstration that CDFW determined that the agreement was unnecessary shall be provided to the Planning, Building & Environmental Services department prior to issuance of building permits associated with the drilling.

Monitoring: A Lake or Streambed Alteration Agreement or other notification from CDFW determining the permit is unnecessary for this project will be submitted prior to the issuance of permits associate with the installation of utility lines under the Napa River.

MM CUL-1: Prior any earthmoving activities, the permittee shall retain an archeologist to perform further archeological testing on the areas of development to determine whether the sites are eligible for listing in the California Registry of Historic Resources or whether they meet the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. Standard archeological testing procedures (i.e. auger excavation, test units, mechanical trenching) shall be utilized to define the nature and extent of the potential resource, as well as obsidian hydration analysis to establish chronology. A geoarchaeological study shall be prepared to develop soil profiles and investigate stratigraphy within the excavation areas to define and distinguish disturbed and intact soils and interpret soil development and past disturbances. At the conclusion of the geoarchaeological study a report shall be prepared and submitted to the County, by a professional who meets the Secretary of the Interior's professional qualification standards demonstrating that the testing and geoarchaeological study have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. The applicant shall comply with all recommendations from the report.

Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval a report shall be prepared, by a professional who meets the Secretary of the Interior's professional qualification standards, demonstrating that the testing and geoarchaeological study described under MM CUL-1 have been conducted to sufficient standards and whether the sites are eligible for listing on the California Registry of Historic Resources or meets the definition of a "unique archeological resource" as defined in Public Resource Code 21083.2. In the event that the sites are found to be eligible for listing on the California Registry of Historic Resources or if they would meet the definition of a "unique archeological resource", the report will also outline the steps the County must take to consider potential adverse impacts under Public Resource Code 21084.1 and 21083.2(i) or the treatment of a "unique archeological resource" under the provisions of Public Resource Code 21083.2.

MM CUL-2: The permittee shall retain a professional, who meets the Secretary of the Interior's professional qualification standards, who shall be onsite to conduct archaeological monitoring during project related ground disturbing activities. Monitoring procedures shall proceed as follows:

- Monitoring shall involve the observation of ground-disturbing activities in areas that have the potential to contain artifacts or subsurface archaeological features, as well as the inspection of excavation spoils to verify the presence or absence of artifacts. At times, grading of fill soil taken from a known sensitive area will be monitored as well. Monitoring shall occur during the entire workday, and daily while ground-disturbing activities are taking place in culturally sensitive areas.
- During monitoring, if the archaeologist observes artifacts or potential archaeological features, the equipment and/or personnel that encountered the archaeological material will be stopped so that the archaeological monitor can inspect the area and associated soils to determine the presence or absence and potential significance of the archaeological materials encountered.
- When artifacts or subsurface archaeological features are encountered, archaeological materials shall be photographed and the location recorded. A field number shall be assigned to each artifact. Artifacts shall be placed in labeled bags that fully protect them from damage. Work will be allowed to resume once the

archaeological monitor removes the artifact(s) and determines that further artifacts or an archaeological feature are not present.

- Equipment stoppages will only involve the equipment that encountered archaeological material. During temporary equipment stoppages, the archaeologist will efficiently accomplish all necessary tasks so that work can continue.
- A Daily Monitoring Record form shall be completed for each day that archaeological monitoring occurs. The form shall be used to record daily monitoring activities, such as construction personnel, procedures and equipment, dimensions of excavated areas, soil description and stratigraphy, and cultural material observed. Photographs will also be taken throughout monitoring.

Monitoring: Prior to issuance of any grading, demolition or building permits pursuant to this approval the applicant will provide to the Planning, Building & Environmental Services division the contact information for the archaeologist conducting onsite monitoring of project related ground disturbing activities. Archaeological monitoring shall continue until such time that the archaeologist determines that further ground disturbing activities will not adversely impact potentially significant archaeological resources. The Planning, Building & Environmental Services division shall be contacted at the conclusion of monitoring activities.

Duckhorn Wine Company further commit themselves and successors-in-interest to (a) inform any future purchasers of the property of the above commitments; (b) include in all property leases a provision that informs the lessee of these restrictions and binds them to adhere to them, and (c) inform in writing all persons doing work on this property of these limitations.

Duckhorn Wine Company understands and explicitly agrees that with regards to all California Environmental Quality Act and Permit Streamlining Act (Government Code Sections 63920-63962) deadlines, this revised application will be treated as a new project. The new date on which said application will be considered complete is the date on which an executed copy of this project revision statement is received by the Napa County Department of Planning, Building and Environmental Services.

3/27/23

Duckhorn Wine Company
(Owner)

Date