



FINAL ENVIRONMENTAL IMPACT REPORT  
**LE COLLINE VINEYARD PROJECT**  
VOLUME I

**DECEMBER 2022**

LEAD AGENCY:

Napa County Planning, Building and  
Environmental Services Department  
Conservation Division  
1195 Third Street, Second Floor  
Napa, CA 94559



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# SECTION 1.0

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## INTRODUCTION

### 1.1 OVERVIEW

These Responses to Comments have been prepared to address comments received by the Lead Agency, the Napa County Planning, Building, and Environmental Services Department (PBES) on the Draft Environmental Impact Report (Draft EIR) for the Le Colline Vineyard Erosion Control Plan Application (ECPA; # P14-00410-ECPA) (Proposed Project). The Draft EIR was submitted to the State Clearinghouse for public review on January 3, 2019 (State Clearinghouse #2016042030). These Responses to Comments together with the Draft EIR, as revised, comprise the Final EIR.

An EIR is an informational document that must be considered by the Lead Agency prior to project approval. CEQA *Guidelines* Section 15132 specifies that the Final EIR shall consist of:

- The Draft EIR or a revision of the draft (revised text of Draft EIR is presented in Volume II of this Final EIR)
- Comments and recommendations received on the Draft EIR either verbatim or in summary (Volume I **Section 3.0** of this Final EIR; Responses to Comments)
- A list of persons, organizations, and public agencies commenting on the Draft EIR (Volume I **Section 3.0** of this Final EIR; Responses to Comments)
- Responses of the Lead Agency to significant environmental points raised in the review and consultation process (Volume I **Section 4.0** of this Final EIR; Responses to Comments)
- Any other information added by the Lead Agency

### 1.2 PUBLIC PARTICIPATION PROCESS

The environmental review process for the Proposed Project was initiated by circulation of an Initial Study (IS) and Notice of Preparation (NOP) on April 13, 2016. The NOP was circulated to the public, local, State, and federal agencies, and other known interested parties for a 30-day public and agency review period from April 13, 2016 to May 13, 2016 (**Appendix A**). A Notice of Completion (NOC) for the Draft EIR was circulated through the State Clearinghouse on January 3, 2019. The NOC initiated a 45-day comment period through February 19, 2019.

The public comment period provided an opportunity for interested public and private parties to provide input regarding the completeness and adequacy of an EIR. CEQA *Guidelines* Section 15151 addresses the standards by which EIR adequacy is measured:

An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently



takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

CEQA *Guidelines* Section 15204(a) encourages parties to focus comments on the “sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.” Commenters are advised:

Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.

## 1.3 RESPONSES TO COMMENTS ORGANIZATION

These Responses to Comments consist of this introduction and the sections outlined below:

**Volume I Section 3.0; Comments on the Draft EIR** – This section includes a list of all agencies, organizations, and individuals who submitted written comments during the public review period for the Draft EIR. The list is followed by copies of original written comments received during the public review period for the Draft EIR. Comment letters are each assigned a number, and individual comments are bracketed in the margin.

**Volume I Section 4.0; Responses to Comments** – This section provides individual responses to each written comment submitted during the public review period for the Draft EIR. Responses are keyed to the bracketed comment numbers provided in **Section 2.0**.

**Volume I Section 5.0; Mitigation Monitoring and Reporting Plan** – This section presents the Mitigation Monitoring and Reporting Plan for the Proposed Project.

# SECTION 2.0

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## EXECUTIVE SUMMARY

### 2.1 PROJECT LOCATION

The Proposed Project is located at 300 Cold Springs Road south of the town of Angwin in northern Napa County (County), California; Assessor parcel numbers (APN) 024-300-070, 024-300-071, 024-300-072, and 024-340-001. The regional location is shown in **Figure 3-1 of Section 3.0 of Volume I**, and the site and vicinity is shown in **Figure 3-2 of Section 3.0 of Volume I**. An aerial photograph of the project site is shown in **Figure 3-3 of Section 3.0 of Volume I**. The project site is situated within the northwest quarter of Section 8, Township 8 North, Range 5 West of the Mount Diablo Baseline and Meridian on the “St. Helena”, California,” U.S. Geological Society (USGS) 7.5-minute quadrangle and is surrounded by vineyard development, open space, and rural residential uses.

### 2.2 PROJECT DESCRIPTION

The Proposed Project involves developing approximately 25.0 net acres of vineyard within 33.8 gross acres (project site) on the approximately 92-acre property. Project components include timber harvest; water quality monitoring, removal of brush and associated vegetation within proposed clearing limits; soil ripping, and rock removal; installing erosion control measures; staking and installation of a drip system; establishment and maintenance of a cover crop; and mulching, planting, and maintenance of vines. Temporary and permanent erosion control measures would be implemented as a part of the #P14-00410-ECPA for the proposed vineyard areas. These measures would be maintained regularly for the Proposed Project, and are described in more detail in **Section 3.0 Project Description** of Volume II.

The proposed vineyard would be managed using sustainable agricultural methods, including engineered erosion control measures, cover crop management, and engineered irrigation. A permanent no-till cover crop would be established throughout the proposed vineyard areas. All ground-disturbing activities shall be completed by September 1 of each year, and all erosion control measures shall be in place by September 15. Erosion control measures would be maintained so they function as intended throughout the rainy season. Seeding and mulching of the winter cover crop would be completed by September 15 of each year.

### 2.3 PROJECT ALTERNATIVES

CEQA *Guidelines* require EIRs to describe and evaluate a range of reasonable alternatives to a project, or to the location of a project, which would feasibly attain most of the basic project objectives and avoid or substantially lessen significant project impacts. Although there are no significant unmitigable project impacts identified, **Section 5.0** evaluates the potential alternatives to the

Proposed Project. These alternatives include the No Project Alternative, the Reduced Intensity Alternative, and the Increased Water Quality and Sensitive Habitat Protection Alternative (referred to herein as “Water and Habitat Alternative”), which are briefly described below. Refer to **Section 5.0 Alternatives of Volume II** for a complete description:

- Under the No Project Alternative, the property would remain in its existing state as partially-forested with areas of shrubland and grassland. Vineyard would not be developed, timber would not be harvested, and no changes to the property would occur. No ECP, THP, or TCP would be needed.
- Under the Reduced Intensity Alternative, a lesser amount of vineyard would be developed therefore, in general the reduced size would result in a reduction in some environmental impacts. This alternative would result in the planting of vineyard on approximately 6.89 Gross acres of non-timberland on the property. No timber would be harvested as a result of this alternative; therefore, no THP or TCP would be needed. The total gross acreage under this alternative would be 6.89
- Under the Water and Habitat Alternative, approximately 5.35 acres of sensitive habitat would be avoided through a reduction in vineyard acreage. The objective of the Water and Habitat Alternative is to reduce impacts to sensitive habitat and water courses in comparison to the Proposed Project as mitigated by adding buffers and reducing key Oak woodland impacts. The total gross project acreage under this alternative would be 28.45.

A Long-Term Timber Harvest Alternative was eliminated from further consideration in the Draft EIR. This alternative would involve harvesting on portions of the property and replanting seedlings. No vineyard development would occur on the property. The timber harvest area is designed to accommodate the vineyard conversion under the Proposed Project, therefore a larger timber harvest area would occur under the Long-Term Timber Harvest Alternative.

The Selective Long-Term Timber Harvest and Management Alternative would not fully meet the objectives of the project. The harvest of timber over a larger portion of the property would provide short-term economic benefits in the form of increased marketable timber products.

## 2.4 SUMMARY OF ENVIRONMENTAL IMPACTS

A summary of project impacts and proposed mitigation measures that would avoid or minimize potential impacts is provided in **Table 1-1 of Volume II** of this Final EIR. In the table, the level of significance of each environmental impact is indicated both before and after the application of the recommended mitigation measure(s). For detailed discussions of project impacts and mitigation measures, the reader is referred to environmental analysis sections in **Section 4.0 of Volume II** of this Final EIR. Final language of mitigation measures is included in the Mitigation Monitoring and Reporting Program in **Section 5.0 of Volume I** of this Final EIR.

# SECTION 3.0

## COMMENTS ON THE DRAFT EIR

This section lists the written comments that were received during the public review period of the Draft EIR prepared for the Le Colline Vineyard Erosion Control Plan Application (ECPA; # P14-00410-ECPA) (Proposed Project). A Notice of Completion (NOC) for the Draft EIR was circulated through the State Clearinghouse on January 3, 2019. The NOC initiated a 45-day comment period through February 19, 2019. A total of 100 comment letters were received by Napa County in response to the Draft EIR during the comment period. The agencies, organizations, and individuals who provided comments on the Draft EIR are listed in **Table 3-1**. Individual comment letters are provided following this table. As discussed in **Section 1.0**, each individual letter and comment has been provided a number in the right-hand margin. This number is cross-referenced with a specific response in **Section 4.0**. Neither the comments received on the Draft EIR nor the responses thereto indicate new significant impacts or significant new information that would require recirculation of the Draft EIR pursuant to CEQA *Guidelines* Section 15088.5.

**TABLE 3-1**  
PERSONS, ORGANIZATIONS, AND PUBLIC AGENCIES COMMENTING IN WRITING

| Letter # | Agency/Organization                                | Name  | Letter Date |
|----------|--|---|-------------|
| A1       | California Department of Fish and Wildlife         | Gregg Erickson  | 2/14/19     |
| A2       | City of Napa                                       | Steve Potter  | 2/25/19     |
| A3       | Napa County Regional Parks and Open Space District | Brent Randol  | 2/11/19     |
| A4       | Land Trust of Napa County                          | Mike Palladini and Lena Pollastro   | 2/15/19     |
| A5       | California Wildlife Foundation                     | Janet Cobb and Angela Moskow  | 2/19/19     |
| A6       | Center for Biological Diversity                    | Peter Broderick   | 2/25/19     |
| A7       | Sierra Club  | Xulio Soriano, Chris Benz, Annette Krammer, Tony Norris, Tom Clark, Diane Shepp | 2/19/19     |
| A8       | Linda Falls Alliance                               | Kellie Anderson   | 1/2/29      |
| A9       | Linda Falls Alliance                               | Kellie Anderson   | 2/23/19     |
| A10      | Forest Unlimited                                   | Larry Hanson  | Unknown     |
| Letter # | Individual's Name                                  |   | Letter Date |
| I1       | Connie Wilson                                      |   | 1/3/19      |
| I2       | Karen Widmer                                       |   | 1/3/19      |
| I3       | Patrick Davila                                     |   | 1/12/19     |
| I4       | Doug Wilson  |   | 1/17/19     |
| I5       | Nancy Lecourt                                      |   | 2/3/19      |
| I6       | Jodi Brownfield                                    |   | 2/11/19     |
| Letter # | Individual's Name                                  |   | Letter Date |
| I7       | Karen Garcia                                       |   | 2/11/19     |
| I8       | Jason Kishineff                                    |   | 2/11/19     |
| I9       | Michelle Dickson                                   |   | 2/11/19     |

3.0 COMMENTS ON THE DRAFT EIR

|                 |                          |                    |
|-----------------|--------------------------|--------------------|
| I10             | Jayne Forest             | 2/11/19            |
| I11             | P. Pawl                  | 2/12/19            |
| I12             | Lisa Ackerman            | 2/12/19            |
| I13             | Samir Abdalla            | 2/12/19            |
| I14             | Mary Hanson              | 2/13/19            |
| I15             | Marsha Seeley            | 2/13/19            |
| I16             | Amanda Hovey             | 2/14/19            |
| I17             | Carol Young              | 2/14/19            |
| I18             | Tom Belt                 | 2/14/19            |
| I19             | Deborah Leidig           | 2/14/19            |
| I20             | Luke McMullen            | 2/14/19            |
| I21             | Val Wolf                 | 2/14/19            |
| I22             | Donna Morgan             | Unknown            |
| I23             | Marsha Seeley            | 2/15/19            |
| I24             | Tom Belt                 | 2/15/19            |
| I25             | Rodney Hardcastle        | 2/15/19            |
| I26             | John Collins             | 2/15/19            |
| I27             | Beth Mattei              | 2/18/19            |
| I28             | Michelle MacKenzie       | 2/17/19            |
| I29             | Connie Wilson            | 2/17/19            |
| I30             | Ronald Stevens           | 2/18/19            |
| I31             | Stephen Rae              | 2/18/19            |
| I32             | Bill Dyer                | 2/18/19            |
| I33             | Ronald Stevens           | 2/18/19            |
| I34             | Lynn and Carolyn Sanders | 2/20/19            |
| I35             | Mark Anisman             | 2/19/19            |
| I36             | Matthew Reid             | 2/19/19            |
| I37             | Don Carrillo             | 2/18/19            |
| I38             | Don Carrillo             | 2/18/19            |
| I39             | Shaun Solazzo            | 2/19/19            |
| I40             | Ruth Matz                | 2/14/19            |
| I41             | M. Seeley                | 2/19/19            |
| I42             | Nicole Wilson            | 2/19/19            |
| I43             | Pamela Jackson           | 2/19/19            |
| I44             | Edith Torossian          | 2/21/19            |
| I45             | Danna Stevens            | 2/19/19            |
| I46             | Arwen Rose-Stockwell     | 2/21/19            |
| I47             | Carmen Thomas            | 2/21/19            |
| <b>Letter #</b> | <b>Individual's Name</b> | <b>Letter Date</b> |
| I48             | Kelly Decker             | 2/21/19            |
| I49             | Denise DuBois            | 2/21/19            |
| I50             | Kit Long                 | 2/22/19            |
| I51             | Lynnette Garcia          | 2/22/19            |
| I52             | Kathy Wong               | 2/22/19            |
| I53             | Mary Lavine              | 2/22/19            |
| I54             | Cynthia White            | 2/22/19            |
| I55             | Neil Watter              | 2/22/19            |

3.0 COMMENTS ON THE DRAFT EIR

|                 |                                 |                    |
|-----------------|---------------------------------|--------------------|
| I56             | Zita Fekete                     | 2/22/19            |
| I57             | Rebecca Schoenenberger          | 2/23/19            |
| I58             | Dorothy Owen                    | 2/23/19            |
| I59             | Pat Williamson                  | 2/23/19            |
| I60             | Mary Sarumi                     | 2/23/19            |
| I61             | Elaine de Man                   | 9/24/19            |
| I62             | Patricia McCrory                | 2/24/19            |
| I63             | Jan Barley                      | 2/24/19            |
| I64             | Karen Culler                    | 2/24/19            |
| I65             | Barbara Guggia                  | 2/24/19            |
| I66             | Susan French and Richard Arnold | 2/24/19            |
| I67             | Tessa Henry                     | 2/24/19            |
| I68             | Cluney Stagg                    | 2/23/19            |
| I69             | Rally and Lee Tetz              | 2/24/19            |
| I70             | Tom Freeman and Bucky Swisher   | 2/24/19            |
| I71             | Sharon Dellamonica              | 2/24/19            |
| I72             | Wendy Cole                      | 2/24/19            |
| I73             | Darlene Meltzer                 | 2/25/19            |
| I74             | Patricia Damery                 | 2/25/19            |
| I75             | Scott Butler                    | 2/25/19            |
| I76             | Ken Stanton                     | 2/23/19            |
| I77             | Tom Adams                       | 2/25/19            |
| I78             | Charlotte Bear                  | 2/25/19            |
| I79             | Saundra Holloway                | 2/22/19            |
| I80             | Erin Stagg                      | Unknown            |
| I81             | Wayne and Mary Tillay           | 2/25/19            |
| I82             | Geoff Ellsworth                 | 2/25/19            |
| I83             | Veronika Sumbera                | 2/25/19            |
| I84             | Heather Leitch                  | 2/25/19            |
| I85             | R.L. Dunn                       | 2/25/19            |
| I86             | Nancy McCoy-Blotzke             | 2/25/19            |
| I87             | Debby Fortune                   | 2/25/19            |
| I88             | Ellen Sabine                    | 2/25/19            |
| <b>Letter #</b> | <b>Individual's Name</b>        | <b>Letter Date</b> |
| I89             | Margo Kennedy                   | 2/24/19            |
| I90             | Bernadette Brooks               | 2/25/19            |

# **AGENCIES/ORGANIZATIONS**

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COMMENT LETTERS A1-A10



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordella Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



February 14, 2019

Mr. Brian Bordona  
Napa County Planning, Building, and Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94559

Dear Mr. Bordona:

Subject: LeColline Vineyard Conversion Project, #P14-00410-ECPA, Draft Environmental Impact Report, SCH #2016042030, Napa County

The California Department of Fish and Wildlife (CDFW) received a draft Environmental Impact Report (EIR) for the LeColline Vineyard Conversion Plan (Project) from the Napa County Planning, Building, and Environmental Services Department (County) pursuant to the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the draft EIR to inform Napa County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

**CDFW ROLE**

CDFW is a Trustee Agency pursuant to CEQA Section 15386 and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

**REGULATORY REQUIREMENTS**

*California Endangered Species Act*

CESA prohibits unauthorized take of candidate, threatened, and endangered species. Therefore, if "take" or adverse impacts to plants or animals listed under CESA, either during construction or over the life of the Project, a CESA Incidental Take Permit (ITP) must be obtained (pursuant to Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency

A1-01

A1-02



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makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code § 2080.

*Lake and Streambed Alteration Agreement*

CDFW requires an entity to notify CDFW before commencing any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed. Ephemeral and/or intermittent streams and drainages (that are dry for periods of time or only flow during periods of rainfall) are also subject to Fish and Game Code section 1602; and CDFW may require an LSAA with the applicant, pursuant to Section 1600 et seq. of the Fish and Game Code.

Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. The CEQA document should identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement.

CDFW also has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Fully protected species may not be taken or possessed at any time (Fish and Game Code Section 3511). Migratory raptors are also protected under the federal Migratory Bird Treaty Act.

**PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING**

The 92-acre property is located at 300 Cold Springs Road in the Town of Angwin, in northern Napa County within the Conn Creek - Upper Reach and Conn Creek and Main Fork watersheds of the Napa River Basin. The Conn Creek watershed is defined as a sensitive domestic water supply drainage by Napa County as it supports Conn Dam and Lake Hennessey, a municipal water source for the City of Napa. The property contains a wetland in the southwest portion of the Project site and two Class II and thirteen Class III watercourses that flow southwest into Conn Creek. Conn Creek is a Class I watercourse immediately adjacent to the western and southern boundary of the property. Elevations on the Project site range from 1,475 to 1,742 feet above mean sea level, and slopes range from 7 to 29 percent within the Project footprint.

The property consists of 89.84 acres of forestland as defined under Public Resources Code section 12220(g). The forestland consists of approximately 23.43 acres of Mixed Manzanita Alliance, 22.81 acres of Mixed Oak Alliance, approximately 43.02 acres of Douglas-Fir Alliance, and approximately 0.58 acres of Ponderosa Pine Alliance. The remaining approximately 2.16 acres consist of non-timber lands, including approximately 1.01 acres of California Annual Grasslands Alliance, 0.66 acres of Wetland, and 0.49 acres of Rock Outcrop.

The proposed Project involves earthmoving activities on slopes greater than 5 percent in connection with the development of 33.8 gross acres, including 25 net acres of vineyard and one acre of access drives and improvements to the existing dirt trails. Project components

A1-02  
(Cont.)

A1-03

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include 24.51 acres of timber harvest, and 9.29 acres of vegetation removal including grasslands and manzanita. Other activities include earthmoving and grading, ripping, tilling, and rock removal, installation and maintenance of drainage and erosion control features, vineyard planting and harvesting, and ongoing maintenance and operation of vineyards upon completion.

A1-03  
(Cont.)

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the below comments and recommendations to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources.

*Northern Spotted Owl (Strix occidentalis caurina)*

The Biological Resources section of the draft EIR, page 4.4-20, discusses the Project's potential impacts on northern spotted owl (NSO). The draft EIR states that, "the Proposed Project has the potential to impact NSO habitat should it result in the removal of suitable NSO foraging habitat identified within the central Douglas-Fir Alliance and Ponderosa Pine Alliance (Appendix P)." Two historical activity centers (NAP0014 and NAP0028) are within 1.3 miles of the Project site. The Timber Harvest Plan (THP) contains 3 acres of NSO nesting/roosting habitat and 19 acres of NSO foraging habitat, which represents 90 percent of the 24.51 acres of forestland being cleared for vineyard development. According to Appendix G, the nearest habitat for NSO occurs approximately one-mile northeast from the Project site, within the 1.3-mile assessment area. The draft EIR states NSO habitat requirements will be met post-harvest, ongoing protocol surveys will continue, and impacts to NSO would be less-than-significant. Therefore, the draft EIR does not propose mitigation measures to prevent take of NSO and to mitigate for permanent impacts to NSO habitat. Please refer to U.S. Fish and Wildlife Service (USFWS) NSO Attachment B, Take Avoidance Analysis-Interior, revised February 27, 2008, for survey requirements and take avoidance. CDFW has attached a map of known timber harvest activities in NSO habitat in the vicinity of the Project site (Exhibit 1) to assist the County in analyzing current and known upcoming cumulative impacts from other timber harvest plans and exemptions. The Project's contribution to a cumulative impact to NSO habitat loss may require mitigation for the 3 acres of NSO nesting/roosting habitat and 19 acres of NSO foraging habitat proposed for removal by the Project. Finally, if NSO are observed during surveys, CDFW recommends avoiding all Project-related activities within 0.25 miles of active nests during the breeding season from March 15 to August 31.

A1-04

*Special-Status Plants*

Draft EIR, Mitigation Measure 4.4-5 states that populations of Napa false indigo and narrow-anthered California brodiaea will be fenced with no-less-than a 25-foot buffer and pre-construction surveys will be performed to identify additional plant populations should they be found. CDFW agrees that special-status plant populations found on-site during surveys should be avoided during construction activities and recommends that Mitigation Measure 4.4-5 be revised to state that buffer distances will be developed in the field by a qualified botanist.

A1-05

CDFW also recommends that Mitigation Measure 4.4-5 be revised to specify that surveys will be conducted by a qualified botanist following the updated CDFW survey protocol titled, *Protocol for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*, dated March 20, 2018. The survey protocol can be found here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

A1-06

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Additionally, Mitigation Measure 4.4-5 states, "[s]hould additional [plant] populations be identified within the clearing limits, the County shall be contacted to determine the appropriate course of action prior to construction commencement." The statement should be revised to state, "the County and CDFW shall be contacted..."

A1-07

Finally, CDFW recommends using woven drift fencing to protect any special-status plants found during surveys, preventing dust from accumulating on the plants as a result of the construction project and ongoing vineyard activities.

A1-08

*Nesting and Migratory Birds*

Mitigation Measure 4.4-1, states that a pre-construction nesting bird survey shall be conducted no more than 14 days prior to start of ground disturbing activities, but the measure does not specify that surveys will be conducted by a qualified biologist. CDFW recommends revising Mitigation Measure 4.3-2 to include that surveys will be conducted by a qualified biologist. Additionally, CDFW recommends that Mitigation Measure 4.4-1 be revised to state that surveys will be conducted no more than 5 days prior to ground disturbing activities, because this timeline significantly reduces the potential for a bird/raptor to begin nesting on-site between the time of the survey and the start of ground disturbing activities. Bullet 3 can be deleted as pre-construction surveys should be conducted no more than 5 days prior to the start of ground disturbing activities. In addition, under Mitigation Measure 4.4-1, in Bullet 2 for consultation should a nest be identified, and Bullet 5 for survey result submittals, the draft EIR states "Lead Agency, CDFW and/or USFWS." CDFW recommends the "or" should be taken out of that phrase in both sentences as CDFW should be contacted.

A1-09

*Foothill Yellow-legged Frog (Rana boylei) and Coast Range Newt (Taricha torosa torosa)*

There is no mention of foothill yellow-legged frog (FYLF), a California candidate for CESA listing, or Coast Range newt, a California Species of Special Concern, in the draft EIR.

Suitable habitat for these species may occur on the Project site. The characterization of FYLF habitat in Section II of the THP/TCP is inaccurate; FYLF like sunny open shorelines and do not require permanent flowing water. Moreover, these species are known to occur on adjacent parcels. A survey report was provided to The Land Trust of Napa County on April 5, 2014, from Jeff Alvarez of The Wildlife Project (Exhibit 2), stating that Conn Creek appears to be suitable for both FYLF and Coast Range newt. The report states that both aquatic breeding habitat and upland refuge/aestivation habitat are available for these species along nearly all of the 820-meter section of Conn Creek from the intersection of Conn Creek and Howell Mountain Road, downstream to the roof of Linda Falls. A CNDDDB report was provided to CDFW after finding a FYLF on July 30, 2015, in a riparian restoration site along Conn Creek on property owned by the Land Trust of Napa County, adjacent to the LeColline property.

A1-10

CDFW recommends revising the draft EIR to describe FYLF and Coast Range newt life histories, a description of their habitats, survey requirements, and protection measures should either of these species be found on the Project site. If take of FYLF cannot be avoided during Project activities or over the life of the Project, a CESA permit must be obtained pursuant to Fish and Game Code section 2080 *et seq.*



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*Oak Woodland Alliances*

As described in the Biological Resources section, Impact 4.4-5, Mixed Oak Alliance, on page 4.4-40, approximately 7.42 acres of oak woodland would be directly impacted by Project implementation. To mitigate for this loss, the draft EIR requires preservation of oak woodland at a 2:1 ratio, approximately 14.84 acres. The draft EIR states under Impact 4.4-5 that the remaining 15.39 acres outside of the clearing limits would be retained to exceed the minimum 2:1 requirement.

A1-11

Removal of native oak trees that are greater than 15 inches in diameter is a significant impact. Large, old oaks sustain abundant wildlife through acorn production, a high quality and generally copious food supply, as well as having multiple cavities for cavity-dependent nesting birds and other native wildlife species (PRBO, 2002). The proposed mitigation ratio of 2:1 would not offset the loss of habitat because there would be a net loss of oak woodland habitat compared to baseline conditions at the Project site. California has lost more than a third of all oak woodlands since European settlement and oak woodland loss is exacerbated by the relatively new challenge of expanding vineyards (PRBO, 2002). CDFW recommends the draft EIR list the approximate diameter at breast heights for each oak tree that will be removed. Generally, oak saplings take at least 120 years to become 15 inches in diameter (W. Gilbert, PRBO, pers comm). The loss of the oak trees is significant, and CDFW recommends the different species of oak trees be identified and listed, as different oak species have different habitat characteristics and growth rates. Following the clarification of what oak species will be directly impacted, appropriate ratios for adequate mitigation should be developed.

A1-12

Mitigation Measure 4.4-8 would conserve oak woodlands set aside for mitigation from future development via an easement. To address the remaining significant impacts of the Project, CDFW recommends preserving the remaining Mixed Oak Alliance on the property in the form of a conservation easement, and that CDFW be provided with a copy of the conservation easement.

A1-13

*Roosting Bats*

The Biological Resources Section 4.4 of the draft EIR, pages 4.4-20-21, indicates that suitable habitat is present for two special-status bat species: the pallid bat (*Antrozous pallidus*) and Townsend's big-eared bat (*Corynorhinus townsendii*), both California species of special concern. Sunset surveys conducted near the western rock outcrop area detected the general presence of bats, but no specific bat species were identified. Acoustical monitoring was conducted in the vicinity of the western rock outcrop and near five trees with basal hollows in the eastern portion of the property. Townsend's big-eared bat were identified at both locations.

Table 4.4-3 in the draft EIR shows that three trees providing suitable roosting habitat are within the clearing limits of Block E1 and Block D1. Draft EIR Mitigation Measure 4.4-2 on page 4.4-35 states that:

A1-14

The Proposed Project shall be revised to avoid all bat roosting habitat within Block E1 and Block D1 to avoid potential special-status bat habitat located within clearing limits. A minimum 200-foot buffer area measured from the outboard dripline of the roosting trees shall be included in the avoidance area...

Figure 4.4-1 on page 4.4-35 states that, "Proposed avoidance would result in the preservation of 100 percent of the identified roosting habitat on the property."

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Page 6

CDFW agrees that the requirements in Mitigation Measures 4.4-2 are needed to offset a potentially significant impact to special-status bats and roosting habitat. Because the Project will remove approximately 7.42 acres of Mixed Oak Alliance and approximately 16.50 acres of Douglas-Fir Alliance, CDFW recommends additional surveys of habitat in the conversion areas. CDFW recommends replacing Mitigation Measure 4.4-3 with the following mitigation measure to locate and avoid additional trees with bat habitat characteristics:

*A qualified bat expert shall conduct a Bat Habitat Assessment of all trees proposed for removal at least 30 days prior to the start of construction to determine if any trees proposed for removal contain suitable bat roosting habitat (e.g. cavities, crevices, exfoliating bark). If the qualified bat expert identifies any trees proposed for removal containing suitable bat roosting habitat, the Project proponent shall assume presence of roosting bats and all trees proposed for removal containing suitable bat roosting habitat, as determined by the qualified bat expert, shall be removed using the following two-day phased removal method during the below specified seasonal periods of bat activity, to avoid impacting roosting bats:*

A1-14  
(Cont.)

*On day 1, under the supervision of a qualified bat biologist who has documented experience overseeing tree removal using the two-day phased removal method, branches and small limbs **not** containing potential bat roost habitat (e.g. cavities, crevices, exfoliating bark) shall be removed using chainsaws only. On day 2, the next day, the rest of the tree shall be removed.*

*All trees shall be removed during seasonal periods of bat activity: Prior to maternity season – from approximately March 1 (or when night temperatures are above 45°F and when rains have ceased) through April 15 (when females begin to give birth to young); and prior to winter torpor – from September 1 (when young bats are self-sufficiently volant) until about October 15 (before night temperatures fall below 45°F and rains begin).*

Please also note that Fish and Game Code affords protection to all bats as nongame mammals via Code section 4150.

A1-15

*Impacts to On-site Wetlands*

The Executive Summary of the draft EIR includes Table 1-1, Summary of Impacts and Mitigation Measures. Under 4.6, Geology and Soil, in the table, page 1-13, Impact 4.6-3 states, "The Proposed Project does propose the use of septic tanks or alternative wastewater disposal systems as part of the Proposed Project." The table states there will be no impact, and no mitigation is necessary. CDFW was informed in November 2018 that the landowner was digging sample septic system holes at the south end of the wetland area located on the southeast side of the Project site between Block E1 and Block E2. CDFW is concerned about impacts to the wetland associated with a potential wastewater disposal system in this area.

A1-16

During a site visit on January 28, 2019, CDFW observed that wetland plants had been cut back and hydrophytic plants had re-emerged. An area at the south end of the wetland had been disturbed; large wheel marks were visible that had torn into the soil next to where the holes had been dug and the holes are covered with straw. Another recently disturbed area was visible to the west just outside the wetland area under the tree canopy. The Registered Professional Forester stated he did not know the holes had been dug, that they are unrelated to the Project. CDFW recommends that the draft EIR clarify whether a wastewater disposal system is

A1-17

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Page 7

associated with the Project. The ecologically and hydrologically sensitive wetland habitat should be protected, and a septic system or other alternative wastewater disposal system should not be installed in this area.

A1-17  
(Cont.)

*Wildlife Movement*

The LeColline property is located in an area that is a "pinch point" for wildlife habitat movement and migration. There are vineyards with fencing, development, and habitat fragmentation on both the west and east boundaries of the property. Natural wildlands with rich biological diversity from Class I Conn Creek and the Land Trust of Napa County border the LeColline property to the south and southwest. Forestland associated with Pacific Union College (PUC) borders the LeColline property to the north and northeast. The LeColline property provides an uninterrupted forested wildlife corridor leading from south to north where it adjoins approximately 2,000 acres of mostly protected lands, allowing wildlife movement in a south to north direction. In particular, there are multiple indications in the eastern portion of the LeColline property in Blocks E1, E2, and D2 that wildlife are using this area as a corridor: intersecting wildlife trails; scat from bear, bobcat, fox, deer, mountain lion, and other species; sensitive habitat features such as bat roosting trees, raptor perch trees, and drainages; and varied topography for wildlife to forage, hunt, and rest. Development of the eastern portion of the Project site would potentially impede wildlife movement between high quality habitats, which would contribute to habitat fragmentation and a decrease in genetic exchange.

A1-18

Section 4.4, Biological Resources, pages 4.4-8 and 9 under Wildlife Movement, states, "Wildlife movement and high-quality habitat in the vicinity of the property is limited and fragmented by existing vineyards, residences, and roadways..." and, "evidence of distinct continuous natural wildlife corridors was not observed." Draft EIR Section 4.4, Wildlife Movement, page 4.4-8 states, "The property has not been identified as part of a major regional movement corridor (NCCDPD [Napa County Conservation Development, and Planning Department], 2010)." The draft EIR indicates that Conn Creek and the open space area located off-site are likely to support wildlife movement, with a permanent water source and dense tree canopy, but that the steep slopes of Conn Creek prevent wildlife from accessing the Project site. The draft EIR states a portion of Block E1 may allow for wildlife movement, but "continuous wildlife movement and high-quality habitat in the vicinity of the property is otherwise fragmented." to the north end of the property that leads to 2,000 acres of forested lands continuing north, northeast and northwest. Most lands to the north of the PUC are permanently protected, i.e., PUC conservation easement, Land Trust of Napa County conservation easements and preserves. Also included is the 700-acre McAllister non-industrial timber management plan that has not been harvested since the 1960s and is undeveloped wildland other than a 7-acre site of family ranch buildings. The PUC corridor was continuously forested, with multiple intersecting wildlife trails, evidence of scat, bear scratching, and a tree showing buck rub. Crossing Cold Springs Road and further up the corridor, College Avenue, and later Highland Road has not restricted wildlife movement with clearly outlined trails on both sides of each road with large habitat patches between the crossings for species to rest. The distance between the Land Trust of Napa County and the north end of the PUC can be accomplished in a single dispersal event for larger wildlife, and includes areas for larger wildlife to rest for a few days and for smaller species, such as bobcats and fox, to use as a live-in corridor.

A1-19

Vineyards with wildlife fencing, homes, and other fragmented habitat occurring to the east and west of the Project site limit wildlife species from east-west movement. The LeColline property

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provides a south-north connectivity linkage between high quality habitats. Based on findings from site visits, data provided by The Land Trust of Napa County, and verification of connectivity through the forested lands of the PUC, CDFW is concerned that conversion of Blocks E1, E2, and D2 would significantly limit wildlife movement.

To address the potentially significant impact to wildlife movement, the draft EIR includes Mitigation Measure 4.4-7. Mitigation Measure 4.4-7 requires revision of the Project design to provide a minimum 100-foot wildlife corridor between Blocks D1 and E and increasing the width of the corridor between Blocks E1 and E2. Mitigation Measure 4.4-7 does not state what the width between Blocks E1 and E2 would be, it states, "proposed vineyard blocks shall be fenced individually or in small clusters, with corridors of no less than 100 feet in width." Please clarify which blocks are to be included in "small clusters," and provide a clear definition for this term. CDFW recommends areas between vineyard blocks, including Blocks D1 and E1, and Blocks E1 and E2, retain native habitat for wildlife, including trees and understory vegetation to provide protective cover.

A1-19  
(Cont.)

The 70- or 100-foot buffers between vineyard Blocks E1, E2 and D2 are likely to be inadequate because wildlife species will avoid these areas constrained by barriers on either side, with continued human disturbances. Section 6.1, Cumulative Impacts, page 6-15, states, "...one 70-foot opening between vineyard blocks will be maintained to allow wildlife to access the wetland." This wetland area is between Blocks E1 and E2 and existing conditions of wildlife movement to and beyond the wetland would be impacted as wildlife passing between the blocks would have no protection from edge disturbance. During construction, the Project would include vibration from trucks and trees being felled. Noise effects from trucks, tree felling, and human sounds, and dust from vehicles and trees being pulled out are likely to prevent wildlife from utilizing the corridors. Following construction, vineyard operations would continue to create impacts to wildlife movement by noise effects from trucks and other vehicles, human voices, and disturbances related to storage and/or staging areas. Other potential impacts to wildlife include an increase in dust and artificial lighting, potential chemical pollution, increased nest predation, and introduction of invasive species. Even highly mobile animals will avoid movement through altered habitat (Machtans et al. 1996), and local extinctions can occur through failure to connect small populations (e.g., Beier 1993).

A1-20

To comply with CEQA's mandates, the lead agency has three options when finalizing the draft EIR: it may apply additional mitigation measures that avoid or reduce potentially significant impacts to a less-than-significant level, approve a Project alternative that would result in lesser impacts, or adopt of a Statement of Overriding Considerations. While Measure 4.4-7 would reduce Project-related impacts, impacts would remain significant after application of Mitigation Measure 4.4-7 because the remaining habitat for wildlife between vineyard blocks would have been reduced to low integrity and wildlife would not be protected from edge effects. Functional connectivity for wildlife species to pass through will have been impeded, thereby cutting off the existing wildlife movement corridor and contributing to potential loss of genetic flow.

A1-21

Given the above, modification of Measure 4.4-7 is unlikely to reduce impacts to a less-than-significant level; however, the alternatives analysis of the draft EIR includes an alternative – the "Increased Water Quality and Sensitive Habitat Protection Alternative" - that would avoid Project-related impacts by retaining the wildlife connectivity corridor in Blocks E1, E2, and D2. As stated in the draft EIR, Section 5, page 5-12, "the Increased Water Quality and Sensitive



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Habitat Protection Alternative is the most environmentally superior alternative." This alternative would allow development of approximately 19.96 acres of vineyard but would avoid areas with higher levels of biological value than the Proposed Project. As a result, this Alternative would result in increased protection of sensitive habitats and water quality, reduced impacts to oak woodlands and timberland areas, reduced erosion and sedimentation, increased stream setbacks, and greater wildlife movement. This Alternative protects the wildlife corridor between the Land Trust of Napa County and the PUC by preserving Blocks E1, E2, and D2 from development. For these reasons, CDFW recommends adoption of the Increased Water Quality and Sensitive Habitat Protection Alternative rather than the Proposed Plan. CDFW further recommends a conservation easement be placed over this portion of the LeColline property to protect the wildlife movement corridor in perpetuity.

A1-21  
(Cont.)

*Fencing*

To avoid impacts to wildlife movement and passage through the property, on page 4.4-39, and in Appendix B, of the Erosion Control Plan, the draft EIR asserts that wildlife exclusion fencing will be installed around proposed vineyard blocks with 6-inch openings near the bottom to allow small animals to pass through, and unfenced corridors between proposed vineyard blocks throughout the property, especially nearest to Conn Creek, could be traversed by larger wildlife species. CDFW recommends limiting fencing on the LeColline property to vineyard blocks and around the residence area, thereby continuing to provide movement for wildlife as supported by the Napa County General Plan.

A1-22

Fencing can be hazardous to wildlife causing entanglement and mortality (van der Ree 1999, Stuart et al., 2001, Harrington and Conover 2006). The Erosion Control Plan, Appendix B of the draft EIR, states that wildlife fencing shall be six feet minimum wire mesh. Ideal wildlife exclusion fencing should be at least seven to eight feet high to successfully keep out large wildlife such as deer and bear, and be made of woven wire with large enough caging that allows smaller wildlife to pass through unharmed. Barbed wire should never be used for wildlife exclusion fencing because wildlife can get entangled in such material and suffer serious harm, potentially resulting in mortality.

*Erosion Control Devices*

Erosion control devices can have a direct impact on wildlife (e.g. reptiles and amphibians). CDFW has documented several cases of wildlife becoming entangled in erosion control devices containing plastic monofilament (e.g. typical straw wattles). The Erosion Control Plan, Appendix B of the draft EIR, includes installation of fiber rolls for the Project. The Erosion Control Plan should specify that all erosion control devices should be composed of a biodegradable material, e.g., coir logs or coconut fiber blankets and that no plastic monofilament will be used in erosion control devices.

A1-23

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting->

A1-24



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[Data#44524420-pdf-field-survey-form](#). The completed form can be mailed electronically to CNDDDB at the following email address: [cnddb@wildlife.ca.gov](mailto:cnddb@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

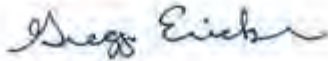
A1-24  
(Cont.)

**CONCLUSION**

CDFW appreciates the opportunity to provide comments on the draft EIR for the proposed Project and is available to meet with you to further discuss our concerns. If you have any questions, please contact Ms. Jeanne Wetzel Chinn, Environmental Scientist, at (707) 576-2793 or [jeanne.chinn@wildlife.ca.gov](mailto:jeanne.chinn@wildlife.ca.gov); or Ms. Randi Adair, Senior Environmental Scientist (Supervisory), at (707) 576-2786 or [randi.adair@wildlife.ca.gov](mailto:randi.adair@wildlife.ca.gov).

A1-25

Sincerely,



Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse No. 016042030

**REFERENCES**

- Beier, P. 1993. Determining minimum habitat areas and habitat corridors for cougars. *Conservation Biology* 7:94-108.
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- van der Ree, R. 1999. Barbed wire fencing as a hazard for wildlife. *The Victorian Naturalist* 116:210-217.
- W. Gilbert, PRBO, pers comm with CDFW, January 13, 2019.

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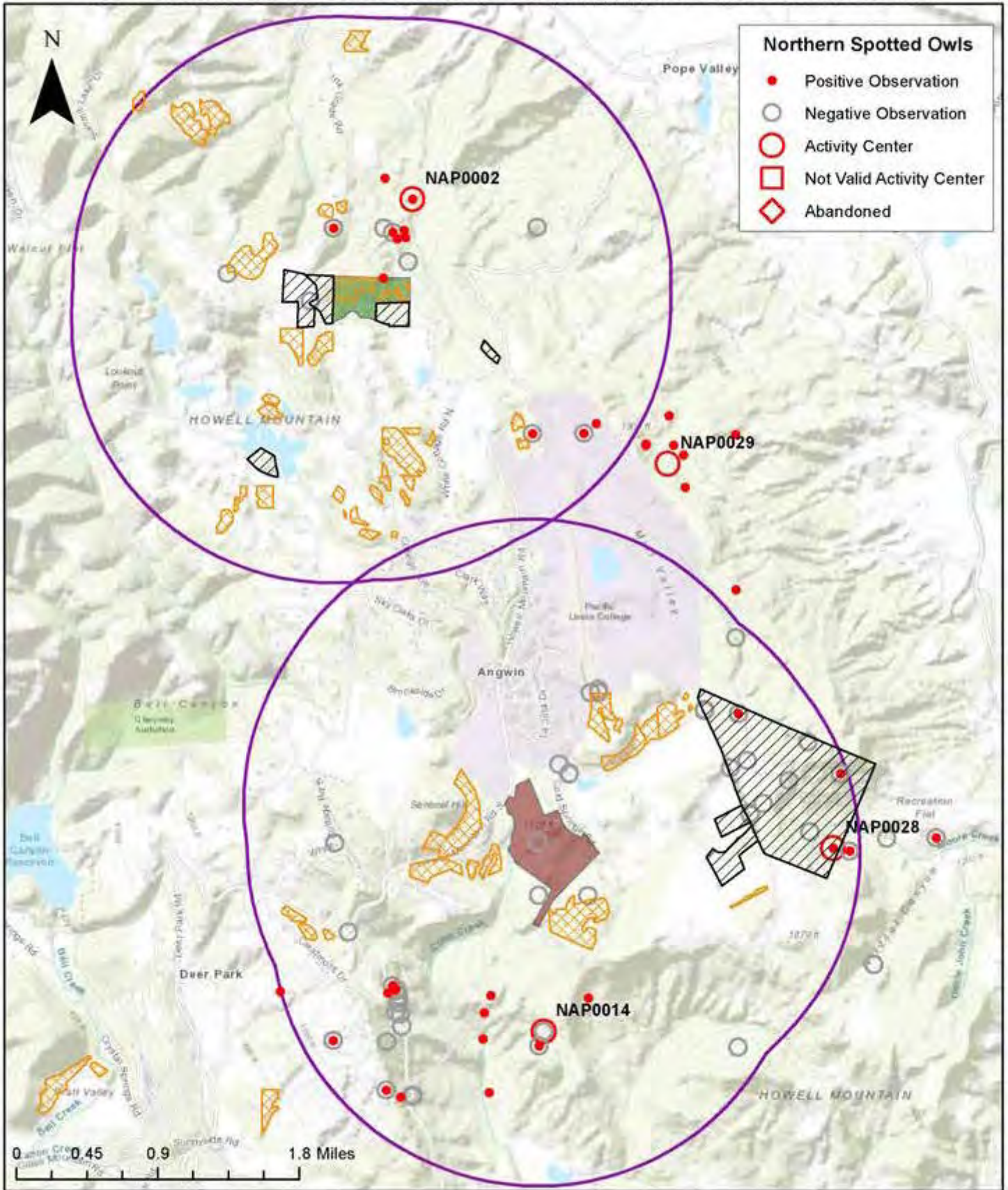
## EXHIBITS

- Exhibit 1. NSO Habitat Within 1.3 Miles of Le Colline and Ciminelli Timber Conversions
- Exhibit 2. "Habitat Assessment and Survey for Foothill-yellow Legged frog and Western Pond Turtle on Conn Creek, Napa County, CA", memorandum provided to The Land Trust of Napa County on April 5, 2014, by Jeff Alvarez of The Wildlife Project
- Exhibit 3. Email from Quinton Martins, PhD, Principal Investigator of Living with Lions, documenting field visit to assess wildlife connectivity at Pacific Union College and in the vicinity of the Project site
- Exhibit 4. Email from Mike Palladini, Napa County Land Trust, providing data from the Trust's "Wildlife Picture Index" research project and other information on wildlife connectivity in the vicinity of Trust lands
- Exhibit 5. Email from Peter Lecourt, MS, Forest Manager for Pacific Union College, documenting field visit to assess wildlife connectivity at Pacific Union College and in the vicinity of the Project site



# Comment Letter A1

## NSO Within 1.3 Miles of Le Colline and Ciminelli Timber Conversions



- Le Colline Property Boundary (1-16-079 NAP)
- Ciminelli Property Boundary (1-16-044 NAP)
- Timber Harvest Conversion Plans (as of April 2018)
- Less Than 3 Acre Conversion Exemptions (as of Feb 2019)
- 1.3 Mile Buffer





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05 April 2014

Michael Palladini  
Land Stewardship Manager  
The Land Trust of Napa County  
1700 Soscol Avenue, Suite 20  
Napa, CA 94559

Re: Habitat assessment and survey for Foothill-yellow legged frog and Western pond turtle on  
Conn Creek, Napa County, CA

Dear Mike,

As requested, I conducted a site assessment and wildlife survey for foothill yellow-legged frog (*Rana boylei*) and Western pond turtle (*Actinemys marmorata*). Although the focus of the surveys included these two special-status amphibians, I did make every attempt to determine if other special-status species were extant along the section of creek on which you requested the survey. The proposed project, as planned, includes the removal of non-native vegetation and the planting of native flora in select locations. As proposed, vegetation would be removed by hand or hand tools and stacked up to 20 meters upslope of the creek. New plant material would be installed by hand in selected areas.

The study area that was surveyed ran from the intersection of Conn Creek and Howell Mountain Road, downstream 820 meters to the roof of Linda falls. The surrounding habitat was predominantly a mix of coniferous evergreen and broadleaf deciduous forest with large representative specimens of Douglas fir (*Pseudotsuga menziesii*), ponderosa pine (*Pinus ponderosae*), white alder (*Alnus rhombifolia*), and leather oak (*Quercus durata*), with an understory of native and non-native shrubbery, including poison oak (*Toxicodendron diversilobum*), spice bush (*Calacanthus occidentalis*), Himalayan blackberry (*Rubus armeniacus*), and periwinkle (*Vinca minor*) (Figure 1). The overall morphology of Conn Creek in this region appeared to be relatively stable with a restricted flood plain. Bedrock, large boulder, and cobble made up to majority of the banks, which were overlain with shallow soils and abundant vegetation. The gradient of the creek ranged from steep to gentle, with the majority of this section of the creek made up of cascading pools that quickly transitioned to riffles, runs and

glides (Figure 1). Slow moving pools were nearly absent. Creek depth and width appeared to be expanded by recent rains but likely ranged from approximately 1 to 3 meter wide and likely 0/5 meters deep on average, with few pools exceeding 1 meter deep.

Surveys were conducted on foot along the majority of the section of creek. Due to inaccessible sections along deeply incised bedrock or boulder, three sections were observed from an upstream vantage point. Binoculars were used when needed, to look both upstream and downstream, for target species.

Although no special-status species were detected during the habitat assessment and wildlife surveys, the current condition of the habitat along Conn Creek was assessed for species that are extant in the region. The current conditions of the creek suggest a low to very low level of suitability for western pond turtle. Although this species could use this section of Conn Creek for dispersal, micro habitat available, including steep gradients, absence of appropriate pool habitat, and a nearly closed canopy forest limit the suitability of the site to long-term use by western pond turtle. The site, however, does appear to be highly suitable for both foothill yellow-legged frog and Coast Range newt (*Taricha torosa torosa*), which are both California Species of Concern (Stebbins, 2003. Western Amphibians and Reptiles; Jennings and Hayes, 1994. Amphibian and reptile species of concern in California). Both aquatic breeding habitat and upland refuge/estivation habitat are available for these species along nearly all of the 820 m section of the creek.

Based on the proposed actions that comprise the projects various aspects (i.e., hand clearing vegetation, piling cuttings, installing native plants with hand tools), the implementation of minor recommendations should greatly reduce or eliminate the potential for mortality of these species.

- Avoid actively working on the site or accessing the site with large numbers of workers following rain events. Whenever practicable, allow 3 days of rest following rain event before the resumption of activity on the site. This amount of time should allow special-status amphibians to move into or away from aquatic breeding sites following rain events.
- To the greatest extent possible, avoid burning piles of cuttings or other vegetation stored or piled along Conn Creek. The Coast Range newt will likely utilize vegetation piles for refuge or estivation. Therefore, allow piles to naturally degrade in place, without disturbance.
- Avoid allowing excessive debris and vegetative material to enter, be dumped or placed into, or become mobilized during rain events and high water flows such that it can enter Conn Creek.
- Whenever possible, allow native woody debris and natural piles of vegetation to remain in place during and after vegetation removal.
- If required, minimize artificial irrigation. If supplemental watering is required, irrigate only the area immediately surrounding newly installed plants. Avoid the use of

## Comment Letter A1

pesticides and fertilizers within 100 m of Conn Creek.

- If special-status amphibians or reptile are encountered, allow the animal to seek a natural refuge or to leave the immediate area under its own power. Do not handle, move, hydrate, feed, or water any native reptile or amphibian encountered during the course of the work described above.

Based on our conversation, I believe that the recommendations suggested here were completely acceptable to you for the proposed work. I would assume, given that the recommendations were followed, that disturbance to special-status reptiles and amphibians would be minimal, if any.

Regards,

*Original signed*

Jeff Alvarez

Figure 1. Typical section of Conn Creek within the survey area. Note that the survey was conducted during a rain event and water levels were unusually high and more turbid than normal.





**Chinn, Jeanne@Wildlife**

---

**From:** Quinton Martins <quinton.martins@egret.org>  
**Sent:** Sunday, February 3, 2019 1:56 PM  
**To:** Chinn, Jeanne@Wildlife  
**Subject:** Re: LeColline property visit

Dear Jeanne,

Thank you for the opportunity to accompany you to view the LeColline property and surrounding area on the 28th January.

Having walked the areas around and north/north east of the Pacific Union College (PUC), as well as the eastern portion of the LeColline property, it is of my opinion that every effort be taken to maintain the existing ecological structure and integrity of the area south of the "triangle" at PUC. The area between Cold Springs Rd and Howell Mountain Rd stands out as a crucial "edge" and pivotal link between the most likely narrow corridor heading north beyond the PUC. Edge effects have been well recognized as key threats to wildlife populations, particularly for ranging species like mountain lions or bears (Baur & Erhardt, 1995; Woodroffe & Ginsberg, 1998). Further fragmentation of the area proposed for development will likely increase the threat to wildlife in this area.

The site visit on the LeColline property, including the areas that are proposed to be turned into vineyard Blocks E1 and E2, exhibited significant evidence of wildlife movement, including amongst others, skunk, deer, racoon, bobcat and bear. The presence of permanent water, varying topography and multiple drainages, as well as a prominent ecotone border with chaparral to north, and the protected Land Trust of Napa County property adjoining to the south, make this ideal habitat where high faunal diversity would be expected. Perturbation of this area will in all likely events cut off the connection to the North.

Best wishes,

Quinton

Quinton Martins, PhD / Principal Investigator / Living with Lions

<https://egret.org/living-with-lions>

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**Chinn, Jeanne@Wildlife**

---

**From:** Mike Palladini <mike@napalandtrust.org>  
**Sent:** Friday, February 1, 2019 1:24 PM  
**To:** Chinn, Jeanne@Wildlife  
**Subject:** RE: Protecting Wildlife Connectivity Linkages for Napa County  
**Attachments:** Howell Mtn Area Protected Lands.jpg

Hello Jeanne,

We now have two years of data from our 20km<sup>2</sup> Wildlife Picture Index (WPI) project on our Dunn-Wildlake and Duff Preserves in this area. These preserves comprise about 4,100 acres of a 22,000+ acre protected natural area that also includes State Parks, State Lands Commission, BLM and other private conservation lands. In addition to having healthy richness and abundance of terrestrial mammal species in general, our first two years of WPI data indicate that we have among the highest bear abundance in the SF Bay region (derived from occupancy estimates and based on comparisons with other WPI grid/ project data). We've also acquired the first confirmed wildlife camera documentation (as far as we are aware) of ringtail in the SF Bay Region. In short, this appears to be a really important area for wildlife. Unfortunately, the WPI project also means we are currently maxed out on our capacity to deploy, maintain and process images from camera traps without additional assistance.

I served on the steering committee for the Mayacamas to Berryessa Landscape Connectivity project (project report abstract below). The project's spatial modelling confirms that there are a number of important linkages/corridors both for structural and climate connectivity running between the Mount Saint Helena area and the Mayacamas Range, Napa Range and Berryessa Snow Mountain National Monument. These corridors are threatened in that they are being reduced/fragmented by development to the point where their long-term functionality is in jeopardy.

We are in the fifth year of our Linda Falls Preserve/Conn Creek riparian restoration project immediately adjacent to the proposed development site. Working under a CDFW 1600 permit, we have been removing invasive species in the Alder-Bay-Maple riparian plant community understory, and actively reestablishing native plants in previously invaded areas (we have now planted close to 5,000 plants of 25 native species propagated from material collected with the restoration area).

Please refer to the foothill yellow-legged frog observations (confirmed documentation) and related surveys from the Linda Falls Preserve we previously provided CDFW.

I've attached a basic maps showing existing protected lands in the focal area.

I hope this helps to illustrate the conservation values and importance of retaining connectivity in the area.

Best,

Mike

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**From:** Chinn, Jeanne@Wildlife <Jeanne.Chinn@wildlife.ca.gov>  
**Sent:** Tuesday, January 29, 2019 11:12 AM  
**To:** Mike Palladini <mike@napalandtrust.org>  
**Subject:** Protecting Wildlife Connectivity Linkages for Napa County

Hi Mike,

It was good to talk with you about the Land Trust of Napa County, and work being done to document, map, and protect connectivity linkages for wildlife. I'm the CDFW representative on the LeColline property Timber Harvest-Conversion

## Comment Letter A1

Plan just north and adjacent to the Land Trust. I would appreciate your providing information you have on conserved lands and linkages in Napa county, especially in the area of the LeColline and Land Trust properties, that I can include in my analysis and review of the Draft Environmental Impact Report (DEIR) for this property.

Thank you,  
Jeanne

Jeanne Wetzel Chinn, MS  
California Department of Fish and Wildlife  
Timber Conservation Program  
[Jeanne.Chinn@wildlife.ca.gov](mailto:Jeanne.Chinn@wildlife.ca.gov)  
707-576-2793  
2825 Cordelia Rd, Suite 100  
Fairfield, CA 94534 (for mail)

**Chinn, Jeanne@Wildlife**

---

**From:** Peter Lecourt <plecourt@puc.edu>  
**Sent:** Friday, February 8, 2019 12:22 PM  
**To:** Chinn, Jeanne@Wildlife  
**Subject:** Recap of CDFW visit to Pacific Union College

Dear Jeanne,

Recapping our visit earlier this week, I very much enjoyed taking CDFW staff on a tour of lands owned by Pacific Union College (aka PUC: visit was on February 4, 2019 in Angwin, California) to look at how wildlife are currently moving through our land. From my perspective, there is a good sized corridor through our forested land near campus for wildlife to move in a corridor of forest cover through PUC on a south-north axis. We began our hike north through woods owned by PUC from the intersection of Cold Springs Road and Las Posadas Road (85 Cold Springs Road), and along the way we observed numerous pieces of evidence of wildlife use of the corridor (being wildlife trails, scat, claw marks on trees, etc...). This corridor allows for movement between forested lands in the south in and near the Linda Falls Preserve to forested lands in the north, including the 856 acre PUC Forest Conservation Easement, an additional ~250 acres of forested land owned by PUC (currently in play to be a second PUC conservation easement), the ~700 acre forested "Timberlane Ranch" property (1-11NTMP-008 NAP), other private forested lands, and several Land Trust of Napa County preserves and conservation easements.

The largest funder for our conservation easement was the California Wildlife Conservation Board, so promoting the use of PUC's forested lands for wildlife is important to me as PUC's Forest Manager. PUC is in a position where we plan to retain our land and our forest cover, and we have no plans to convert the corridor through our land from forest cover to another land use, nor to put up fencing that could block the path of wildlife through our land.

Please let me know if I can be of further assistance for you to examine how wildlife are using PUC's land to live, move, and prosper.

Cheers,

Peter Lecourt, M.S.  
Forest Manager  
Pacific Union College  
[plecourt@puc.edu](mailto:plecourt@puc.edu)  
(707) 965-7635



February 25, 2019

Mr. Brian Bordona  
County of Napa  
Planning, Building & Environmental Sciences  
1195 Third Street, Room 210  
Napa, CA 94559-3092

Re: Le Colline LLC Vineyard Conversion (P14-00410-ECPA)  
Assessor's Parcel: 024-300-071,072,073 & 024-340-001

Dear Mr. Bordona:

The City of Napa is a public water supplier that owns and operates Lake Hennessey, which is the main source of water supply to serve homes and businesses, provide fire protection, and to meet other needs of more than 86,000 people throughout Napa Valley. The proposed Project is located in the upper reach of Conn Creek near Angwin. Conn Creek is the largest tributary that contributes to Lake Hennessey.

Staff submitted a comment letter on the proposed Project to the County dated July 29, 2015 requesting that water quality analyses be performed during the rainy season to confirm the effectiveness of the erosion control plans given that the project drains to a municipal drinking water source of supply. The Draft Environmental Impact Report (DEIR) for the Project concludes that there are no impacts to surface water quality but does not require any water quality sampling and analyses. However, the Project Applicant has submitted a letter to the County requesting a change in the project description to include water quality sampling and analysis. The addition of a sampling and analysis plan to the Project by the Applicant, as outlined in the attached letter to the County dated February 25, 2019, satisfies the City's request.

The City appreciates the Applicant and the County working cooperatively to address the City's request for water quality sampling and analysis associated with the Project. The City is looking forward to partnering with the County in the near future on a joint water quality sampling and analysis plan that will study the watersheds as a whole.

Respectfully,



Steve Potter  
City Manager

Enclosure

cc: Michael Barrett, City Attorney  
Phil Brun, Utilities Director  
Joy Eldredge, Deputy Utilities Director

A2-01





REVISED PROJECT REVISION STATEMENT

TO: Brian Bordena
FROM: Thomas Adams
RE: Revision No. 2 of Erosion Control Plan #P14-00410-ECPA
DATE: February 25, 2019

LE COLLINE, LLC
Agricultural Erosion Control Plan #P14-00410-ECPA

I hereby revise the project description for the proposed 25 net acres of vineyard in the Agricultural Erosion Control Plan #P14-00410-ECPA for Le Colline, LLC (the "ECP" or "Project"), located at 300 Cold Springs Road, Angwin; Assessor's Parcel Nos. 024-300-070, 024-300-071, 024-300-072, and 024-340-001 (the "Property") to include the attached Water Quality Sampling Program ("Sampling Program"). See Exhibit No. 1.

Le Colline has submitted the ECP application to the County. The ECP, if approved by the County, will enable Le Colline to establish a vineyard on the Property. The County has prepared a draft Environmental Impact Report ("DEIR") evaluating the impacts of the Project. This DEIR concludes that the Project will not have any significant impacts, and is consistent with County General Plan Policies applicable to vineyard development. Among other things, the DEIR concludes the Project will not have a significant impact on surface water quality.

Despite this, Le Colline has agreed to perform water quality monitoring on the Property if the ECP is approved by the County. Le Colline has agreed to perform this monitoring as a means of providing information to the City as part of its ongoing efforts to collect water quality information.

The attached Sampling Program is hereby made a part of the Project and will be implemented upon approval of the ECP by Le Colline, LLC and its successors. The Sampling Program is not intended to address any significant environmental impacts associated with the Project.

[Handwritten Signature] MANAGER, Le Colline, LLC

Le Colline LLC, c/o David DiCesaris
(Property Owner)

2-25-19

Date

EXHIBIT NO. 1

**Sampling and Analyses Plan for Le Colline LLC Vineyard Conversion Project**

In order for the property owner of the Le Colline LLC Vineyard Conversion (P14-00410-ECPA) Project "Project" to provide water quality information to City of Napa ("City") regarding water supply in Lake Hennessey, samples of the adjacent Conn Creek shall be analyzed both upstream and downstream of the Project outfalls as described below.

At owner's expense, the samples shall be analyzed at minimum for the following parameters:

---

|                      |  |
|----------------------|--|
| Stream discharge     | Total Kjeldahl nitrogen (organic N + ammonia + ammonium) |
| Water temperature    | Soluble Kjeldahl nitrogen                                |
| Air temperature      | Nitrate + nitrite  |
| Specific conductance | Ammonia, Ammonium  |
| Dissolved Oxygen     | Total phosphorus   |
| Turbidity            | Orthophosphate   |
|                      | Total organic carbon                                     |
|                      | Dissolved organic carbon                                 |
|                      | Total suspended solids                                   |
|                      | Total dissolved solids                                   |
|                      | Total volatile suspended solids                          |
|                      | Carbonaceous biochemical oxygen demand (CBOD5)           |
|                      | Sulfate  |
|                      | Chloride   |
|                      | Total hardness   |
|                      | Alkalinity   |
|                      | Calcium  |
|                      | Pesticides and Herbicides*                               |

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\* If pesticides or herbicides are applied on the site, then one sample above and below the Project site will be taken and analyzed for pesticides/herbicides following the first rain event during the winter. The sampling will be representative of a readily-identifiable constituent of the pesticide/herbicide applications. If no pesticides nor herbicides are applied, then analyses for said constituents are not required.

**Frequency.** One sample event indicates a sample is gathered at both the upstream and downstream locations. Samples shall be collected as follows:

- Within the first 48 hours after the first significant rain event of the wet season (Oct 1 – April 30.)
- Within 48 hours of at least one major storm event. A major event is defined as 1-inch or more of rain within a 24-hour period.
- Once every two months (bimonthly) for the rainy period from Dec 1 – May 1 (so long as creek flow is sufficient to grab a sample.) The two samples described above may qualify as a bimonthly sample event.

Sampling and analysis required by this plan shall commence when construction activities begin and shall end 2 years after all improvements and plantings have been completed. Upon completion of sampling and analysis requirements, the owner shall grant the City- a right of entry to the sampling sites to allow the City to continue using the sites to monitor water quality long term.

**Location.** Upstream of the project site and downstream of the outfall and runoff area of the project site. See Exhibit A for sampling locations. Sampling locations identified in Exhibit A shall not change unless agreed to by both the City and the property owner.

### **Sampling and Analysis.**

Sampling and analysis shall be performed by either City staff or through a third-party entity under contract with the City. Owner shall pay all costs of sampling and analysis and shall enter into a contract with the City to establish payment terms and conditions. Owner and City shall coordinate sampling events and property access, including reasonable advanced notice to owner prior to accessing the property. Owner shall provide free and clear access to sampling sites as agreed upon with the City. Analyses must be performed at an ELAP-certified laboratory and include the chain of custody. Results shall be provided to owner within 30 days of samples being gathered.

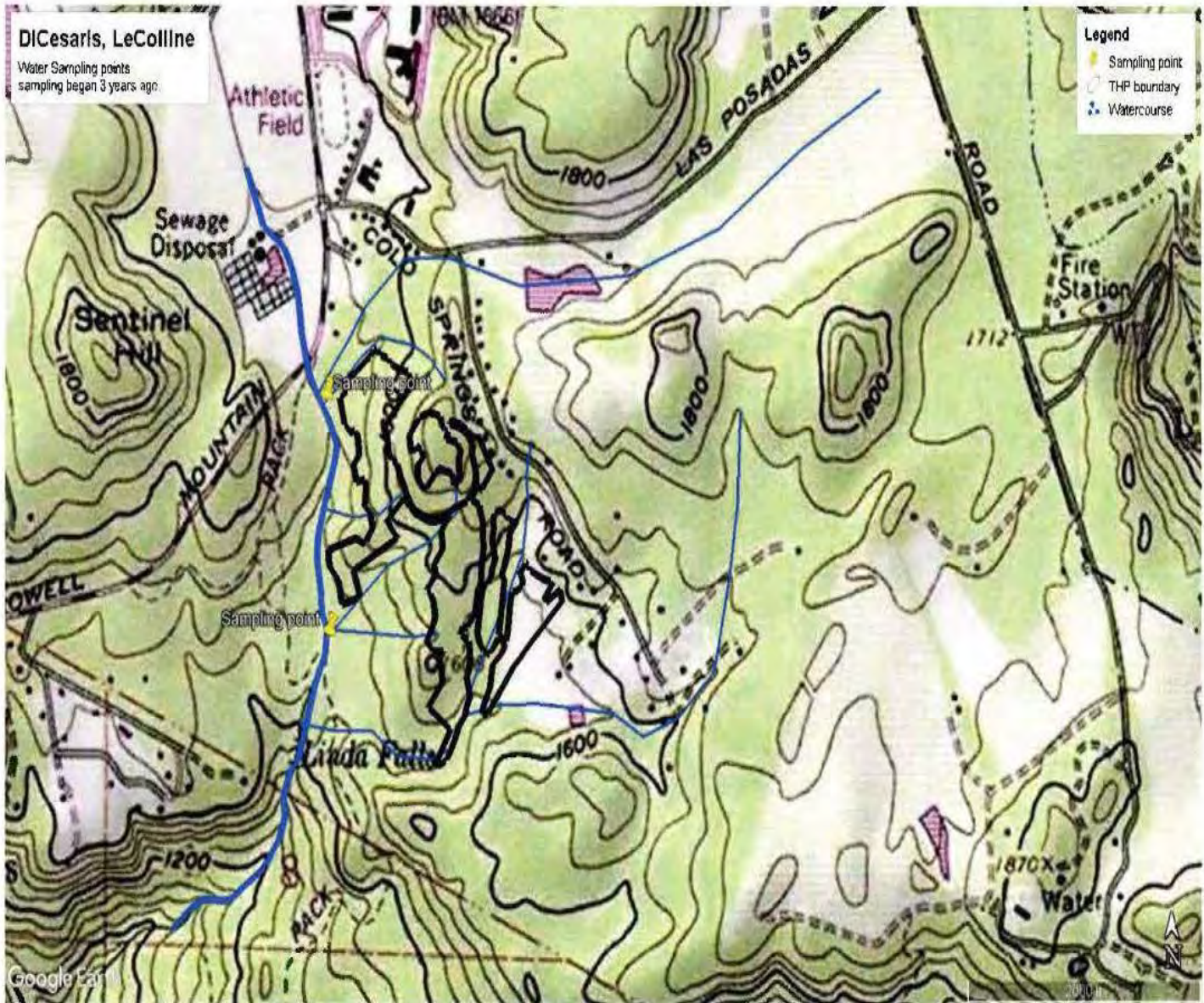
**Corrective Actions.** If analyses indicate constituents are elevated downstream of the Project when compared to upstream, the owner shall examine the BMPs it is implementing to control discharge of constituents from the Project site. They shall try to identify the actual or suspected cause of the elevated constituent(s) and shall either modify relevant BMPs or add one or more new BMPs in order to eliminate the cause of the elevated constituent(s). Owner shall make every effort to complete the BMP review within 72 hours of notification of the elevated constituent.

Owner shall provide the City Water Division with a Corrective Action Memorandum describing its BMP review and modification(s) within 30 days after receiving a sample test result with elevated constituent(s). Sampling and analyses will be extended until consecutive annual sets of monitoring data show no elevated levels of constituents.

If unexpected site discharge due to over irrigation, production of agricultural tailwater or site run-off caused for any reason other than natural rainfall is observed in otherwise dry/non-discharge period (typically May – October), immediate monitoring of such discharge must commence.



EXHIBIT A







**NAPA COUNTY REGIONAL PARK &  
OPEN SPACE DISTRICT**

Karen Bower Turjanis  
*Director Ward One*

Tony Norris  
*Director Ward Two*

Brent Randol  
*Director Ward Three*

Dave Finigan  
*Director Ward Four*

Barry Christian  
*Director Ward Five*

February 11, 2019

David Morrison  
Director, Planning, Building and Environmental Services Division  
County of Napa  
1195 Third Street, Second Floor  
Napa, CA 94559

RE: Le Colline Vineyard Project Draft Environmental Impact Report

Director Morrison:

I am writing on behalf of the Napa County Regional Park and Open Space District Board of Directors to help inform the review process for the above-referenced project. Our District holds a conservation easement over the adjacent 176 acre Linda Falls property. The Land Trust of Napa County is the owner of Linda Falls, the property having been donated to the land trust by the former owners with the goal of permanently preserving this uniquely beautiful landscape.

As a special district focused on preserving open space resources through public acquisition of fee title ownership or conservation easements, we do not have land use regulatory authority other than on lands we own. Instead, we follow the General Plan, Zoning and other land use regulations adopted by the County of Napa, or the cities within in the county, as the case may be.

That said, given our property interest over the adjacent Linda Falls, and our knowledge of conservation and ecological functions, we would like to convey several observations:

- (a) The County General Plan and Conservation Regulations contain many policies that encourage and support agriculture. They also contain many policies designed to protect natural resources and wildlife habitat. The challenge with any development proposal is to balance these sometime complementary and sometimes competing policies. The project as proposed does not from our perspective strike the best balance, and thus has adverse impacts that could be avoided if the project were redesigned.

A3-01

A3-02

(b) Size and Shape Matter. Conservation biology research consistently shows that larger habitat areas function better than smaller isolated areas, that narrow constricted corridors offer only limited habitat benefits, and that the location and layout of the edges between developed and undeveloped areas are particularly important. The efficiency of agricultural operations is similarly affected by size and shape. Long, narrow vineyard blocks are expensive to operate, and provide diminished production per area developed because of increased edge effects (shading of vines, depredation of vines and fruit by mice and other wildlife, etc) and the need to set aside more of the converted land for vehicular access and turnaround areas. The project as proposed includes long narrow fingers of development that are neither ideal for habitat health nor agricultural efficiency.

A3-03

(c) The Environmentally Superior Alternative presented in the Draft EIR is significantly superior to the project as proposed. Creek setbacks are increased and known special status species are given greater protection. The deletion of proposed Vineyard Block E1 rightfully recognizes that while Ponderosa Pines are magnificent trees worthy of protection in and of themselves, it isn't enough to save individual specimen Ponderosa Pines; without their natural forest understory the trees themselves have far more limited habitat value. The proposed deletion of Block E1, combined with the proposed deletion of Block E2, prevents the intervening riparian area from being converted into a narrow corridor with marginal habitat value. The proposed deletion of a portion of Block A2 removes what would otherwise be an awkward finger intrusion into prime habitat immediately above Conn Creek. The proposed deletion of Block D2 and a small portion to Block D1 similarly removes what would otherwise be another habitat-damaging intrusion into pristine habitat immediately adjacent to the Linda Falls preserve.

A3-04

(d) The Environmentally Superior Alternative could be further improved by the removal of the rest of proposed Block A2. This would significantly enhance the habitat value of the remaining riparian area south and east of proposed Block A2. Similarly, not permitting the conversion to vineyards of the Mixed Oak Alliance habitat located in the southwestern portion of proposed Block D1 would remove the remaining narrow finger of proposed vineyard that protrudes into and separates the two main watercourses on the subject property. With the removal of the remainder of Block A2 and the Mixed Oak Alliance area within Block D1, the remaining vineyard blocks would be more efficient and have much less impact on habitat.

A3-05

(e) The greenhouse gas analysis in the DEIR appears to assume that the loss of carbon sequestration resulting from forest conversion is a one-time construction loss. However, a healthy forest continues to grow and continues to sequester additional carbon. To identify the long-term greenhouse gas impact requires a comparison of the carbon sequestration capacity of the existing forest to that of an operating vineyard. The DEIR does not appear to have made this comparison.

A3-06

(f) The water quality sediment runoff analysis appears to use theoretical modeling to estimate both existing runoff and what would be the case with the project. The modeling suggests there is already a lot of sediment eroding off the property, and

A3-07

therefore the DEIR concludes that the project, by impounding into detention basins most of the runoff from proposed vineyard areas, would actually improve off-site water quality. The problem with modeling is that it requires accurate and detailed identification of baseline conditions, including precise soil maps and vegetation analysis. The generalized soil maps and vegetation zones apparently used to inform the DEIR modeling can only provide generalized conclusions. Rather than rely on modeling to estimate existing sediment run-off, the DEIR would be more credible if actual existing water and sediment runoff rates were measured in the field.

A3-07

(g) The DEIR asserts that since the proposed vineyard development would require less water than actually falls on the property as rain, that there would be no incremental adverse effect on water supply to Lake Hennessey, which is the City of Napa's main local water supply. However, the issue is not whether the property collects more water than the proposed vineyard would use, but whether the amount of surface and subsurface water that this property delivers downstream would be increased or decreased, and by how much. To make this determination, projected water usage (including evaporation) for the proposed vineyards needs to be compared to water usage by the existing forest and meadows. To calculate cumulative effects, the net difference should then be extrapolated to the rest of the Conn Creek watershed, to determine what the impact on Lake Hennessey would be if the other properties within the watershed were to develop at the same intensity as the subject project.

A3-08

(h) The DEIR proposes to mitigate for the loss of Mixed Oak Alliance by requiring some of the remaining oak woodland to be protected in perpetuity through a conservation easement or deed restriction. The DEIR does not identify the location for this proposed preservation area. The location of the preservation area is important. Much of the oak woodland that is not proposed for development is scattered around the property; these small, scattered pockets would have limited habitat value and would be very hard to monitor. While our District is authorized to hold conservation easements, we would not be interested in taking on the responsibility for monitoring small and scattered clusters of trees. The precise location of the proposed conservation area should be identified in the final EIR. Without this, it is impossible to judge the habitat worth or practical feasibility of this proposed mitigation.

A3-09

Thank you for the opportunity to provide comments on the DEIR for the Le Colline Vineyard Project.

Sincerely,



Brent Randol, President  
Board of Directors





15 February 2019

Napa County  
Planning, Building and Environmental Services Department  
Conservation Division  
Attn: Kyra Purvis, Planner II  
1195 Third Street, Second Floor  
Napa, CA 94599-3092

Email: [kyra.purvis@countynapa.org](mailto:kyra.purvis@countynapa.org)

RE: Erosion Control Plan Application P14-00410, Le Colline Vineyards, Angwin, CA

Dear Ms. Purvis,

Please accept this letter as comments from the Napa County Land Trust, dba the Land Trust of Napa County ("Land Trust"). The Land Trust does not comment on development projects unless we are an abutter to the proposed development and believe that there is the potential for direct impacts to our property's values. We are an adjacent landowner to the Le Colline Vineyards ("Le Colline") property. The Land Trust's Linda Falls Preserve ("Preserve") shares its eastern boundary with Le Colline, starting at Deer Park Road and continuing south approximately 4,000 feet. Conn Creek is the boundary between the Preserve and Le Colline for approximately 1,300 feet.

The Land Trust acquired the 175-acre Preserve through a series of donations from three individual landowners, beginning 20 years ago. There is also a conservation easement over the Preserve, held by the Napa County Regional Park and Open Space District, completed in 2016. The intent of the land donors was to protect the property's natural features and ecological values in perpetuity, including protection of over one mile of Conn Creek, a perennial tributary to the City of Napa's municipal reservoir at Lake Hennessey. The Preserve has been a favorite hiking destination for many Napa County residents and visitors. It includes an actively-used trail network that provides recreational and scenic enjoyment within mixed hardwood-conifer forests and streamside areas, including the well-known Linda Falls waterfall.

In 2014, the Land Trust initiated a large-scale riparian habitat restoration project along Conn Creek within the Linda Falls Preserve under a Streambed Alteration Agreement (notification number 1600-2014-0096-R3) with California Department of Fish and Wildlife. The Land Trust's Conn Creek restoration plan is focused on invasive plant species removal (specifically targeting *Rubus armeniacus*) and native plant revegetation efforts (Figure 1). The Land Trust's objective is to thoroughly eradicate the *R. armeniacus* invasion through this stretch of creek, while restoring native plant communities displaced by invasion. In order to meet these goals over the past five years, The Land Trust has

A4-01



hired and managed crews from the American Conservation Experience (“ACE”) annually. Thus far, ACE crews have spent a total of 2,789 project hours working towards these goals alongside Land Trust stewardship staff. In addition to conservation crews, the Land Trust has organized and led 21 volunteer workdays to further the project. A total of 205 volunteers have contributed 581 hours over the past five years. The Land Trust has also received grants from the Napa County Wildlife Conservation Commission to support this project.

Since the project began, 4,882 native seedlings have been propagated and outplanted throughout the restoration area. All of the installed plants were propagated at a native plant nursery from seeds and cuttings collected directly from appropriate native riparian species growing within the Preserve.

At the start of the project, the Land Trust developed and instituted an annual photo monitoring protocol in order to document restoration progress. Information collected through this monitoring practice is depicted in the enclosed invasion density maps representing 2014 and 2018 invasion levels (Figure 2). These maps demonstrate the significant decrease of *R. armeniacus* throughout the project area.

Prior to the start of the Conn Creek restoration project, the Land Trust enlisted the services of professional consulting herpetologist Jeff Alvarez of The Wildlife Project to conduct a herpetological assessment of Conn Creek within the project area. The primary objective of this assessment was to help ensure that restoration activities did not negatively impact special status species during project implementation. In the assessment, Mr. Alvarez identified the entire project area as “highly suitable for both foothill yellow-legged frog [(*Rana boylei*)] and Coast Range newt (*Taricha torosa torosa*), which are both California Species of Concern.” The assessment report also makes the following management recommendations: avoid use of pesticides and fertilizers within 100 meters of Conn Creek; avoid allowing excessive vegetation debris to enter, be dumped, or placed into, or become mobilized during rain events and high water flows such that they can enter Conn Creek; if any special status reptile or amphibian is encountered, allow the animal to seek a natural refuge or to leave the immediate area under its own power. The nearest proposed vineyard block, A2, falls within 105 feet (or 30 meters) of Conn Creek.

In July 2015, the Land Trust observed foothill yellow-legged frog immediately adjacent to the Conn Creek channel while conducting restoration work. Staff immediately halted work and notified CDFW. In addition, the Land Trust submitted the observation to the California Native Species Field Survey Database through completion of a California Native Species Field Survey Form. The Land Trust also made CAL FIRE aware of this documented foothill yellow-legged frog occurrence in its letter of May 11, 2016 regarding the Le Colline Vineyard Conversion Project. However, the Draft EIR for Le Colline, in the table on Page 4.4-15, indicates that foothill yellow-legged frogs do not occur within the project site.

The Land Trust has a vested interest in maintaining the integrity of the upper Conn Creek riparian corridor, based on the original intent of the land donors for protection of the Preserve, as well as the significant investments that have been made in the ongoing habitat restoration efforts. The Land Trust has concerns that proposed vineyard development located closer than 300 feet from the riparian channel could impact priority species such as the yellow-legged frog, as well as ongoing native plant community restoration efforts through sedimentation and erosion caused by native vegetative cover removal and/or improper assessment of risk.

A4-01  
(Cont.)

A4-02

A4-03

To that effect, the Land Trust prefers the alternatives presented in the plan. Review of both the Reduced Intensity or the Reduced Water Quality and Sensitive Habitat Protection Alternatives would better address our concerns for Conn Creek, both the portions at the shared Preserve-Le Colline boundary and its continuation through the Preserve and on downstream to Lake Hennessey.

A4-03  
(Cont.)

Thank you for considering our comments on this project.

Sincerely,

The Land Trust of Napa County



Mike Palladini  
Stewardship Program Manager



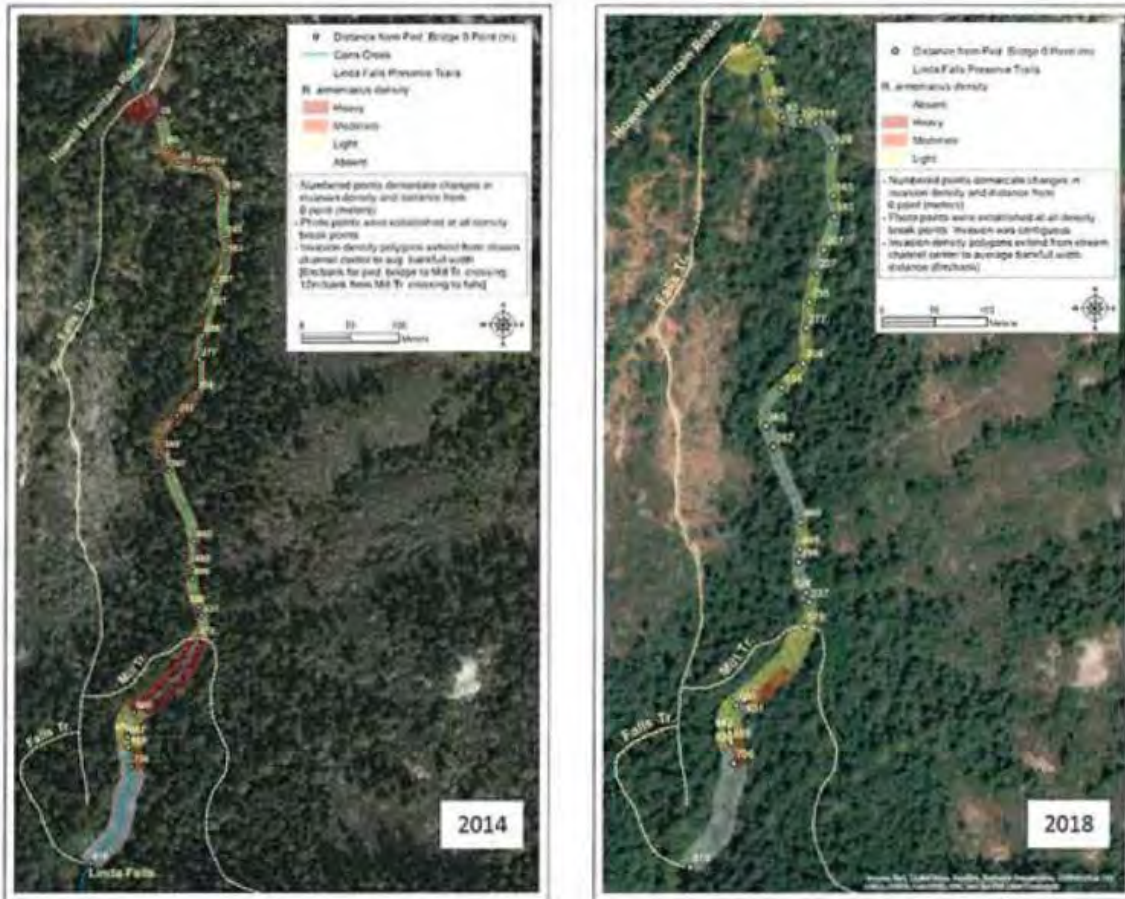
Lena Pollastro  
Land Programs Manager

Figure 1. (A) American Conservation Experience (ACE) crew removes invasive species within the LTNC's Conn Creek riparian project area on the Linda Falls Preserve. (B) ACE crew installs erosion control blanket along Conn Creek after removing invasive Himalayan blackberry, which dominated the site. (C) Native plants, propagated from material collected within the project area, staged for planting in previously invaded areas. (D) Land Trust volunteers plant native species in a previously invaded site.





Figure 2. Himalayan Blackberry invasion density maps showing substantial reductions in invasion density between 2014 and 2018 accomplished through LTNC's Conn Creek riparian habitat restoration project within the Linda Falls Preserve.







February 19, 2019

Brian Bordona, Supervising Planner  
Napa County Planning, Building, and Environmental Services Department  
1195 Third Street, Second Floor  
Napa California 94559

Transmitted via email: Brian.Bordona@countyofnapa.org

RE: Le Colline Erosion Control Plan Application #P14-00410-ECPA Project

Dear Mr. Bordona:

California Wildlife Foundation (CWF) is committed to conserving, restoring, and maintaining habitats and corridor linkages throughout the state in order to ensure the biological diversity of species over time. Since 1990, CWF has administered large-scale acquisitions, ambitious land and water restoration projects, and the development of fishery and land management plans; and has worked with partners to maintain habitat for the benefit of people, plants, and wildlife. The California Oaks program of California Wildlife Foundation works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing wildlife habitat, and sustaining cultural values.

A5-01

This letter conveys our concerns about the proposed conversion of the Le Colline property to non-timber uses. Page 5-2 of the Draft Environmental Impact Report (DEIR) states:

With the No Project Alternative, the property would remain in its existing state as forested with areas of oak woodland, shrubland, grassland, and a single-family residence. No changes to the forested areas, oak woodlands, and shrubland/grassland areas would occur. Conversion of the property to non-timber uses would not occur. Trees and vegetative cover proposed for removal through timber harvest would remain unaffected. The current vegetative cover would remain. This alternative would not accomplish the basic objectives of the Proposed Project.

A5-02

The Forest Practices Act was enacted to address the negative impacts on water quality, fishing, and recreation from the inadequate enforcement of timber regulations. Our review of the DEIR has led us to the conclusion that the No Project Alternative is the only way forward that will uphold the conservation values that the County of Napa should be enforcing. Thank you for your consideration of our comments.

Sincerely,

Janet Cobb  
Executive Officer  
California Wildlife Foundation

Angela Moskow  
Manager, California Oaks Coalition



CENTER for BIOLOGICAL DIVERSITY

February 25, 2019

*Sent via email and FedEx (with attachments)*

Brian Bordona  
Supervising Planner  
Napa County Planning, Building, and Environmental Services Department  
1195 Third Street, 2<sup>nd</sup> Floor  
Napa, CA 94559  
Email: [Brian.Bordona@countvofnapa.org](mailto:Brian.Bordona@countvofnapa.org)  
Phone: (707) 259-5935

**Re: Le Colline Erosion Control Plan Draft Environmental Impact Report (State Clearinghouse #2016042030)**

Dear Mr. Bordona:

The Center for Biological Diversity (“Center”) submits the following comments on the Draft Environmental Impact Report (“DEIR”) for the Le Colline Vineyard Erosion Control Plan Application (#P14-00410-ECPA) project (“Project”) and related approvals, located at 300 Cold Springs Road, Angwin, California. The Center has reviewed the DEIR closely and is concerned that the Project and the County’s environmental review of the Project fall into a familiar and unfortunate pattern of failing to account for the negative environmental impacts that vineyard conversions are having on Napa’s forests and natural spaces. The County should not approve the Project until, at a minimum, it has rectified the deficiencies in the DEIR that the Center has identified below.

A6-01

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 68,000 members and activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Napa County.

A6-02

Given the contentious nature of this Project and the community’s interest in ensuring transparency in the County’s decision-making, the Center requests that the County hold a public hearing on this application prior to certifying the EIR and/or approving the Project.

A6-03

**THE DEIR FAILS TO MEET THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The California Environmental Quality Act, Public Resources Code § 21000, et seq. (“CEQA”), and CEQA Guidelines, 14 Cal. Code Regs. § 15000, et seq. (“CEQA Guidelines”) impose numerous requirements on public agencies proposing to approve or carry out projects. Among other things, CEQA mandates that significant environmental effects be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d).) Unfortunately, the DEIR for the Project fails to comply with CEQA and the CEQA Guidelines in numerous respects.

A6-04

**I. The DEIR’s Alternatives Analysis Does Not Comply With CEQA.**

CEQA requires agencies to consider reasonable alternatives to a proposed project. A proper analysis of alternatives is essential to comply with CEQA’s mandate that significant environmental damage be avoided or substantially lessened where feasible. (Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45.) “Without meaningful analysis of alternatives in the DEIR, neither the courts nor the public can fulfill their proper roles in the CEQA process . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA’s fundamental goal that the public be fully informed as to the consequences of action by their public officials.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Ca1.3d 376, 404.) Critically, an EIR’s consideration of alternatives must “foster informed decision-making and public participation.” (CEQA Guidelines § 15126.6(a); *Laurel Heights*, 47 Ca1.3d at 404 [“An EIR’s discussion of alternatives must contain analysis sufficient to allow informed decision-making.”].) The discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. (CEQA Guidelines § 15126.6(b).) The DEIR fails to meet this requirement because its analysis of the alternatives proposed is inadequate.

A6-05

**A. The DEIR Incorrectly Concludes that the Reduced Intensity Alternative Is Environmentally Inferior to the Proposed Project.**

The DEIR considers a “Reduced Intensity Alternative” that would allow for the development of approximately 6.89 acres of vineyard on non-timberland shrubland areas within the property. (DEIR at 5-2.) Accordingly, under this alternative, no currently forested areas on the property would be converted to vineyard, and no THP or TCP would be required. (*Id.*) The DEIR’s discussion of the Reduced Intensity Alternative draws the wrong conclusions about the impacts of this alternative, thereby depriving the public and decision-makers of sufficient evidence to actually consider and evaluate its effectiveness.<sup>1</sup>

A6-06

<sup>1</sup> Confusingly, the map on Figure 5-1 identifies “Proposed Vineyard Blocks” which match the proposed project, and indicates “Reduced Intensity” shading within these blocks. We assume that



The most significant error in the DEIR’s alternative analysis is its conclusion that the Reduced Intensity alternative would be less environmentally protective than the Project. The DEIR states that the Erosion Control Plan (“ECP”) for the Reduced Intensity Alternative “would be less acreage than the ECP for the Proposed Project, and would not improve existing conditions on the project site to the same extent by decreasing sediment by approximately 62 percent. Impacts of the Reduced Intensity Alternative associated with erosion and water quality would be slightly greater than those under the Proposed Project.” (DEIR at 5-5.) There are two major errors in this reasoning. *First*, as described in more detail in section II.A *infra*, the DEIR fails to provide a proper analysis of existing erosion and runoff conditions at the project site, and cannot support its conclusion that the ECP for the proposed project would actually result in a 62 percent decrease in sediment.

A6-07

*Second*, even if the DEIR’s claims about the sediment reduction benefits of the ECP for the proposed project are taken at face-value, the DEIR supplies no evidence to support its assumption that reducing the area covered by the ECP will yield a commensurate, proportional reduction in these putative erosion and sediment benefits. In fact, the DEIR’s own evidence contradicts this assumption. The Hydrology and Erosion Analysis for the Project acknowledges that “[i]n areas currently occupied by forest, ground cover is relatively good, and vineyard cover crops are not sufficient to provide cover comparable to existing forest ground cover.” (DEIR Appendix J at p. 2.) Thus, removing these wooded portions of the project site from the area covered by an ECP would, by the DEIR’s own logic, not reduce the ECP’s supposed erosion “benefits.” In other words, the supposed benefits to soil runoff and erosion from the ECP apply only in areas currently covered by chaparral. Because the Reduced Intensity Alternative does not remove these areas from conversion and coverage under the ECP, the EIR provides no basis to assume that these putative benefits will be reduced. The DEIR’s conclusion to the contrary (DEIR at 5-5) is therefore contradicted by the County’s own evidence.

A6-08

**B. The DEIR Improperly Attempts to Preordain the Outcome of Its Alternatives Analysis by Narrowly Defining the Project’s Objectives.**

The DEIR employs improperly narrow project objectives in order to reject environmentally superior alternatives. A project’s objectives may not be so narrowly defined that they essentially preordain the selection of the agency’s proposed alternative. (*North Coast Rivers Alliance v. Kawamura* (2015) 243 Cal.App.4th 647, 668-670 [EIR violated CEQA where it narrowly defined project a project objective, then dismissed alternatives that would not accomplish this objective].) Case law under CEQA’s federal equivalent, the National Environmental Policy Act (“NEPA”) can be helpful in interpreting CEQA, and California courts agree that “NEPA cases continue to play an important role in adjudication of CEQA cases,

A6-09

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the “Reduced Intensity” crosshatching indicates the location, shape, and size of the vineyard blocks proposed to be constructed under the Reduced Intensity Alternative; if this is the case, the map should be changed to clarify as much. Furthermore, the map does not show the proposed clearing areas under the Reduced Intensity Alternative, and the attenuation basins indicated on the map appear to be for the proposed project, not the Reduced Intensity Alternative. Additionally, Figure 5-1 improperly shows only a fraction of the bat tree habitat locations marked in Figures 4-1 and 5-2.



especially when a concept developed in NEPA decisions has not yet been applied to CEQA cases.” (*Del Mar Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal.App.4th 712, 732.) The Seventh Circuit Court of Appeals’ reasoning in *Simmons v. U.S. Army Corps of Eng’rs* (7th Cir. 1997) 120 F.3d 664, 669, is therefore instructive:

The “purpose” of a project is a slippery concept, susceptible of no hard-and-fast definitions. One obvious way for an agency to slip past the strictures of NEPA is to contrive a purpose so slender as to define competing “reasonable alternatives” out of consideration (and even out of existence). The federal courts cannot condone an agency’s frustration of Congressional will.

(*See also Nat’l Parks & Conservation Ass’n v. BLM* (9th Cir. 2009) 586 F.3d 735, 746-748.)

Here, the DEIR “fixes” the results of its alternatives analysis by stating that the project goals are to develop a vineyard of the *exact* size proposed by the preferred project alternative. Of the five “project objectives” listed in the DEIR, one is to “[d]evelop approximately 25 net acres of vineyard.” (DEIR at 3-12.) Given this extremely specific project objective, the DEIR leaves no room for meaningful consideration of alternatives to the preferred project. By including such specific elements—*down to the net acreage of vineyard to be planted*—as necessary project objectives, the DEIR preordains the development of the Project. (*See* DEIR at 5-8 [“The Increased Water Quality and Sensitive Habitat Protection Alternative would not meet all project objectives, including the goal of development of approximately 25 net acres of vineyard on the property.”].)<sup>2</sup> In so doing, the DEIR violates CEQA.

Furthermore, as the Center pointed out in our comments on the Administrative Draft Environmental Impact Report (“ADEIR”) issued by Cal Fire for the Project (comments attached as Exhibit 1), the DEIR should contain a discussion of whether the Project can be accommodated in lands already used for agriculture, which would result in fewer environmental impacts on the project site.

**C. The DEIR Provides No Substantial Evidence to Support Its Conclusion that the Reduced Intensity Alternative Would Not Be Economically Viable.**

The DEIR concludes that development of 19.96 acres of vineyard (as opposed to 25) under the Increased Water Quality and Sensitive Habitat Protection Alternative “would be economically viable.” (DEIR at 5-12.) Conversely, it rejects the Reduced Intensity Alternative (developing 6.98 acres of vineyard) on the grounds that it would “not be economically viable.” (DEIR at 5-3.) But, in contravention of CEQA’s requirements, it provides no evidence whatsoever to support the latter conclusion. (*See Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1180-81 [EIR fatally lacked evidence of reduced-scale alternative’s comparative costs, comparative profits or losses, or comparative economic benefit

<sup>2</sup> Although the wording of this sentence could be read to imply that the Increased Water Quality and Sensitive Habitat Protection Alternative would also fail to meet *other* project objectives, the DEIR nowhere states that this is the case. Thus, the *single* way in which the Water Quality and Sensitive Habitat Protection Alternative fails to meet project objectives is by converting to vineyard only 80% of the 25-acre area requested by the Applicant.

A6-09  
(Cont.)

A6-10

A6-11

to the nearby communities, or the public at large].) The DEIR’s unsupported assertion amounts to an opaque, unverifiable standard used to justify accepting or rejecting alternatives without accountability.

A6-11  
(Cont.)

This kind of black-box decision-making is exactly what CEQA was designed to prevent. (See CEQA Guidelines § 15126.6 [EIR’s discussion of alternatives is intended to “foster informed decisionmaking and public participation” and must include sufficient information about each alternative to “allow meaningful evaluation, analysis, and comparison with the proposed project”]; see also CEQA Guidelines § 15121 [EIR is an “information document” intended to inform agency decision-makers and the public].) The EIR must support its conclusions about alternatives’ “economic viability” with substantial evidence in the record.

A6-12

Because of the numerous flaws in the DEIR’s alternatives analysis described above, alternatives to the project have not been “discussed in a manner to foster meaningful public participation and informed decision making.” (CEQA Guidelines § 15126.6(f).)

**II. The DEIR’s Analysis of and Mitigation for the Project’s Water Quality Impacts Is Flawed.**

The Project is located in the Conn Creek watershed. The property contains several predominately Class III drainages that flow southwest into Conn Creek, a USGS blue-line stream that feeds the Linda Falls waterfall, which is a popular local hiking trail destination situated in a wildlife preserve. Certain segments of the property’s drainages become Class II watercourses as smaller drainages merge near the confluence of Conn Creek. Conn Creek itself is designated as a sensitive domestic water supply, and drains into Lake Hennessey, a municipal water supply for the City of Napa. The Project would entail the development of vineyards in close proximity to Conn Creek and other onsite streams. (See DEIR at 4.9-5.) Given the Project’s proximity to sensitive water resources and the recent history of erosion from vineyards negatively affecting water supplies in the County, it is especially important that the DEIR carefully consider and mitigate or avoid impacts to water quality. Unfortunately, the DEIR falls short in this regard.

A6-13

**A. The DEIR Uses an Improper Baseline for Erosion, Runoff, and Sedimentation.**

The DEIR’s water quality impacts analysis is flawed because it fails to evaluate the Project’s impacts against the baseline of existing conditions at the project site. Under CEQA, an EIR must evaluate the potential environmental impacts of the project as compared to the existing environmental conditions (the “baseline”), so that the Project’s impacts can be meaningfully analyzed and compared to alternatives. (CEQA Guidelines § 15125(a); see *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952; *Neighbors for Smart Rail v. LA County Metropolitan Transit Authority* (2013) 57 Cal.4th 310, 315.) In general, the environmental conditions at the time the Notice of Preparation is issued constitute the environmental baseline. (CEQA Guidelines § 15125(a).)

A6-14

The DEIR contains only two paragraphs that specifically address existing runoff conditions at the project site. The first paragraph merely describes soil types found on the property, and the second describes, in general terms, the types of vegetation on the project site.

(DEIR at 4.9-6.) Then, instead of providing a detailed analysis of existing conditions based on field data gathered from the project site, the DEIR cites to Appendices I and J, (a hydrologic analysis and soil loss analysis, respectively) which use HydroCAD modeling to conclude that the Project will reduce sediment production on the project site by 62%. (DEIR at 4.9-13 to -14.)<sup>3</sup> But the technical appendices' modeling of *hypothetical* existing sediment, erosion, and runoff conditions is no substitute for an *actual* determination and description of existing environmental conditions on the project site, which would include, at a minimum, field measurements, water quality samples, rain gauge monitoring, and other data.

A6-14  
(Cont.)

This shortcoming is especially problematic here because the DEIR uses its hypothetical baseline to support one of the DEIR's most startling and implausible conclusions: that converting existing natural forestland on steep slopes above a natural stream to agricultural use will actually *improve* erosion, sedimentation, and runoff. (DEIR at 4.9-13 to -14; *see also* DEIR at 5-11 [rejecting the No Project alternative because, without an ECP, "the current erosion and sedimentation occurring from this source [e.g., the naturally forested and vegetated site] would continue."].)

A6-15

Modeling is no substitute for an adequate baseline analysis, especially when the DEIR's conclusion is inconsistent with abundant evidence showing that forest cover plays a critical role in regulating water flow, maintaining water quality, promoting groundwater recharge, and maintaining overall watershed health. Reduced forest cover has been shown to result in increased runoff, erosion, sedimentation, and water temperatures; changes in channel morphology; decreased soil retention; and decreased terrestrial and aquatic biodiversity (Brown & Krygier, 1970; Elliot, 2010; Jedlicka et al., 2014; Lawrence et al., 2011; Moyle et al., 2011). In contrast, retaining forested areas in agricultural lands has been shown to remove high concentrations of agricultural pollutants (*i.e.*, nitrates) in groundwater (Zhang & Hiscock, 2011).

A6-16

The DEIR must be revised to include a detailed, accurate, and *evidence-based* evaluation of current sedimentation and erosion conditions on the project site, which then must supply the baseline for the DEIR's analysis of the Project's water quality impacts. Until the DEIR provides such an analysis to use as a baseline for evaluating the modeled impacts, it cannot properly analyze—nor provide adequate mitigation for—the Project's erosion, sedimentation, and runoff impacts, and has no basis for concluding that the Project will result in an improvement over existing conditions.

A6-17

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<sup>3</sup> Furthermore, the DEIR must include this critical information upfront, in the document, rather than burying it in appendices. "[D]ata in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 442 [stating that "information scattered here and there in EIR appendices, or a report 'buried in an appendix,' is not a substitute for a good faith reasoned analysis." (brackets, ellipses, and some internal quotation marks removed)].)

**B. The Project’s Proposed Mitigation for Erosion, Runoff, and Sediment Is Inadequate to Reduce Impacts to Less Than Significant Levels.**

The DEIR’s unsupported conclusion that water quality impacts will be less than significant with mitigation is disconcerting, given that there is ample evidence in Napa County that the types of mitigation measures proposed to be included in the ECP have been ineffective or have gone unenforced and unimplemented for other similar projects in Napa. Given the extensive and well-documented history of the failure of mitigation measures like those proposed in the ECP (combined with the County’s sporadic enforcement of these measures), the County can no longer rely on “paper mitigation” to claim that soil erosion, runoff, and sediment impacts to water quality will be less than significant for vineyard conversion projects like the Project.

A6-18

**C. The DEIR does not Disclose the Baseline Conditions for Water Quality in Conn Creek.**

The DEIR’s insufficient data regarding existing water quality conditions results in inadequate baseline information from which to assess the Project’s impacts on local and regional water quality. The DEIR cites some publicly available information regarding water quality in the Napa River (DEIR at 4.9-7 to -8, -15 to -17), but does not contain any information regarding water quality in Conn Creek, specifically. The DEIR further claims that there is “no risk” of chemical loading for the Napa River (DEIR at 4.9-15, 4.6-4), but fails to address the risk of chemical loading to Conn Creek, which is the creek immediately adjacent to the Project (Conn Creek eventually flows into Napa River). Without this data, the DEIR cannot provide sufficient baseline information to allow the public to evaluate the significant adverse impacts the Project will have on the environment. (CEQA Guidelines § 15125(a); see *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.App.4th 310, 315.)

A6-19

**D. The DEIR Fails to Consider the Impacts of Reduced Flows in Conn Creek.**

The DEIR states that the Project will create a total groundwater demand of 11.65 acre feet per annum (afa), out of a “maximum groundwater allotment for the property” of approximately 44.2 afa (DEIR at 4.9-7) without evidence or explanation.<sup>4</sup> The DEIR must explain how it arrived at both of these figures. Even if they are accurate, the DEIR has not demonstrated that the Project’s water use will not have an impact on flows in Conn Creek (and, accordingly, on water supply and impacts to aquatic species as a result). The DEIR does not appear to address the property’s overall contribution to flow levels in Conn Creek, or the Project’s effect (through groundwater pumping and evaporation) on this contribution. As explained in a September 30, 2016 letter by Patrick Higgins, Fisheries Biologist, commenting on the ADEIR (Exhibit 2):

A6-20

The project calls for extracting groundwater from a well to water 36 acres of grapes and operating a second well for residential use. *This has the potential to turn the Class II stream within the project area into a Class III and to reduce flow and possible dry up Conn Creek below the project.* Neighbors of the Le

<sup>4</sup> Inexplicably, the DEIR elsewhere states that the allowable use is only 26.4 afa. (DEIR 6-19.) The DEIR must resolve this discrepancy.



Colline project express concern about their ability to maintain their domestic water supplies after increased groundwater withdrawal for irrigation of grapes (Stagg 2016). Professor Wyrick-Brownworth (2016) noted that Cold Springs also creates perennial and seasonal wetlands that may be negatively impacted by increased groundwater withdrawal associated with the project.

A6-20  
(Cont.)

The DEIR cannot merely conclude that if the Project would require less water annually than the level of precipitation that falls on the property, there will be no adverse impact on water supply to Conn Creek (and, accordingly, Lake Hennessey). The property contains steep slopes directly above Conn Creek with several drainages that flow southwest into Conn Creek. The DEIR fails to address the likelihood that groundwater pumping and changes to the surface use on the project site will divert or reduce surface or subsurface flow rates from these drainages and reduce water levels or water quality in Conn Creek downstream of the Project.

What’s more, by appearing to measure the Project’s anticipated groundwater usage against the “maximum groundwater allotment for the parcel” rather than the existing condition (of virtually no groundwater extraction on the property), the DEIR uses the improper baseline for its analysis. (DEIR at 4.9-14; see also DEIR at 6-18 to -19 [concluding no cumulative impacts because usage would be less than maximum allowable under Napa County Code, and less than annual recharge rate].) The DEIR’s projection that the Project will not use all of the “maximum groundwater allotment for the parcel” does not automatically support a finding that there will be no impact to the watershed and Conn Creek. (See *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434 [The “ultimate question under CEQA is not whether an EIR establishes a likely source of water but whether it adequately addresses the reasonably foreseeable impacts of supplying water to the project.”].)

A6-21

**III. The DEIR’s Analysis of, and Mitigation for, Impacts from Pesticide, Herbicide, and Fertilizer Use Associated with the Project Are Inadequate.**

The DEIR does not adequately analyze or mitigate the harmful effects of pesticides, herbicides, or fertilizers on wildlife, habitat, and water quality.

Over 27 million pounds of pesticides were used on wine grapes in 2016 in California. (California Department of Pesticide Regulation, 2018, pp. 402-412.) The most widely used pesticide on wine grapes in the state is sulfur. Researchers at the Center for Environmental Research and Children’s Health at the University of California, Berkeley, found that use of asthma medication and adverse respiratory symptoms increased in children that lived up to 1 kilometer away from where sulfur spraying had occurred. (Raanan et al., 2017.) Other widely used pesticides on wine grapes in California include 1,3-dichloropropene (1,3-D), chlorpyrifos, paraquat dichloride, simazine and imidacloprid. (California Department of Pesticide Regulation, April 2018, pp. 402-412.) 1,3-D is classified by the U.S. Environmental Protection Agency (“U.S. EPA”) as “very highly toxic” to aquatic invertebrates (U.S. Environmental Protection Agency, 1998, p. 69) and is listed by the California Office of Environmental Health Hazard Assessment (“California OEHHA”) under California’s Proposition 65 as causing cancer in

A6-22

humans.<sup>5</sup> In its 2017 final biological evaluations of the impacts of chlorpyrifos on Endangered Species, the U.S. EPA found that 1778 out of 1835 endangered and threatened species in the U.S. were likely to be adversely affected by the continuing use of chlorpyrifos. (U.S. Environmental Protection Agency, 2017.) Potential modification of critical habitat was also identified for 780 out of 794 species by the continuing use of chlorpyrifos. Chlorpyrifos is considered “very highly toxic” to fish and aquatic invertebrates by the U.S. EPA. (U.S. Environmental Protection Agency, 2002, p. 47.) Chlorpyrifos is listed by California OEHHA under California’s Proposition 65 as causing developmental toxicity in humans<sup>6</sup> and has been proposed as a ‘toxic air contaminant’ in the state by the California Department of Pesticide Regulation. (California Department of Pesticide Regulation, September 2018.) Paraquat is one of the most acutely lethal pesticides still in use today. One sip can be lethal to a full grown adult. A collaborative study done by National Institutes of Health and the Parkinson's Institute and Clinical Center in Sunnyvale, CA found that use of paraquat is positively associated with the development of Parkinson’s disease in people. (Tanner, et al. 2011.) Simazine is listed by California OEHHA under California’s Proposition 65 as causing developmental toxicity and Female reproductive toxicity in humans.<sup>7</sup>

A6-22  
(Cont.)

Despite its inadequate analysis of the Project’s impact to wildlife and habitat from pesticides, herbicides, and fertilizers, the DEIR acknowledges that the Project’s use of pesticides would result in a significant environmental impact without mitigation. (DEIR 4.8-9 to -11.) Yet the DEIR improperly relies on integrated pest management (“IPM”) guidelines to mitigate the Project’s pesticide-related impacts to a less-than-significant level.

A6-23

CEQA requires that an EIR describe feasible measures that could minimize a project’s significant adverse impacts. (CEQA Guidelines § 15126.4(a)(1).) Such measures must be “fully enforceable through permit conditions, agreements, or other legally-binding instruments.” (CEQA Guidelines § 15126.4(a)(2).) This is in order to ensure “that feasible mitigation measures will actually be implemented as a condition of development.” (*Federation of Hillside & Canyon Ass’ns v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.)

A6-24

The Applicant’s adherence to IPM practices appears to be entirely voluntary and involves no binding or enforceable commitments, and thus fails to meet CEQA’s requirements for mitigation. The DEIR states merely that “Practices would be employed that rely on integrated pest management techniques as described in the Integrated Pest Management Plan prepared for the proposed vineyard.” (DEIR at 3-11; *see also* DEIR at 1-15 [Mitigation Measure 4.8-3 requires only that the Applicant update submit an updated IPM to the County for approval prior to the use of pesticides onsite].) The DEIR includes what appears to be a 2016 template IPM as

<sup>5</sup> California OEHHA. Chemicals. 1,3-Dichloropropene. Available at: <https://oehha.ca.gov/chemicals/13-dichloropropene>.

<sup>6</sup> California OEHHA. Chemicals. Chlorpyrifos. Available at: <https://oehha.ca.gov/chemicals/chlorpyrifos>.

<sup>7</sup> California OEHHA. Proposition 65. Atrazine, Propazine, Simazine and their Chlorometabolites DACT, DEA and DIA Listed Effective July 15, 2016 as Reproductive Toxicants. Available at: <https://oehha.ca.gov/proposition-65/cmr/atrazine-propazine-simazine-and-their-chlorometabolites-dact-dea-and-dia-0>.

Appendix L that the Applicant will presumably update and submit to the County in the future. But nothing in Appendix L imposes binding, enforceable obligations on the Applicant.<sup>8</sup> The IPM does not, for example, identify which chemicals are and are not covered under the IPM and approved (or restricted) from use. The DEIR may not rely on this illusory mitigation measure to reduce harm to water quality and wildlife on or near the Project area.

A6-24  
(Cont.)

In fact, the DEIR implicitly acknowledges that integrated pest management practices implemented in the County have not prevented the migration of pesticides and herbicides into the County’s waters. The DEIR states that “SDWIS [Safe Drinking Water Information System] indicates a recent uptick in various pesticides and herbicides within Lake Hennessey; however, no MCLs<sup>[9]</sup> have been set for these particular chemicals.” (DEIR at 4.9-16.) Yet the DEIR states merely that “certain contaminants commonly associated with vineyard land uses are below set MCLs.” (*Id.*) Then the DEIR concludes that because the “guidelines” set forth in the IPM “limit the use of pesticides, herbicides, and fertilizers,” the Project would not have a significant impact on turbidity, sulfate, iron, or manganese levels in Lake Hennessey. This is simply untrue. Neither the IPM nor the DEIR places any limits on the type or amount of pesticides, herbicides, or fertilizers that may be used on the project site, or disclose what chemicals are permitted or forbidden from being used. The DEIR has no basis for reaching its conclusion that these impacts would be mitigated to less than significant levels.

A6-25

**IV. The DEIR Fails to Adequately Analyze and Mitigate the Project’s Impacts on Biological Resources.**

The Project area is located adjacent to the Linda Falls Preserve, borders Conn Creek, and contains numerous ephemeral drainages and a variety of valuable habitats, including wetlands, oak woodlands, and ponderosa pine forest. It hosts numerous plant and animal species, including federal- and state-identified special-status species. Unfortunately, the DEIR’s analysis of the Project’s significant impacts on biological resources is inadequate in several respects.

A6-26

**A. The DEIR Does Not Properly Analyze or Mitigate the Project’s Impacts to Wildlife Corridors.**

The DEIR states that “[g]ame trails were identified on the property, however evidence of distinct continuous natural wildlife corridors was not observed (Appendix D).” (DEIR at 4.4-8.) But the DEIR does not specify what additional “evidence”—beyond the game trails, scat, prey remains, and other evidence of animal passage that were found on the project site (DEIR 4.4-39), would be necessary in order for the site to qualify as a wildlife corridor. The DEIR also hypothesizes, without evidence, that “slopes along Block A1 and A2 abutting Conn Creek are steep and may obstruct or prevent wildlife from accessing the property from the west and south.” (DEIR at 4.4-9.) This conjecture does not constitute substantial evidence supporting a conclusion that the project area is not used as a wildlife corridor. In fact, the science-based Conservation

A6-27

<sup>8</sup> Indeed, the DEIR refers to the “*guidelines* set forth in the IPM (Appendix L)” (emphasis added)—thereby implicitly acknowledging that Appendix L does not contain concrete, enforceable, and measurable *performance standards*, as CEQA requires. (DEIR at 4.9-16.)

<sup>9</sup> Although the DEIR does not define the term “MCL” we presume it to refer to a Maximum Contaminant Level established by the U.S. Environmental Protection Agency.



Lands Network’s online mapping tool<sup>10</sup> identifies the project area as partially within or adjacent to a “Critical Linkage” area. (See also Penrod, K. et al., 2013 at Figure 124.) Critical Linkages are areas where maintenance or restoration of ecological connectivity is essential to conserving biological diversity and wildlife crossings and corridors. The DEIR’s failure to acknowledge the project site as containing natural wildlife corridor caused it to understate the Project’s impacts on wildlife movement and migration.

A6-27  
(Cont.)

**B. The DEIR’s Proposed Mitigation for Impacts to Wildlife Movement Is Unacceptably Vague and Ill-defined.**

The DEIR correctly acknowledges that the Project would have a potentially significant impact on wildlife movement. (DEIR at 4.4-39.) In response, the DEIR proposes Mitigation Measure 4.4-7, which provides, in full:

Prior to project approval, the final project design shall be revised to reduce the clearing limits to Block E1 and/or Block E2 to provide a minimum 100 foot wildlife movement corridor increase the distance between blocks D1 and E2. The change in design would result in a greater width between Blocks E1 and E2 to maintain wildlife movement through the area identified as having relatively high biological value and wildlife usage. Furthermore, the final project design shall be modified, and associated fencing plan with locations, submitted to the County for approval, so that proposed vineyard blocks shall be fenced individually or in small clusters, with corridors of no less than 100 feet in width.

A6-28

(DEIR at 4.4-40.)

The language of this mitigation measure is unacceptably vague. The first sentence of the measure appears to contain an omission or grammatical error, as a consequence it is unclear what, exactly the measure entails. Possibly, the drafters of this measure intended for it to impose a 100 foot minimum distance between the respective boundaries of Blocks D1, E1, and E2—if so, the language of the measure should be revised to state as much. Additionally, the project redesign called for in this measure should be mapped and disclosed to the public as a part of the DEIR’s project description, in conjunction with the redesign requirements of MM 4.4-2 discussed *infra*. There is no reason—such as a need to conduct a pre-construction survey to identify specific species to be avoided or buffered—to defer mapping and public disclosure of the redesign required by MM 4.4-7.

What’s more, the DEIR does not contain substantial evidence that 100-foot corridors are sufficient to mitigate this impact to a less-than-significant level. At most, it cites a study indicating that corridors of *two hundred feet*, along a creek, are “most likely to be used by mammals, particularly predators.” (See DEIR at 4.4-39.) The DEIR must also address the quality of these corridors—for example, whether they contain the native vegetation necessary to promote connectivity for a variety of species.

A6-29

<sup>10</sup> Available at: <http://www.bavarealands.org/explorer-tool>.



**C. The DEIR’s Analysis of Potential Impacts to Biological Resources Relies on Outdated and/or Inadequate Surveys.**

The DEIR relies on wildlife surveys for much of the analysis regarding the Project’s impacts to biological resources. But the majority of these surveys are between five and four-and-a-half years old<sup>11</sup> and are now outdated. The May 21, 2018 Biological Resources Addendum (DEIR, Appendix E, p. 1 (Table 1)), reports that the last survey conducted was June 24-25, 2015. Also, Table 1 of that 2018 document states that a native plant spring bloom survey is “pending” and will be included as an addendum, but it is not. The DEIR does not explain whether this survey was conducted, or whether the DEIR considered or incorporated information from this “spring bloom” survey into its analysis of impacts to plant species. DEIR Appendix E on p. 2 states, “Additional surveys of the project site have been requested by the County to confirm the location and extent of Napa false indigo (*Amorpha californica* var. *napensis*) and narrow-anthered Brodiaea (*Brodiaea leptandra*), and to assess the age of the Doulgas-Fir Forest.” But the DEIR contains no evidence that these additional requested studies were ever conducted, nor does it supply the surveys or studies, even though it indicates that, for example, the Napa false indigo was identified on the Project site. (DEIR at 4.4-18.) The Applicant should conduct new, updated wildlife and plant surveys to inform the DEIR’s analysis of impacts to biological resources.

A6-30

**D. The DEIR’s Proposed Mitigation for Impacts to Bats Should Be Incorporated into the Project’s Design.**

The DEIR correctly concludes that the Project, without mitigation, would have a significant impact on special-status bat species if left unmitigated. (DEIR 4.4-32 to -36.) Corresponding Mitigation Measure 4.4-2 provides, in full:

The applicant shall submit the following changes to the Proposed Project to the County and CalFire for approval:

The Proposed Project shall be revised to avoid all bat roosting habitat within Block E1 and Block D1 to avoid potential special-status bat habitat located within clearing limits. A minimum 200-foot buffer area measured from the outboard dripline of the bat roosting trees shall be included in the avoidance area. The change in design would result in the avoidance of the three trees designated as potential roosting habitat for special-status bats as shown on Figure 4.4-1. Proposed avoidance would result in the preservation of 100 percent of the identified roosting habitat on the property.

A6-31

Preliminarily, this language in MM 4.4-2 should be revised to reflect that there are nine, not three, bat-roosting trees identified in Figure 4.4-1; the 200’ buffer should apply to all of them,

<sup>11</sup> With the exception of the Northern Spotted Owl study conducted in 2017 and bat surveys last conducted on September 2-4, 2015.

including those located outside the blocks themselves but within 200 feet of the areas proposed to be cleared (e.g., on Figure 4.4-1, the two trees marked near the western boundary of Block A1, the two trees marked near the eastern boundary of Block D1, and the single tree marked near the eastern boundary of Block E 1).

A6-31  
(Cont.)

MM 4.4-2 appears to require a substantial reconfiguration and reduction of the footprint of the Project. This reconfiguration would evidently involve relocating the attenuation basin on the eastern boundary of Block D1, split current Block E1 into two separate blocks, and potentially require other design features (such as fencing) and erosion control measures (such as rock walls, drains, or attenuation basins) to be removed or relocated. These fundamental changes to the footprint of the Project should be mapped and disclosed to the public and decision-makers up-front, not obscured in a mitigation measure. (These changes to the Project footprint, which are not discussed in the DEIR’s project description or shown on any map, also render the DEIR’s project description inadequate.) This is significant new information, and requires that the DEIR be recirculated. In addition, the language of mitigation measure MM 4.4-3 should be modified to clarify that this measure applies *in addition to* the project redesign requirements of MM 4.4-2 and that the “no-disturbance buffer” from bat-roosting habitat will be 200 feet (the same as required under MM 4.4-2) at a minimum.

A6-32

**E. The DEIR Ignores Potential Impacts on the Western Pond Turtle.**

The DEIR completely ignores the Project’s potential impacts on Western Pond Turtles, a special-status species. The DEIR incorrectly states: “Suitable habitat for this species does not occur within the project site. This species was not observed during surveys.” (DEIR at 4.4-16.) Yet the DEIR acknowledges that the species inhabits “rivers, *streams*, lakes, ponds, reservoirs, stock ponds, and *permanent and ephemeral wetland habitats*.” (*Id.* [emphasis added].) The project site contains both a wetland and portions of Conn Creek—which are clearly potential Western Pond Turtle habitat. The Biological Resources Assessment contradicts the DEIR, stating that the Western Pond Turtle “May be in Conn Creek.” (*Compare* DEIR at 4.4-16 with DEIR, Appendix D at p. 20.) Furthermore, Western Pond Turtle has been found on similar property nearby in the course of environmental review for a vineyard conversion project. (*See* Davis Family Estates Friesen Vineyard Draft Environmental Impact Report (August 2015) at 4.4-40, Exhibit 3.) Yet the DEIR does not show that there was any attempt to determine whether there are Western Pond Turtles on the site. The mere statement that the species “was not observed”—when it appears that surveyors were neither looking for it, nor trained to find it—does not support a conclusion that the Project will not affect Western Pond Turtles.

A6-33

**F. The DEIR does Not Disclose or Mitigate Impacts on Steelhead/Rainbow Trout.**

As the Center pointed out in our comments on the ADEIR, the environmental review for the Project failed to account for impacts to salmonids, only stating without analysis that the Project site does not contain “suitable habitat” for steelhead. Because the DEIR made no attempt to provide this missing analysis or respond to those comments, the Center reiterates and incorporates its prior comments regarding this missing analysis (Exhibit 1, p. 11-12 [Section VI.D.]), as well as the comments of fisheries biologist Patrick Harris (Exhibit 2).

A6-34

**V. The DEIR’s Mitigation for Impacts to Oak Woodlands Is Inadequate and Inconsistent with the General Plan.**

The Project will result in a significant reduction of protected oak woodland on the property. According to the DEIR, approximately one third of the area to be developed currently consists of Mixed Oak Alliance. (DEIR at 4.4-3 [Table 4.4-1].) The Project calls for removing 7.42 of the 22.81 acres of existing Mixed Oak Alliance on the property. (*Id.*; *see also* Figure 4.4-1.) The DEIR proposes to mitigate this impact with MM 4.4-8, which provides:

The remaining 15.39 acres of oak woodland located outside of clearing limits shall be designated for preservation in a mitigation easement with a County-approved organization or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat, including, but not limited to, conversion to other land uses such as agriculture or urban development, and/or excessive off-road vehicle use that significantly increases erosion. The exact area to be conserved shall be determined and appropriately delineated through consultation between the Applicant and the County, and recorded prior to commencement of any land clearing associated with the Proposed Project with the Napa County Recorder’s office.

A6-35

(DEIR 4.4-41.) The DEIR’s lack of information on what organization will retain the conservation easement, its option for the project Applicant to rely on unspecified “other means” instead of a conservation easement, and its failure to identify with specificity the area to be preserved, all render this mitigation measure unacceptably vague and ineffective. Simply identifying a raw number of acres to “be designated for preservation” is not sufficiently concrete or enforceable to serve as mitigation under CEQA.

Furthermore, the Center is informed that in the recent past, the County has made a practice of accepting deed restrictions from landowners in lieu of the conservation easements the County relied on as mitigation in EIRs, and required as conditions of approval, for other vineyard conversion projects in Napa. Deed restrictions are not a substitute for conservation easements because, *inter alia*, there is no third-party organization charged with regularly monitoring the relevant land and ensuring that it remains in compatible use and retains its conservation value. Additionally, a deeded conservation easement grants the third-party steward legal remedies to enforce compliance with the terms of the easement. Thus, in order for there to be substantial evidence that relying on this mitigation measure will reduce the Project’s impacts to oak woodlands to less-than-significant levels, the DEIR must, at a minimum: (1) identify and describe the exact boundaries of the woodland property to be preserved, (2) demonstrate (e.g., by securing a letter of intent from the Napa Valley Land Trust) that there is a qualified third-party steward willing to acquire and hold the conservation easement, and (3) require that a conservation easement be recorded prior to any ground-breaking or tree-cutting activity on the project site. (*Cf. Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 281 [plan for habitat management failed to describe future management actions or include standards or guidelines for future actions and was therefore inadequate as a mitigation measure].)

A6-36

In any event, the Project’s treatment of oak woodland is inconsistent with Napa County General Plan Policy CON-24 in at least two respects. (See *Pfeiffer v. City of Sunnyvale City Council* (2011) 200 Cal. App. 4th 1552, 1562-1563 [local agencies’ land use decisions must be consistent with all applicable land use policies, including the General Plan and all of its elements].) *First*, Policy CON-24 requires oak woodland habitat to be maintained where feasible. Subsection (b) of that policy allows landowners to “[p]rovide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio *when retention of existing vegetation is found to be infeasible*. Removal of oak species limited in distribution shall be avoided to the maximum extent feasible.” (Napa County General Plan (June 23, 2009), p. CON-30 [emphasis added].) The DEIR does not demonstrate that retaining the existing vegetation is infeasible, a necessary condition before the Applicant may rely on 2:1 mitigation.<sup>12</sup> Thus, the Project as proposed cannot be squared with General Plan Policy CON-24(b) or CEQA.

A6-37

*Second*, Policy CON-24, subsection (a) requires landowners to “[p]reserve, to the extent feasible, oak trees and other significant vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects.” As DEIR Figure 4.4-1 unequivocally demonstrates, much of the Mixed Oak Alliance slated for removal is located at the heads of drainages. For example, the heads of the ephemeral drainages marked on the northern portion of the map are surrounded by Mixed Oak Alliance which will be removed to construct the northern portion of Block A1. Likewise, the Mixed Oak Alliance at the head of the drainage in the central portion of the property will be removed to construct Block D1. These drainages connect to, and feed, Conn Creek at or just beyond the eastern property boundary.

A6-38

Finally, a 2:1 mitigation ratio is simply insufficient to fully mitigate for the impacts from removal of oak woodlands. Not only are forests and woodlands important to sustain the County’s unique biodiversity, but they are also important for many ecosystem services that the County’s residents rely on for safety and economic stability, including water quality protection, carbon sequestration, erosion control, and soil retention (Brown & Krygier, 1970; Elliot, 2010; Jedlicka et al., 2014; Lawrence et al., 2011; Moyle et al., 2011; Pan et al., 2011). Santa Barbara County, through its Deciduous Oak Tree Protection and Regeneration Ordinance, requires for example a 15:1 mitigation ratio (via replacement planting or protection of naturally occurring oaks between six inches and six feet tall) for removed oak trees (Exhibit 4). If there is substantial evidence that avoidance and minimization measures are truly infeasible, the County should require that tree canopy be mitigated at a minimum of 5:1 onsite and should prioritize preserving in perpetuity existing habitat onsite and within developable lands.

A6-39

**VI. The DEIR’s Analysis of and Mitigation for the Project’s Impacts to Forestland Is Inadequate.**

The DEIR purports to adopt significance criteria for Agriculture and Forestry resources, stating that “[i]mpacts would be considered significant if the Proposed Project were to: . . . [r]esult in the loss of forest land or conversion of forest land to non-forest use.” (DEIR p. 4.2-6.)

A6-40

<sup>12</sup> The County has already interpreted Policy CON-24 to require such a feasibility finding. See Letter from Daniel Zador, Napa County Planning Building and Environmental Services, to Bill Solinsky, Cal Fire (Oct. 8, 2015) at p. 3 (Exhibit 5).



Yet the DEIR makes no attempt to apply this significance criterion in any meaningful way. The DEIR acknowledges that 24.51 of the property’s 66.41 acres of forestland (36.02 percent) will be removed. (DEIR at 4.2-7.) But rather than actually evaluating the significance of this timber harvest and conversion, the DEIR merely concludes, “[w]ith the vast amount of forest occurring south and southwest of the project site, the loss of 24.51 acres of forestland adjacent to the Town of Angwin would not be considered a significant loss to local forests.” (*Id.*) The DEIR then attempts to downplay the significance of this forestland conversion by stating—twice—that Napa County has 45,545 acres of land containing commercial timber species, and notes that “the Angwin area contains the smallest amount of timberland.” (DEIR at 4.2-8.) Without further discussion, it concludes that “the Proposed Project would result in a less-than-significant loss (0.05 percent) of forest land compared to County-wide commercial forestry resources.” (*Id.*)

A6-40  
(Cont.)

CEQA requires that agencies support their significance determinations with substantial evidence in the record. (*See Friends of Oroville v. City of Oroville* (2013) 219 Cal.App.4th 832, 839-44 [EIR failed to support with substantial evidence its determination that greenhouse gas impacts were less than significant, and misapplied its significance threshold by, in part, comparing the project’s greenhouse gas emissions against the emissions of the entire state, which necessarily underplayed their significance].) The County’s bare conclusion that clearing and replacing one third of the property’s forestland is insignificant lacks evidentiary support. The County makes no meaningful attempt to apply its adopted significance criterion, rendering the criterion meaningless. By the County’s crude analysis, *any* amount of forestland conversion on a parcel would be found to be insignificant, when measured against all existing forestland in the County. Accordingly, the DEIR fails to properly evaluate or mitigate for impacts from the permanent loss of forestland and its associated benefits, which include aesthetics, habitat, biological resources, water quality, and carbon sequestration. This deficiency is compounded by the fact that, as described below, the DEIR fails to properly consider the Project’s contribution to the cumulative impacts to forestland conversion.

A6-41

Because the DEIR improperly finds that the loss of forestland through conversion to non-forest use is less-than-significant, it makes no attempt to mitigate this significant impact. (DEIR p. 4.2-7 to -8.) Yet such mitigation is possible and feasible. For example, the Project could include permanent protection on all of the forestland remaining on the property (not merely oak woodlands) through a conservation easement. Because the DEIR fails to apply its significance threshold for forestland conversion, fails to analyze the significant impacts to forestland conversion, and fails to consider mitigation for those impacts, the DEIR violates CEQA.

A6-42

**A. The DEIR’s Calculation of Tree Canopy Retention Requirements Is Flawed.**

The DEIR states that “[a]pproximately 60 acres of tree canopy, 32 acres of brush/grass cover, and 1 acre of developed land were present on the property according to 1993 aerial photographs. Therefore up to 24 acres of tree cover may be removed from the property (60 x 40 percent).” (DEIR at 4.4-40.) The DEIR does not provide any evidence for these numbers; nor does it explain why the amount of tree coverage in 1993 jumped to a reported 60 acres in the DEIR (DEIR at 4.4-40), from a reported 57.45 acres in the ADEIR (ADEIR at 4.9-20), allowing the project Applicant to remove more than an additional acre of forest canopy.

A6-43

The DEIR also appears not to take into consideration the extensive tree removal operations conducted on similarly-situated properties in the area by PG&E after the recent wildfires in Northern California. These operations can result in the removal of significant portions of tree canopy from affected properties. (*See* Sweeny, 2018 [indicating PG&E has removed trees in strips of a minimum of 80 feet wide and “several thousand feet” long].) The DEIR should identify any existing power lines or transmission lines on the property, and whether and where such lines will be installed as part of the Project. Then, it should determine whether PG&E tree-removal operations have taken place or will take place, and factor the loss of those trees into the equation when calculating how much tree canopy may be removed pursuant to the “60/40 rule.”

A6-44

**VII. The DEIR’s Analysis and Mitigation of the Project’s Aesthetic Impacts Is Inadequate.**

The DEIR also significantly downplays the Project’s aesthetic impacts. Most notably, the Project site is located adjacent to, and across Conn Creek from, the Linda Falls Preserve, an approximately 175-acre preserve owned by the Land Trust of Napa County, and over which the Napa County Regional Park & Open Space District holds a conservation easement. The Preserve is part of the historic La Jota Land Grant and features trails, beautiful views, and a unique waterfall—Linda Falls—where Conn Creek cascades over angular volcanic boulders. (*See* Exhibit 6, Figure 1.) Yet the DEIR dismisses the Project’s visual impact to the Preserve in two sentences, claiming that a proposed setback from Conn Creek and the steep slopes on the project site would “prevent the project from being visible.” (DEIR at 4.1-7.)<sup>13</sup> This is untrue: the Preserve’s main trail includes eastern views of the project site that would be directly affected by the Project. (*See* Exhibit 6, Figure 2 [photograph looking east from trail and interpretive sign, across Conn Creek draw, and onto a ridgeline of forest that would be removed as part of the Project].) The DEIR thus fails to consider the significance of the Project’s impacts to views from the Linda Falls Preserve trails and should be revised to include this analysis.

A6-45

**A. The DEIR Offers No Substantial Evidence to Support Its Conclusion that Impacts to Scenic Resources Will Be Less Than Significant.**

The ADEIR previously issued by Cal Fire properly concluded that “[t]he Proposed Project could substantially degrade the existing visual character of the site and its surroundings. This would be a potentially significant impact.” (ADEIR at 4.1-7.) However, the ADEIR found that with the implementation of Mitigation Measure MM 4.1-3—the installation of a “solid board fence” around the Project—this impact would be less than significant. (ADEIR at 4.1-7 to -8.) Presumably in response to the Center’s February 27, 2017 comments on the ADEIR—which pointed out that the proposed mitigation would interfere with wildlife movement and was inconsistent with General Plan Policy CON-5 requiring permeable fencing—the County dropped this mitigation measure from the DEIR. (DEIR at 4.1-7.) Yet instead of proposing alternative mitigation, the DEIR simply performed an about-face and concluded that “[t]he proposed conversion to vineyard would be compatible with the existing visual character of surrounding

A6-46

<sup>13</sup> DEIR attempts generally to downplay the Project’s visual effects throughout. (*See, e.g.*, DEIR at 6-11 [“The Proposed Project is located in a mixed residential and agricultural area surrounded by forested vegetation and is difficult to view for the general public.”].)

areas and would result in a less-than-significant impact to existing visual character.” (*Id.*) This turns CEQA’s environmental review process on its head. Agencies may not conclude that an impact is significant, propose mitigation, then when faced with the fact that the proposed mitigation is infeasible, turn around and conclude that the impact is actually less than significant after all, based on the same evidence. The DEIR’s attempt to do so here is arbitrary and capricious.

A6-46  
(Cont.)

**VIII. The DEIR’s Analysis of and Mitigation for the Project’s Greenhouse Gas Emissions Is Flawed.**

Lead agencies performing environmental review under CEQA must thoroughly evaluate a project’s impacts on climate change. (*See Communities for a Better Env’t v. City of Richmond* (2010) 184 Cal.App.4th 70, 89-91.) The CEQA Guidelines require lead agencies to determine the significance of a proposed project’s greenhouse gas (“GHG”) emissions. (CEQA Guidelines § 15064.4.) If an agency’s analysis indicates that a proposed project will have a significant project-specific or cumulative impact on climate change, the agency must identify and adopt feasible mitigation measures to address this impact. (CEQA Guidelines § 15126.4(c).) Unfortunately, the DEIR’s analysis of the Project’s GHG emissions is flawed.

A6-47

**A. The DEIR Fails to Consider the Project’s Consistency with Napa County General Plan Policies Related to Climate Change and Other Relevant Plans or Policies Adopted for the Purpose of Reducing GHG Emissions.**

The Napa County General Plan contains numerous goals and policies that address reductions to the County’s GHG emissions. For instance, Goal CON-15 is to “Reduce emissions of local greenhouse gases that contribute to climate change.” Policies CON-65 through CON-75 set forth numerous policies adopted for the purpose of reducing the emission of GHGs within the County. For example, Policy CON-65(e) requires the County to “[c]onsider GHG emissions in the review of discretionary projects. . . . Projects shall consider methods to reduce GHG emissions and incorporate permanent and verifiable emission offsets.” Similarly, Policy CON-66(a) identifies several measures to be implemented during project construction in order to reduce construction-related GHG emissions. The DEIR’s analysis of the Project’s GHG emissions and climate change impacts contains no indication that the County considered these or other GHG-related goals and policies in the General Plan. Without having done so, the DEIR cannot conclude that the Project does not “[c]onflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.” (DEIR 4.7-6 [second significance criterion].)

A6-48

The DEIR also fails to analyze whether the Project is consistent with CARB’s Scoping Plan and Cal Fire’s 2008 Strategic Plan and Report to the California Air Resources Board on Meeting AB 32’s Forestry Sector Targets (the “Strategic Plan”). The Strategic Plan sets forth CARB’s “No Net Loss” target for the forest sector, and provides that Cal Fire will develop a plan to maintain current sequestration levels in a forest environment that is at risk of losses from land-use change. The DEIR does not explain how the destruction of approximately 25 acres of forest and 10 acres of vegetation is consistent with the state policy of maintaining current sequestration levels in forests that are at risk to losses from land use changes.

A6-49

**B. The DEIR Fails to Disclose the Baseline Against Which It Evaluates the Project’s GHG Emissions.**

CEQA requires that an EIR disclose the baseline conditions (Guidelines § 15125(a)) against which a Project’s significant impacts must be evaluated (Guidelines § 15126.2(a)). The Sacramento Metropolitan Air Quality Management District’s (“SMAQMD”) CEQA Guidelines—from which the DEIR draws its numeric thresholds for construction emissions—also recommend that CEQA analyses of projects’ GHG emissions include “[a] description of the existing environmental conditions or setting, without the project, which constitutes the baseline physical conditions for determining the project’s impact.” SMAQMD CEQA Guidelines, October 2016 at 6-5. However, the DEIR does not provide a description of the baseline conditions at the project site with respect to GHG emissions. It does not, for example, describe the current carbon sequestration potential of the property—a critical omission as the DEIR relies on retaining a portion of this sequestration to mitigate or reduce the Project’s GHG emissions. The DEIR’s use of a flawed baseline renders its analysis of the Project’s GHG impacts, and its determination of their significance, inadequate.

A6-50

**C. The DEIR’s Purported “GHG Emission Reduction Measures” Are Illusory and Will Not Reduce the Project’s GHG Emissions to Less Than Significant Levels.**

The DEIR’s GHG analysis labels the its most significant measures—each of which the DEIR relies upon to reduce the Project’s GHG impacts to a purportedly less than significant level—as “GHG emissions reduction measures.” (DEIR at 4.7-8 [Table 4.7-1].) But the DEIR cannot sidestep CEQA’s requirements for mitigation measures by calling them something else. (See *Lotus vs. Department of Transportation* (2014) 223 Cal.App.4th 645 [EIR violated CEQA by compressing analysis of impacts and mitigation into a single issue].) Neither of the proposed “reduction measures” satisfies CEQA’s requirements for mitigation.

A6-51

The DEIR cannot rely on the conversion of timber to lumber as a mitigation or reduction of the Project’s GHG emissions. (See DEIR at 4.7-8 to -9.) As the DEIR explains, no Timber Harvest Plan (“THP”) or Timber Conversion Plan (“TCP”) has been approved for this Project. (DEIR at 2-3.) Cal Fire circulated an Initial Study and Notice of Preparation (State Clearinghouse No. #2016042030) for its approval of the THP and TCP for the development of approximately 25 net acres of new vineyard within 33.8 gross acres on the project site. Subsequently, the County and Cal Fire agreed to transfer the project to Napa County, which now serves as the CEQA Lead Agency. As such, a final THP and TCP have not been completed. (DEIR at 2-3.) The DIER therefore has no basis for concluding that *any* of the forest on the Project site that is slated for removal will actually be harvested and converted to lumber. What’s more, although THPs *allow* for timber harvest and sale to take place, they do not *require* it, even if such a THP had been approved for the Project. (See *also* DEIR at 3-12 (none of the five identified project objectives even mentions timber harvest or lumber production.)) In fact, the Center is informed that for several other similar vineyard conversion projects approved in Napa County in the past several years, landowners have elected not to commercially harvest the timber from forest removal, choosing instead to burn or chip and mulch it, despite obtaining TCPs and/or THPs. The DEIR contains no binding, enforceable requirement that timber felled on the property will be converted to lumber. Without (a) evidence that timber harvest, sale, and

A6-52



production of lumber is commercially viable, and (b) an enforceable requirement that the Applicant produce a certain amount of lumber from removed trees, the DEIR may not rely on “Timber to Lumber” conversion to reduce, avoid, or mitigate over half of the Project’s GHG emissions. (See DEIR at 4.7-8.)

A6-52  
(Cont.)

Similarly, the DEIR claims a credit in GHG emissions reduction from “Retention of 14.84 acres of Oak Woodland” (DEIR at Table 4.7-1), and relies on this credit to conclude that the GHG impacts from construction will be less than significant (DEIR at 4.7-8). Without this illusory mitigation, the Project’s emissions would be well above the threshold of significance. We are aware of no legal authority to support a finding that an applicant’s choice to refrain from destroying all trees on a property as part of the project’s design can mitigate a project’s otherwise significant GHG emissions. Unlike the planting of new trees, the mere preservation of existing trees does not provide any additional or new reductions in GHG emissions. Neither will this measure result in any quantifiable change in the Project’s anticipated total GHG emissions compared to existing conditions on the Project site. (Cf. *Lincoln Place Tenants Assn. v. City of Los Angeles* (2007) 155 Cal.App.4th 425, 445 [a mitigation measure reduces significant adverse impacts on the environment caused by a project].) Such purported GHG emissions reductions are also illusory because the DEIR fails to demonstrate that they comply with the California Air Resource’s (“CARB”) Compliance Protocol for U.S. Forest Projects (CARB, 2015), which sets forth offset protocol standards to reduce or prevent GHG emissions through increasing and/or conserving forest carbon stocks.

A6-53

**IX. The DEIR’s Analysis of the Project’s Cumulative Impacts Is Inadequate.**

An EIR must examine the cumulative impacts of the project under consideration. CEQA defines “cumulative impacts” as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines § 15355.) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project “when added to other closely related past, present, and reasonably foreseeable probable future projects.” (CEQA Guidelines § 15355(b).) While an agency is not expected to foresee the unforeseeable, it is expected to use its “best efforts to find out and disclose all that it reasonably can.” (See CEQA Guidelines § 15144; see also *City of Richmond*, 184 Cal.App.4th at 96; *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 428.) The purpose of analyzing cumulative environmental impacts is to assess adverse environmental change “as a whole greater than the sum of its parts.” (*Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 625.) Absent meaningful cumulative analysis there would be no control of development and “piecemeal development would inevitably cause havoc in virtually every aspect of the [] environment.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 721.)

A6-54

The DEIR’s analysis of cumulative impacts falls short in at least three key ways. *First*, it fails to provide an explanation supported with substantial evidence for the geographic area used in the cumulative impacts analysis. (See CEQA Guidelines § 15130(b)(3).) The DEIR’s analysis considers only those past and present projects within a three-mile radius of the Project. Yet it supplies no geographic, legal, or biological reason for this three-mile limitation. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1216 [EIR failed

to explain the criteria for determining the geographic area of impact analysis and ignored a similar project located 3.6 miles away].) The DEIR’s geographic scope of a three-mile radius from the project site is arbitrary, unsupported by evidence, and appears to have been chosen for convenience rather than effectiveness in assessing impacts. For example, the DEIR acknowledges that this scope of analysis covers only 80% of the Conn Creek Main Fork and Upper Reaches watershed. (DEIR at 6-2.) Crucially, it does not cover the lower reach of Conn Creek that feeds directly into Lake Hennesy, the City of Napa’s source of municipal drinking water, or the lake itself. (DEIR Fig. 6-1.) The EIR’s cumulative impacts analysis is deficient and should be revised to consider the impacts from all similar projects within a larger geographic region, whose scope is supported by substantial evidence.

A6-54  
(Cont.)

*Second*, the County fails to explain why its cumulative impacts analysis is limited to considering future projects to take place only within the next ten years. (DEIR at 6-2.) Given that vineyard development has continued apace for the past 25 years in Napa County, it is at the very least “reasonably foreseeable” that such development will continue well beyond the next decade. The County should consider projects forecast to take place in the next 25 years.

A6-55

*Third*, the DEIR’s cumulative impacts analysis fails to include, or consider the effects of, all vineyard conversion activities in the vicinity of the project, instead limiting itself to considering only those vineyard conversion projects that require an ECP. This approach fails to capture the impacts from projects that do not require an ECP because, for example, they are proposed or implemented on slopes of less than 5% grade. In order to provide an accurate picture of the cumulative impacts of the Project, the analysis must include *all* vineyard conversion projects within the geographic scope of the impacts area, not just those that require an ECP.

A6-56

**1. The DEIR’s Faulty Evaluation of Cumulative Impacts to Forestland Is Especially Problematic.**

The DEIR’s treatment of the cumulative effects of forestland conversion is an especially egregious example of how its cumulative impacts analysis falls short. The DEIR states that the projects considered in the cumulative impacts area (Table 6-1), along with the present/foreseeable projects considered, could result in the removal of 1,929.74 acres of forestland, (which represents a loss of over 10% of the area within the 3 mile radius). (DEIR at 6-12.) The County then reasons that because this represents only 4.82% of County forestland, there is no significant cumulative impact. (*Id.*) The County cannot have it both ways by considering cumulative forest conversion impacts only from projects within 3 miles of the Project site but then comparing those impacts against all existing lands within the County. This flawed approach dilutes the true extent of the Project’s cumulative impacts to forestland conversion.

A6-57

The problem is compounded by the fact that for years, the County (and previously, Cal Fire), has repeatedly employed the same approach to dismiss the significant cumulative impacts from other forest-to-vineyard conversion projects in the County. (*See, e.g.*, Exhibit 3 at 6-3 to -4 [Davis Family Estates Friesen Vineyard Draft Environmental Impact Report], Exhibit 7 at 6-12 to -13 [Heiser-West Lane Vineyard Project Draft Environmental Impact Report].) By recycling a cookie-cutter analysis that for every project deems the conversion of forestland insignificant because the project at hand “represents a small percentage” (DEIR at 4.2-8) of forestland in the

A6-58

County, the County is avoiding its obligation to evaluate “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines § 15355.) Thus, the DEIR fails as an informational document. The EIR must be revised to include a legally sufficient analysis of the Project’s cumulative impacts, including impacts to forestland conversion.

A6-58  
(Cont.)

**X. The County Must Revise and Recirculate the DEIR.**

The current DEIR cannot properly form the basis of a final EIR. CEQA describes the circumstances that require recirculation of a draft EIR, which include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the draft EIR is so “fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.” (CEQA Guidelines § 15088.5.) Here, both circumstances apply. Decision-makers and the public cannot assess the Project’s impacts, or even its feasibility, by reviewing the current DEIR, which contains numerous errors and omissions. Among other fundamental deficiencies, the DEIR contains a flawed analysis of alternatives to the Project, repeatedly understates the Project’s significant environmental impacts, incorrectly assumes that unformulated or ill-defined mitigation measures will effectively reduce these impacts, and fails to properly evaluate the Project’s cumulative impacts. In order to resolve these issues, the County must prepare a revised EIR that would necessarily include substantial new information. That DEIR must then be circulated to the public for review and comment.

A6-59

**CONCLUSION**

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the County complies with its legal obligations including those arising under CEQA, we would like to remind the County of its duty to maintain and preserve all documents and communications that may constitute part of the “administrative record” of this proceeding. The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the County with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [] the agency’s compliance with CEQA . . . .” (*County of Orange v. Superior Court* (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the County’s representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the County’s representatives or employees and the Applicant’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the County (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

A6-60

Thank you for the opportunity to submit comments on the Project and DEIR. The Center looks forward to working with the County to ensure that the Project and the associated environmental review conform to the requirements of state law and that all significant impacts to the environment are fully analyzed, mitigated, or avoided. In light of the many significant, unavoidable environmental impacts that will result from the Project, we strongly urge the County not to approve the Project in its current form. Please do not hesitate to contact the Center with any questions at the number listed below.

Sincerely,



Peter Broderick,  
Staff Attorney  
1212 Broadway, Suite #800  
Oakland, CA 94612  
Tel: (510) 844-7100  
[pbroderick@biologicaldiversity.org](mailto:pbroderick@biologicaldiversity.org)



**Exhibits**



A6-61

**Exhibit 1:** Letter from A. Prabhala, Center for Biological Diversity, to B. Solinsky, California Dep't of Forestry and Fire Protection, Re Administrative Draft Environmental Impact Report for Le Colline Vineyard Project (Feb. 27, 2017)

**Exhibit 2:** Comments on Administrative Draft Environmental Impact Report for the Le Colline Vineyard Project on Upper Conn Creek – Napa River by Patrick Higgins, Fisheries Biologist (September 30, 2016)

**Exhibit 3:** California Dep't of Forestry and Fire Protection, Davis Family Estates Friesen Vineyard Draft Environmental Impact Report (August 2015) (excerpts)

**Exhibit 4:** Deciduous Oak Tree Protection and Regeneration Ordinance, Art. IX, Ch. 35, Santa Barbara County Code (June 2003)

**Exhibit 5:** Letter from Daniel Zador, Napa County Planning Building and Environmental Services, to Bill Solinsky, Cal Fire (Oct. 8, 2015)

**Exhibit 6:** Photographs (2)

**Exhibit 7:** Napa County, Heiser-West Lane Vineyard Project Draft Environmental Impact Report (December 2018) (excerpts)

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P.O. Box 75371, Napa, CA 94551  
www.sierraclub.org/redwood/napa  
napawallcyscott-act06@gmail.com

February 19, 2019

To: Brian Bordona, Supervising Planner  
Napa County Planning, Building and Environmental Services Department  
1195 Third Street, 2<sup>nd</sup> Floor  
Napa, CA 94559  
[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)

Re: Le Colline Vineyard Conversion Plan Draft Environmental Impact Report (DEIR) Comments

The Napa Group of the Sierra Club had just earlier this month provided comments to the Napa County Planning Commission on the proposed ordinance for Watershed and Tree Protection to provide a needed update of the Conservation Code.

The proposed ordinance reflects, as you know the Board of Supervisors response to voter support for Measure C as well as continuing community concern and engagement over issues and projects for which Measure C envisioned some limited remedy. Please now consider our Groups' comments here on the Le Colline Conversion DEIR as a project of specific concern for which the proposed ordinance could have provided its own remedy, if only given a little more time for community vetting and enactment.

Central to our comments on both the proposed ordinance and Le Colline Conversion DEIR lay in the most profound threat facing Napa County's environment, agriculture, economy and safe quality of life for our citizens and wildlife that is climate change.

Locally, we have already experienced drought, warmer temperatures, greater wildland fires and associated rainy season erosion and mud flows brought on by accelerating climate change happening worldwide.

We need to act now to make each of our watersheds and ecosystems as resilient as possible to warming temperatures. Carbon security is key to any future resilience. Therefore the proposed Le Colline project also needs to protect the important role of carbon sequestration that our forests and woodlands provide. This role has been quantified in the Draft Napa County Climate Action Plan—Revised Final Technical Memo#1, page 22. Oak woodlands sequester almost 25 times more carbon than non-vineyard croplands per acre per year and 126 times more carbon than vineyards. Coniferous forests sequester 38 times the carbon as non-vineyard croplands



and 195 times the carbon as vineyards (though the vineyard part of these comparisons are basically skewed due to the typical management practices of grubbing out mature vines and replanting, creating periodic down times in reliable high rates of sequestration while new young vines have to again reach maturity over repeated years). The Le Colline site contains a mature native mix of coniferous and broadleaf woodland plant communities consistently performing carbon sequestration already. If we are to stabilize our climate, we need to prevent, or realistically mitigate any loss in carbon sequestration throughout any local wooded watershed.

A7-01  
(Cont.)

Our Group comments on the Le Colline project specifically:

A7-02

A7-03

A7-04

A7-05

- An assumption is made and implied in the DEIR that the proposed loss of fully efficient and steady carbon sequestration made by 33.8 acres in mature native woodlands and associated plant communities is somehow a one-time development occurrence. It is not, given typical vineyard management practices with the repeated visits needed to service the site and periodically replace the vines with an array of carbon emissions made by equipment exhaust and burning of slash. The existing woodlands require rare visits to be managed responsibly for a truthful comparison. Study is needed to know the reoccurring loss made over an extended timeframe.
- The systematic deep ripping of soil or selective sheet grading or digging for placement of project development infrastructure is another loss. Such activities destroy ancient soils which have been held in place by mature tree roots for a very long time. Such soils contain microorganisms which aid significantly in carbon sequestration and have evolved in a symbiotic relationship with the existing native vegetation. Without protective roots the ancient soils could easily be eroded and become wasted siltation entering Conn Creek. The long narrow vineyards as proposed for the Le Colline site will have disproportionately high percentages of service roads, tractor turn zones and other non-planted surfaces compared to any broader valley vineyard. It has been studied and estimated that a greater percentage of erosion (up to around 60%) will come off of such non-planted ground. This is worrisome in proximity to a tributary of our principal city water supply. The County should require more water sample testing be made than the City of Napa has and submitted throughout the duration of any future replanting sequences. Soil profiles and bulk densities should be studied and made each time too.
- Additionally, further study, on the ground is needed before vineyard development is even planned and throughout vineyard operations to verify with certainty all the environmental impacts proposed than what the DEIR has weakly indicated so far. We know other responsible groups and informed individuals will be commenting on more of these probably significant impacts if not monitored empirically and reported on either end of the proposed development.
- Cumulative effects need to be measured across other components of the Conn Creek watershed, whereas this DEIR tends to just focus on the Le Colline site. Just in water usage the existing woodlands and riparian vegetation have adapted over centuries as part of the broader watershed and have taken in rainfall during droughts or wetter times without contrived assistance. To compare the one site vineyard to what exists in the mature native landscape is silly if irrigation is needed to get the vines started and to irrigate again each time there is a business choice to replant. Young vines need water

while the existing native landscape has made it on its own without impounding of water into detention basins. This needs more field study without sole reliance on maps or models before introduction of basins or irrigation.

A7-05  
(Cont.)

- The risk of fragmented natural landscapes is high with all the long narrow vineyards planned throughout the Le Colline site. The DEIR is in error to imply that this could be less than significant. Fragmented natural landscapes are vulnerable to loss of ecological diversity and influx of invasive exotic species. Wildlife corridors are disrupted and can fail. Increasingly, habitat is lost. This is a sorry phenomenon which has been studied throughout California. With the advent of rapid climate change more pressure is made on such isolated landscapes just at the time they need to find even more resilience in conjunction with natural native surroundings.
- Protection for the proposed fragmented natural landscapes at Le Colline is suggested in the DEIR by easements, but nothing definitive is identified for that purpose. It is left to later, after the development has made its inroads and cut up the woodlands into ribbons. It was discussed before the County of Napa during consideration to update the Conservation Code just recently that the more attractive natural landscapes for recording in favor of accepting easements are those that are a part of a much larger continuous environmental asset, or can fill a gap to complete the natural landscape.
- A natural open space asset exists next to the Le Colline site just downstream at the Linda Falls property which is protected by the Land Trust owner and a public agency conservation easement. It is not clear how this site can be connected by trail or otherwise to other protected woodlands in the general area of the Conn Creek watershed. The DEIR makes a disservice to public comprehension by not properly labeling the existence of Linda Fall next door on its maps.

A7-06

A7-07

A7-08

The best environmental option in our Group estimation at this time is for no development project at the Le Colline site. We will ask that the Le Colline DEIR be denied for approval and suggest that Napa County require the project developers to wait instead and strengthen on-site environmental protections in accord with any updated Conservation Code forthcoming. The proposed ordinance may be more effective in protecting the climate, environment and economy of Napa County for the long term.

A7-09

Sierra Club Napa Group Executive Committee  
Xulio Soriano, Chair  
Chris Benz  
Annette Krammer  
Tony Norris  
Tom Clark  
Diane Shepp

## Comment Letter A8

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Draft EIR timber conversion to vineyard and ECPA  
**Date:** Thursday, January 03, 2019 1:44:36 PM

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**From:** ruralangwin <kelliegato@gmail.com>  
**Sent:** Wednesday, January 2, 2019 4:58 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Re: Le Colline Draft EIR timber conversion to vineyard and ECPA

Thank you Brian,

This is very helpful.

Kellie

On Wednesday, January 2, 2019, Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)> wrote:

Hi Kellie

The 45-day comment/circulation period begins tomorrow (Jan 3) and closes on February 19.

The DEIR (w/Appendices) will be available in PDF format on the County's website tomorrow;  
<https://www.countyofnapa.org/2386/Le-Colline-Vineyard-ECPA>

PDF format is sharable as a hyperlink. Please let me know if there are other formats that you were anticipating and I will be happy to look into providing those as well.

I hope this is helpful.

Brian

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**From:** Bordona, Brian  
**Sent:** Wednesday, January 2, 2019 1:38 PM  
**To:** 'Eyal Grayevsky' <kelliegato@gmail.com>  
**Cc:** Morrison, David <[David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)>; [diane\\_dillon@comcast.net](mailto:diane_dillon@comcast.net); Tran, Minh <[Minh.Tran@countyofnapa.org](mailto:Minh.Tran@countyofnapa.org)>  
**Subject:** RE: Le Colline Draft EIR timber conversion to vineyard and ECPA

Hi Kellie

I'm looking into this and will respond as soon as I hear back from our web folks.

Brian

## Comment Letter A8

**From:** Eyal Grayevsky <[kelliegato@gmail.com](mailto:kelliegato@gmail.com)>  
**Sent:** Wednesday, January 2, 2019 12:53 PM  
**To:** Bordona, Brian <[Brian.Bordona@countvofnapa.org](mailto:Brian.Bordona@countvofnapa.org)>  
**Cc:** Morrison, David <[David.Morrison@countvofnapa.org](mailto:David.Morrison@countvofnapa.org)>; [diane\\_dillon@comcast.net](mailto:diane_dillon@comcast.net); Tran, Minh <[Minh.Tran@countvofnapa.org](mailto:Minh.Tran@countvofnapa.org)>  
**Subject:** Le Colline Draft EIR timber conversion to vineyard and ECPA

Dear Brian,

I recieved notice of the Draft EIR for the Le Colline project circulation has begun. I'm interested in this being widely available for public review. Can this document be made shareable from current projects site so that it can be used by interested organizations on their groups sites? As it is currently formatted , the document can not be shared to social media or as a link. Is this an IT issue? Or is this policy?

This is the single most critical issues proposed on Howell Mountain and effects tens of thousands of City on Napa Water users. We would appreciate a link that is shareable in many formats. Please advise.

Thank you for your prompt attention to this matter.

Kellie Anderson  
Linda Falls Alliance

A8-01



# Comment Letter A9

To: Brian Bordona  
Supervising Planner  
1195 Third St.  
Napa CA 94559

From: Kellie Anderson  
Linda Falls Alliance  
445 Lloyd Lane  
Angwin CA 94508

Comments Draft Environmental Impact Report Le Colline Vineyard Project

February 23, 2019

Dear Mr. Bordona,

Please accept my comments on the Le Colline Draft Environmental Impact Report.

From the onset this project has produced grave concern for Angwin Residents, Biologists, municipal water managers and recreational users. This DEIR is required to assess the nearly endless environmental impacts expected to occur should any version of this project, other than the No Project version be approved. As Lead Agency, Napa County is indeed a partner with the residents of Napa County to assure that environmental impacts can be avoided or mitigated to a level of less than significant.

A9-01

The mere fact that an investor buys land with the dream of development does not affirm that the project is feasible. In the words of retired County Council Robert Westmeyer "Developers take their chances when they buy land in Napa County" and unfortunately in the case of the so -called *Le Colline* project, we have exactly this situation: nothing more than a developer taking a chance.

The story is not new: Mr. David DiCesaris, an out of state investor, visits Europe, falls in *love* with wine, and with no farming experience, takes a chance and purchases land with the intention of developing a vineyard in one of Napa County's last wild and secret forests.

<https://www.deseretnews.com/article/645193414/Ex-salesmen-say-leases-are-scamis.html>

A9-02

In his naïveté (or greed) Mr. DiCesaris relied upon the expertise of local vineyard developers, real estate agents, engineers, for profit foresters and logging contractors, *local experts*, all poised to make a profit from his inexperience and intemperance. In reality, the significant impacts identified and analyzed in this DEIR demonstrate that Mr. DiCesaris has been duped by these *experts* into buying undevelopable property, and being persuaded for a fee, to believe his project is environmentally and economically feasible. Mr. DiCesaris is being *churned*.

The DEIR details a site so biological rich, geologically important, aesthetically valued, hydrologically fragile, and culturally treasured, located immediately adjacent to one of Napa County's most beloved natural and recreational wonders Linda Falls Land Trust Preserve, that the **No Project** alternative and subsequent acquisition of the forest land by a conservation organization for permanent protection is the only reasonably justifiable use.

From the start this project was doomed, with every dollar Mr. DiCesaris spends filling the pockets of *for hire experts*, all of whom are fanning the flames of Mr. DiCesaris covetous dream. Mr. DiCesaris unscrupulous acquisition of 300 Cold Springs Rd. Angwin, from then 86 year old Marilyn Wileman under the broken promise of completing a lot line adjustment (in order for Mr. Wileman to retain her small family cottage and tiny rental units on 5 acres) has blanketed this project with suspicion and revealed that honesty does not matter, neither on the part of Mr. DiCesaris nor on the part of the local professionals he has relied upon to achieve his goals. No mitigations offered in this DEIR can be expected to be completed.

A9-03

Mr. DiCesaris has proven he does not keep his word. (Personal correspondence R. Horning, L. Horning, K. Anderson, P. Peterson)

A9-04

This DEIR has been prepared by Analytical Environmental Services (AES) and from the FEIR for Ciminelli we have provided the following statement:

To warrant a detailed response in the Final EIR, comments must fulfill two minimum requirements: 1) the comments must raise a substantive environmental issue, and 2) they must be related to either the decisions to be made by the Lead Agency and Responsible Agency based on the EIR or to the expected result of these decisions. Responses have not been provided to comments that do not raise significant environmental issues; however, all comments are in the administrative record for the project and will be considered by the California Department of Forestry and Fire Protection (CAL FIRE) and Napa County in making their decisions.

A9-05

This DEIR must address the following impacts and provide implementable mitigations to reduce project impacts. AES is cautioned to provide responses specific to the proposed Le Colline project impacts and cumulative impacts. Relying upon responses from recent projects (Ciminelli, Heiser, Davis) in a cut and paste fashion is inadequate to define the Project scope or impacts.

Aesthetics

The DEIR incorrectly concludes the project would have no aesthetic impact on scenic vista, would not substantially damage scenic resources, would not degrade exiting visual character of the site and its surroundings, would not adversely affect day or night time views. The Lead Agency is not limited to its reliance on potential State Scenic Highway designations as its exclusive bar to analyze impacts to aesthetics resources. Howell Mountain Rd. is included in the County General Plan Scenic Highways Element which are designates areas of: natural scenic beauty and recreational interest. The photo included in figure 4.1-1 labeled *Representative View of Proposed Site* is disingenuous and is not representative of the forested iconic views of Project site from Howell Mountain Rd., the majority of surrounding roadways and the Pacific Union College campus.

A9-06

Visitors to the Linda Falls Land Trust Preserve (held in title with Napa County Regional Parks and Open Space District) experience forested vistas to the east to Project site including unbroken ridge lines of conifers. Hikers using the Falls Trail and the Saw Mill Trials experience eastern views as a silhouette of Ponderosa Pine and Douglas fir trees intermixed with oaks. No vineyards are visible and park users experience a sense of forest sanctuary. The loss of the aesthetic resource to recreational users of the Linda Falls Preserve is a substantial environmental impact that must be analyzed in the DEIR. The adjacent Linda Falls Land Trust Preserve west of project site, was omitted from the existing setting analysis, (really no mention of a 30 foot water fall?) yet Linda Falls recreational resources will be greatly impacted by forest canopy conversion to vineyard, particularly the loss of climax tree canopy of proposed block C. Page 2.8 of the DEIR actually states "the proposed project would not adversely impact recreational opportunities," but this statement is false.

A9-07

Please provide a map showing the location of trails on adjacent Napa County Regional Park and Open Space District/Land Trust parcel and their proximity to proposed vineyard blocks. Note that the Saw Mill Trail crosses Conn Creek easterly for some distance. What impacts will trail users experience from development of Block A2? How many visitors' utilize the Land Trust/NCRPOSD hiking trails each year? What volunteer programs will be impacted? Number of views of scenic vistas is a significant impact that must be analyzed. Note the Preserve is heavily visited in the winter and spring months to view the Linda Falls Waterfall. The DEIR must analyze recreational impacts.

A9-08

Residents and visitors traveling to the Angwin area would experience a degraded aesthetic vistas by proposed tree clearing and vineyard development. The project site Block B is clearly visible to vehicles traveling thru Ciacocca Pass and Block A 1 & B are visible from recreational fields at Pacific Union College as well as residences located on Crestmont Drive, Brookside Drive, Bishop Place, Las Posadas Rd. and Winding Way. Water tanks at Block B would be visible from Howell Mountain Rd. and is an unmitigated significant aesthetic impact.

A9-09



Additionally views from the Dunn Centennial Hill Land Trust conserved lands APN # 024-242-036 would also be negatively impacted. Visitors and residents to the Cold Springs Rd. area would experience a degraded westerly view as forested ridge lines currently comprise the identifying character of the neighborhood, as shaded forest canopies are replaced by a commercial vineyard (Block B & C) including roads, trellis systems and increase exposure to western sun. While AES has concluded in other environmental analysis (representing Cal Fire on recent DEIR analysis) that the replacement of forest canopy with vineyard is subjective value and not a significant environmental impact as vineyards are located throughout Angwin, as Lead Agency Napa County must consider forest canopy loss and replacement with vineyard a substantive aesthetic impact including the cultural value of the forest canopy to the Angwin Community. Pacific Union College's very logo includes an image of a conifer and the College song begins, "Our college on the Mountain among the fir clad hills". The DEIR does not evaluate the cumulative loss of forest canopy from PG & E powerline clearing and increased views to project site from Howell Mountain Rd. Please substantiate the existence of "vast amount of forest occurring south and southwest of the project site" (4.2.7). What is vast? How this is vast amount of forest protected from similar agricultural conversion? Given all lands adjacent are designated AWOS in the County General Plan and can be converted to vineyard, the DEIR is flawed on reliance of other forested lands as mitigations for this Project. The DEIR's conclusion "The impacts to scenic vistas would be less-than- significant" are not supported by fact and the loss of forest canopy cannot be mitigated to a level of less than significant.

A9-10

A9-11



Figure 1 Views looking east to project site from interpretive sign at Linda Falls Land Trust Preserve View of proposed Block B



*Figure 2 Local family visiting Linda Falls June 2018. It was a very hot day note towels for a dip in the pools. The DIER fails to include discussion of recreational impacts.*

[https://napavalleyregister.com/community/star/news/local/napa-county-land-trust-dedicates-linda-falls-site/article\\_d2bea4c4-f78b-11df-8a6a-001cc4c002e0.html](https://napavalleyregister.com/community/star/news/local/napa-county-land-trust-dedicates-linda-falls-site/article_d2bea4c4-f78b-11df-8a6a-001cc4c002e0.html)

[https://napavalleyregister.com/news/local/land-trust-open-space-district-add-layer-of-linda-falls/article\\_177549e1-4770-5e37-9198-dd817a0b8650.html](https://napavalleyregister.com/news/local/land-trust-open-space-district-add-layer-of-linda-falls/article_177549e1-4770-5e37-9198-dd817a0b8650.html)





Figure 3 View looking west from Winding Way and Cold Springs Rd. to proposed Block B & C

**Noise**

The development of the project vineyard blocks are proposed to occur on areas comprised of rock including Foreward silt loam and Kidd loam as identified as nonprime farm land in the Custom Soils Resource Report Appendix H. Local field surveys (K. Anderson, R. Dunn, K. Stanton 7/28/18) document huge areas of rock boulder fields, rock outcroppings and sheets of rock covering many acres throughout the project site. Equipment needed to break up these rock areas and remove rock for vineyard development is exceedingly noisy. The recent Bremer (3 acre exemption vineyard conversion on Las Posadas Rd.) necessitated the use of an excavator equipped with a hydraulic jackhammer to break up bedrock.

Please discuss the noise vibrations from project construction from jack hammering. How can this be considered less than significant? Where is the noise from logging phase of this project analyzed in the DEIR? How are the changes of forest sounds replaced by construction equipment analyzed for actual impacts to residents, nearby schools, and wildlife in the area? What schools are in the area? The analysis is incomplete and proposed mitigations fail to address the prolonged equipment activity typical of this scope of vineyard development on rock. Page 4.11-4 states "scientific studies have shown that how human response to vibration vary by the source of vibration," How do humans respond to a Caterpillar long reach excavator dumping rocks into a 10 wheeler outside their kitchen window?

A9-12

Noise Mitigation 4.11-1 'requires the Applicant to locate stationary noise sources as far away as possible from sensitive receptors as possible,' How will this be assured? What is the definition of *as possible* in terms of this mitigation? Who makes the decision on the *as possible* mitigation distance? How will this mitigation be assured by Applicant?

A9-13

Is there electrical source for the proposed well? (The Agricultural well is located on the north parcel), however Appendix O exhibit notes two wells on property. Will the domestic well be tied into vineyard irrigation system? Will generators be utilized? Will frost inversion fans be utilized? Will frost fans be powered by tractor PTO? Despite right to farm ordinance these impacts must be analyzed.

A9-14

MM 4.11-1 "limit the hours of construction per Napa County ordinance," Page 4.11-10 implausibly states "construction noise near sensitive noise receptors would not occur for more than two days and would not be consistent throughout the day." Given the actual known noise impacts of similar recent projects could be heard over a mile from project site (Bremer Las Posadas Rd. 3 acre conversion exemption) lasting over 21 days, on a much smaller project, provide evidence that sensitive receptors will be exposed to less than two days of construction noise. Please support the conclusion that 100 vehicles per day during timber harvest and construction phase would not be audible given the vehicles will include delivery of the equipment listed in table 4.11-6 excavator, water trucks, front end loaders, graders, bulldozers, as well as logging and haul trucks?

A9-15

What is the actual noise reducing achievement of sound reducing mufflers on long reach excavators with hydraulic jack hammers breaking rock?

Actually it was quite fascinating to try and follow the circuitous loop of the so called noise mitigations! The proposed mitigation to limit construction within 200 feet of neighboring residences from 8 am to 6 pm is particularly deficient! That's 10 hours per day! The mitigation fails however to be feasible when the remainder of the site permits construction from 7 am to 7 pm! How will workers and equipment access the areas beyond the 200 foot residential zone? All trucks and equipment beginning work at 7 am till 7 pm must travel through the special residential quiet zone? Who is the **noise management employee**? (AES I'm snickering now.....I bet you are too!) And what exactly does "investigate noise complaints" mean? How are noise problems solved? Is there a noise judge to settle noise disputes? How are subcontractors delivering equipment advised of noise mitigations? Why is the special noise complaint phone number zone limited to 400 feet when all of Angwin can hear rock hammering for miles? Should all of Angwin be provided with this *special* phone number? THE DEIR does not provide evidence to support mitigation measures for noise are adequate to reduce impacts to less than significant.

A9-16

Who verifies that all construction equipment and vehicles are equipped with **properly operating and maintained mufflers and acoustical shrouds** in accordance with manufactures recommendations? How effective is a muffler on a D9 Caterpillar pulling 36 inch ripper shanks through acres of bedrock for months on end 12 hours per day? The noise mitigations are not adequate to address the serious health impacts to sensitive receptors from the Proposed Project.

A9-17

Of particular interest is the proposed mitigation measure 4.11-1 "offer nearest property owners the option to install sound-reducing windows." Please describe this program. How is this option structured? What property owners are eligible? All of Angwin can hear the grinding and moaning as the rocks are painfully pried from the very earth! Who exactly pays for this sound-reducing window replacement? Who decides which windows are suitable sound reducers? Are Pella true-divide wood windows approved or do we get stuck with some plastic Home Depot product? Is there a life time guarantee? The Lead Agency is cautioned that mitigation measures must be feasible and the less than significant conclusion to noise impacts is not supportable.

A9-18





Figure 4 Typical view of rock formations on project site in the area of proposed block A1



Figure 5 Logging equipment being delivered to vineyard development during construction Las Posadas Rd., Bremer 3 acre exempt conversion



Figure 6 Typical vineyard construction scene Las Posadas Rd Bremer Family Winery Vineyard. Note equipment utilized in rock clearing.

**Agriculture and Forestry Resources**

Forest conversion to agricultural uses has resulted in the near extinction of healthy, contiguous forests in the Angwin area. Figure 7. While the County AWOS General Plan land use designation permits agricultural uses (A), the watershed and open space (WOS) functions of undeveloped lands are given equal value in the designation. General Plan Policy **CON-1** *The County will preserve land for greenbelts, forests, recreation, flood control air quality improvement, habitat for fish wildlife and wildlife movement, native vegetation and natural beauty. The County will encourage management of these areas in ways that promote wildlife habitat renewal, diversification and protection.* In providing a clear history of acres of natural lands converted to agriculture this DEIR seeks not to inform but to evade. Page 4.2.-1 "Approximately 623 acres of timberland was converted in Napa County between 1977- and 2012." Followed by the blurry statement that 17 percent of total timberland conversions in Napa County from January 1991 to May 1999 was related to vineyard production. How many forested acres does that 17% represent as this pertains to cumulative forest resources analysis? What is the converted acreage county wide from 1977 to 1999 for vineyard development? I bet AES has that number. Why not clearly state the total acreage known county wide of natural lands converted to vineyard to date? What are the converted acres up to 2018?

A9-19





Figure 7 Vineyard Development in the Angwin Area

Interestingly, Table 6-1 Cumulative ECP Projects List Within Three Miles of The Proposed Project (1993-2018) paints a clear picture of deforestation impacts in the Angwin area. While this chart does not include vineyard developments on slopes less than 5%, (nor does it include non-permitted plantings) it paints a chillingly accurate picture as to how much deforestation for vineyard has occurred in the last decades in Angwin. Table 6-1 declares that 698.11 acres of forest has been converted to vineyard in Angwin. What is the known acreage of forest conversion to vineyard on lands on less than 5% slope? How many acre of forest lands remain in Angwin? How have vineyard blocks and fencing degraded the overall quality of shelter, foraging, browsing, breeding and refuge habitat for wildlife? Given that the Napa County Land Use Designation AWOS permits agricultural development on every parcel in the Angwin area (not withstanding setbacks from creeks, slopes etc.) the DEIR fails to analyze the cumulative impacts of forest loss from vineyard development. In fact current and reasonably foreseeable project analysis must not rely on averages of past and pending projects to “project an estimation of vineyard development under an ECP in the next three to five years” as it is reasonable to predict that every parcel of land in Angwin from .5 acres to large forested parcels are currently being eyed for vineyard development. The climate of permissive deforestation promulgated by County of Napa Policy and Cal Fire has reasonably demonstrated to speculative vineyard developers and local industry consultants (Le Colline as an example) that every project will be approved.

A9-20

A9-21

Inexplicable page 6-12 states the following” Assuming each of the projects (excluding the Proposed Project) in Table 6-1 and the present and reasonably foreseeable future projects total acreage resulted in 100 percent removal of forestland within a 3-mile radius of the Proposed Project, the removal of approximately 1,929.74 acres of forestland would only account for a 10.66 percent loss of forestland acreage in a 3-mile radius of the Proposed Project. Within Napa County, this loss would account for 4.82 percent loss of forestlands. Therefore, impacts resulting from timberland conversion of the Proposed Project are considered less than significant within the cumulative context.”

A9-22

How is this statement rational? The DEIR is claiming that if 100 percent removal of forest occurred within with-in a three mile radius of the Proposed Project this would only account for 10.66 percent of forest loss acreage in a 3-mile radius of project. How is this possible? This DEIR must provide reasonably supportable project defense. Stating that 100% forest canopy loss within three mile of project evaluated in the context of county wide forest loss is not a credible cumulative impact analysis. The Less than significant conclusion is not supported.

A9-22  
(Cont.)

Finally, 4.2-4 Impact is clear that an impact to forest lands will occur with project approval, "Implementation of the Proposed Project would directly convert forest land to agricultural land and these direct impacts are addressed under Impact 4.2-3". Now follow me on this, 4.2.3 (Significance Criteria) in part states that impacts would be considered significant if the Proposed Project were to: Result in the loss or conversion of forest land to non-forest use" which it most definitely would! Continuing on to Impact 4.2-3 Implementation of the Proposed Project would result in loss of local forestland thru conversion of forestland to non-forest use; The criteria here is loss of local forest land thru conversion. The DEIR incorrectly minimizes the environmental impacts of Project forest conversion to agriculture, by inappropriately evaluating Project forest loss as a percentage of total Napa County forest acreage, resulting in a flawed impact analysis. As stated above the impact is local forest resources and to the Angwin region and the forest conversion to agriculture must be analyzed as a local impact to habitat, canopy, aesthetics and air quality.

A9-23

It is troubling that 4.2 Agriculture and Forestry Resources evaluation does not include a map denoting forest resources similar to agricultural designations in figure 4.2-1. Please provide a map detailing forest resources of subject site and surrounding area. Figure 4.2-1 FMMP Designations calls out nearly the entire parcel as other lands, not farm land. This DEIR should include a clear map of forest resources. Please note that Figure 4.4-1 is inadequate to convey this needed information as contains additional project details.

A9-24

Lastly, please describe the aquatic habitat, include location, character and plant species present in the area noted on 4.2-7 as being retained within the remaining 63 acres that would be maintained post project development. AES is requested to provide a map of the proposed conserved aquatic habitat. This aquatic habitat in not noted on map Figure 4.4-1.

A9-25

**Biological resources**

Many significant biological resources concerns are addressed by California Department of Fish and Wildlife comment letter. None the less, my firsthand knowledge of the project site provides me with knowledge of biological resources impacted by the Proposed Project. In order to convey information to decision makers this DIER must contain information that is legible. Plate III Aerial Photo/Survey Area appears to contain important vegetation information. However, the black and white photo overlaid with vegetation boundaries outlined in grey, is unusable in its current format. Project impacts to existing plant community cannot be evaluated from this map. THIS DEIR should include an amended natural vegetation map of such quality to identify plant communities, wetlands and must include rock outcroppings which comprise a significant portion of vineyard blocks A1 & B2.

A9-26

The County of Napa Base Line Data Report specifically identifies Rock out cropping for their important habitat features yet the DEIR provides no details about the extent of these important features and their significance to plant and animal species. The purpose of the Base line Data Report:

The purpose of this chapter is to provide a comprehensive summary of biological resources in Napa County and a mapped inventory of these features. The data assembled will provide a scientific basis for future regional and site-specific assessments of project impacts and for the evaluation of mitigation measures, conservation proposals, and enhancement opportunities for biological resources. It will also serve as a basis to evaluate current and future policies at the local and countywide level as they relate to biological resource protection and enhancement.

A9-27



Specifically the Base Line Data Report notes:

Rock outcrops are not treated here as a biological community, because species composition in these sites varies a great deal depending on the surrounding biological community. They are described here because they provide important habitat features for special-status plant and wildlife species. **DISTRIBUTION** Rock outcrops cover approximately 1,700 acres or 0.5% of the County (Table 4-3). Over 50% of the County's rock outcrops are located in the Eastern Mountains Evaluation Area, while an additional 32% are located in the Livermore Ranch Evaluation Areas. Rock outcrops in the County are generally located on the steeper ridgelines of the Sonoma Volcanics. Three types of rock outcrop are recognized in Napa County: volcanic rock outcrops, sandstone rock outcrops, and serpentine barren. Volcanic and sandstone rock outcrops were not distinguished in the land cover layer, as the signature of these two rock outcrops is not easily distinguishable. Taken together, sandstone and volcanic rock outcrops are far more extensive than serpentine barrens. Rock outcrops in eastern Napa County are predominantly sandstone of the Great Valley Series, while volcanic outcrops are primarily found in the Livermore Ranch area (the Palisades), and are also common in the area from Mount George to Rector Canyon. Serpentine barrens in the County are found almost exclusively in the Knoxville area. Serpentine outcrops in this area are often associated with steep, unstable slopes and ridgelines. Seeps and springs are found in Knoxville in association with serpentine areas. **COMMON PLANTS** Vegetation is sparse on rock outcrop areas. Lichens are found on the most exposed areas, while ferns and clubmosses may be found in more sheltered portions of the outcrop, such as cracks where soil may collect. Small trees such as leather oak and foothill pine, and shrubs such as chamise, toyon, silver bush lupine (*Lupinus albifrons*), broom snakeweed (*Gutierrezia sarothrae*), and hairless gaping keckiella (*Keckiella breviflorus* var. *glabrisepalus*) may be found adjacent to sandstone rock outcrops. Herbaceous species associated with sandstone rock outcrops include dense false gilia (*Allophylllum gilioides*), and splendid mariposa lily (*Calochortus splendens*). Rare species found on sandstone outcrops include modest rock cress (*Arabis modesta*) and Heller's bush mallow (*Malacothamnus helleri*). These species are not designated as special status species despite their rarity, as they are not threatened at this time. Common shrubs on volcanic outcrops include chamise and manzanita, while common herbs include rock lettuce (*Dudleya cymosa*), naked buckwheat (*Eriogonum nudum*), stonecrop species (*Sedum* spp.), rosin weed (*Calycadenia truncate*), and red beardtongue (*Keckiella cormybos*). Serpentine barrens are also sparsely vegetated. Leather oak, white-flowered musk brush, and white leaf manzanita are common woody species in these areas, while jewelflowers (*Streptanthus* spp.), globe gilia (*Gilia capitata*), Jepson's lomatium (*Lomatium marginatum* var. *purpureum*), lace fern (*Aspidotis densa*), sickle-leaved onion, chaparral willowherb (*Epilobium minutum*), variable fruited yellow pincushion (*Chaenactis grabriuscula* var. *heterocarpa*), and big squirreltail are common herbs **COMMON WILDLIFE** Rock outcrops provide a key habitat feature to a variety of species, which may use these areas for nesting, foraging, or other purposes. Rock outcrops absorb heat during the day and radiate it during the night, providing a means for cold-blooded animals like western fence lizards to maintain their body temperature while reducing their energetic expenditure. Bats such as the little brown myotis (*Myotis lucifugus*) and Pale Townsend's big-eared bat (*Plecotus townsendii pallescens*) may roost in rock crevices and use these crevices as a refuge from predators. Rock outcrops provide a vantage point that may be used by raptors to search for prey, or by small mammals to watch for predators. Some raptors and other bird species nest on sheer rock outcrops. **SPECIAL-STATUS SPECIES** Twelve special status plant species in Napa County are associated with rock outcrops. Species associated with volcanic outcrops include Sonoma beardtongue (*Penstemon newberryi* var. *sonomensis*), Colusa layia, and narrow-leaved daisy (*Erigeron angustatus*). Special status plant species found in serpentine barrens include rare jewelflowers, such as Three Peaks jewel-flower (*Streptanthus morrisonii* ssp. *elatus*), green jewel-flower (*Streptanthus breweri* ssp. *hesperides*), and Kruckeberg's jewel-flower (*Streptanthus morrisonii* ssp. *kruckebergii*), as well as Snow Mountain buckwheat. Seven special status wildlife species in Napa County are associated with rock outcrops. Special status raptors such as peregrine falcons (*Falco peregrinus*) and prairie falcons (*Falco mexicanus*) nest on sheer rock outcrops, while special status bats such as fringed myotis bats (*Myotis thysanodes*) and greater western mastiff bats (*Eumops perotis californicus*) roost

A9-27  
(Cont.)



in crevices in rock outcrops. **THREATS Rock outcrops do not face significant threats in Napa County at this time, although vineyard development may occur in rock outcrop areas in relatively level terrain.**

The DEIR is lacking sufficient detail on the locations and character of rock outcroppings on Project site. The Biological surveys conducted (Kjeldsen Biological Consulting) fails to provide appropriate level of evaluation of this predominant landscape feature instead only evaluating biological resource impacts based on plant communities or alliances. In fact, rock outcroppings comprise one of the largest components of some proposed vineyard blocks! What type of rock outcroppings occur on the Project site (volcanic, sandstone, serpentine)? Was mapping of the rock outcrops conducted? What are the importance of the rock outcroppings to special species bats? Were biological surveys of these rock outcroppings conducted specifically with the goal of identifying special species plants and animals? Oddly the photos included in the biological survey do not include any images of rock outcroppings though visitors to the project site including the Director of County of Napa Resource Conservation District and multiple members of the Napa County Board of Supervisors have visited project site and commented on the massive extent of rock surface and rock outcroppings. Additional biological surveys must be conducted specifically focused on rock outcrop habitat and species and a map of rock outcrop areas must be provided. Please also provide a map locating proposed vineyard blocks and their relationship to the rock outcroppings proposed for removal.

A9-27  
(Cont.)



Figure 8 Rock outcroppings in the area of proposed block A1

The County of Napa Base Line Data Report was completed in 2005. County of Napa has recently contracted with U C Davis to update the BDR. Table 4.4 details the known acreage and distribution of rock out crops at that time. The eastern Mountains which includes Angwin contain 894 acres of rock outcrops. Personal observations of the rock outcrops reveal the area is frequently utilized by wildlife. The rock outcrops provide a good vantage point for hunting and the area of proposed Block A & and B2 are rich with scat also feathers and bones of prey litter the area. Please provide analysis of the biological impacts to wildlife and to hunting and refuge sites. As reported in the BDR, threats to rock outcrops are from vineyard development. How many acres of rock outcrops and rock surface are proposed to be removed by Project? THE DEIR is deficient in its analysis of impacts to rock outcrops.

A9-28





Figure 9 Scat on rock outcrop



Figure 10 Trail leading from Linda Falls Land Trust Preserve from Conn Creek to Project site.

The presence of rock outcroppings throughout project site is well known to recreational user of the Linda Falls Land Trust Preserve. The project parcels are indistinguishable from the Land Trust/NCRPOSD parcels and well defined and well used trails exist throughout the Project area. From the rock outcroppings visitors enjoy views to Dunn Sentential Hill conserved lands and south and east to Napa Valley and beyond to the Myacamas range. The No Project alternative would allow this recreational use to continue and provide expanded recreational access to the natural area while providing permanent conservation of the Conn Creek Corridor.

A9-29

**Rock Spoils**

Vineyards planted on rocky in Angwin typically produce huge unquantified volumes of rock spoils. The rock is utilized in erosion control infrastructure as shown by Napa Valley Vineyard Engineer Erosion Control Plan Le Colline Vineyard Sheet 3. An e-mail from Patrick Ryan to Project representatives date February 23, 2018 notes retaining walls are proposed within the project up to 5 foot in height. On Sheet 3 of the Erosion control plan however, depicts detail of rock walls and fill stating "If height of fill exceeds 10' construct 8' wide benches and key way every 10 vertical feet". Sheet 2 (no number visible) of the Erosion Control Plan has the notes "approximate location of rock fill see typical section". How can the impacts of rock fill, rock walls and re-contouring of land surface be evaluated if the project details are undefined? The information included regarding construction of rock terraces and their location, length, volume, height and impacts to biological and surface water resources is not adequately described in the plan to evaluate impacts to water resources. In fact, generation of rock during vineyard development is the greatest source of noise, particulate matter, sediment loss and results in unanalyzed impacts from reflected heat and surface temperature changes to surrounding natural vegetation.

A9-30

Please provide detail and data and supporting documentation on the following:

Where will rock be excavated from onsite? Please provide a map.

Where will rock spoils be stock piled during construction phase?

A9-31

What is the volume of rock anticipated? This would be a known quantity given the use of rock in erosion control infrastructure needs. What is the ultimate fate of unused rock generated on site? Will rock be transported from site?

How will rock be transported from point of excavation on site to areas of rock utilization? What type of equipment is used to transport rock?

If project slopes require construction of 10' tall walls, as is depicted in sheet 3 of Erosion Control Plan, how is this impact analyzed? Why are construction of rock walls of this height required? Could project be modified to eliminate construction of rock walls?

A9-32

What quantity of soil and silt is expected to wash from rock spoils generated on site during stockpiling and after being utilized in erosion control infrastructure? How is this surface soil on rock prevented from washing into creeks and streams?

A9-33

Please discuss the use of filter fabric in erosion control infrastructure, attenuation basins, rock lined ditches, diversion ditches and rock inlets and rock slope protection etc. What is the life of filter fabric? Does filter fabric degrade with exposure to sun? What is the anticipated life of the Le Colline vineyard? How is filter fabric monitored for effectiveness when it is buried under 10' of fill? How will degraded filter fabric be replaced?

A9-34

Similar rock wall and fill strategies were used in the Bremer/Deer Park vineyard project (ECPA-P11-00317-ECPA) with the oversight of Napa Valley Vineyard Engineering. Despite oversight by Napa Valley Vineyard Engineering (NVVE) and the County of Napa, the Bremer project deviated wildly from the approved Erosion Control Plan and approved project scope and significant environmental damage occurred to ephemeral streams resulting in a Regional Water Quality Board Clean-Up and Abatement order #R2-2017-0025. What assurances are provided in the DEIR that the Le Colline Erosion Control Plans will be will be implemented as approved? How are interested agencies and organizations able to provide comment on Project impacts given County practice of approving field modifications to erosion control infrastructure and Project scope? The Clearwater Hydrology Technical report of the Bremer Deer Park Vineyard project

A9-35

(Technical Assessment Report in response to SF Bay regional Water Quality Clean Up and Abatement Order-Clearwater Hydrology

[https://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/hot\\_topics/Bremer/\(1\)\\_Sept\\_2017\\_Technical\\_Assess\\_Report.pdf](https://www.waterboards.ca.gov/sanfranciscobay/water_issues/hot_topics/Bremer/(1)_Sept_2017_Technical_Assess_Report.pdf) )



Includes the following statement “according to Mr. Aspregren (NVVE), the County was active in its inspection oversight of the project. Mr. Aspregren also indicated that the County inspectors were accepting of some of the changes to the ECP implementation during construction including the higher than designed height for rock levees”. The Clearwater Hydrological Report goes on to state “According to the owners, at least one of the changes-the increased height of the channel sidewalls/levees-was tacitly approved during construction by County inspectors.” Most troubling in the Clearwater Hydrology report is the statement “Napa Valley Vineyard (NVVE) provided some degree of construction observation”! Given the over-site of NVVE on the Bremer project and apparent communication with County of Napa PBES Staff, the Bremer project, by all measures is understood to be an environmental failure. The Le Colline DEIR fails to provide assurances via the erosion control plans, that the project parameters and engineering features will actually be implemented as designed. With the practice of approving field modifications by County Staff, the Le Colline project erosion mitigation measures cannot be evaluated as dependable protections to reduce watercourse impacts. How is the stamp and signature of Drew Aspregren considered proof that this project will be designed as approved? Why is the Erosion Control Plan for the Le Colline Vineyard included in this DEIR not signed?

A9-35  
(Cont.)

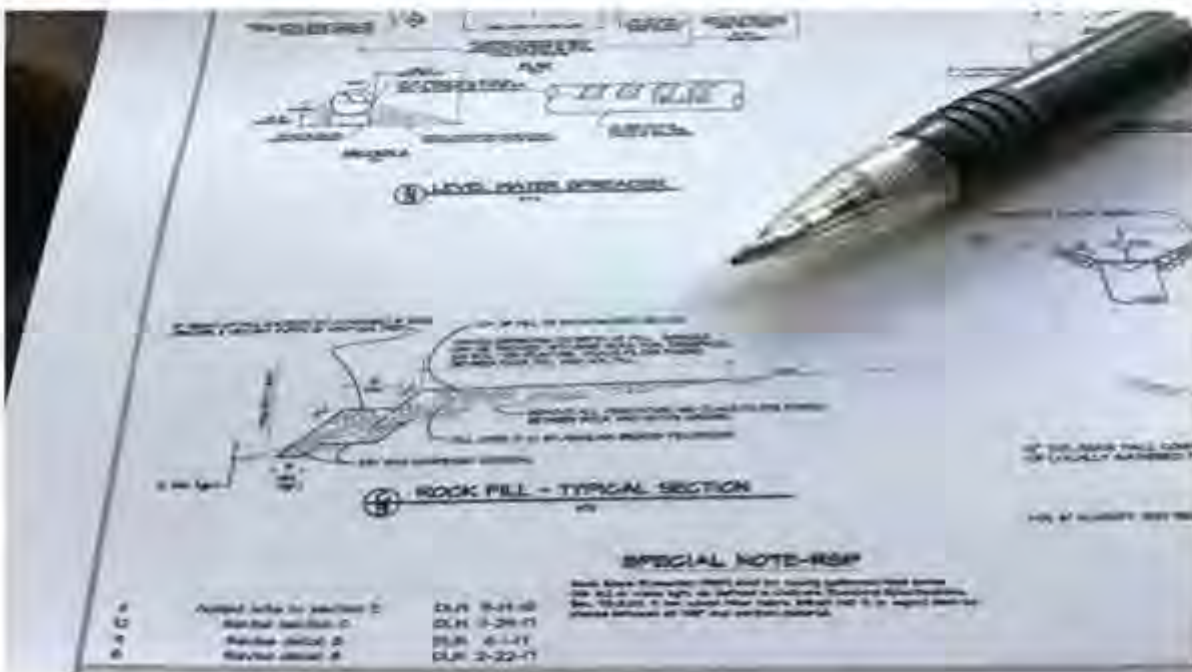


Figure 10 Detail From Napa Valley Vineyard Engineering Plan, Rock Fill Typical

What are the jurisdictional standards applied to identification of watercourses on the Le Colline project? What quantifications and characterizations are used by Project consultants to identify ephemeral streams? Were seasonal, intermittent and ephemeral streams identified using Department of Fish and Wildlife standards? Regional Water Quality Board Standards? Were aerial photographs used to identify on site watercourses? Project site is thick with impenetrable chemise and understory vegetation making field evaluation of ephemeral stream channels nearly impossible to identify. None the less, the presence of ephemeral streams, which in the hydrology and geomorphology literature refers to streams that “flow only in response to a water-input event” are present throughout project site. The DEIR fails to identify these ephemeral streams and fails to analyze impacts to hydrologic function and habitat loss in design of erosional control and vineyard development. Like the Bremer project, the Le Colline project proposes burying critical ephemeral streams in pipes or rock lined ditches. The DEIR is inadequate in that it does not discuss impacts to ephemeral streams.

A9-36





Figure 11 Typical area of surface rock proposed Le Colline Vineyard

Page 4 of the OES report describes the project site as follows "The entire project parcel drains into the main stem of Conn Creek watershed which flows into the Lake Hennessey Reservoir". While the OES report concludes that the project will not cause a significant adverse change in hydrological or erosion process owing in large part to County of Napa's implementation of General Plan Policies, the Erosion Control Plan propose modifications to the existing watershed so sweeping and so speculative, (immediately adjacent to The Land Trust/NCRPOSD Linda Falls Preserve) coupled with known vineyard erosion control failures in the Angwin area, that the proposed erosion control mitigations are insufficiently certain to reduce surface water impacts to less than significant.

A9-37

Please discuss vineyard erosion control failures and subsequent landslide at the Marc Mondavi Vineyard south of and adjacent to the Le Colline project including RDC, County of Napa and private engineering reports. The DEIR fails to include erosional threats to surface waters from the 'edge effect' of timberland conversion as discussed in the memo from Dave Steiner RCD 1-5-2006 at the Mondavi vineyard failure.

The DEIR must discuss the vineyard failure at Cliff Family vineyard on Burton Creek with similar erosion control measures as proposed at the Le Colline project site. [https://napavalleyregister.com/community/star/news/local/january-landslide-polluted-pope-valley-creek/article\\_b7d988d0-583e-11e1-8afa-0019bb2963f4.html](https://napavalleyregister.com/community/star/news/local/january-landslide-polluted-pope-valley-creek/article_b7d988d0-583e-11e1-8afa-0019bb2963f4.html)

A9-38

Please include analysis of erosion control mitigation failure at the Pringle Vineyard and sediment damage incurred at the Howell Mountain Mutual Water Company reservoir. A similar threat to Lake Hennessey exists from the proposed Project and discussion of the Pringle failure cannot be ignored.

[https://napavalleyregister.com/news/erosion-threatens-angwin-water-supply/article\\_d59fda47-424e-53dd-80fe-a9140d196901.html](https://napavalleyregister.com/news/erosion-threatens-angwin-water-supply/article_d59fda47-424e-53dd-80fe-a9140d196901.html)

The feasibility of the proposed infrastructure to protect surface waters from increased runoff and sedimentation must be analyzed in the context of known failures of Level Spreaders at other similar hillside vineyards in Angwin. Level spreader are documented to have failed following first rains, or over time due to settling, or from lack of maintenance. Applicant is requested to evaluate failures of Level Spreaders at the above referenced vineyards as well as the Abreu Las Posadas Rd. vineyard as well as the Danica Patrick vineyard Deer Park Rd. in relation to the Project erosion control design.

A9-39



Figure 12 Las Posadas Rd. Abreu Vineyard Level Spreader. Note water outfall to only low point. Water from Level Spreader sediment laden flowing to Conn Creek Observed K. Anderson 2017-2019





Figure 13 Feb. 2, 2012 Level Spreader Failure into Burton Creek from Cliff Family Vineyard

Figure 2a & b Pre Project Land Use Map by Napa Valley Vineyard Engineering/O'Connor Environmental, Inc. (OEI), breaks the project site into two Hydrological Analysis Drainage and Land Use Maps. A total of 9 watersheds are identified within the project. The legends and detail note vegetation acreages and vegetation types but watershed boundaries are indecipherable. There is inadequate map detail of watershed boundaries to evaluate pre and post project conditions. Page 2 of the OEI report notes "Potential hydraulic change is potentially significant when converting forest cover to vineyard owing to expected increases in runoff attributed to reduced canopy interception and reduced evapotranspiration." And continues "Project areas where forest cover is converted to vineyard are predicated to generate increased runoff, "this significant impact is mitigated per the DEIR with the construction of seven attenuation basins ranging in surface area from .04 to .15 acres! The Project is nothing short of a complete untested re-contouring of natural topography. The Erosion Control Plan is so aggressive in its attempt to compensate for forest canopy loss and increased runoff and sediment load that it actually proposes "changes in drainage patterns due to proposed diversion ditches create changes in watershed boundaries in four of the nine watersheds." The project as proposed is completely infeasible to maintain over the life of the vineyard. The hyper-reliance on this complex, Willie Wonka erosion control plan comprised of a Buckminster Fuller compendium of drainage mitigations including diversion ditches, attention basins, points of concentration, outlet structures, outlet pipes, drop inlets, downhill berms, rock energy dissipater, is so untenable to maintain over the life of this vineyard that the Erosion Analysis Summary of the OEI conclusion that "the project **dramatically reduces erosion** from the site considered as a whole' is unsupported!

A9-40

Given the thousands of convoluted, intertwined, hypothetical mitigations measures that must synergistically take place during every rain event the Lead Agency must request applicant provide details on the following?

Will a civil engineer be on site during all phases of project construction? During all rain events? Who is actually qualified to maintain and monitor this engineering marvel? What college degree and or professional certifications and licensing are required to operate this Erosion Control system? Who will actually be building this infrastructure? Will Barbour Vineyards complete ground work or will sub-contractors be engaged? How will County of Napa ensure this project is built per the complex erosion control plans? How frequently will inspections be conducted by County Staff during erosion control implementation? How are milestone inspection reported to public for assurance of adherence to approved project specifications? How are field changes evaluated? How will efficacy of erosion control mitigations be monitored over the life of the project? What is the fate of silt and sediment collected in silt ponds/attenuation basins? How will this sediment be removed? Where will it be disposed of?

A9-41

Water quality impacts from pesticide and fertilizers are grave concern for sensitive forest and watershed resources immediately adjacent to the Proposed Project. Lands owned by Napa County Land Trust jointly with NCRPOSD are managed as natural watershed and forest habitat for the protection of surface water, forest ecology and recreational use. Appendix H Integrated Pest Management Plan is a standard recitation of farming practices typical in Napa County Wine Grape production. Appendix H states “organic and sustainable methods are implemented to keep pest populations low”. These are not mitigation measure designed to protect adjacent forest canopy or forest floor habitats, but rather a farm management plan. Will the Le Colline vineyard be certified organic? Thru what certification program? What is the definition of sustainable? What are the recent studies of organic vinicultural practices including the use of sulfur and copper products on the environment including sub lethal effects i.e. growth inhibition, affects to reproduction, induce avoidance behavior for other plants and animals? Please discuss the following impacts from farming known to typically occur in the Angwin area to natural habitat and surface water resources:

A9-42

Where will workers park vehicles? How will workers, materials delivery, equipment delivery, materials storage and agricultural chemicals be managed to avoid impacting retained natural vegetation?

A9-43

What is the long term mitigation to protect retained natural lands from forest floor contamination? How does the utilization of the forest floor as a bio-swale to filter pesticide and nutrients from entering waterways effect the forest floor mycorrhiza and complex forest root structures?

A9-44

Where are fertilizer injection ports planed in irrigation system? Are these ports near or impactful to ephemeral streams?

A9-45

What are the impacts to trenching for irrigation lines to natural vegetation? What equipment will be require to trench in bedrock? How will trenched areas in retained natural habitat be restored to pre trenching conditions?

A9-46

Where the designated pesticide mix load and clean out/rinse area? Where is the designated area for spray equipment delivery and pick up? For tiller, mower, hedgers, seeders etc.? How are subcontractors, (electricians, pump well, PCA, field monitors, wine makers, consultants) prevented from impacting natural areas from vehicle parking? Who, what agency will monitor protection of retained natural areas long term? Is there a natural, conserved, mitigated area monitoring plan? What are Standard Operating Procedures at the proposed Project? How are generic Best Management Practices evaluated as adequate to protect water quality as these are guidelines not a programmatic implementable mitigation.

A9-47

The use of Appendix H is not a verifiable mitigation measure to protect water and biological resources. While Barbour Vineyards has prepared Appendix H (thank you!) this appendix offers no insight into environmental protections along the sensitive Conn Creek corridor. How Appendix H is considered an implementable mitigation in the cumulative impacts analysis? Appendix H is a farm plan. What additional mitigations are proposed due to the increased risk of nutrient loading in the City of Napa Lake Hennessey Reservoir?

A9-48

What are the impacts of injection of fish fertilizer, and humic acids into irrigation system to surrounding forest and watershed? Would nematacides possibly be injected? What are the agricultural chemicals proposed to be applied to vineyard? Please provide a list of materials, EPA registration numbers and Manufacturers Safety Data Sheet for each product. Will products containing glyphosate be used in spot and strip sprays? Will pre-emergent herbicides be used long term past initial vineyard establishment? What materials are proposed to be used on “encroaching brush and serious weeds”? What is a serious weed?

A9-49

How is the potential for ground water contamination evaluated by vineyard personnel? What are the qualifications of *vineyard personnel* to identify water contamination? Is there licensure or documented training?

A9-50

Is the water quality monitoring agreement between City of Napa and Project Applicant part of this project description? If so this DEIR is incomplete as the memorandum is not available for review at time of DEIR comment deadline. This DEIR must be recirculated including City of Napa/Applicant water quality monitoring Agreement.

A9-51



The Project proposes clearing 33.8 acres of natural vegetation on an 88.34 acre property. Impact 4.4-5 states a potential conflict with local policies or ordinances protecting biological resources, specifically the Oak woodland Preservation Act (PRC Section 21083.4) and local Napa County Policies. But the DEIR does not identify where the potentially impacted Oak Woodlands are located within project parcels, resulting in lack of analysis of potential Project impacts. Mitigation measure 4.4-8 denotes protections of oak trees within close proximity of the Project site. The DEIR must however, identify the location of impacted oak woodlands for an evaluation of the adequacy of the proposed mitigations. Are oak woodlands proposed to be removed for vineyard development? Are individual oak trees identified for clearing? While MM 4.4-8 notes 15.39 acres of oak woodland located outside the clearing limits, the DEIR is silent on how actual oak woodland or individual specimens would be impacted. Given the failure of County of Napa or other responsible agencies to conduct verification inspections pre-clearing for adherence with proposed flagging to protect oak trees (Bremer Deer Park ECPA) this mitigation is infeasible to reduce impacts to trees to be retained.

A9-52

More importantly, Mitigation Measure 4.4-8 states “the remaining 15.39 acres of oak woodland outside of clearing limits shall be designated for preservation in a mitigation easement with County approved organization or other means of permanent protection. Given the lack of detail concerning how the permanent protection will be structured, with third party conservation organization, government agency or deed restriction, the DEIR is lacking in sufficient detail to evaluate the adequacy of proposed mitigation. In the case of the Ciminelli THP/ECPA/EIR, a similar mitigation was proven infeasible to implement, with no conservation agency willing to hold small, fragmented lands (B. Bordona 1-12-16). The commenter is unable to evaluate the feasibility of implementation of the mitigation and the adequacy of success in protection of oak woodlands given the mitigation measures is incomplete in detail, continuing “The exact area to be conserved shall be determined and appropriately delineated through consultation between Applicant and the County, and recorded prior to commencement of any land clearing associated with the Proposed Project with the County of Napa recorder’s office.” The DEIR must describe the proposed mitigation measure in sufficient detail to evaluate the level of significance after mitigation. The Napa County Parks and Open Space Director, John Woodbury noted in public comment NCRPOSD meeting 2-18-19. That the District is not interested in holding small fragmented conserved areas following the proposed project. The DEIR fails to provide necessary detail to conclude success of proposed mitigation.

A9-53

Biological impacts from this Proposed Projects have been discussed by California Department of Fish and Wildlife related to the inadequacy of proposed fencing and wildlife migration corridors. The biological resource surveys conducted for this project are so glaringly inadequate as to call into question the independence of the surveyors from the influence of applicant’s goals and desired outcomes. Both Appendix D, E and Appendix P contain Biological surveys that conflict with known facts, contain inaccuracies or are internally inconsistent. Appendix E states the project site is 34.9 acres, but the Project Description states 1.2 the project site is 33.8. Now let’s break it down from here shall we!

A9-54

Appendix D page A-1 describes among other points, the purpose of the report is to identify biological resources that may be affected by the proposed project, including “Determine if the project will substantially interfere with native wildlife species, wildlife corridors and or native wildlife nursery sites.” But the very field survey methods employed by consulting biologists are inadequate! The report states surveys were conducted in the spring of 2014 when the project site was nearly impenetrable: comprised of manzanita, chemise, downed oaks trees and thick understory vegetation and prior to significant trail clearing that has happened since that time. Limiting surveys to “walking through and around project sites” would have been nearly impossible as well as inadequate do identify wildlife corridors or nursery sites! Additionally limiting surveys to *project site* assumes some biological disconnect exists to plant and animal species, habitat and plant communities base upon yet to be determined vineyard development blocks! Should the biological surveys be conducted to evaluate pre Project resources, not just evaluate how the vineyard can be show horned into site? Further the survey demonstrates its inadequacy by limiting evaluation of contribution, connectivity and diversity of biological resources in areas outside of project boundaries “Non-project areas of the property were only opportunistically studied from roads and trails. “More unbelievable is the field technique note on page 5 of Appendix D “Aerial photographs were reviewed onto look at the habitat surrounding the site and for potential wildlife movement, or wildlife corridors from adjoining properties onto or through the property.” Relying on aerial photography is an inappropriate tool for conducting corridor

A9-55

A9-56



biology surveys unless the potential animal species are elephants! The criteria (on page 5) list five functions to evaluate wildlife corridors on the property but fails to report any finding of these corridor evaluations!

A9-56  
(Cont.)

The Biological survey must have failed to include a page or two of supporting discussions from this DEIR, because the bottom of page 22 Appendix D states "The Woodlands and Chaparral present on the property support native wildlife species typical for the region. The THP/TCP will remove a portion of the habitat on the property." Concluding without support "Wildlife associated with the habitat within the THP/TCP will be displaced to adjoining parcels or to avoided habitat on the property." THE DEIR does not provide any data, mitigation detail or evidence to substantiate the less than significant impact conclusion "Our analysis of the loss is that the impacts will be less than significant provided the recommendations are followed." Page 36 of **Appendix D recommendation 5.0** only discusses design of deer fencing. This is an inadequate discussion of corridor loss and species expatriation from across the project site given the complexity of corridor biology and species known to occur in the project site and surrounding area including Mountain Lion, Bobcat, Black Bear and deer. The DEIR fails to identify large mammal species know to utilize project and adjacent sites and fails to note the presence of the sites most celebrated amphibians the Pacific Giant Salamander. The biological survey is incomplete, the survey methods inappropriate and the less than significant conclusion not supported by proposed mitigation measure 4.4-7 which only proposes a distance between blocks E1 and E 2 and does not incorporate Biologists' already insufficient recommendations. The mitigation measures for Impact 4.4-4 wholly fails to provide meaningful measures to protect wildlife movement. THE DEIR conclusion of less than significant impact to native resident or migratory wildlife species is unsupported.

A9-57

How, might you ask did Kjeldsen Biological Consulting manage to miss this?



Figure 14 Bear Scat in area proposed Block E1 & E2



Figure 15 Bear scat block E1 & E2

**Northern Spotted Owl**

The surveys for the Northern Spotted Owl were conducted by Forest Ecosystem Management, PLLC located in Potomac, Montana. Pamela Town is the Consulting Biologist with Forest Ecosystem Management. I have reviewed a number of Ms. Town’s NSO surveys and associated reports on projects such as Bremer (3 acre or less conversion), Davis Frost Fire THP/DEIR among others. Across the board, Ms. Town’s work is sloppy and incomplete to the point of being unusable. The pagination of the report is incomplete such that a reviewer cannot discern which page is being referred to in the narrative (I’ll do my best in referring Lead Agency to pages I’m discussing) maps are unlabeled, tables untitled, included memoranda written in such a way as to be unclear if it is a survey assessment, an impact conclusion, an analysis and findings or an internal memo. Nowhere in the DEIR is an impacts analysis to NSO habitat and resultant impacts to species provided. Appendix P does not provide adequate impacts analysis, nor determine level of significance of project impact before or after mitigation, much less propose a mitigation to reduce impacts to less than significant impacts to NSO from habit conversion to vineyard.

A9-58

Deforestation from logging and forest conversion to other land uses (along with competition from Barred Owl) has resulted in NSO as being listed as California Endangered species and a federally threatened species.

<https://www.wildlife.ca.gov/Conservation/Birds/Northern-Spotted-Owl>

Appendix P provides no real analysis of the historic range, life cycle, habitat requirements, and habitat loss currently facing the Northern Spotted Owl which is necessary to evaluate Project impacts. Appendix p pg. 2 states “The Conversion area is primarily on ridge tops with a relatively flat topography.” What is meant by *The Conversion area*? Is that the entire Project boundary? Is *The Conversion area* confined to the areas of site that now contain suitable nesting/roosting and forage resources? Or is this speaking to historic range lost due to conversion? The text is unclear such that readers of this DEIR are unable to understand the geographic area and scope of potential Project impacts.

A9-59

There is a map labeled Northern Spotted Owl Habitat for Le Colline Vineyards Pre- Harvest Habitat. This map is a black and white aerial photograph with a hand drawn legend referencing map details. The areas outlined on the map are apparently drawn with a sharpie, and in some cases the sharpie line is as large as the area it attempts to depict. The legend is poorly produced such that it is impossible to determine if nesting/roosting habit (outlined by a solid line) is also considered to be *unsuitable* habitat (noted in the legend with a hand drawn ^). How is this possible? The map is so poorly drawn as to leave reviewer unable to conclude other than nesting and roosting habitat is considered *unsuitable* habitat! But the next map, labeled Northern Spotted Owl Habitat for Le Colline Vineyards Post Harvest, leaves no question and depicts a map

A9-60



where the only legend symbol necessary is the unsuitable habitat ^ as all nesting /roosting and foraging habitat has been destroyed by project.

A9-60  
(Cont.)

Maps of impacts to NSO habitat pre and post Project are not uniform with some being aerial photographs while others are topographic maps. This makes it impossible for reviewer to identify the area impacted and evaluate adequacy of impact maps as black and white photographs are of such poor quality reviewer cannot identify important landscape features such as roads, lakes, springs wells etc. necessary to compare pre and post-harvest data. Of particular concern are the last 4 maps Northern Spotted Owl Habitat around NAP 0014 and NAP 0028 pre and post-harvest. All of these maps, including their legends are illegible and must be recreated to convey the necessary information to evaluate Project impacts to northern Spotted Owl on a cumulative level.

A9-61

The DEIR fails to discuss the apparent total loss of 20 acres of suitable NSO habitat for implementation of Project and is in conflict with the following Genera Plan Policies:

The Napa County General Plan contains County Policies and Goals supporting open space conservation, habitat conservation, biodiversity, and connectivity:

- Policy CON-1 (page 4.2-24): The County will preserve land for greenbelts, forest...habitat for fish, wildlife and wildlife movement... encourage management of these areas in ways that promote wildlife habitat renewal, diversification, and protection;
- Goal CON 2 (page 4.2-25): Maintain and enhance the existing level of biodiversity;
- Goal CON-5 (page 4.2-25,): Protect connectivity and continuous habitat areas for wildlife movement;
- Goal CON-10 (page 4.2-25): The County shall conserve and improve fisheries and wildlife habitat in cooperation with governmental agencies, private associations, and individuals in Napa County;
- Policy CON-13 (page 4.2-25): ...provide adequate shelter and food for wildlife and special-status species and maintain the watersheds...
- Policy CON-15 (page 4.2-26): The County shall establish and update management plans protecting and enhancing the County's biodiversity and identify threats to biological resources within appropriate evaluation areas, and shall use those plans to create programs to protect and enhance biological resources and to inform mitigation measures resulting from development projects;
- Policy CON-18 (page 4.4-27): To reduce impacts on habitat conservation and connectivity, (d) ...require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat, (e)...minimize the reduction of wildlife movement to the maximum extent feasible;
- Policy CON-19 (page 4.4-27): ...encourage preservation of critical habitat areas and habitat connectivity through the use of conservation easements or other methods;
- Policy CON-20 and 21 (page 4.4-27,28) County shall monitor biodiversity and habitat connectivity..., support efforts relating to the identification, quantification, and monitoring of species biodiversity and habitat connectivity throughout Napa County; and

A9-62



- Policy CON-22 (page 4.2-28) The County shall encourage the protection and enhancement of natural habitats which provide ecological and other scientific purposes...they should be delineated on environmental constraints maps so that appropriate steps can be taken to appropriately manage and protect them.

A9-62  
(Cont.)

Appendix P lacks any framework discussion of what standard for analyzing habitat loss is utilized. Page 4 references a 0.5 to 1.3 mile Assessment: Concluding incomprehensibly "This THP will affect only 20 acres of northern spotted owl habitat within this assessment area, as the remaining 16 acres in unsuitable habitat." Which is a backward way of stating that NSO habitat will be reduced to 0 acres on the site post project! The DEIR must convey detail about environmental impacts of the project not bury the facts. The DEIR must provide an analysis of the habitat loss both on project site and cumulatively. A letter from Ms. Town included in Appendix P, to Scott Butler dated September 21, 2016, in an apparent response to CDFW concerns about historic habitat loss from vineyard conversions states: *the cumulative effects of other conversions within 1.3 miles of known NSO activity center, has been addressed. This meets the USFW guidelines to demonstrate that NSO habitat quantities will be retained at or above the habitat threshold to avoid a take under the Endangered Species act.* Is avoiding *take* the proposed mitigation measure? How will Lead Agency be able to evaluate the adequacy of avoiding *take*, which is a USFW guideline? How does this guideline for avoiding *take* meet CEQA (less than significance) via mitigations for reducing impacts to biological resources? How does avoiding take relate to cumulative impacts and species decline, expiration from Napa County? Is there a County Staff member qualified to review this report and analyze adequacy of its content and conclusions? Are there conclusions?

A9-63

What are the federal requirements to complete a NSO Survey? Are there California Department of Fish and Wildlife survey protocol requirements? Cal Fire has a list of qualified Northern Spotted Owl biologists which include Ms. Town. Was Ms. Town actually on project site conducting surveys or did Ms. Town rely on others to conduct NSO Surveys? A table in Appendix P Northern Spotted Owl History, notes dates, weather, station #, survey time and owl response notes, but no information is noted about **who** conducted the surveys. Two pages are included in Appendix P which appear to be invoices from Forest Ecosystem Management for NSO surveys and associated mapping dated 14-Jun-16 and 8-Jun-16. Interestingly the invoices note only Scott Butler as having conducted NSO surveys for the Le Colline project. Scott Butler is not listed on the Cal Fire website as a qualified northern spotted owl biologist. If NSO Surveys were conducted by Scott Butler and he is not a qualified NSO biologist with Cal Fire, is the survey adequate? What are the Cal-Fire qualifications for conducting NSO surveys?

A9-64

<https://www.wildcalifornia.org/blog/who-will-stand-up-for-the-northern-spotted-owl/>

<https://www.wildcalifornia.org/blog/ca-department-of-fish-and-wildlife-abandons-northern-spotted-owl-to-whims-of->

Is the NSO survey for the Le Colline project in compliance with legally required survey protocols given the surveyor states on pg. 5-2 "The quality of NSO habitat (high vs regular/low quality) is impossible to verify through aerial photos (we do not own the watershed and cannot cruise the timber); therefore, habitat has been classified as nesting /roosting, foraging, or unsuitable NSO habitat using the minimum requirements for each category."?

That seems curious. How can Lead Agency or other commenters evaluate the adequacy of the NSO survey if the **actual surveyor** is unable to gain access to, and evaluate, critical NSO habitat required in the NSO survey? I have noted that this exact phrase, (this cop-out on access to adjacent NSO habitat) is frequently used in Forest Ecosystem Management NSO surveys for THPs in the Angwin area. Forest Ecosystem Management does nearly all of the NSO surveys in the Angwin area and certainly must have knowledge of habitat quality given Forest Ecosystem Management is producing these documents! (Davis Frost Fire/Bremer 3 acre exemption/Cold Springs LLC/Abreu.

A9-65

The DEIR must include information adequate to analyses impacts and adequacy of proposed mitigations.

A9-66

What is a habitat Enhancement Plan? What is the 18 acre Fire Hazzard Reduction Area? Where will 1,000 conifers seedlings be planted? What species are these conifers? What is the conifer source? What existing natural habitat will be replaced

A9-67



by the new conifers forest? How will these seedling conifers be irrigated? Maintained? Are all 1,000 conifers expected to live to maturity? What is the density per acre of the 1,000 conifers proposed to be planted? Is this proposed as a mitigation? To what impact? Why does the report conclude "the area to the north is unsuitable due to the college"? Though outside of the 1.3 mile radius, there are hundreds of acres of conserved lands on Pacific Union College held in a Land Trust Conservation easement. Does this project have the potential to result in habitat fragmentation?

A9-67  
(Cont.)

<http://www.oxfordbibliographies.com/view/document/obo-9780199830060/obo-9780199830060-0076.xml>

What the life of this THP is as referenced in Appendix P? What legal means are proposed to conserve retained habitat on site? Deed restriction or conservation easement? Who will hold the conservation easement if this is the option adopted? What does the term *primarily* mean in the following statement "The nesting/roosting habitat within the 1.3 mile assessment area is primarily around NAP0014 and NAP0028. Why does map titled Northern Spotted Owl Habitat Around NAP-0014 **Pre-Harvest** on Le Colline Vineyard indicate all of the Le Colline Project site is unsuitable habitat? This is in conflict with map labeled Northern Spotted Owl Habitat for Le Colline Vineyards Pre-Harvest Habitat which indicates the Project site is suitable NSO habitat? Is there an error? Table: Northern Spotted Owl Habitat on Le Colline Vineyard THP/Conversion pg. 2 affirms there are 17 acres of foraging and 3 acres of suitable habitat on the project site. The accuracy of data reported in Appendix P is in doubt.

A9-68

AES as preparer of this DEIR is advised to review other NSO Surveys prepared by Forest Ecosystem Management in the Angwin area to verify validity of this survey and its conclusions. There appears to be a pattern in NSO surveys prepared by Forest Ecosystems Management where reports state they are unable to access other nearby parcel for habitat evaluation. What is in question is the integrity of the conclusions drawn in these reports. As an example, the map labeled Northern Spotted Owl Habitat Around NAP0028 Post Harvest, indicates that habitat suitability has been mapped on nearly all lands within 1.3 miles of NAP0028 **except** for Pacific Union College Lands and Las Posadas State Forest Lands which are open to the public for access but not proposed for conversion to vineyard. This NSO survey is flawed and new survey must be conducted in order to analyze potential project impacts to Northern Spotted Owl.

A9-69

This DEIR is inadequate in its pre-project settings analysis, includes inaccurate and incomplete evaluation of existing biological resources including critical wildlife habitat and landscape level migration corridors on site, fails to include evaluation of impacts to recreational resources, aesthetics and provides infeasible noise mitigations. The impacts to forest resources are ignored and no discussion of known failed vineyards and erosional control infrastructure and landslides in the area are included in impacts evaluation including edge effect and wind throw impacts. The Erosion Control Plans are only hypothetical due the practice of Napa County permitting field modifications to approved plans and project 'oversite' by NAPA Valley Vineyard Engineering documented to lead to unpermitted changes to approved Erosion Control Plans. The Northern Spotted Owl surveys are too incomplete to draw any conclusions on significance of Project impacts and provide no mitigations to protect Northern Spotted Owl habitat.

A9-70

This DEIR does not contain enough information, (provides flawed information, unsupported mitigations and conclusions) for Lead Agency, Responsible Agencies, organizations and commentators to evaluate project impacts. This DEIR's inadequacies must be corrected and this DEIR must be recirculated. If this DEIR is deemed adequate by Napa County, the No Project Alternative is the only reasonable alternative, with funding for acquisition of this forested watershed already begun for its inclusion in the Linda Falls Land Trust Preserve/Napa County Regional Parks and Open Space conserved area.

A9-71

Sincerely,

Kellie Anderson

Linda Falls Alliance

# Comment Letter A10

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Comment to Draft Environmental Report (DEIR) for the Agricultural Erosion Control Plan (ECPA)  
**Date:** Monday, February 25, 2019 10:52:43 AM  
**Attachments:** [PastedGraphic-1.pdf](#)

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**From:** Larry Hanson <larryjhanson@comcast.net>  
**Sent:** Saturday, February 23, 2019 4:22 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Comment to Draft Environmental Report (DEIR) for the Agricultural Erosion Control Plan (ECPA)

February 23, 2019

Brian Bordona, Supervising Planner  
Napa County Planning  
Building and Environmental Services Department  
1195 Third Street, 2nd Floor Napa CA 94559

Re: Draft Environmental Report (DEIR) for the Agricultural Erosion Control Plan (ECPA)

Dear Mr. Bordona and staff at Napa County Planning

Forest Unlimited is a 501(c)(3) organization whose mission is to protect, enhance, and restore the forests and watersheds of Sonoma County. Forest Unlimited educates the public about logging plan review, forestry law, and regulation. We have planted over 30,000 trees on protected and have an urban forestry project in Santa Rosa along Roseland Creek.

Even though we have focused our mission in Sonoma County where we were founded, we have members throughout the state including Napa County that are concerned about their loss of forestland, in this case woodlands, that support watershed values.

#### Impact 4.3-3

The proposal to deforest 33.8 acres of forested area (grassland and bushy areas are part of forestland ecosystems) being considered as "Less-than-significant" impacts is not based on the sound scientific research or not on sound reasoning. This number is one third of the property! This is significant. If it were, say, 5%, then there might be a case. What parameters of significance are you considering? If it is the ability of protecting water quality and quantity of water (rain infiltration and recharge), wildlife habitat, and visual views with respect to the adjacent location to a preserve, you are losing one third of these. Clearly, impact 4.2-3 is wrong in its assessment.

#### Impact 4.2-4

Like in Impact 4.3-3, this impact of conversion of forest to non-forest use as Less-than-Significant is also wrong due to the loss of one-third of its ability as forestland to protect water quality and quantity of water, wildlife habitat, and visual views with respect to the adjacent location to a preserve.

#### Mitigation Measure 4.4-6

A10-1

A10-2

A10-3



The use of non-experts to survey and identify endangered species, especially rare and endangered plants is not appropriate. This issue has been raised in the Dogwood THP cases for the Gualala River watershed and favorable rulings for proper protocols on plant surveying and protection have been clarified.



A10-4

Alternatives

The listed alternatives do not list the purchase of the property or sections of the property that lie adjacent to Linda Falls Preserve. The landowner should consider offers from entities like Land Trust of Napa County, state entities, private benefactors, or within Napa County itself. Napa County should have a strong incentive to protect its watersheds that provide a Public Trust component to its General Plan and provide benefit to all its citizens including water security for vintners.



A10-5

Climate Change Impacts

Last, but not definitely not least, is for all governments to positively act on climate change where our national government is backsliding. There are a number of ways to do this but always high up in the list is the protection and growing of forests. There have been a loss of trees in the recent fires so losing more is not a good idea. It is important to know that retaining mature trees and protecting them keeps wildfire severity lower which adds to the overall benefits.



A10-6

Conclusion

The La Colline Project should not be approved as submitted. The cited Impact statements and Mitigation Measures are not correct or proper. All project alternatives should be listed and seriously considered. Climate Change impacts should not be rhetoric any more. It is an imperative. We need to move on this.



A10-7

In sum, there is a three way benefit to protecting upland woodlands: Protection of water, reduction of fire severity, and help with ameliorating climate change impacts. These higher level consideration should supersede lesser considerations.

Larry Hanson, Board President  
Forest Unlimited  
[www.forestunlimited.org](http://www.forestunlimited.org)

# INDIVIDUALS

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## COMMENT LETTERS I1-I90

# Comment Letter I1

**From:** [Connie Wilson](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** Le Colline application  
**Date:** Thursday, January 03, 2019 6:15:52 AM

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Dear Ms. Purvis,

I am writing to voice my deepest concern regarding Le Colline application P14-00410. Napa County should not even consider another large vineyard conversion in pristine woodlands in this climate of forest destruction and citizen outrage.

I respectfully ask you to reconsider and deny this application. We are slowly destroying all that has made Napa Valley a special place.

From a concerned citizen, born and raised in St. Helena.

Thank you.

Connie Wilson  
1658 Scott Street  
St. Helena, CA 94574

I1-1



## Comment Letter I2

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Environmental Impact - 300 Cold Springs Road  
**Date:** Monday, January 07, 2019 10:52:04 AM

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**From:** Karen Widmer <karenwidmer@earthlink.net>  
**Sent:** Thursday, January 3, 2019 8:52 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Environmental Impact - 300 Cold Springs Road

Hello,

Supplemental Information. My primary concern is that nothing is mentioned regarding the impact of the increased traffic on Cold Springs. Visibility is already not great. Additional vehicles will make it even less safe. Many people of all ages walk and drive that road. Also the increased slow traffic.

Thank you,  
Karen Widmer  
14 Bishop Place  
Angwin, CA 94508  
707-815-2286

I2-01

# Comment Letter I3

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kara](#)  
**Subject:** FW: La Colline  
**Date:** Monday, January 14, 2019 8:43:21 AM

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**From:** Patrick Davila <pdavila@meadowood.com>  
**Sent:** Saturday, January 12, 2019 12:51 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Cc:** Naomi Davila <naomipasztor@gmail.com>  
**Subject:** La Colline

Dear Brian,

I am a homeowner raising a family on Winding Way, which is adjacent to this project.

I recently received a notice for the Environmental Impact Report for the La Colline project. I'm all for projects being done and businesses flourishing, however - I have a few concerns with this project:

1.- Our property's water comes from a well right next to the project, how are they planning to obtain their water? I'm certainly opposed to this project taking any water that affects my property.

2.- What is the vehicle impact to Winding Way during the project completion? Seems like they plan to access the site via our street.

3.- What is the plan for the many trees that will come down and for the echo system that will be destroyed?

4.- Has there been approval of any structural construction? And what will that do to the serenity of our property?

5.- Are there plans for this site to be open to the public? Where will access be?

I appreciate your attention to our concerns and wish you all the best.

Patrick

Patrick Davila  
*Director of Operations*  
Meadowood Napa Valley

900 Meadowood Lane  
St. Helena, California 94574  
707-967-1238  
[pdavila@meadowood.com](mailto:pdavila@meadowood.com)

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i3-1

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i3-3

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i3-4

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i3-5

□

i3-6

**From:** [Doug Wilson](#)  
**To:** [Kyra Kura](#)  
**Subject:** EIR comment  
**Date:** Thursday, January 17, 2019 9:49:18 PM

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Hello Kyra,  
I've not done this before, so could you please tell me if there is another place I am supposed to be submitting this comment?  
I appreciate your public service.  
Sincerely,

Doug Wilson MD

The draft EIR for the Le Colline Vineyard fails to recognize the aesthetic impacts of the project. I have hiked Linda Falls and Conn Creek since childhood, and continue to frequent the upper reaches of the creek where the sense of being in forest would be negatively impacted by a nearby fence and vineyard.

Section 6.4 alleges "Long-term project operation would not result in substantial long-term consumption of energy and natural resources."

However, it fails to evaluate the impact of worker's commutes. It should look at the average energy consumption and climate impact of worker's and visitor's travel to the project over time. Given housing costs and availability, current data is likely to worsen over time. Likewise traffic will likely worsen as this type of project continues to be approved requiring more and more workers to commute long distances from their homes.

The report fails to adequately consider economics. The project's economic benefit to the county is assumed to be only positive, although recent analyses show there is already a workforce shortage. Therefore the benefit of jobs at this project may come at the expense of lost workers at another.

This draft EIR fails to address important species including bear or mountain lion. It also fails to note the importance of this corridor between large areas of protected forest at PUC/Las Posadas and the Linda Falls Land Trust property.

It claims protected bat species will only be impacted if they are nesting in the trees that will be removed. They don't mention the long term effects of decreasing habitat, nor the pesticide that will be applied to the vines. Some studies estimate that we currently have only 10% of the insect population we used to have. This is consistent with my lifetime experience in windshield splatter. Many feel that insecticides/pesticides are largely responsible. More crops mean more pesticides, unless the project were mitigated with an organic-only conservation easement. More pesticides mean less insects and less bats.

SMAQMD Construction GHG Emissions Threshold was not considered significant because of the retained 15 acres of oak woodland. This does not consider any of the written alternatives in the draft EIR. It seems to assume the alternative to the proposal is to clearcut the property and not replant anything. It should instead assume

i4-1

i4-2

i4-3

i4-4

i4-5

i4-6



## Comment Letter I4

baseline "business as usual" means leaving the forest intact, and then the project does exceed the SMAQMD threshold.

i4-6  
(Cont.)

This draft acknowledges that the benefits of a mature, old growth forest come on a scale of 150 years. however, it then evaluates the cumulative impact of the growth of many small timber conversions on a scale of 10 years. It should evaluate the impact of the current rate of growth on a 150 year time scale.

i4-7

The draft fails to mention the climate impacts of travel required by workers at the project in perpetuity. Given the workforce housing shortage it should estimate the carbon output given average commutes of local vineyard workers.

i4-8

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline draft EIR - comment  
**Date:** Monday, February 04, 2019 11:13:42 AM

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**From:** Nancy Lecourt <nlecourt@puc.edu>  
**Sent:** Sunday, February 3, 2019 9:33 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline draft EIR - comment

To: Brian Bordona, Supervising Planner  
Napa County Planning, Building, and Environmental Services Dept.  
Subject: Le Colline EIR

Dear Mr. Bordona:

Thank you for soliciting comments from the neighbors living on Cold Springs Road as you consider the Le Colline project.

I have lived in Angwin since 1979, and at 220 Cold Springs Road since 2012.

As a long-time resident of Angwin, I have seen so much deforestation for vineyards that I am concerned to see any more trees removed unnecessarily, because of the general loss of quality of life here on Howell Mountain.

Specifically, I would like to raise objections to the Le Colline project in these areas:

1. Pesticide spraying near homes;
2. Destruction of more trees and all the negative effects these entail;
3. Night harvesting and other noise around our homes;
4. Worker and trucker traffic on our narrow residential road where we and our children walk, ride bikes, walk dogs, run, etc.
5. Destruction of more wildlife habit/corridor.

In reading the EIR, I see that all these things and more are "mitigated." Yet it is hard to see that these will count for much in most cases. They are not reassuring. However, there is one alternative in the EIR that I heartily support:

**1.4.2 REDUCED INTENSITY ALTERNATIVE**

Under the Reduced Intensity Alternative, a lesser amount of vineyard would be developed. This alternative would result in the planting of vineyard on approximately 6.89 acres of non-timberland on the property. No timber would be harvested as a result of this alternative; therefore, no THP

15-01

15-02

15-03

or TCP  
would be needed.

This alternative allows the owner to have a small vineyard while simultaneously knowing that he has protected the water source for the people of Napa and significant wildlife habitat, including homes for several rare or endangered species of native plants and animals, while earning the gratitude of his neighbors for years to come. Someday he will be able to look back in satisfaction at his choice to support life.

15-03  
(Cont.)

I understand that Napa County deems vineyards to be the "highest and best use" of land in the county. Please consider that the inhabitants of the county—human, animal, and botanical—deserve planning that is higher and better than this—planning that puts value on life itself—the good peaceful lives in harmony with nature that we know promote well-being for all, now and for our children and their children.

15-04

Thank you for planning for a good future in Napa County—a future with abundant water, clean air, and healthy forests for all.

Thank you for your consideration of my comments.

Nancy Hoyt Lecourt  
220 Cold Springs Road  
Angwin (707) 965-1071



## Comment Letter I6

**From:** [Jodi Brownfield](#)  
**To:** [Eunds, Kyra](#)  
**Subject:** Linda Falls project  
**Date:** Monday, February 11, 2019 10:22:14 AM

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Shame on you. This project is so wrong. This area has been preserved hiking beauty and home to so many

Sent from my iPhone



I6-1

**From:** [Bordona, Brian](#)  
**To:** [Purdie, Kara](#)  
**Subject:** FW: Le Collins Vineyard  
**Date:** Monday, February 11, 2019 10:52:20 AM

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-----Original Message-----

From: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Sent: Monday, February 11, 2019 9:53 AM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: FW: Le Collins Vineyard

Terri Abraham  
Planner

Napa County Planning, Building and Environmental Services Department  
1195 Third St., Suite 210  
Napa CA 94559  
707.299.1331  
707.299.4075 direct fax

County Web site [www.countyofnapa.org](http://www.countyofnapa.org)

The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously, care deeply, and speak kindly.

-----Original Message-----

From: Karen Garcia <[karrenkg@gmail.com](mailto:karrenkg@gmail.com)>  
Sent: Monday, February 11, 2019 9:32 AM  
To: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Subject: Le Collins Vineyard

I am writing to urge you to reject the proposed conversion of 33.8 acres above Linda Falls to vineyard. The environmental devastation caused by this project can never be remediated. Vineyards are creeping further and further up into our hills, to the detriment of our environment and all the living species that depend on it, including human beings. At some point, we need to say "No more." The time is now.

Respectfully,  
Karen Garcia  
2336 Clay St.  
Napa, CA 94559  
707-224-5847

Agricultural Erosion Control Plan (ECPA) to convert approximately 33.8 acres of woodland, shrubland, and grassland to vineyard. The project involves the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures. The project also requires a Timber Harvest Plan/Timber Conversion Plan from CalFire for the removal of timber species that is involved. For more information see linked Application File and Plans, or contact the project planner, listed below.

Sent from my iPad



# Comment Letter I8

**From:** [Jason Kshmeff](#)  
**To:** [Planning: Boris Kyrg](#)  
**Subject:** Le Colline Vineyard  
**Date:** Monday, February 11, 2019 11:49:06 AM

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Dear commissioners,

Please do not allow this vineyard to go forward. Do not allow any more deforestation, especially above beautiful Linda Falls. I'm so sickened by our local government allowing the destruction of our natural environment for the enrichment of the wealthy few. This must stop.





# Comment Letter I9

**From:** [Michelle Dickson](#)  
**To:** [Furds, Kyra](#)  
**Subject:** Le Colline Vineyard ECPA  
**Date:** Monday, February 11, 2019 9:00:29 PM

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Hello,

Please do not go forward with the Le Colline Vineyard proposal. The land is important to our ecosystem, the community, and our future. Do not give it over to another winery that is NOT NEEDED.

Thank you

--

Michelle Dickson  
Photography - Napa Valley  
E: [michelle@michelle-dickson.com](mailto:michelle@michelle-dickson.com)  
W: <http://michelle-dickson.com>  
Instagram: [@bookgirl.yogini](#)



**From:** [Bordona, Brian](#)  
**To:** [Purdie, Kyra](#)  
**Subject:** Fw: Regarding Linda Falls Vineyard Development  
**Date:** Tuesday, February 12, 2019 7:02:07 AM

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**From:** Planning  
**Sent:** Tuesday, February 12, 2019 6:26:22 AM  
**To:** Bordona, Brian  
**Cc:** Morrison, David  
**Subject:** FW: Regarding Linda Falls Vineyard Development

*Terri Abraham  
Planner*

*Napa County Planning, Building and Environmental Services Department  
1195 Third St., Suite 210  
Napa CA 94559  
707.299.1331  
707.299.4075 direct fax*

County Web site [www.countyofnapa.org](http://www.countyofnapa.org)

*The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously, care deeply, and speak kindly.*

**From:** Jayne Forest <jaynesartaddiction@gmail.com>  
**Sent:** Monday, February 11, 2019 8:19 PM  
**To:** Planning <planning@countyofnapa.org>  
**Subject:** Regarding Linda Falls Vineyard Development

Linda Falls is sacred land to many, and I cannot type into my phone enough English words to describe to you the importance of this alive land. Natural spaces are extremely important for spiritual connection, as the resonance of uninterrupted nature can help awaken humanity to its Not metaphorical interconnectedness to nature. We need this land to remain open and protected for all to enjoy for generations to come, not thinking of our own greed with LONG reaching damaging outcomes to living sentient forest life. I hope you will strongly consider my words as you wield the power to affect land that affects SO many. I hope you'll open your heart and consider others and NOT move forward with any development of Linda Falls and the surrounding areas.

With sincere appreciation,  
Jayne 707-492-4138

[jayneforest.com](http://jayneforest.com)

# Comment Letter I11

**From:** [pinmapeniiv@shoolohai.net](mailto:pinmapeniiv@shoolohai.net)  
**To:** [Eunis, Kyra](#)  
**Subject:** vinyards  
**Date:** Tuesday, February 12, 2019 11:13:41 AM

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Building vinyards on sloping forest lands and remove all the trees to do so is stupid!!! Think of the people who live here not the big money boys who come in for a few years after they make changes and then leave. P. Pawl





# Comment Letter I12

**From:** [Lisa Berkman](#)  
**To:** [Funds\\_Vera](#)  
**Subject:** Linda Falls  
**Date:** Tuesday, February 12, 2019 5:19:44 PM

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Dear Planning Commissioner,  
I disagree with this Le Colline Vineyard Proposal.  
This is obviously a terrible idea, this land is important for families and the well being of the community. Don't accept this proposal please, for the kids, for the trees and your lungs and your heart and our future. thanks.  
xo,  
Lisa



i12-1

# Comment Letter I13

**From:** [Bordona, Brian](#)  
**To:** [Funda, Kyra](#)  
**Subject:** FW: Linda falls in angwin  
**Date:** Wednesday, February 13, 2019 11:57:40 AM

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-----Original Message-----

From: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Sent: Wednesday, February 13, 2019 6:31 AM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: FW: Linda falls in angwin

Terri Abraham  
Planner

Napa County Planning, Building and Environmental Services Department  
1195 Third St., Suite 210  
Napa CA 94559  
707.299.1331  
707.299.4075 direct fax

County Web site [www.countyofnapa.org](http://www.countyofnapa.org)

The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously, care deeply, and speak kindly.

-----Original Message-----

From: samir abdalla <[srtvrepair@gmail.com](mailto:srtvrepair@gmail.com)>  
Sent: Tuesday, February 12, 2019 11:23 PM  
To: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Subject: Linda falls in angwin

Linda Falls in Angwin

Dear Planning Commissioner,

I disagree with this Le Colline Vineyard Proposal.

This is obviously a terrible idea, this land is important for families and the well being of the community. Don't accept this proposal please, for the kids, for the trees and your lungs and your heart and our future.

**From:** [Mary K. Hanson](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** Comments on Le Colline Vineyard ECPA  
**Date:** Wednesday, February 13, 2019 12:52:49 PM

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I read the report on this project, and was NOT impressed.

Puh-leeze, "Walking the perimeter of the project site" to look for wildlife and threatened or endangered species is unacceptable. You can't see everything from the perimeter. This is like an unqualified roofer saying "the roof of the house you want to sell looks intact and needs no repair" by simply standing in the driveway and looking up at the roof. Or someone saying "Nope, you don't have cancer" by looking at you from 50 feet away. "Inspection" means "THOROUGH inspection" by qualified personnel.

I want to know the expertise of the people who went out into the field and how/if the data was corroborated. I remember when the BLM was trying to do a field study on raptors in a specific area in the BSM and the results all came back "zero sightings" for the birds' nests... The guy collecting the data didn't believe the results and went out to look himself and found all sorts of nests. He concluded that either the guys who gave him the data had never actually gone out into the field at all... or had no idea what they were looking at.

Going out to any site in only one season is also ridiculous. Animals and insects migrate, plants grown and flower in different seasons... The study done was ridiculously lacking any kind of validity.

Make those people spend a YEAR out at the site and actually DO a PROPER study.

--

*Mary K. Hanson*



**Certified California Naturalist**

**Member of the Society of Environmental Journalists**

[simplifyme55@gmail.com](mailto:simplifyme55@gmail.com)

Cell: 916-717-9411



**Comment Letter I15**

**From:** [MSeeley](#)  
**To:** [Planning](#), [Boris\\_Kyra](#)  
**Subject:** Le Colline Vineyard ECPA  
**Date:** Wednesday, February 13, 2019 2:45:07 PM

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Are you folks serious? Considering removal of forests for yet ANOTHER gentleman's ego vineyard?? Keep the woodland. Forests protect from fires. Vineyards cause erosion, reduce wildlife, and promote monoculture. Do not approve this plan.

I enjoy wine. But if it means a loss of forests and wildlife, I can forgo it. Protect the landscape and conserve our wild lands.

Marsha Seeley  
65 Cleary Ct #10  
San Francisco, CA 94109



i15-1

**Comment Letter I16**

**From:** [Amanda Hovey](#)  
**To:** [Kyra Kura](#)  
**Subject:** Le Colline Vineyard Deforestation  
**Date:** Thursday, February 14, 2019 2:40:31 AM

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Dear Kyra,

It greatly concerns me to hear about the further deforestation in the Napa Valley for the Le Colline Vineyard. We need to protect the limited forests that we have left! This will occur above Linda Falls, a cherished and important water system. Please do not let this happen. Our environment needs to be protected before it is all gone. Angwin is a small town with small roads. We do not need more industrial trucks driving past our schools, past our playgrounds. We do not need the wear and tear on our roads. I urge you to not allow this further destruction to our land and home that we love so much. A home we will love more than any vineyard.

Sincerely,  
Amanda



## Comment Letter I17

**From:** [Carol Young](#)  
**To:** [Evelis Kyra](#)  
**Subject:** Clear cutting  
**Date:** Thursday, February 14, 2019 11:02:01 AM

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This is an absolute travesty!  
No clear cutting for another vineyard!  
Please reconsider.

Carol Young  
503-975-4317

Sent from my iPhone

I17-1



# Comment Letter I18

Ms. Kyra Purvis, Napa County Planning

February 14, 2019

Subject: Comments on Le Colline ECPA Application P14-00410

Dear Ms. Purvis,

I am writing to object to the Colline Vineyard Erosion Control Plan Environmental Impact Report.

Basically, the county has approved numerous erosion control plans over the past 15 years to deforest wildlands for the purpose of converting the forests to vineyards. At some point, the cumulative effect on permitting water sheds to be converted to vineyard is going to have serious consequences on the quantity and quality of the water Napa County depends.

The Colline Vineyard project is located near the headwaters to Conn Creek which is one of the main tributaries to Lake Hennessy. Lake Hennessy is one of Napa's reservoirs that provide a significant amount of the potable water dispersed throughout Napa County. As a resident in St. Helena, I know my city purchases 600-acre feet of Napa water each year and that water is very important to the sustainability of our community. The protection of the quantity and quality of water is of paramount importance.

As a retired employee of the California Department of Fish and Wildlife, I'm aware of Napa County's erosion control ordinances and the importance of these laws to protect our waters. Unfortunately, I'm also aware of the number of failures that have occurred over the last 16-years with many of the erosion control plans that have been approved. These failures have contributed to unknown volumes of erosion and pollution into our waterways, not only affecting our water quality but the habitat for the diverse number of aquatic wildlife species living in Napa County.

I am reminded of a parable I once read comparing our environment to an airplane constructed out of rivets. Occasionally, a rivet fractures in the wings or fuselage of an airplane. If the failure is not remedied, another rivet fails, then another and another. Eventually, rivet by rivet, after over long periods of time, the integrity of the airplane fails and the plane crashes.

The rivets I'm concerned about are the rivets that are holding our precious watersheds together that contribute to the integrity of the water we depend upon in Napa County. The county's remedies for erosion control from vineyard development are not perfect. A cumulative negative impact will happen someday.

The Colline Vineyard development is too close to Conn Creek and I can speak for the eight members of my immediate family who live in Napa County. We feel strongly that this project should be denied.

There are other hillside areas remaining to be purchased and converted into vineyard that do not pose so much threat to the water reservoirs upon which we depend. Please deny this permit application.

Tom Belt

1520 Hillview Place,

St. Helena CA 94574

California Department of Fish and Wildlife Patrol Captain, retired.

I18-01

I18-02

I18-03

**From:** [Bordona, Brian](#)  
**To:** [Purdie, Kara](#)  
**Subject:** FW: Community input re: Le Colline proposal  
**Date:** Thursday, February 14, 2019 1:36:49 PM

**From:** Deborah Leidig <upacreek\_2@icloud.com>  
**Sent:** Thursday, February 14, 2019 11:49 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Community input re: Le Colline proposal

Dear Mr. Bordona,

Regarding: Le Colline Vineyard proposed project

The efforts of the county and community are greatly appreciated as we seek to wisely choose the path that will have the best long-term impact on this beautiful area. I grew up on property adjacent to the subject properties on Cold Springs Road, and my mother still resides in that home, surveying the forest view daily from her back porch. The parcel block A appears to be this portion of the land, a wildly natural scrambling hillside strewn with mossy granite boulders, caves and more than one waterfall. The proposed change from forest to farmland is of concern, especially to those who have watched the poor choices of the past negatively impact the area.

Concern #1--Water: For example, the vineyard that was installed at the corner of Cold Springs and Las Posadas, where damming of the creek was allowed by the county, immediately causing Cold Springs to run much lower and dry up more often. Farming is thirsty business—will neighboring, preexisting wells for homes also be impacted negatively impacted by the trickle down problem caused by farm water usage?

Concern #2—Traffic, noise: Cold Springs road is narrow, cars pass each other gingerly, especially near the school. A great increase in traffic has already been noted with developments on Las Posadas, with hurrying drivers that seem to be oblivious to the precious quiet nature of this unique neighborhood. Trucks of all kinds will be added to the already burdened roadway. Children walk to school along this road. Please do not propose widening this lovely tree-lined lane. How can you realistically restrict and monitor traffic to mitigate this problem?

Concern #3--Project Alternatives: Option 1 (1.4.1 no development) seems ideal to those whose properties abut the subject properties, not to mention the wildlife that abounds in these areas, habitat found in the natural landscape of rocks, caves, vegetation and trees. Will these species be adequately protected by the proposal?

Lastly, I will insert my letter to the editor that was published on June 4, 2016, which they selected "Let the Valley Soil Host the Vines" to entitle it:

The proliferation of vineyards replacing the forested hillsides of Howell Mountain concerns me. Specifically, the Le Colline development, which is directly behind my childhood home on Cold Springs Road in Angwin, still the residence of my mom. Our view, this uninhabited property beyond ours, is a pristine tumble of granite boulders, ravines and stands of trees that have withstood changing weather and rainfall patterns with grace. In addition, the community know the property to contain secretive caves that are home to bats that feast on the mosquitos at dusk. Waterfalls are hidden in the forest there, ranging from a rill to a roar dependent on the whims of nature. The stream that feeds our land and these waterfalls is also subject to activities at another newer winery across the road on Los Posadas, which was allowed to interrupt the free flow of Cold Springs, years ago. Is this to be the fate

i19-1

i19-2

i19-3

i19-4

i19-5

of The Hill, denuded of trees and corn-rowed with vines fed by thirsty wells and diverted springs? The heavenly scent of pine, fir, oak and laurel replaced with dust and sprays of farming upon land not conducive to such activities? Let the Valley soil host the vines, where there is more ample water, and farming has been a centuries old practice. Already great swaths of forest have been chopped down in Angwin—is there to be no end, no balance nor moderation, until the vistas here are of a sadly scalped hillside rutted with the landslides of poor planning?  
Sincerely,

Deborah Leidig



**Comment Letter I20**

**From:** [Luke McMullen](#)  
**To:** [Kyra Purvis](#)  
**Subject:** Le Colline ECP; Dave DiCesaris, DEIR  
**Date:** Thursday, February 14, 2019 2:28:36 PM

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Kyra,  
Being a resident bordering the Le Colline project, I am excited that this project may eventually come to fruition. I believe that this vineyard project will help create a fire break for my neighborhood, as well as the community of Angwin. With the increase in severity of wildfires in the last few years, there is definitely a concern for having our town destroyed by the next one. As we saw from the October 2017 fires here in Napa and Sonoma Counties, maintained vineyards helped slow the spread of the fires in those directions. The Le Colline project will help create that buffer between my neighborhood and forest that will give the community a fighting chance to save our town if a fire ever did start. Thank you.

Luke McMullen



i20-1

# Comment Letter I21

**From:** [Val Wolf](#)  
**To:** [Purds, Kyra](#)  
**Subject:** no more tree cutting  
**Date:** Thursday, February 14, 2019 11:07:32 PM

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Why would it even be possible after the millions of trees lost to fires for another unneeded vineyard be put in taking away carbon sequestration ,soil health,water stability etc etc ..Stop this it is completely insane and greed induced

Valerie Wolf



i21-1

Dear Ms. Purvis,

Please accept my comments on the Draft Environmental Impact Report for the Le Colline forest conversion to vineyard project at the headwaters of The Linda Falls Land Trust Preserve.

My husband Jack and I moved to Angwin in 1989 and immediately fell in love with the forest there and the local community. At that time Angwin was a sleepy village dominated by Pacific Union College and was a backwater of Napa County almost untouched by the growing threat of vineyard and winery development.

I was so concerned about this impending threat that just over twenty years ago I contacted the executive director of the Land Trust of Napa County, John Hoffnagle, and told him that we needed to do something to protect Conn Creek and the spectacular, hidden and privately-owned Linda Falls before someone decided it was more valuable to them personally than it would be as a heritage to the people of Napa County.

John agreed and set the wheels in motion for the Land Trust to acquire the land. John and I visited with Ed Vanegri and his long-time partner Harmon Frohmuth and discussed with them the possibility of permanently protecting their land from development and conversion.

Over the next twenty years the original Linda Falls property and many more acres were protected by the Land Trust. In 1998 Ed made his first donation of land to the Land Trust. In 2008, working with the St. Helena Hospital Foundation Mr. Vanegri protected more acreage. In 2010 Kathleen Heitz donated 25 acres of her property to create an addition to the Linda Falls Preserve. And in 2011 Harmon Frohmuth donated the original cabin site that so captured my interest twenty years earlier.

The Linda Falls Preserve owned by the Land Trust and further protected by a conservation easement with the Napa County Regional Parks and Open Space District today stands as a centerpiece of land protection in Angwin. The Preserve is centered around its protection of Conn Creek and the spectacular Linda Falls. It hosts a fragile and beautiful Douglas-Fir Chaparral plant community which has 132 recorded plant species. Included is the Napa False Indigo as well as the narrow-anthered California Brodiaea, both of which are locally rare in Napa County.

Today the proximity of the Le Colline development to Conn Creek and Linda Falls threatens that priceless heritage. Not only our family and our community neighbors but thousands of PUC students and other visitors from the past and in the present consider the Falls central to their Angwin experience,

Project impacts to the aesthetic, cultural and recreational value of the Linda Falls Land Trust Preserve have not been adequately analyzed and this DEIR fails to offer mitigations to reduce these impacts to an acceptable level.

Respectfully,  
Donna Morgan  
531 Viewridge Drive, Angwin CA  
Angwin CA 94508

i22-1

i22-2



**Comment Letter I23**

**From:** [MSeeley](#)  
**To:** [Morrison, David](#); [Boris, Kym](#); [Bordone, Brian](#)  
**Cc:** [Fuller, Unburn](#)  
**Subject:** Le Colline Vineyard ECPA, P14-00410.  
**Date:** Friday, February 15, 2019 12:31:14 PM

This project would significantly degrade the site and add potential risks to the nearby environment. I do not believe the applicant will voluntarily follow mitigation process completely, preferring to pay fines after the fact and apologize. Too late, then. Napa does not have the resources to carefully monitor the construction, leaving it open to abuse.

i23-1

Protect our forests! We only have one planet and must safeguard all of it, Napa County included. Aren't there enough vineyards already? Not enough forests, though. Do not allow any timber harvest.

I prefer the following option:  
Reduced Intensity Alternative, which would result in the planting of vineyard on approximately 6.89 acres of non-timberland on the property. No timber would be harvested as a result of this alternative.

i23-2

Sincerely,

Marsha Seeley  
65 Cleary Court #10  
San Francisco, CA 94109

## Comment Letter I24

**From:** [TOM BELT](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** Updated Comments Regarding the Colline Vineyard Erosion Control Plan EIR  
**Date:** Friday, February 15, 2019 12:55:52 PM  
**Attachments:** [Colline Vineyard Erosion Control EIR -docx](#)

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Dear Ms. Purvis,

I have been advised I used incorrect words to represent my comments regarding the Colline Vineyard Erosion Control Plan EIR. Please disregard the letter I emailed you yesterday and substitute the attached in its place for the Napa County Planning Department's consideration.

Thank you very much,

Tom Belt

1520 Hillview Place

St. Helena, CA 94574

# Comment Letter I24

Ms. Kyra Purvis, Napa County Planning

February 14, 2019

Subject: Comments on Le Colline ECPA Application P14-00410

Dear Ms. Purvis,

I am writing to object to the Colline Vineyard Erosion Control Plan Environmental Impact Report.

Basically, the county has approved numerous erosion control plans over the past 15 years to deforest wildlands for the purpose of converting the forests to vineyards. At some point, the cumulative effect on permitting water sheds to be converted to vineyard is going to have serious consequences on the quantity and quality of the water Napa County depends.

The Colline Vineyard project is located near the headwaters to Conn Creek which is one of the main tributaries to Lake Hennessy. Lake Hennessy is one of Napa's reservoirs that provide a significant amount of the potable water dispersed throughout Napa County. As a resident in St. Helena, I know my city purchases 600-acre feet of Napa water each year and that water is very important to the sustainability of our community. The protection of the quantity and quality of water is of paramount importance.

As a retired employee of the California Department of Fish and Wildlife, I'm aware of Napa County's erosion control ordinances and the importance of these laws to protect our waters. Unfortunately, I'm also aware of the number of failures that have occurred over the last 16-years with many of the erosion control plans that have been approved. These failures have contributed to unknown volumes of erosion and pollution into our waterways, not only affecting our water quality but the habitat for the diverse number of aquatic wildlife species living in Napa County.

I am reminded of a parable I once read comparing our environment to an airplane constructed out of rivets. Occasionally, a rivet fractures in the wings or fuselage of an airplane. If the failure is not remedied, another rivet fails, then another and another. Eventually, rivet by rivet, after over long periods of time, the integrity of the airplane fails and the plane crashes.

The rivets I'm concerned about are the rivets that are holding our precious watersheds together that contribute to the integrity of the water we depend upon in Napa County. The county's remedies for erosion control from vineyard development are not perfect. A cumulative negative impact will happen someday.

The Colline Vineyard development is too close to Conn Creek and I can speak for the eight members of my immediate family who live in Napa County. We all believe strongly that the county should adopt the "No Project" alternative because of the numerous unmitigable impacts the project poses to Conn Creek.

There are other hillside areas remaining to be purchased and converted into vineyard that do not pose so much threat to the water reservoirs upon which we depend.

Tom Belt

1520 Hillview Place,

St. Helena CA 94574

California Department of Fish and Wildlife Patrol Captain, retired.

I24-01

I24-02

I24-03



# Comment Letter I25

**From:** [Rodney Hardcastle](#)  
**To:** [Kyrá Puvís](#)  
**Subject:** Comment on the Le Colline Vineyard Project  
**Date:** Friday, February 15, 2019 1:59:18 PM

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Hello Kyrá,

My name is Rodney Hardcastle, long time resident of Angwin, and property owner at 180 Winding Way. My father bought the land in 1965 and built the house in which we live, and in which I grew up, and then raised my own children. We have owned the property since 1995 when my father sold it to us.

I was a professor at Pacific Union College and a local CPA until my retirement two years ago.

Our property is bordered on two sides by the property that the DiCesaris's own and on which, as you know, the Le Colline vineyard is being proposed. The Winding Way entrance is right next door to us.

We are not opposed to the project as I believe the DeCearises have demonstrated good faith in being responsible neighbors and have, in my opinion bent over backwards to accommodate the interested parties' concerns. What we are concerned about is the fact that, one of the mitigating measures that the Decearises had proposed – a fire break on the southwest side of their property, was reportedly denied by the Department of Fish and Wildlife.

I can tell you that the property owners in this neighborhood would consider a firebreak to be invaluable to our sense of safety. The reasons are obvious with the recent rash of fires and the enormous loss of life and property. This huge benefit of the firebreak as part of the project, would make a lot of the things we will have to put up with (noise, traffic, spraying, fear of water table depletion, etc.), seem a benefit to this rural and beautiful community to those of us who have had the pleasure to know and love, and therefore would be willing to support it. I hope this aspect can and will be reconsidered in light of climate change and the increase threat of wildfire we all live with (especially those of us who live in the wildlands).

Thank you for your time and consideration.

Rodney Hardcastle  
180 Winding Way  
Angwin, CA 94508  
707-965-2832

I25-01

I25-02

# Comment Letter I26

**From:** [John Collins](#)  
**To:** [Purvis, Kym](#)  
**Subject:** Le Collins purposed project  
**Date:** Friday, February 15, 2019 2:29:23 PM

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Napa County

Please approve the Le Collins project with a requirement for fire breaks to be created. My property is directly across Cold Springs road and I believe that fire safety is of utmost importance.

John Collins  
285 Cold Springs rd  
Angwin, CA

Sent from my iPhone



I26-01

From: [beth.netter](#)  
To: [Purvis, Kyra](#); [Morrison, David](#); [brian.bardoni@countyofnapa.org](mailto:brian.bardoni@countyofnapa.org)  
Subject: My comments on the Le Colline Draft Environmental Impact Report  
Date: Monday, February 18, 2019 11:17:46 AM

Dear Ms. Purvis,

Please accept my comments on the Le Colline Draft Environmental Impact Report. I have been a Napa resident for 30 years, since 1989 and I have lived in California since graduating from Stanford University in 1982. I am a member of the local Napa Climate Now! environmental group and also served as an organizer for the Napa Valley Healing Walk for 3 years whose goal is "cultivating appreciation and respect for Napa Valley's watersheds and wildlife, and supporting policy changes that ensure their protection". I consider myself an environmentalist and have campaigned for Congressional candidate Mike Levin whose number one goal is to address climate change. I also helped campaign for Measure C locally. I have an artistic side being an artist and interior designer. I am currently on the Board of the Rail Arts District Napa. I am an outdoor enthusiast and enjoy hiking. I am basing my comments on my personal experience and information I have learned from others with expertise on the matters contained in the DEIR.

I27-01

In no particular order I will list my concerns that Napa County as the Lead Agency must address:

**\*scenic vistas, scenic resources, visual character of the site and surrounding area**  
**Impact 4.1-1, Impact 4.1-2, Impact 4.1-3.** I hike with my family and friends at the Linda Falls Land Trust Preserve and the vistas there are important to me, my family and friends as we hike. Nature is very healing and to be surrounded by mother nature vs. man-made environments has indescribable but undeniable mental and physical benefits. I do monotypes, watercolor paintings and photography of this area and other local natural settings. The loss of the aesthetic resource to recreational and artistic users of the Linda Falls Preserve is a substantial environmental impact that must be analyzed in the DEIR. Page 2.8 of the DEIR states that the "proposed project would not adversely impact recreational opportunities" but this is not true. **What impacts will occur to trail use experiences and artistic use from this project? How can you defend a "less than significant" environmental impact to the scenic vistas, scenic resources and existing visual character of the site and its surrounding? How can you defend no mitigation of what I consider significant impacts in these regards?** Block A1 and B are visible from recreational fields at Pacific Union College. The college logo includes an image of a conifer and the college official song begins "Our college on the mountain among the fir clad hills". **How can you defend a "less than significant" environmental impact to the scenic vistas, scenic resources and**

I27-02

I27-03



**existing visual character of the site and its surrounding given these cultural and physical impacts to Pacific Union College students/families/alumni/faculty?**

I27-03  
(Cont.)

**\*migratory corridors (Impact 4.4-4)** I have seen fencing around vineyards that was suppose to allow animals to migrate through it with holes at the bottom but that was improperly installed with the holes at the top. I know that vegetation in vineyards is not the same habitat that wildlife was used to before the vineyard and that temperature changes in these newly exposed areas affect wildlife. I know that many small vineyard projects are being approved and the general forest conversion to agricultural use has resulted in the segmenting of the former healthy contiguous forests in the Angwin area. **How will the project mitigate for the loss of large mammal movement?**

I27-04

**\*noise (Impact 4.11-1)** Local field surveys (Anderson, Dunn, Stanton 7/28/18) document huge areas of rock and rock outcroppings and sheets of rock covering many acres throughout the project site. Equipment used to break up these rock areas and remove rock in order to develop a vineyard a the site will be very loud. Please discuss the noise related to this project. **How can this noise be considered less than significant? Where is the noise from the logging phase of this project analyzed in the DEIR? How will the noise from the construction equipment as opposed to the former forest sounds impact residents, nearby schools and wildlife in the area?**

I27-05

**Noise mitigation 4.11-1 requires the Applicant to locate stationary noise sources as far way "as possible from sensitive receptors as possible". What is the definition of "as possible" for this mitigation? How will this be assured and by whom? How effective are mufflers mentioned in mitigation? Are the noise mitigation measures feasible? How do they support the "less than significant" conclusion?**

I27-06

**\*Schools (Mitigation Measure 4.12-1 and Mitigation Measure 4.12-2 and Impact 4.12-3)** There are 3 schools along Cold Springs Road. Construction activities are restricted to Monday through Saturday 7 am to 7 pm. With curves and limited visibility on the public roads leading to project why should families with schoolchildren in the area accept increased danger from when large trucks will be on these roads during school hours?

I27-07

**\*traffic increases (Impact 4.3-3) (Mitigation Measure 4.12-2)** Please provide supporting evidence that the estimated 100 vehicle trips per day will not impact traffic and safety on Cold Springs Road. Construction activities are restricted to Monday through Saturday 7 am to 7 pm. Many residents of Angwin are Seventh Day Adventists whose day of rest and worship is Saturdays. Large trucks and vehicles may operate on this important day. **How will traffic and noise impact these religious activities?** Upon completion of logging the Applicant shall meet with the County Road Department and discuss the need for repairs attributable to implementation of the Proposed Project. The Applicant shall assume responsibility for repairs commensurate with its use. **How will the County Road**

I27-08

Department accurately assess road damage attributable the project? Why should taxpayers potentially suffer damaged roads that may not get fixed or fixed at their cost from a commercial project that is of no value to them?

I27-08  
(Cont.)

\*emergency access (impact 4.12-4) If large trucks are not to exceed 15 mph on Cold Springs Road and larger vehicles shall not exceed 25 mph on country roads wouldn't emergency vehicles possibly be impeded by these vehicles in an emergency?

I27-09

\*loss of forestland (Impact 4.2-3) In order to to analyze the cumulative impacts of deforestation for vineyard the total number of converted acres within the 3-mile radius of the project must be provided. Please provide the total known number of acres converted to vineyard within 3 miles of the project in terms of acres. The impact is local to the Angwin region and the forest conversion must be analyzed as a local impact limited to the 3 mile radius utilized in the DEIR. What is the impact using this frame of reference? How can you mitigate for the loss of a forest?

I27-10

\*GHG climate change (Impact 4.7-1 and Impact 4.72) Why are GHG emissions after construction is complete not taken into account?

I27-11

\*Do you agree that the Greenhouse Gas Emissions (GHG) from the operation of the Proposed Project and their potential to exacerbate global climate change is less than significant and requires no mitigation? (Impact 4.72)

I27-12

\*pesticides and fertilizer setbacks (Impact 4.8-2) (Mitigation 4.8-4) The proposed project would include the use of common vineyard-related substances such as fuels, pesticides and fertilizers. The handling and transfer of potentially hazardous substances has the potential for accidental release. Mitigation measure requiring the establishment of fuel loading and chemical mixing areas outside of riparian buffers are required that are outside the proposed setbacks and away from areas that could potentially drain off-site or affect surface and groundwater quality but I have seen existing vineyards in these areas ignoring these mitigations and rinsing out chemicals right next to streams. RoundUp fertilizer has been listed as human carcinogen in California and our County's cancer rates are some of highest in country. How will these proposed mitigations be monitored and enforced? Why allow any pesticides use that risks danger to our water and residents when we could avoid this by leaving this area in its natural state?

I27-13

\*Do you think that anyone from the county will be inspecting the site on a regular basis to ensure that the proposed mitigations are actually being followed and be willing to enforce the project's parameters?

I27-14

\*Do you think protecting threatened or endangered species only is sufficient to protect

I27-15

**the overall bio-diversity of the area and protect it from habitat loss?**

I27-15  
(Cont.)

\*Climate Change is an existential threat to human existence that a recent UN ICCP report said must be addressed within the next 12 years to avoid irreversible catastrophic results. This creates an anxiety in the average person, especially young people who are facing this future. Those of you in power must act and take every opportunity to turn this situation around so that we have hope and a chance of survival. The fact that a developer bought land taking the chance that he might develop it into a vineyard though deforestation in a biologically rich and aesthetically valued area is not something the county should place a higher value on than the local community's right to protect the common good. The saying "death by a thousand cuts" comes to mind in this instance. The cumulative effects of these types of projects are numerous, dangerous and damaging.

I27-16

**In conclusion I support that "the "No Project Alternative" should be adopted".** The "No Project Alternative", would leave the property in its existing state as partially-forested with areas of shrubland and grassland. Vineyard would not be developed, timber would not be harvested and no changes to the property would occur.

I27-17

**Sincerely,  
Beth Mattei**



**Comment Letter I28**

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Public Comments on Le Colline Vineyard Project  
**Date:** Tuesday, February 19, 2019 8:33:16 AM

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-----Original Message-----

From: Michelle MacKenzie <michellehmaekenzie@gmail.com>  
Sent: Sunday, February 17, 2019 11:48 PM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Public Comments on Le Colline Vineyard Project

I write to urge you to select the NO project option. The Le Colline project will have serious impacts on surface water, wildlife migration corridors, potential land slides, traffic, housing, noise, and aesthetics which cannot be effectively impacted. As a result, the County of Napa must adopt the No Project Alternative for this project.

Thank you for your consideration.

Sincerely,

Michelle MacKenzie



I28-01

## Comment Letter I29

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline ECPA, P14-00140  
**Date:** Tuesday, February 19, 2019 8:33:24 AM

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-----Original Message-----

From: Connie Wilson <clw1956@comcast.net>  
Sent: Sunday, February 17, 2019 5:46 PM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Le Colline ECPA, P14-00140

Dear Mr. Bordona,

As a native St. Helena, I wish to express my extreme concern regarding the Le Colline vineyard conversion plan. I have read the draft EIR, and it does not take a scientist to come to the conclusion that ripping out riparian forest for a vanity vineyard is an unmitigated disaster.

The citizens of Napa Valley, especially those in Angwin, deserve so much more from our elected officials. This project is so egregious, so disturbing, and so wrong. We should be protecting our beautiful valley from those who would destroy our woodlands and wildlife for profit.

Linda Falls is a jewel for all to enjoy. Why should one man destroy this? The EIR is a paid-for sham, and the County of Napa should step up and begin protecting our remaining natural resources for all the citizens.

Thank you for your consideration.

Connie Wilson  
1658 Scott Street  
St. Helena, CA 94574

I29-01

**Comment Letter I30**

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: LeColline proposal  
**Date:** Tuesday, February 19, 2019 8:33:39 AM

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-----Original Message-----

From: Ron Stevens <[egitkhanoff@millec.com](mailto:egitkhanoff@millec.com)>  
Sent: Monday, February 18, 2019 7:15 AM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: LeColline proposal

Dear Mr. Bordona:

This letter is written in opposition to the Le Colline vineyard construction proposal.

I grew up on Cold Springs Road, and my mother still lives there. We visit often. It is a very narrow residential road. There are schools along the road. Large trees restrict the width of the road. Access for the construction phase, or for that matter ongoing operations, would be unsafe and inadequate along Cold Springs Road, not to mention the destruction of the quiet enjoyment and way of life of the residents. Access to this project, if it is to proceed, should be gained off Howell Mountain Road, not Cold Springs Road or Winding Way, which is little more than a driveway.

Also of concern is the proposed deforestation and large-scale environmental destruction. I would urge you and the county to consider only the minimal impact, scaled-back proposal.

We should treasure the quiet, forested and rural nature of this mountain neighborhood. Commercial scale agriculture and/or industrial development is not appropriate here.

Thank you very much for your consideration of my comments.

Ronald Stevens  
90 Cold Springs Road  
Angwin, CA 94508  
Cell: (307)630-6412

Sent from my iPhone



I30-01



I30-02



I30-03



From: [Bordona, Brian](#)  
To: [Purvis, Kyra](#)  
Subject: FW: Le Colline ECPA EIR Comments 18 Feb 2019  
Date: Tuesday, February 19, 2019 8:34:34 AM

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From: Stephen Rae <stephen.rae@gmail.com>  
Sent: Monday, February 18, 2019 12:40 PM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Le Colline ECPA EIR Comments 18 Feb 2019

Mr Bordona  
County of Napa Planning

RE: EIR and Biological Information for Le Collins ECPA

I have reviewed the EIR, it's supporting appendices, and pertinent information with respect to its treatment of Class III watercourses and bryophytes. In my opinion the documents fail to disclose the critical difference between Class II and Class III watercourses and the specific procedures employed during field reviews by the botanical consultant. Also, use of the term 'poikilohydric bryophytes' is confusing and not pertinent to project review. Finally, the botanical survey fails to identify bryophytes anticipated on the site (found recently within the Linda Falls natural area and associated vegetation and Los Posadas SEF).

I31-01

The critical difference between II and III watercourses is the presence/absence of non-fish aquatic life. Typically documented by the observation of invertebrates (usually their exoskeletons during a non-flow period). Class II watercourses are usually overlooked and characterized as a Class III. In addition, Many Class III watercourses in Napa County have defined channels less than 4 ft wide, but function as water and sediment conduits to Class IIs. Their existence, especially on steeper slopes, may be inferred by poorly defined sediment tracks. In any case, in most timber harvest operations the Class IIIs are highly disturbed.

I31-02

With respect to bryophytes, 'poikilohydric' refers to a lack of cuticle and stomata. This encompasses mosses reported in both xeric and mesic habitats (and all in between). The use of such a term does not advance environmental effects analyses.

I31-03

While the moss flora of the County is only now being systematically investigated, there are limited resources available (printed materials, training classes, reference herbaria and bryologists). The survey suffers from inadequate prior review and superficial field effort. The species cited in the field survey are quite common throughout the County and California. However, the list does not document the several other mosses already known through the Howell Mountain Plateau.

I31-04

There are mosses known on the Howell Mountain Plateau and other similar habitats within the County that may reasonably be known in the project area. include (in part): *Brachythecium* sp., *Bryum lanatum*, *Epipterygium tozeri*, *Fissidens bryoides*, *Pleurozium subulatum*, *Syntrichia* sp. and *Tortula* sp. All of these are easily seen in the field; their absence in survey results suggest that the surveyors have been incomplete with the bryoflora. There are species in the Bryaceae of concern in California, and several have been collected in the County. One,

I31-05

*Gemmabryum brassicoides*, has been only recently described and confirmed within Napa County in a similar habitat. While the lichen flora appears to have been well documented. The moss flora seems to have been assembled hurriedly.

I31-05  
(Cont.)

While the identification of many vascular plants can be done through field observation (sometimes with the help of a hand lens), there are some that warrant collection and more thorough magnified review and comparison with reference herbarium specimens. With mosses, determination to species usually involves handlens examination and many times warrants collection and examination with a dissecting scope. And, several species determination can only be done through leaf or other part examination via slide mounts viewed with a light microscope. In fact, moss field surveys always involve collecting and herbarium material examination. It is surprising that the survey report omits mention of the effort to identify mosses, the collection of materials, and the deposition of confirming voucher materials.

I31-06

Review of moss records maintained by the California Consortium of Herbaria and the data base maintained by the Jepson Herbarium (the eFlora and associated materials) demonstrates that the County is a curious blank spot for species occurrences. Incredibly, even though in the Bay Area there has not been many collections made or vouchers deposited.

My comments regarding watercourse classification reflects several years of field experience as an environmental planner for the County and 26 years of field activities focussed on native plant habitats, raptor habitat evaluations, timber harvest plan reviews and watercourse-riparian habitat surveys and assessments. I have been studying mosses since 1971 and collecting them in Napa County since 1972. My doctoral dissertation in 2006 focussed on Napa County (Species and Their Habitats within the Moss Flora of Napa County, California (USA)). Over the past six years I have been identifying my collections, sending packets to others for their determination, and preparing materials for deposition in research herbaria (UC Jepson, California Academy of Sciences and UC Davis).

I31-07

With respect to this project area, I have surveyed Northern Spotted Owl habitat, searched for rare and endangered vascular plants and collected mosses extensively on the Howell Mountain Plateau. Over the past 51 years I have visited most parcels within 500 meters of the site, and was on the site during 1975-1976.

I31-08

Due to physical limitations, I relinquished my Registered Professional Foresters License (RPF 2445) several years ago, so I will not comment on forestry practices.

I31-09

I hope that these comments on watercourses and mosses are useful in your review of the Le Colline ECPA. In my opinion the conversion of forest and chaparral on the HMP has already reached a level of significant cumulative effect. A review of the biological resources of the entire area with a perspective on how habitats and their species have been impacted since 1970 could be quite revealing. A focus on continuity of forest canopy and the introduction of obtrusive residential and commercial (vineyard and winery operations) might be interesting.

I31-10

Sincerely,

Stephen P. Rae, Ph.D.

# Comment Letter I32

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Vineyard conversion  
**Date:** Tuesday, February 19, 2019 8:34:43 AM

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-----Original Message-----

From: Bill Dyer <[bill@ilyerwine.com](mailto:bill@ilyerwine.com)>  
Sent: Monday, February 18, 2019 1:50 PM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: Le Colline Vineyard conversion

I am writing in opposition to this project. Agriculture is not the best and highest use of every parcel in rural Napa County. This parcel is covered with large rock outcroppings, and it will not be possible to prepare this ground for planting without endangering the adjacent headwaters of a watershed feeding the City of Napa's water supply in Lake Hennessey. It will also endanger the protected open space around Linda Falls.



I32-01



**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: LeColline proposal  
**Date:** Tuesday, February 19, 2019 8:36:30 AM

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**From:** Danna Lisa Stevens <dannalisa@hotmail.com>  
**Sent:** Monday, February 18, 2019 5:03 PM  
**To:** Ron Stevens <egitkhanoff@millelect.com>; Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Re: LeColline proposal

Thank You Ron!

This is perfect. Absolutely perfect,  
Succinct. All points made,

with much gratitude

d

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**From:** Ron Stevens <egitkhanoff@millelect.com>  
**Sent:** Monday, February 18, 2019 7:15 AM  
**To:** [brian.bordona@countyofnapa.org](#)  
**Subject:** LeColline proposal

Dear Mr. Bordona:

This letter is written in opposition to the Le Colline vineyard construction proposal.

I grew up on Cold Springs Road, and my mother still lives there. We visit often. It is a very narrow residential road. There are schools along the road. Large trees restrict the width of the road. Access for the construction phase, or for that matter ongoing operations, would be unsafe and inadequate along Cold Springs Road, not to mention the destruction of the quiet enjoyment and way of life of the residents. Access to this project, if it is to proceed, should be gained off Howell Mountain Road, not Cold Springs Road or Winding Way, which is little more than a driveway.

Also of concern is the proposed deforestation and large-scale environmental destruction. I would urge you and the county to consider only the minimal impact, scaled-back proposal.

We should treasure the quiet, forested and rural nature of this mountain neighborhood. Commercial scale agriculture and/or industrial development is not appropriate here.

Thank you very much for your consideration of my comments.



I33-01



I33-02

## Comment Letter I33

Ronald Stevens  
90 Cold Springs Road  
Angwin, CA 94508  
Cell: (307)630-6412

Sent from my iPhone

2/20/2019

Lynn and Carolyn Sanders

467 Manzanita Dr. Angwin

Re: Le Colline Vineyard Project

To The Napa County Supervisors and Other Interested Parties,

Thank you in advance for your attention to my letter. My background for the past 15 years has been in public education. Prior to that, hospitality as a massage therapist in the Napa Valley allowed me to meet people from around the globe.

One of my prides is also the development of a Nature Camp at Bothe State Park which I have directed annually each summer, ready to celebrate our 20<sup>th</sup> consecutive year in July. The mission has been to bring children into their local natural environment, and learn to protect and preserve it. I have watched kids transform in the outdoor classroom where "nature is the teacher".

For one of many examples, I recall a young boy, about the age of 6, who came to camp on Monday morning and was set on stamping out all the bugs he saw.

Our philosophy in state parks is that "everything is protected"- the people, the bugs, the trees, the birds, the rocks, the waterways, EVERYTHING.

In that idea, we people, are all protected too. We gently and realistically instill that message in the children, and they evolve to explore, and learn, and wonder about the land that sustains us in a simple, sublime, safe, and necessary way.

On Friday morning of that very week, this same little boy that had been terrified by nature's insects just four days before, wanting to kill them all, approached me with what was clearly a treasure in his hands. It was a bumblebee he had rescued from his parent's swimming pool. It was drowning and needed help. He asked if he could release it at the park so it would be protected. Education and experience changed this child.

I ask you to consider the loss of wildlife corridors, to consider children's bike trails (Cade on Howell Mountain has been extinguished ) and hiking constrictions. I ask you to consider our waterways. I ask you to consider the waterway that helps supply Lake Hennessy, that gives Napa drinking water. I ask you to consider the children.

SO a thumbs up to this project means a thumbs down to another sacred Native American site, plus a ding to our own water resources, our remaining wildlife corridors, and our children of the future.

I34-01

I34-02

I34-03

## Comment Letter I34

Sincerely, Carolyn Sanders, Nature Camp Director, Angwin resident, mother and educator



**Comment Letter I35**

**From:** [Mark Anisman](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** Angwin project  
**Date:** Tuesday, February 19, 2019 8:53:56 AM

---

Dear Ms. Purvis,

The project proposes to take property adjacent to Linda Falls Preserve in Angwin, carve out 33.8 acres for vineyards, access roads and staging areas by removing 24.51 acres of forest and 9.29 acres of grassland and manzanita.

This is inappropriate given our current environmental issues facing Napa County.

Please do not support this project.

Thank you, Mark Anisman



I35-01

**From:** [Matt Reid](#)  
**To:** [Purvis, Kyra](#); [Bordogna, Brian](#)  
**Subject:** Comment on Le Colline Vineyard ECPA, P14-00410, Draft Environmental Impact Report  
**Date:** Tuesday, February 19, 2019 10:06:18 AM

Thank you for allowing me to comment on the Draft Environmental Impact Report (DEIR) for the proposed Le Colline Vineyard development project.

I take issue with many of the findings of the DEIR. I do not believe that sufficient investigation was done by the drafters of the report. I believe that the findings should be rejected or that the DEIR should be returned as incomplete with further investigation required.

For example, the findings in Table 1-1, Summary of Impacts and Mitigation Measures, are ridiculous. Section 4.1 Aesthetics shows that the conversion of more than 24 acres of forest and 9 acres of grassland and manzanita would have no significant impact on a scenic vista and require no mitigation. Did the authors even visit the site? The forest and open land near Linda Falls is of tremendous scenic value. We can see vineyard everywhere in Napa County. The aesthetic appeal of vineyards varies with the beholder, but we can all agree that our ever-dwindling forest and open space vistas are both beautiful and restorative.

I36-01

Section 4.4 Biological Resources also raises significant concerns. The DEIR calls for nesting bird surveys to determine if the construction will disturb nesting sites. Of course there will be multiple nesting sites in 33+ acres, and the surveys themselves will be intrusive and cause disturbance that could result in nest failure. The construction buffers called for will not mitigate this harm.

I36-02

Impact 4.4-3 reveals that the project will likely impact wetlands protected under the Clean Water Act. The proposed mitigation measures (4.4-4, 4.8-1, 4.8-2 and 4.8-3) do not address this grave concern.

I36-03

These are but a few examples of the inadequacies of the DEIR. I recommend that the County opt for the No Project Alternative, which would leave the property in its existing state as partially-forested with areas of shrubland and grassland. Vineyard would not be developed, timber would not be harvested, and no changes to the property would occur.

I36-04

Sincerely,  
Matthew Reid  
1311 Pine Street  
Calistoga, CA 94515  
707-360-5419

**Comment Letter I37**

**From:** [Bordona, Brian](#)  
**To:** [Purdy, Kyrn](#)  
**Subject:** FW: Grapes.  
**Date:** Tuesday, February 19, 2019 2:59:26 PM

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-----Original Message-----

From: Don Carrillo <[sonicfingerz@yahoo.com](mailto:sonicfingerz@yahoo.com)>  
Sent: Monday, February 18, 2019 11:56 AM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: Grapes.

ENOUGH ALREADY. Cant you think of anything but money?  
WE NEED A GOOD FUNGUS. Not proud anymore to be a native.  
Napa sucks now, and so do you.

Don Carrillo



I37-01

**From:** [Bordona, Brian](#)  
**To:** [Purdy, Kyla](#)  
**Subject:** FW: Grapes  
**Date:** Tuesday, February 19, 2019 2:57:54 PM

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-----Original Message-----

From: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Sent: Tuesday, February 19, 2019 9:32 AM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: FW: Grapes

Terri Abraham  
Planner

Napa County Planning, Building and Environmental Services Department  
1195 Third St., Suite 210  
Napa CA 94559  
707.299.1331  
707.299.4075 direct fax

County Web site [www.countyofnapa.org](http://www.countyofnapa.org)

The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously, care deeply, and speak kindly.

-----Original Message-----

From: Don Carrillo <[soniefingerz@yahoo.com](mailto:soniefingerz@yahoo.com)>  
Sent: Monday, February 18, 2019 11:56 AM  
To: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Subject: Grapes

To whom it may concern,

Why are we raping this valley? Is every new outsider greedy? We have ENOUGH GRAPES. It is oversaturated with ONE crop. My parents moved here in 1946, prunes, walnuts, peaches, etc. Now snotty rich imbeciles think they can ruin a decent little town, with only their wishes. I'm moving from my home town, my children home town, to someplace I will probably never like or be comfortable again. Thanks for ruining Napa. I hope you get a fungus, or insects you will never control or stop. So sick of this "New Napa. BottleRock sucks too.

I vote too, Don Carrillo





## Comment Letter I39

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: 300 Cold Springs RD Angwin, CA  
**Date:** Tuesday, February 19, 2019 11:14:25 AM

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**From:** Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
**Sent:** Tuesday, February 19, 2019 9:32 AM  
**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Subject:** FW: 300 Cold Springs RD Angwin, CA

*Terri Abraham  
Planner*

*Napa County Planning, Building and Environmental Services Department  
1195 Third St., Suite 210  
Napa CA 94559  
707.299.1331  
707.299.4075 direct fax*

County Web site [www.countyofnapa.org](http://www.countyofnapa.org)

*The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously, care deeply, and speak kindly.*

**From:** shawn solazzo <[shawnsolazzo@sbcglobal.net](mailto:shawnsolazzo@sbcglobal.net)>  
**Sent:** Friday, February 15, 2019 10:17 PM  
**To:** Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
**Subject:** 300 Cold Springs RD Angwin, CA

Please do not deforest this beautiful mountain and ruin the waterfall where so many people grew up and went to school. It will destroy the beauty. Thank you, Shaun M. Solazzo

Sent from [Mail](#) for Windows 10

I39-01

# Comment Letter I40

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline  
**Date:** Tuesday, February 19, 2019 11:16:13 AM

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-----Original Message-----

From: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Sent: Tuesday, February 19, 2019 9:34 AM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: FW: Le Colline

Terri Abraham  
Planner

Napa County Planning, Building and Environmental Services Department  
1195 Third St., Suite 210  
Napa CA 94559  
707.299.1331  
707.299.4075 direct fax

County Web site [www.countyofnapa.org](http://www.countyofnapa.org)

The happiest people don't have the best of everything. They just make the best of everything they have. Live simply, love generously, care deeply, and speak kindly.

-----Original Message-----

From: Ruth Matz <[ra1018@aol.com](mailto:ra1018@aol.com)>  
Sent: Thursday, February 14, 2019 1:33 AM  
To: Planning <[planning@countyofnapa.org](mailto:planning@countyofnapa.org)>  
Subject: Le Colline

I am writing to oppose this project. Removing trees in the watershed for a vineyard is not environmentally sound.  
Thank you  
Ruth Matz

Sent from my iPhone



I40-01

**Comment Letter I41**

**From:** [Frannysf](#)  
**To:** [Morrison, David](#); [Davis, Kyra](#); [Blanning](#)  
**Subject:** LeColline Vineyard ECPA  
**Date:** Tuesday, February 19, 2019 11:51:15 AM

I urge you to protect our climate so our earth has a chance of surviving into the next century and beyond. Stand by your values of protecting the watershed that supplies clean water to our farms and city water customers. If we continue issuing permits for forest removal, Napa will lose irreplaceable wildlife habitat and ecosystem services.

I41-01

Mitigation needs to be done on developable land, outside of already protected steeper slopes, and outside of already protected stream setbacks.

I41-02

Avoid deforestation. Retain the canopy at 90%. Newly planted oaks take 20 years before they are capable of sequestering carbon in any significant way.

I41-03

Protect the forests. Do not allow them to be cut down for boutique wineries. We have enough wineries already. We don't have enough forests.

I41-04

M Seeley  
[Frannysf@mindspring.com](mailto:Frannysf@mindspring.com)  
 Resident of San Francisco and very frequent visitor to Napa to enjoy the trails and natural beauty

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Traffic Impacts in the LeColline EIR are False and the Mitigations are Unrealistic and Inadequate  
**Date:** Tuesday, February 19, 2019 1:30:01 PM

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**From:** Nicky HW <nhallerwilson@gmail.com>  
**Sent:** Tuesday, February 19, 2019 12:53 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Traffic Impacts in the LeColline EIR are False and the Mitigations are Unrealistic and Inadequate

Brian Bordona  
Supervising Planner Napa County Planning, Building, and Environmental Services  
Department  
1195 Third Street, 2nd Floor  
Napa, CA 94559

Dear Mr. Bordona,

I am writing to inform you that I believe that the traffic impacts stated in the Le Colline EIR are untrue and the remedies for these traffic impacts are inadequate.

- There is no mention of the increased traffic on Cold Springs Road that will be generated once planting, maintaining, and harvesting operations begin.
- There are three schools along Cold Springs Road. Advising drivers of large vehicles to “use caution” is INSUFFICIENT (Mitigation Measure 4.12-1) for the protection of the children or their families
- Large trucks will be “advised” not to exceed 15 miles per hour, presumably for “safety reasons”. This “mitigation” will create major impacts to all of the residents on Cold Springs Road AND to parents dropping off their children at school. The impact of the mitigation is not addressed in the Draft EIR.
- “All construction activities are restricted to Monday through Saturday 7 am to 7 pm. No activities shall take place on Sundays and holidays.” (Mitigation Measure 4.12-1) That’s 12 hours a day, 6 days a week, that the residents of Angwin can be expected to be impacted by the “construction” activities (which will include timber harvest activities and “ripping” of the soil) of this particular project. The mitigation does not take into account that Angwin is a



I42-01



I42-02



I42-03



I42-04



*Seventh Day Adventist Community that honors Saturday as their Sabbath.*

I42-04

- The statement that “Construction and operational traffic generated by the Proposed Project will not result in inadequate emergency access” (Impact 4.12-4) is FALSE. Large trucks traveling at top speeds of 15 mph will present a virtual roadblock for ambulances, fire trucks, and other emergency vehicles trying to access Cold Springs and Las Posadas Roads and the 4-H Camp in Las Posadas State Forest that hosts hundreds of children each summer, all summer long, and their adult counselors and supervisors.

I42-05

- Regarding Impact 4.12-6: “Traffic generated by construction and operation of the Proposed Project does not have the potential to impact pedestrian, bicycle, and public transport in the vicinity of the project.” Is absolute and TOTAL baloney. Pedestrians, bicyclists, or school buses transporting children to 4-H Camp in Las Posadas will NOT want to navigate along a road shared with the types of trucks and other heavy equipment that will be used during the deforestation phase of this project.

I42-06

Residents of Angwin should NOT be subject to the inconveniences and dangers being imposed on them by one man’s commercial enterprise, which is basically a “hobby” and offers no benefit at all to the local community.

Nicole Wilson  
Napa, CA

**Comment Letter I43**

**From:** [Pam Jackson](#)  
**To:** [Purvis Kura](#)  
**Subject:** Le Colline Vineyard  
**Date:** Tuesday, February 19, 2019 6:01:47 PM

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Dear Commissioner,

The Greenhouse Gas Emissions from the construction and operation of this Proposed Project exacerbates global climate change and is not less than significant that requires no mitigation. (Impact 4.72)

Pamela Jackson  
Napa CA



I43-01

**Comment Letter I44**

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Vineyard  
**Date:** Thursday, February 21, 2019 8:35:19 AM

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**From:** Edee Torossian <emtorossian@gmail.com>  
**Sent:** Thursday, February 21, 2019 7:20 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline Vineyard

PLEASE! Do not allow the Le Colline Vineyard to take out the oak tree forest that would drastically affect the Linda Falls Watershed.  
Our beautiful Linda Falls is sacred and invaluable to our natural beauty. PLEASE!  
Too many trees and forests are already gone in Angwin for the ones who hunger for MONEY with their wineries. As a 42 yr resident here, I beg of you to NOT ALLOW this to take place. I invite you to come and hike the Linda Falls for yourself and see the amazing beauty of this very special and unique place.

Thank you,  
Edith Torossian



I44-01

# Comment Letter I45

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Proposal  
**Date:** Thursday, February 21, 2019 10:59:03 AM

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**From:** Danna Lisa Stevens <dannalisa@hotmail.com>  
**Sent:** Tuesday, February 19, 2019 5:57 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline Proposal

Dear Mr. Bordona:

This letter is in opposition to the Le Colline Vineyard Proposal.

What can I say that has not been said a hundred times over? This.

As an American, I appreciate that an individual should be free to choose as he will, what he does with and on his own property. EXCEPT when that choice will negatively affect others. Indeed the potential for disastrous and devastating--permanent effects exist in this case.

The proposal and interactions would convince you that this is just a harmless friendly family endeavor. The sheer bulk and scientifically ambitious wording itself is enough to intimidate most from reading further, to take it at face value as scientific word. This is anything but accidental. Don't be snowed.

Common sense tells us that there is no way that a large scale commercial operation such as this can take place without affecting both the environment and it's neighboring residences, indeed the community itself--all of whose rights are to be protected.

When it comes down to the wire, these are the unavoidable truths;

- 1) The neighboring properties will endure increased noise, pollution of both the air and water, destruction of their views (which include the tree line).
- 2) The traffic, noise and danger along Cold Springs Road will be both temporarily and permanently increased with logging and large scale trucks. On a country winding residential road not intended for commercial operations. The road has collapsed under the weight of regular vehicle traffic at times at the location of the creek. Accidents have occurred due to the limited visibility especially at the Las Posadas and Cold Springs intersecting curve. Add further logging and vineyard operations vehicles to the mix and this is not likely to improve. This road was not made for commercial purposes, nor is it amenable to change due to private

I45-01

I45-02

I45-03



**Comment Letter I45**

properties abutting the roadway as well as trees and a lively creek limiting the diameter of the road.

I45-03  
(Cont.)

3) There are two schools on Cold Springs Road (where logging, construction and vineyard trucks would pass): Pacific Union College Elementary School (grades Kindergarten through 8th) and Discovery Land Pre-School. Both involve the young children playing next to the road. Both involve parents picking up and dropping their children off for school and extracurricular activities. Their safety should be paramount. This is a narrow, curvy country road lined with large trees not amenable to large scale trucks and traffic. The children play (and have played) next to the road in an open playground abutting the road since I was 5 years old and attended school there years ago, grades 1-8. The increased danger to them is magnified several fold with this proposal, no doubt exists.

I45-04

4) There will be drilling, large scale tree-felling, ground-razing and there will be no ill-effects to the noise levels, air quality and sheer enjoyment of others' property during the process and after? The ongoing operations of a large scale vineyard next to one's home will not affect one's life in the least? The quality of water in our wells will not be affected in any way whatsoever? Hmm.

I45-05

5) The ongoing deforestation of this pristinely beautiful Napa Valley town is a shame. Will no-one draw the line? Do money and commercial enterprise always win the hearts and minds of our representatives over love of the land and appreciation for beauty that exists in nature? Who will be there to preserve it if we do not?

I45-06

I could go on, but please please see the danger that exists. Please see to it that the rights of the community and the environment itself are preserved. We are counting on you to do so.

With much appreciation,

Danna Lisa Stevens  
90 Cold Springs Road  
Angwin, CA  
(310)405-2826

# Comment Letter I46

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Project  
**Date:** Thursday, February 21, 2019 11:24:40 AM

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-----Original Message-----

From: Arwen Rose-Stockwell <arosestockwell@gmail.com>  
Sent: Thursday, February 21, 2019 10:28 AM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Le Colline Project

Hello,

I am writing to express my opposition to the Le Colline project above the Linda Falls watershed. As a lifetime resident of Deer Park and Angwin who has been visiting the areas around Linda Falls for over 30 years, I strongly oppose any new vineyard development in the area. As more logging has been approved and more vineyards have been planted in our area, I have seen less wildlife, more traffic, more runoff and more pollution. The area above Linda Falls is especially beautiful and fragile, and turning it into yet another vineyard would be a huge loss for our community and our environment. Please reconsider the approval of this project and help us keep just a bit of the incredible forest that makes Howell Mountain so special.

Thank you,

Arwen Rose-Stockwell  
Angwin, CA

I46-01

**Comment Letter I47**

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Linda Falls Watershed  
**Date:** Thursday, February 21, 2019 11:24:51 AM

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-----Original Message-----

From: Carmen Thomas <hollyhocks7@yahoo.com>  
Sent: Thursday, February 21, 2019 10:13 AM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Linda Falls Watershed

Dear Brian Bordona--

I would like to go on record opposing the creating of a vineyard so close to the Linda Falls Watershed area in Angwin, CA.

Thank you! Carmen Thomas, resident of Angwin, CA.

...and we know that in all things God works for the good of those who love Him!



I47-01

## Comment Letter I48

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyrn](#)  
**Subject:** FW: Save Linda Falls  
**Date:** Thursday, February 21, 2019 12:06:55 PM

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**From:** Kelly Decker <kelly.decker@csueastbay.edu>  
**Sent:** Thursday, February 21, 2019 11:46 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Save Linda Falls

On behalf of myself and my family, I request that you halt logging, vineyard projects that impact upriver of Linda Falls. The world does not need more wine, and with climate change, the vineyards will have to be moved eventually anyway.

Business has to stop being a priority over the planet and our children's futures.

Thanks you,

Kelly Decker  
1029 Summit Ave.  
Napa, CA  
94559

—  
Dr. Kelly Decker  
Lecturer of Biology and Environmental Science  
SS303C  
CSU East Bay

I48-01



**Comment Letter I49**

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kye](#)  
**Subject:** FW: Le Colline Vineyard ECPA  
**Date:** Thursday, February 21, 2019 3:30:34 PM


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**From:** Denise Guillot DuBois <guillot.dubois@gmail.com>  
**Sent:** Thursday, February 21, 2019 2:06 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline Vineyard ECPA

Dear Brian,

I am writing to request NO PROJECT ALTERNATIVE for the Le Colline Vineyard ECPA because the Draft Environmental Impact Report is inadequate to address impacts to biological, traffic, aesthetic, noise and water resources.

Our family and community love and cherish Linda Falls, an important part of Angwin culture and forested setting, and we would all be devastated to see it be torn apart for yet ANOTHER vineyard.

  
Sincerely,

Denise DuBois  
415 Sky Oaks Dr, Angwin, CA 94508  
(707) 312-1263



I49-01

**From:** [Kit Long](#)  
**To:** [Monson, David](#); [Bordone, Brian](#)  
**Cc:** [Purvis, Eva](#)  
**Subject:** Comment on Le Colline vineyard project  
**Date:** Friday, February 22, 2019 11:39:04 AM

I am concerned that adequate study has not been conducted in the Le Colline vineyard project, and would like to know if the EIR addresses the issue of sequestration, which is becoming urgent in the light of recent international climate reports showing we have only a decade to address catastrophic climate change.

The largest proportion of carbon in the average U.S. forest is found in the soil, which contains 59 percent of the carbon in the forest ecosystem. About 9 percent of all carbon is found in litter, humus, and coarse woody debris on the forest floor, and about 1 percent is found in the understory vegetation. The average proportion of carbon below the ground in the United States is estimated to be 64 percent. On average, live trees are accumulating carbon at a rate of 1,252 pounds per acre per year. How will the removal of 24.51 acres of timber and the resulting impacts of loss of carbon sequestration be adequately mitigated and is mitigation even feasible?

Thank you, Kit Long



I50-01

# Comment Letter I51

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Habitat in Norther California  
**Date:** Monday, February 25, 2019 10:53:20 AM

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**From:** Lynnette Garcia <lynnette.livingwell@gmail.com>  
**Sent:** Friday, February 22, 2019 10:50 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Habitat in Norther California

As a lifelong California resident I ask that you please stop destruction of forest and other important native habitat in Northern California for yet more vineyards.

Perhaps it's time to create a balanced portfolio for California, fight for our natural habitats and peoples rights to have a good life.

Thank you for your time and consideration of my request.

Lynnette Garcia  
650-773-7584  
San Mateo, CA 94403

I51-01

**Comment Letter I52**

**From:** [Bordona, Brian](#)  
**To:** [Kathy Wong](#)  
**Subject:** FW: Linda Falls land development proposal  
**Date:** Monday, February 25, 2019 10:53:25 AM

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**From:** Kathy Wong <kwongis@sbcglobal.net>  
**Sent:** Friday, February 22, 2019 10:07 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Linda Falk land development proposal

Dear Sirs,

I do not agree with this land development for many reasons.

- 1. The traffic up and down Deer Park Road/Howell mountain road can not sustain more trucks/cars. In fact, last week my daughter witnessed yet another accident coming down from PUC College. The car skidded and flipped on its side several times. These accidents are a monthly occurrence.
- 2. The water availability in Napa County is unpredictable. Although, this year so far we seem to be ok, but next year maybe record drought conditions again.
- 3. Which lead to the third reason, Fire hazards of over populating the mountain.



I52-01

I52-02

I52-03

Please reconsider development of this project.  
Thank you for your consideration.

Kathy Wong  
20 Burning Tree Ct.  
Napa, Ca. 94558  
707-494-9678



From: [Bordona, Brian](#)  
To: [Purvis, Myra](#)  
Subject: FW: LeColline Vineyard  
Date: Monday, February 25, 2019 10:53:31 AM

From: Mary Lavine <mary.lavine@gmail.com>  
Sent: Friday, February 22, 2019 9:35 PM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: LeColline Vineyard

I respectfully request that the LeColline Vineyard not go forward. There are 15 pages of potential impacts noted in the EIR. It's easy to lose sight of the real impact to real people in the dry verbiage of the table. So to keep it simple -

- Cold Springs Road is a remote, narrow rural road that barely accommodates my Subaru Outback in many places. Construction, business and recreational traffic will have a considerable negative impact on the neighbors and this neighborhood. Good neighbors in small communities look out for each other. It's significant that Le Colline isn't looking out for its neighbors in planning this project.
- Linda Falls is one-of-a-kind, an irreplaceable natural resource for the Angwin community and the Napa Valley – the Falls itself, the watershed that feeds it, and the wildlife that lives in the area all depend upon the land around it. This vineyard development could and likely will ruin Linda Falls and the watershed around it now and for future generations. We have many beautiful vineyards in the Valley, but there's only one Linda Falls. That's significant, and there's no going back if the risks are understated stated or mitigations fail.
- Angwin is at high risk for fires and similar emergencies with inadequate evacuation routes for our residents and students. Adding traffic and to our one two-lane road to the Valley and the second 1 ½ lane road to Pope Valley will only add to the risk we face today. There's no practical way to mitigate this risk, and that's significant.

Those of us who live here and love this Valley can't count on the initial project estimates, plans and mitigations to work as envisioned in these best case scenarios. Once the approval (and the vineyard) is in place, mistakes happen, accidents happen, and plans change. We're bound to make accommodations, as we have for countless other vineyards and wineries across the Valley. And step by step, we lose the quality of life and the unique qualities that make the Valley such a popular destination.

I'm sympathetic to the owners of Le Colline, and I understand how they want to realize their dreams. I'm sorry to oppose their project. Sadly, though, each new dream of deforestation and monoculture (as opposed to agriculture) has the potential to propagate new nightmares and to destroy the owners dreams and the dreams of those who are already here: a neighborhood disrupted, natural resources destroyed, and increased potential for a Paradise-like fire disaster for the community and our visitors.

Please, deny this project. If you have any questions about the risks I've noted here, take a drive to the end of Cold Springs Road and back during commute and school drop-off hours, take a walk down to Linda Falls to experience the living dream that's already here, and then spend a little time watching commute traffic at Deer Park and the Trail, and imagine how much farther everything will back up if the entire community had to evacuate at once.

Thank you for your consideration.



I53-01



I53-02



I53-03



I53-04



I53-05

Mary Lavine  
Angwin, CA.

## Comment Letter I54

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Land adjacent to Linda Falls reserve  
**Date:** Monday, February 25, 2019 10:53:36 AM

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**From:** Cynthia White <cynthiawhite786@gmail.com>  
**Sent:** Friday, February 22, 2019 9:08 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Land adjacent to Linda Falls reserve

Please, let's leave this land alone. No developing, no vineyard. Let's give mother nature a break and leave the trees & animals alone.

Thank you.



I54-01

# Comment Letter I55

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Project  
**Date:** Monday, February 25, 2019 10:53:43 AM

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-----Original Message-----

From: Neil Watter <[neilh2c@gmail.com](mailto:neilh2c@gmail.com)>  
Sent: Friday, February 22, 2019 8:08 PM  
To: Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
Subject: Le Colline Project

Dear Mr Bardona, I am writing this email to voice my opposition to the Le Colline Project which has 18 potentially significant negative impacts on the environment, specifically the Linda Falls Preserve. A project with so many negative impacts should not be approved.

Neil Watter  
427 Even St  
Napa CA 94559  
707-287-5418

Sent from my iPhone



I55-01



## Comment Letter I56

**From:** [Bordona, Brian](#)  
**To:** [Purdy, Kyra](#)  
**Subject:** FW: Vote for the forest  
**Date:** Monday, February 25, 2019 10:53:56 AM

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**From:** Zita Fekete <[zita.m.fekete@protonmail.ch](mailto:zita.m.fekete@protonmail.ch)>  
**Sent:** Friday, February 22, 2019 6:42 PM  
**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Subject:** Vote for the forest

Dear Mr. Bordona,

Please take one comment for keeping the forest, no for the vineyard.

Thank you!

Zita Fekete

Sent from [ProtonMail](#), encrypted email based in Switzerland.



I56-01

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Vineyard Conversion  
**Date:** Monday, February 25, 2019 10:52:46 AM

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**From:** Rebecca Schoenenberger <[rebecca@calnativescapes.com](mailto:rebecca@calnativescapes.com)>  
**Sent:** Saturday, February 23, 2019 12:21 PM  
**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Subject:** Le Colline Vineyard Conversion

Hello Mr. Bordona,

We are loosing the wild spaces of California at extraordinary rates - to urban and agricultural sprawl. I am for smart, efficient and ecological uses of the land. Clear cutting (or mostly clearing) this land for vineyards is not ecological or efficient. This land is far more valuable for the ecological services it provides: habitat, water retention, erosion control. If this project goes through "erosion controls" are planned, because it is known this type of project is destructive to the land! With plants gone the soil can not hold and there will be cumulative issues created by this project that will fall on the backs of the residents of Napa County. An intact ecosystem is the greatest resource we have - and we need to protect it as if our lives depend on it - because they do!

I57-01

Secondarily, have we not learned from recent wildfires? Building more into the natural setting is dangerous! Not just ecologically, but it is dangerous for those who will be proposed to live & work in these regions. More danger for fire fighters! More cost in fighting fires! More cost in ecological damages!

I57-02

Napa has tons of wineries! We don't need more! Put a winery on already open farm land! We can't afford to lose our wild spaces - this is why we love California! The Natural setting is why people love Napa, and why they flock there (yes for wine too). I can say with 100% certainty I would never frequent this establishment that could be built on the destruction of Native habitats!

I57-03

Please make the right decision for California - for Napa - and for those that live here humans as well as every living creature.

Sincerely,

Rebecca Schoenenberger  
Owner, Designer & Contractor  
California Nativescapes  
C27 944670  
(408) 243-5663  
[www.calnativescapes.com](http://www.calnativescapes.com)  
[rebecca@calnativescapes.com](mailto:rebecca@calnativescapes.com)

## Comment Letter I58

**From:** [Bordona, Brian](#)  
**To:** [Purdy, Kyla](#)  
**Subject:** FW: ripping out our trees , flora and fauna  
**Date:** Monday, February 25, 2019 10:52:55 AM

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**From:** dorothy coll <omarthecat2000@yahoo.com>  
**Sent:** Saturday, February 23, 2019 11:53 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** ripping out our trees , flora and fauna

There is a new project proposed out side of Angwin. This project will rip out acres of trees and vegetation to make way for more vineyards. How can you continue to allow such mutilating of our valley to continue??? Everyone I know is preparing to leave this valley as soon as possible. It is being ruined by overdeveloping of vineyards, wineries, big buildings and hotels, expensive restaurants, traffic, etc. The valley has become a place for the "haves" and "have nots" because the "haves" need the "have nots" to pick their grapes and mow their lawns. Napa Valley being a place for the ordinary person no longer exists. I grew up here in the 50's and 60's and it was a wonderful place to live. No longer so. STOP RIPPING OUT THE EXISTING LAND GREENERY. Are you all in bed with the developers???

Dorothy Owen

I58-01

## Comment Letter I59

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline proposed vineyard  
**Date:** Monday, February 25, 2019 10:52:59 AM

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**From:** PATRICIA WILLIAMSON <plw1940@sbcglobal.net>  
**Sent:** Saturday, February 23, 2019 7:56 AM  
**To:** Bordona, Brian <Bnan.Bordona@countyofnapa.org>  
**Subject:** Le Colline proposed vineyard

Hello - I have read the report submitted by the developers and am asking you to move against this destructive plan!!!! When I first moved back here in 1999 - I was born here in the 1940 but raised in the Bay Area - there were approximately 225 wineries/vineyards and now in 2019 there are more than 500!!!! I understand people buy land and have "dreams" - but when they are on the path to destruction of existing land, especially wildlife and hillsides and limited water resources, those dreams are perhaps ill sought. Please consider the damage vs a right to ownership.

thank you  
Pat Williamson  
1522 Meek Ave., Napa  
707-259-1628

I59-01



## Comment Letter I60

**From:** [Bordona, Brian](#)  
**To:** [Purdie, Kyra](#)  
**Subject:** FW: top destruction of forest and other important native habitat in Northern California  
**Date:** Monday, February 25, 2019 10:53:06 AM

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**From:** Mary S. <mary.sarumi@gmail.com>  
**Sent:** Saturday, February 23, 2019 4:21 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** top destruction of forest and other important native habitat in Northern California

Please do not cut down more trees. California is burning up. Do you not realize the importance of trees in the fight for climate change? Do you not realize the future of the planet is at stake and there will be no need for a vineyard. Please think past the money and the present and think of the future.

Mary Sarumi

I60-01

To: Brian Bordona, Supervising Planner, Napa County, CA  
From: Elaine de Man, St. Helena, CA  
Date: September 24, 2019  
Subject: Le Colline Vineyard ECPA, Application P14-00410

"There would be no point in holding out for what I can't get. But, in the case of the environment, the opponent is not the Chamber of Commerce. The opponent is physics, and physics doesn't negotiate. It's not moved by appeals to centrist moderation, or explanations about the filibuster. And it has set a firm time limit. Scientists have told us what we must do and by when, and so legislators must do all they can to match those targets."

Bill McKibben, *The New Yorker*, February 23, 2019

Dear Mr. Bordona,

Thank you for this opportunity to comment on the Le Colline Vineyard ECPA.

I am a biologist (B.S. U.C. Davis & M.S. San Francisco State University) and a California Naturalist, certified by the University of California. I have lived in the Napa Valley for 24 years. My husband and I own 9+ acres of undeveloped land in Angwin on Edgemont Lane which is adjacent to the Linda Falls Preserve for much of its border. I currently use this property for personal wildlife studies and education. I am also a volunteer for Napa Open Space and the Land Trust of Napa County. I have spent hours and hours pulling French Broom at both Linda Falls and my own property and have led numerous hikes on the Linda Falls Preserve. I can attest to its significance as one of the great natural treasures in Napa County and something that really sets us apart.

After carefully reviewing the documentation regarding the proposed Le Colline Vineyard Project, I have a number of serious concerns regarding both adequacy of the DEIR (discussed below) and the appropriateness of this project in this location. Consequently, I respectfully request you select the **No Project Alternative**.

**Analytical Environmental Services**

To begin with, I question the qualifications and intentions of Analytical Environmental Services (AES), the company that prepared the Draft EIR, as they have in the past shown a disregard for basic biological understanding, particularly as it pertains to wildlife and, as will be shown below, have misrepresented data.

- AES prepared the EIR for the Davis-Friesen Vineyard Project, which is the subject of a [lawsuit being brought against the California Department of Forestry](#) and Frost Fire Vineyards by the Center for Biological Diversity for failure to comply with the California Environmental Quality Act and the Forest Practice Act.

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I61-02

I61-03

- Statements such as the following, made in Draft EIR for the **Heiser-West Lane Vineyard Project**, also prepared by AES, show a complete disregard for neighboring properties and a gross misunderstanding of the basic principle of environmental “carrying capacity.”

“...removal of vegetation by this project will not significantly reduce the available foraging, nesting and habitat for wildlife in the area because wildlife species present in the area can move into the nearby forest habitat that contains the same habitat types found on the property.”

Their basic premise is simply not true, as any wildlife biologist should know. But, what that statement *does* show is the significant impact that this project will have on the adjacent forest and woodland. According to Tom Belt, former official for California Fish & Game:

“Every piece of land has a carrying capacity which can support a limited number of wildlife species. Once that carrying capacity is reached, either the weak animals move on or they succumb to the elements and predators. While it is true that the carrying capacity is not a fixed number and varies over periods of time, over a long period and barring non-interference from humans, the carrying capacity is fairly stable. **These so called scientific environmental consultants should be required to complete population surveys on not only the land being deforested, but also the adjacent properties that will need to sustain an increasing population.** It’s irresponsible to simply write down there is enough neighboring habitat to accommodate the transfer of wildlife.”

I61-04

#### **Misrepresentation of data collection surveys**

AES has also misrepresented some of the field studies included in their final report. For example, the original “Biological Resources Report,” prepared by Kjeldsen Biological Consulting in 2015, included the following table showing the time and date of field work conducted for the original report prepared for Cal Fire.

I61-05

**Table 1. Time and Date of Field Work**

| Date            | Personnel                       | Person-hr.        | Time           | Conditions                                 |
|-----------------|---------------------------------|-------------------|----------------|--|
| March 5, 2014   | Chris K. and Daniel T. Kjeldsen | 3.0 person-hours  | 15:00 to 16:30 | High clouds cool light breeze.             |
| April 17, 2014  | Chris K. and Daniel T. Kjeldsen | 4.0 person-hours  | 14:45 to 16:45 | Clear, clear cool temperatures.            |
| May 8, 2014     | Chris K. and Daniel T. Kjeldsen | 3.0 person-hours  | 09:00 to 10:30 | Overcast, no wind, with mild temperatures. |
| May 22, 2014    | Chris K. and Daniel T. Kjeldsen | 3.0 person-hours  | 12:00 to 13:30 | Clear, windy with warm temperatures.       |
| June 25, 2014   | Chris K. and Daniel T. Kjeldsen | 3.5 person-hours  | 09:30 to 11:15 | Clear, no wind, with mild temperatures.    |
| July 22, 2014   | Chris K. and Daniel T. Kjeldsen | 4.25 person-hours | 10:00 to 12:15 | Clear, no wind, with warm temperatures.    |
| August 20, 2014 | Chris K. and Daniel T. Kjeldsen | 2.0 person-hours  | 11:00 to 12:00 | Clear mild temperatures no wind.           |
| January 7, 2015 | Chris K. and Daniel T. Kjeldsen | 4.0 person-hours  | 10:00 to 12:00 | Clear mild temperatures no wind.           |
| May 12, 2015    | Chris K. and Daniel T. Kjeldsen | 4.0 person-hours  | 2:00 to 4:00   | Clear mild temperatures no wind.           |

I61-05  
(Cont.)

Note that the total amount of time spent conducting these surveys in the Table above is clearly categorized as “person-hours,” *not* as “hours per person.”

However, the Biological Resources Report Addendum (Appendix E), prepared by Analytical Environmental Services, in 2018, included *but modified* the data from the original table above, adding two additional observations, eliminating the times of day for the observations, AND labelling the last column as *Hours per Person*, when the Table above clearly states these are person-hours. This leads the reader to believe that the total number of hours spent in the field collecting data in 2014 - 2015 was 61.5 hours and not the actual 30.75 hours!

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**TABLE 1  
SUMMARY OF FIELD SURVEYS**

| Date             | Personnel                                 | Hours per Person |
|------------------|---|------------------|
| March 5, 2014    | KBC: Chris K. and Daniel T. Kjeldsen      | 3                |
| April 17, 2014   | KBC: Chris K. and Daniel T. Kjeldsen      | 4                |
| May 8, 2014      | KBC: Chris K. and Daniel T. Kjeldsen      | 3                |
| May 22, 2014     | KBC: Chris K. and Daniel T. Kjeldsen      | 3                |
| June 25, 2014    | KBC: Chris K. and Daniel T. Kjeldsen      | 3.5              |
| July 22, 2014    | KBC: Chris K. and Daniel T. Kjeldsen      | 4.25             |
| August 20, 2014  | KBC: Chris K. and Daniel T. Kjeldsen      | 2                |
| January 7, 2015  | KBC: Chris K. and Daniel T. Kjeldsen      | 4                |
| May 12, 2015     | KBC: Chris K. and Daniel T. Kjeldsen      | 4                |
| June 24-25, 2015 | AES: Justin Demianew and Katelyn Peterson | 6                |
| Pending          | AES: Nicholas Bonzey                      | 6                |

So, was the number of additional hours spent on June 24 – 25 actually 6 hours? Or are they trying to make us think it was 12 “person-hours?” And how can they know Nicholas Bonzey spent 6 hours in the field, but not know when. . . . especially when dates (and times of day) are such an important facet of biological observations? And if we can’t trust AES to accurately present something as simple as this, how can we trust *any* of their reporting and interpretation?

I61-07



The second Table 1 also eliminates the actual times of day that surveys were conducted. Was this done to avoid any concerns about the significant problems inherent in only collecting data between the hours of 9am and 4:45pm?

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At the very, very least, AES needs to correct the information in the Table so the reviewer know how many hours were spent collecting this important data, include the date for the last survey and include the hours (times of day) the surveys were actually conducted.

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**Inadequate Field Survey Techniques**

Referring to the tables above, please note that there were no surveys conducted before 9 in the morning or after 4:45 in the afternoon. This puts severe limitations on the research team's ability to make observations of crepuscular or nocturnal animals and may have led to a huge misrepresentation of the biodiversity inherent in the project area.

Given the overall inadequacy of the data collection methods used, you cannot trust the following assertions made by AES (Appendix D: Biological Resources Survey):

I61-10

- We did not observe any State or Federal listed plants or animal known for the Quadrangle, surrounding Quadrangles or the region associated with the proposed vineyard blocks;
- Trees on the property have the potential for support raptor nesting. No sign or sighting of raptors was observed;
- No significant native wildlife species, wildlife corridors, and or native wildlife nursery sites were identified within the proposed project sites;

You cannot trust these conclusions because their study was not designed to actually observe any animals unless they were out-and-about during the brief hours the researchers were on site looking for them. Consequently, their assumption that their "Recommended measures to reduce biological impacts" will bring those impacts to a "less than significant level pursuant to the California Environmental Quality Act (CEQA)" has no merit or basis in fact. **You cannot draw accurate conclusions if they are based on faulty data.**

I61-11

For example, this is how they conducted their animal survey (keep in mind these were only done during brief, daytime visits):

Animals were identified in the field by their sight, sign, or call. Our field techniques consisted of surveying the area with binoculars and walking the perimeter of the project site. Existing site conditions were used to identify habitat, which could potentially support special status animal species.

I61-12

Is it any wonder they didn't find much?

Surveying the area with binoculars and walking the perimeter of the project is *not* an effective way to catalogue the wildlife that will be impacted by this major deforestation project. There was absolutely no attempt made to survey nocturnal birds and mammals that might also be impacted by the project such as the [western screech owl](#), [striped skunk](#), and [gray fox](#), all of which have been seen nearby in the same

Douglas Fir/Ponderosa Pine habitat which comprises the majority of the acreage being converted to vineyard by this project.

I61-12  
(Cont.)

How many other animals, all of which play an important role in maintaining the rich biodiversity Napa County is known for, were overlooked by the inadequate techniques used in this survey?

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The owls and foxes, which nest in trees during the day, will, indeed, be impacted by tree removal, though the Draft EIR doesn't even acknowledge their existence because inadequate techniques were used to perform the initial biological survey.

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Other species known to inhabit similar habitats nearby, but not seen by the researchers preparing the EIR include [bob cats](#), [slender salamanders](#), [California giant salamander](#), [northern flickers](#), [coyotes](#), [western gray squirrels](#), and more, . . . not to mention the various raptors that can be seen flying overhead. [Mountain lions](#) were not spotted or included in the survey, though there is no doubt that this area is part of their natural range. Nor were [black bears](#) mentioned in the EIR, but they too are known to inhabit the area.

I61-15

A much more accurate wildlife survey could have been conducted by using a couple of well-placed wildlife cameras. That the biological survey team did not use wildlife cameras to document wildlife on the property is a major short-coming and makes one wonder how committed they were to actually finding and documenting wildlife currently inhabiting or using the subject area. At the very least, the surveys should be re-done and include data collected from various wildlife cameras strategically placed in and around the property.

I61-16

**Spotted Owl Surveys**

The cavalier treatment of The Northern Spotted Owl (NSO) is even more troubling. We know there are NSOs in the area—two known sighting areas but there may be more—probably as many as the carrying capacity of this area can hold. This project, however, will remove 3 acres of suitable nesting habitat and 17 acres of suitable foraging habitat, leaving even less suitable habitat for fledgling NSO's or owls displaced by additional deforestation nearby. If we want to see the NSO come off the list of endangered species list, we should be increasing suitable habitat for nesting and foraging, not decreasing it! What is the point in protecting nesting habitat if there is nowhere for the offspring to go and thrive?

I61-17

Not only that, one of the two known Activity Service Centers (pair NAP0014) was not even properly surveyed because the researcher couldn't be bothered to contact the land owner of one of the ACS's because it was private property. It's just not that difficult to find out who owns the property and to make a phone call.

**Impacted Habitat for Other Threatened Species and Species of "Special Concern."**

Both [Pallid Bats](#) & [Townsend's Big-eared Bats](#) have been recorded in the area. The assumption that protected bat species will only be impacted if they are nesting in trees that will be removed is simply wrong as the bats will also be impacted by the decreasing habitat *and* pesticides applied to the vines which will impact the insects they feed on to survive.

I61-18



Of the 5 trees that provide suitable conditions for bats to roost, 3 will be destroyed if this project is approved. The recommendation to remove the trees over the course of two days with the idea that any bats using those trees to roost might not like the first night's disturbance and look for another place to roost the second night assumes there is another suitable roosting place nearby. Otherwise, they are just out of luck as their home will be cut down on the second night. To then recommend that a biologist with bat identification skills and an up-to-date rabies vaccine be present for the removal of these trees in the event that any special interest bats are injured during the timber harvest so they can notify CDFW and find out what to next is ludicrous. The damage had been done. And yet the Draft EIR claims that "with the recommendations provided above, impacts to the pallid bat should be reduced to less-than significant." Tell that to the bats that have been displaced from their home and possibly injured in the process!

I61-19

Though not seen during the AES surveys, the **California red-legged frog** is another endangered species that has been seen on other stretches of Conn Creek. It is significant to note that the red-legged frog is dormant and estivating underground during summer months and other and dry periods ([https://www.fws.gov/sacramento/es\\_species/Accounts/Amphibians-Reptiles/ca\\_red\\_legged\\_frog/](https://www.fws.gov/sacramento/es_species/Accounts/Amphibians-Reptiles/ca_red_legged_frog/)). So it is probably not easy to find during those times.

But even more significant, **adult red-legged frogs are nocturnal** (<https://www.fws.gov/arcata/es/amphibians/crff/crff.html>). So, it comes as no surprise that the surveys conducted for this EIR did not find any, since all of their surveys were done during daylight hours. Unless adequate surveys are done, specifically looking for red-legged frogs during wet times of year **and at night** we have no way of knowing whether or not this species will be impacted by this project.

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Please also note that California red-legged frogs move long distances over land between water courses during winter rains and have been documented to move more than 2 miles in northern Santa Cruz County without regard to topography, vegetation type, or riparian corridors.

Given all this, and the inadequate survey techniques used in this study, there can be no assurances that red-legged frogs won't be impacted by this project, possibly putting the County and the project in violation of the Endangered Species Act.

### Too Many Mitigations Required Overall

The Le Colline Vineyard Draft EIR includes 18 "potentially significant" environmental impacts in the areas of:

- Air Quality (2)
- Biological Resources (5)
- Cultural Resources (5)
- Greenhouse Gas Emissions (1)
- Hazardous Materials (2)
- Noise (1)
- Transportation and Traffic (2)

I61-21

- On average, *live trees are accumulating carbon at a rate of 1,252 pounds per acre per year (0.14 kg/m2/yr) , a rate of increase of 2.7 percent of the amount stored in live trees*
- *Although oceans store a far greater amount of carbon than terrestrial ecosystems, our ability to manage terrestrial ecosystems is greater and likely to have a greater mitigation effect.*

The Le Colline Vineyard project proposes to cut down 24.51 acres of forest. According to the above, live trees accumulate carbon at the rate of 1,252 pounds/acre. Therefore **just the cutting down of the trees for this project will add 15.35 tons of carbon to the atmosphere each year!** And yet, this impact to air quality and the resultant contribution to climate change via greenhouse gas emissions is not even considered in the Draft EIR. You can't simply leave this off of the list of impacts and then say that "with the mitigations proposed there will be no significant impacts to air quality." That is both dishonest and irresponsible.

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(Cont.)

Nor does the Draft EIR take into account for the carbon that will be lost to the atmosphere through the burning of any wood or brush, which is how they propose to deal with some of the wood debris.

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Nor does it account for the loss of the soil's capacity to store carbon, which, as stated above, represents 64% of all carbon stored. The overall health of the existing soil in the project area, its importance to the surrounding forest, and its ability to sequester atmospheric carbon sequestration were not considered in the draft EIR.

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Soil contains more carbon than the plants and atmosphere combined. And while much scientific research has been done on how plants, free-living microbial decomposers, and soil minerals affect this pool of carbon, it is recently coming to light in the scientific community the important role mycorrhizal fungi play in carbon sequestration and in *maintaining* this pool of carbon in the ground. Indeed, in some ecosystems it is the *main* pathway by which living carbon enters the soil carbon pool.

Given the current climate crisis, the overwhelming importance and value of the vast underground web created by symbiotic mycorrhizal fungi in sequestering carbon and maintaining a nutritional and interconnected balance for broad distances in the forest floor should always be considered when examining the impacts of a forest-to-vineyard conversion.

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Not only does soil contain more carbon than the plants and atmosphere combined, we are now learning that the vast mycelium web created by this fungus reinvests that carbon into trees and plants as needed. And not just carbon, either. They also transfer other nutrients between plants when needed and are essential to the health of the entire ecosystem. This might explain why so many trees can withstand the devastating impacts of forest fires!

More importantly, it explains why Mitigation Measure 4.4-8 (below) is completely inadequate to the task of protecting any oak trees within the project area.

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"Native oak trees within close proximity to the project site shall be protected from vineyard ground-disturbing activities. Prior to site preparation, the contractor shall be informed of the need to protect the root zone of surrounding oak trees. Heavy equipment intrusion and parking



under the drip line shall be restricted to protect oak tree roots. The drip line of remaining trees adjacent to clearing activities shall be flagged around the drip line to protect oak tree roots from equipment intrusion.”

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(Cont.)

We now know that the mycelium web, so crucial to the survival of oaks, oak woodlands, and other trees, extends far beyond the roots of the tree and the drip line *and* that it is essential to maintain those rhizobial connections if the tree is to thrive. **Consequently, the mitigation offered to protect sensitive trees impacted by this project (Impact 4-4.5) is not adequate.**

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Also, when you disrupt this intricate and essential mycelial web by tearing out trees and “ripping” the soil, you are destroying this very essential web that is essential to keeping the *adjacent* forest and woodlands healthy *and* able to withstand and possibly slow down an encroaching wildfire. Consequently, the impacts of deforestation are felt far beyond the actual surface perimeter of the destruction. And when you follow *that* with the herbicide and fungicide applications used in a vineyard setting, the destruction can be irreparable.

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Any examination of trees vs vineyards in terms of climate change and forest fires is incomplete unless you also look at the carbon sequestration capacity of the soil and the health of the mycorrhizal web that sustains it and the potential impacts of fungicide use during ongoing vineyard operations. None of that was included in this Draft EIR.

**Habitat Loss and Climate Change**

There is no doubt that this project will decrease existing habitat which is still the main threat to biodiversity and this, too, must be looked at as an accelerating factor in climate change.

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- [Ecosystem Effects of Biodiversity Loss Could Rival Impacts of Climate Change, Pollution](#): An international research team, with members based at nine institutions in the United States, Canada and Sweden, has concluded that **loss of biodiversity appears to impact ecosystems as much as climate change, pollution and other major forms of environmental stress**. These results highlight the need for stronger local, national and international efforts to protect biodiversity and the benefits it provides. **Any project that plans to replace a genetically diverse woodland or forest with a genetically poor vineyard will impact the climate.**

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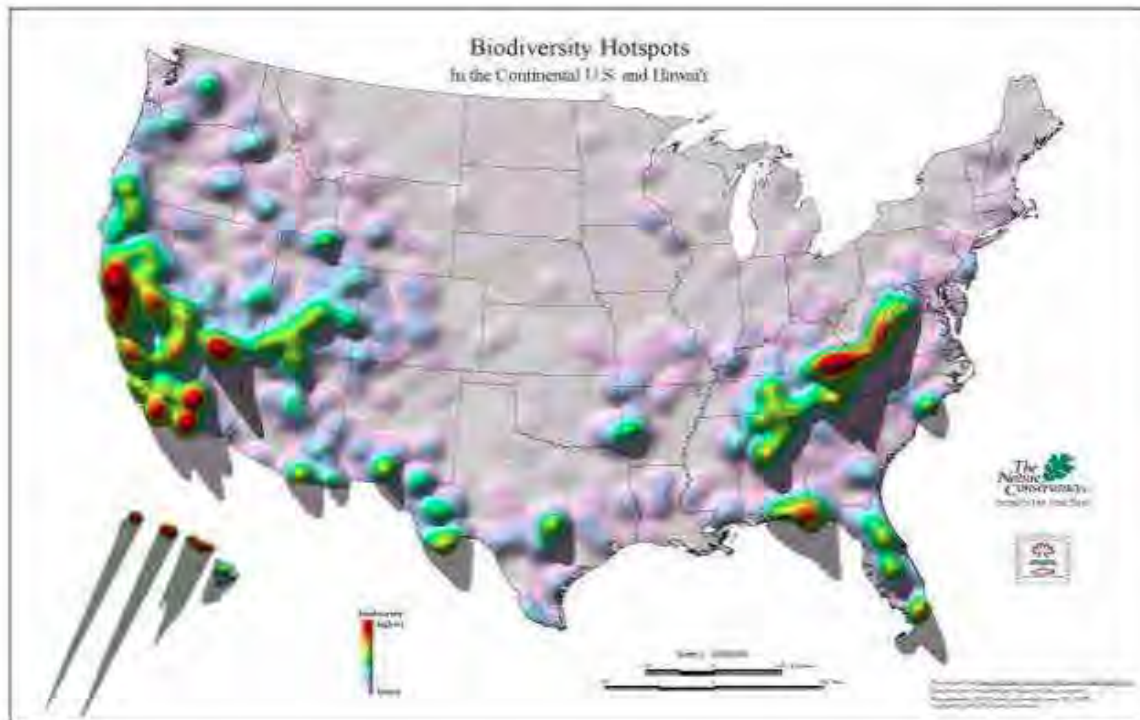
“Some people have assumed that biodiversity effects are relatively minor compared to other environmental stressors,” said biologist David Hooper of Western Washington University, the lead author of the Nature paper. “Our new results show that future loss of species has the potential to reduce plant production just as much as global warming and pollution.”

- The Nature Conservancy has determined that Napa County supports a very high level of biodiversity. The California Floristic Province is one of 34 global terrestrial hotspots and maps indicate that **Napa County sits squarely within a zone of peak species diversity.**

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- According to Jake Ruygt, a *local* professional botanist and Conservation Chairman of the Napa Valley Chapter, California Native Plant Society, "Douglas Fir-Ponderosa Pine Forest and Ponderosa Pine Forest cover a combined area of about 1.9% of the county. This type occurs in the Angwin area and has become a focus of conversion projects in recent years. As many as 600 acres have been planted which represents about 20-25% of the local forest. Not only is the forest character of Angwin being destroyed but **this valuable natural resource is being overdeveloped.**"
- "Economic welfare is essential to us all but if we do not conduct it logically and with foresight, we will threaten our own existence and that risk is critical today." Jake Ruygt

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There are 125 native plant species recorded in Napa County that bear some level of special status. Have the botanical surveys conducted for the purposes of this DEIR effectively identified *all* those that might be impacted by this project? What is Napa County's real commitment to protecting habitat and biodiversity and to working toward a realistic climate solution?

### Greenhouse Gases and Increased Vehicular Use

Though not listed as a significant impact, the Draft EIR does state that "approximately 12 seasonal workers on the property are anticipated for the timber harvest phase and construction of the vineyard and up to 25 seasonal workers are anticipated during certain phases of operation of the vineyard (e.g.

I61-33



grape harvesting). . . .” This may not impact housing, but it will definitely impact greenhouse gas emissions as *all* of those workers will be driving from somewhere to get to the site,

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(Cont.)

The latest data from the EPA states, “A typical passenger vehicle emits about 4.6 metric tons of carbon dioxide per year.” How many vehicles will be used to transport 12 seasonal workers to the property for the timber harvest phase and how many metric tons of carbon into the atmosphere will that represent? How many vehicles will be used to transport 25 seasonal workers during operation of the vineyard and how many metric tons of carbon into the atmosphere will that represent? How far will they travel to get to work at the vineyard? Will they carpool? And if so, from how far away? Regardless, even a single extra vehicle on the road to bring workers to this site would put more than 1.15 (4.6/4) metric ton of CO2 into the atmosphere each season. Assuming 12 workers came in 3 vehicles during timber harvest, that’s 3.45 tons of CO2 per year. Assuming 25 workers came in 7 vehicles during seasonal vineyard operations, *that* would add 8.05 tons of CO2 into the atmosphere. Those are not insignificant numbers during the current climate emergency. And yet, none of this was considered as a Greenhouse Gas Impact for the purposes of this Draft EIR.

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If nothing else, this needs to be included in the list of significant impacts for greenhouse gases. And if there is a proposed mitigation measure, it must include a detailed description as to how it will be enforced before this impact can be considered insignificant.

**Erroneous and Arrogant Assumptions**

According to the draft EIR, “Many of the seasonal workers are also employed at existing surrounding vineyards and are therefore already accounted for in the current housing market supply. Therefore, no new housing would be required as a result of the Proposed Project.”

Many is not “all.” And how do they know that these seasonal workers are not already fully employed? Is there a secret bank of unemployed seasonal workers living Napa County just waiting to jump at this opportunity? The truth of the matter is that most of these workers will not live in the area, but will, instead be driving to the project site adding to the huge traffic problem we have here in the Napa Valley AND the greenhouse gas impact described above. It’s easy to say “no residences or people would be displaced by the Proposed Project. Therefore, impacts to population and housing are considered less-than-significant.” When the real impact is going to be traffic and greenhouse gases.

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**Ineffective and Destructive Habitat Enhancement Plan**

Some of the mitigations proposed will do more damage than good.

- Plans to girdle on one tree/acre to create snags for wildlife use which may never become used by displaced wildlife may do nothing more than kill the tree.
- Plans to plant 1,000 Ponderosa pine seedlings (with a 25% survival rate) would displace and destroy an established chemise/manzanita chaparral alliance habitat. And how long will it take those seedlings to achieve the same level of carbon sequestration already present in the existing habitat? And where are the animals dependent on that chemise/manzanita chaparral alliance habitat supposed to go? To the neighbor’s yard? And what if the neighbor’s yard is already full?

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**Failure to Understand or Acknowledge Importance of Complete Forest Eco-systems**

According to the Draft EIR, "The net vineyard area would be approximately 28 acres. The remaining 52 acres of the property would not be impacted by the project."

This is simply not true. Tim Flannerey wrote the forward to *The Hidden Life of Trees* by Peter Wohlleben. In it, he says,

But the most astonishing thing about trees is how social they are. The trees in a forest care for each other, sometimes even going to the extent of nourishing the stump of a felled forest for centuries after it was cut down, by feeding it sugars and other nutrients, and so keeping it alive. Only some stumps are thus nourished. Perhaps they are the parents of the trees that make up the forest of today. A tree's most important means of staying connected is the existence of a 'wood wide web' of fungi that connects trees in an intimate network that allows the sharing of an enormous amount of information and goods. Scientific research has only just begun to understand the astonishing abilities of this partnership.

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The reason trees share food and communicate is that they need each other. It takes a forest to create a micro-climate suitable for tree growth and sustenance. Isolated trees have far shorter lives than those living connected together in forests. Perhaps the saddest plants of all are those we have enslaved in our agricultural systems. They seem to have lost the ability to communicate, and, as Wohlleben says, are thus rendered deaf and dumb. Their lives really are nasty, brutish and short.

**Inadequate Concern for Potential Water Impacts**

I also question the water availability analysis presented by Napa Valley Vineyard Engineering (NVVE) in Appendix O. The irrigation water source for the Proposed Project would be Groundwater, obtained from the existing agricultural well on the property, capable of a sustained yield of 150 gallons per minute (gpm).

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Just because we are experiencing heavy rains this year, and the reservoirs are full, that doesn't mean the aquifer this vineyard proposes to tap into has been fully recharged. Right now the existing well is capable of a sustained yield of 150 gallons per minute. But for how long? And what might the impact be on other wells sharing the same aquifer?

Claims that the average rainfall is 33" are based on a Napa County Flood Control and Water Conservation District Isohyetal Rainfall Map from 1975. That's 44 years ago! Are we to assume that there have been no cumulative changes to "average rainfall" in 44 years? Has anyone looked to see if there is an overall downward or upward trend that might not be depicted in a simple "average" calculation? Given the current and growing demands on water, of which there is a *finite* supply, it seems that water availability should be examined more vigorously.

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In any case, the proposed EIR project uses too much water. Again, according to NVVE, once the proposed vineyard is planted, "The average annual water demand is. . . . 11.14 afa (acre-feet per annum)" and "Peak daily vineyard demand is then ±49,925 gallons."



That’s basically 50,000 gallons/day!

Their analysis also indicates that during an “extremely dry” year, such as 2013-2014, about 137.6 acre-feet (af) would fall on the 88.34 acre property, and 13.76 af would appear as groundwater. And during a “dry” year, such as 2013 – 2014, 193.4 af would fall on the property and about 19.4 af would appear as groundwater.

So, during an extremely dry year 13.76 af would be added to the aquifer over 88 acres. But *at least* 11.14 af would be used to irrigate the 25 acre vineyard. (Remember the 11.14 af is an average. Should we assume that number would be greater during an extremely dry year?) If you accept the “average figure” 11.14, you’d only be recharging the aquifer by 2.62 af. That doesn’t leave much in the way of a margin of error or worsening climate conditions with longer periods of worse drought.

And this analysis assumes the entire surface of the 88.34 acre property would be available to absorb water. Does it take into account the rocky and barren areas that would not absorb as much water? Does it take into account the numerous stream components on the property that would shunt a lot of water downstream into Conn Creek? Does it take into account the reduced absorption in the land converted to roadways to support vehicular traffic for vineyard operations? Without the answers to these questions you *cannot* draw the conclusion that using groundwater to support the proposed project will not diminish the underlying aquifer. Nor can you assume that vineyard irrigation will not diminish the underlying aquifer nor impact other wells.

**Stated Traffic Impacts are False and the Mitigations are Unrealistic and Inadequate**

Identified impacts (Impacts 4.12-1 and 4.12-3) and the proposed mitigations only deal with activities occurring during the actual timber harvest operations. There is no mention of the increased traffic on Cold Springs Road that will be generated once planting, maintaining, and harvesting operations begin.

There are three schools along Cold Springs Road and a 4-H Camp in Las Posadas full of children every summer! Advising drivers of large vehicles to “use caution” is NOT sufficient (Mitigation Measure 4.12-1) to protect the well-being of the children or their families.

Large trucks will be “advised” not to exceed 15 miles per hour, ostensibly for safety reasons. But this “mitigation” will create major impacts to all of the residents on Cold Springs Road AND to parents dropping off their children at school. The impact of the mitigation is not addressed in the Draft EIR.

“All construction activities are restricted to Monday through Saturday 7 am to 7 pm. No activities shall take place on Sundays and holidays.” (Mitigation Measure 4.12-1) That’s **12 hours a day, 6 days a week**, that the residents of Angwin can be expected to be impacted by the “construction” activities (which will include timber harvest activities and “ripping” of the soil) of this particular project. Don’t you think this “mitigation” will have an impact on the local residents? Nor does it does it take into account that Angwin is, by and large, a Seventh Day Adventist Community that honors Saturday as their Sabbath.

To state that “Construction and operational traffic generated by the Proposed Project will *not* result in inadequate emergency access” (Impact 4.12-4) is simply false, by the very nature of the proposed mitigation (discussed above) own mitigation suggesting large trucks, which could occupy the entire

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I61-42

I61-43

I61-44

I61-45

roadway, not exceed 15 mph. This would create a virtual roadblock for ambulances, fire trucks, and other emergency vehicles trying to access Cold Springs and Las Posadas Roads and the 4-H Camp in Las Posadas State Forest that hosts hundreds of children each summer, all summer long, and their adult counselors and supervisors.

I61-45  
(Cont.)

I would make the same conclusion about Impact 4.12-6: "Traffic generated by construction and operation of the Proposed Project does not have the potential to impact pedestrian, bicycle, and public transport in the vicinity of the project." It is simply not true. Neither pedestrians, bicyclists, or school buses transporting children to 4-H Camp in Las Posadas will want to navigate along a road shared with the types of trucks and other heavy equipment that will be used during the deforestation phase of this project.

I61-46

Quite frankly, I just don't understand why the residents of this small rural community should be subject to the inconveniences and dangers being imposed on them by one man's commercial enterprise which offers no benefit at all to the local community and a host of problems. The community doesn't need it. And the county doesn't need it. It is projects like this that puts the whole concept of the Ag Preserve in jeopardy among the voters.

**Environmental Impacts of California Vineyards**

Adina Merenlender, a conservation biologist with U.C. Berkeley, who has been studying northern California vineyards' environmental impacts for more than 20 years says the conversion of shrub, oak and conifer habitat into new vineyards is fragmenting wildlife habitat, thinning out forests, and, through erosion caused by agriculture, destroying the stream habitat where imperiled salmon and steelhead trout spawn. Slender migration corridors of native habitat connecting the forests of Napa County to broader wilderness areas to the north, in Lake and Mendocino counties, will become ecologically dysfunctional if they continue to be compressed by vineyard expansion.

"We're down to the final pinch points," Merenlender says. She notes that even bats and birds, though they can fly, may avoid passing over areas where tree cover has been replaced by grapevines and other forms of agriculture and development.

I61-47

"We absolutely have to stop native habitat removal in California," she says. "It has to end."

"While wine industry players large and small have embraced the idea of sustainability in their operations, many don't consider the conversion of natural landscapes into vineyards to be a problem, she said. Likewise, for all of California's environmental leadership in areas like reducing greenhouse gas emissions and managing air pollution, the state hasn't made a serious effort to stop the chief cause of biodiversity loss: the development of natural lands for residential and agricultural use."

Napa County has taken the lead before, and it can take the lead again by protecting its other great resource, the biodiversity inherent in its amazing array of native plants and animals. And at the same time we can take a serious stab at climate change.

For *all* of the reasons listed above, and more, I urge you to reject this plan and choose the **No Project Alternative**.

I61-48

Thank you,

Elaine de Man  
1113 Chiles Avenue  
St. Helena, CA

# Comment Letter I62

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Project Comments  
**Date:** Monday, February 25, 2019 10:03:02 AM

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**From:** Patricia McCrory <[pmccrory021053@outlook.com](mailto:pmccrory021053@outlook.com)>  
**Sent:** Sunday, February 24, 2019 10:30 PM  
**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Subject:** Le Colline Project Comments

Mr. Bordona,

I am extremely opposed to the Le Colline Project. In reading through the Environmental impacts especially 4.1 – Aesthetics, 4.2 Agriculture and Forestry, 4.3 – Air Quality, 4.4 Biological Resources, 4.5 Cultural Resources, 4.6 – Geology and Soils, 4.7 – Greenhouse Gas Emissions, 4.8 – Hazardous Materials, 4.9 – Hydrology and Water Quality, 4.10 – Land Use, 4.11 – Noise, through 4.12 – Transportation and Traffic, the environmental impact in each of these areas is too high and the mitigating factors too weak to overcome the aesthetic damaging factors.

I am clearly opposed to this project.

If overruled by whatever factors and this project is green lighted, I guarantee you it will be held up in court for years.

Sincerely,

Patricia Ann McCrory



I62-01



# Comment Letter I63

**From:** [Bordona, Brian](#)  
**To:** [Purnis, Kyra](#)  
**Subject:** FW: Collene Vineyard Proposal  
**Date:** Monday, February 25, 2019 10:03:11 AM

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**From:** Janice Barley <jfayb@sbcglobal.net>  
**Sent:** Sunday, February 24, 2019 9:33 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Collene Vineyard Proposal

Dear Sir:

I read about the Collene vineyard proposal to remove forest and grassland in the Anguin area. That is an awful idea, especially on the heels of the Measure C defeat. We have had to suffer the consequences of several years of drought; we need open land to as a watershed, as you know. Wild animals need the forests and grassland in order to survive. Linda Falls is a lovely place. The area in question contains 132 native plant species and a lovely 31 foot waterfall. What more can I say?

There are many of us who do not find acres and acres of unneeded vineyards to be a balm to our souls. And to our consciences, when we think of all those animals whose habitat will be destroyed.

It has been distressing to hear of wildlands and family farms in this country turn into corporate farms. It is doubly distressing when it happens in the valley where I live.

Please consider my opinion along with that of Napers who think as I do when you make a decision regarding the vineyard proposal mentioned above.

Thank you for your attention.

Sincerely,  
Jan Barley

I63-01

## Comment Letter I64

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline vineyard proposal  
**Date:** Monday, February 25, 2019 10:03:19 AM

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**From:** karen culler <cullerwines@aol.com>  
**Sent:** Sunday, February 24, 2019 9:22 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline vineyard proposal

I would like to voice my opposition to the deforestation for the planting of Le Colline vineyard. This is a project that is not suitable for the location and should be sited elsewhere. We don't need to deforest our watershed any further.

Karen Culler  
Cell 707.529.8318

I64-01

# Comment Letter I65

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Project  
**Date:** Monday, February 25, 2019 10:03:26 AM

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-----Original Message-----

From: Barbara Guggia <tahoemgirl@gmail.com>  
Sent: Sunday, February 24, 2019 9:16 PM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Le Colline Project

Mr. Bordona-

Although I was born and raised in Napa, I have to admit that I was unaware of the unique environmental beauty of Angwin until several years ago. A friend took me on a hike to the Linda Falls area and as soon as we got off the pavement and started hiking, I was surprised with the peaceful wildness and quiet beauty of the area. I would urge the county to seriously consider any project that has the potential to negatively impact this very special part of the Napa County.

I have reviewed the draft EIR and also have serious concerns with the end results of this project in terms of traffic, damage to habitat, and air quality. Regarding the mitigation measures, several questions come to mind. Are they enough in view of total development of this project? Will the owners be held accountable for responsibly following through with these measures? How will they be enforced? Considering the recent problems with another Angwin winery and the county's record with compliance issues, how will the supervision of this project be different?

Thank you,

Barbara Guggia

I65-01

I65-02

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Vineyard Conversion  
**Date:** Monday, February 25, 2019 10:03:32 AM

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**From:** Susan French <smjfrench@gmail.com>  
**Sent:** Sunday, February 24, 2019 8:59 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline Vineyard Conversion

To Whom it May Concern,

We bought our house at 120 Cold Springs Road in Angwin in January 1982 because of the beautiful forested hikes and peaceful surrounding. We still own this house, which we are currently renting out, but plan to return to living there this fall.

We have many concerns regarding both the Le Colline Vineyard development and the Mark Mondavi family Aloft Vineyard development. My husband, Rich Arnold, spoke at the Aloft hearing in September and felt it was worthless because the Napa County Planning Commission appeared to ignore the pleas of all but the very immediate neighbors to the project at the end of Cold Springs Rd. Hopefully, this letter will at least be read.

Our concerns:

The destruction of the natural habitat of many animals and birds, and the negative impact on water flowing into Linda Falls and other streams. How can we be assured that an unbiased "qualified biologist" (one that is not paid by Le Colline? ) will actually conduct a nesting bird "survey" 4 days prior to the beginning of ground-disturbing activities and destruction of habitats?

I can't believe this project will be harmless to "sensitive species" in the area, such as the California Red-legged Frog, Foothill Yellow-legged Frog, Pallid Bat, Townsend's Big-Eared Bat, American Peregrine Falcon, and Northern Spotted Owl.

We are very concerned over the increased traffic from the project and have already witnessed how fast the drivers of the logging trucks drive down our narrow Cold Springs Road. It is especially dangerous for the children attending Discovery Land Preschool and the Pacific Union College Elementary School. Our children attended these schools and now our grandchildren will be in the neighborhood. Between the two winery/vineyard projects, (Le Colline and Aloft), Cold Springs Road is not big enough to accommodate all the traffic. Who will enforce the speed limits of these vehicles?

We are concerned over the water needed for the magnitude of this vineyard planning. Our only source of water is a well and we are concerned how much the vineyard plantings and winery will draw down the water table.

We are also concerned over the drifting of pesticides and elemental sulfur. Like many other neighbors, we will have small children at our home.

166-01

166-02

166-03

166-04

166-05



Please consider the quality of life for all the residents on Cold Springs Road and not only the wealth of the developers.



I66-06

Thank you,

Susan French (and Richard Arnold)

Susan French  
Wine Writing Consultant  
1505 Chablis Circle,  
St. Helena, CA 94574  
[smifrench@gmail.com](mailto:smifrench@gmail.com)

707-291-2559 (cell)

Rich Arnold  
Winemaking Consultant  
1505 Chablis Circle,  
St. Helena, CA

[RichArnold707@gmail.com](mailto:RichArnold707@gmail.com)  
707-479-7013

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kym](#)  
**Subject:** FW: Comment on LeColline Vineyard Project  
**Date:** Monday, February 25, 2019 10:03:40 AM

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**From:** Tessa Molinari <[tkmolinari@gmail.com](mailto:tkmolinari@gmail.com)>  
**Sent:** Sunday, February 24, 2019 8:46 PM  
**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Subject:** Comment on LeColline Vineyard Project

**Tessa Henry**  
360 Sky Oaks Drive  
Angwin, Ca 94508  
(707) 968-5552  
[tkmolinari@gmail.com](mailto:tkmolinari@gmail.com)

24 February 2019

**Brian Bordona, Supervising Planner**  
Napa County Planning, Building, and Environmental Services Department  
1195 Third Street, 2nd Floor  
Napa, CA 94559

Dear Brian Bordona,

I am an Angwin resident concerned about the impacts of proposed Le Colline Vineyard ECPA, P14-00410.

I grew up in St. Helena and remember a quiet rural town with many families with young children and opportunities for local residents. I love the area and have roots here, as my family (Molinari) is one of the few who has been farming in the Napa Valley for over 100 years. As the vineyards and tourism grew in the valley, I moved up the hill to raise my family in a quiet town, similar to the childhood I remember.

167-01

My husband (Angwin native) and I are both farmers in Angwin and believe in the importance of healthy food and sustainable agricultural practices. Understanding we benefit from the wine industry we live in, we also believe in a balance of land use and caution against excessive monocropping. To us, many of the environmental impacts listed in Table 1-1 of the *Summary of Impacts and Mitigation Measures* listed as "less than significant" are, in fact, **very significant!**

4.1 Aesthetics - we believe this construction would change aesthetics to this town *significantly*. Woodland to trucks to dirt to vineyard is a scene we've seen all too many times before and it is *anything but less than significant* to the aesthetics of a small town. Thirty three acres is not an amount that won't be noticed.

167-02

Impact 4.2-3- It's outrageous to me that a loss of 33 acres of forestland is considered *less than significant* to the County and State. I don't agree. This statement should be reevaluated. A loss of this much forest would limit natural habitats and destroy wildlife corridors. Because vineyard land comes at a much higher value, we forget that benefits of minimally disturbed forestland provide a community with immeasurable and irreplaceable benefits: scenic views, hiking trails, wildlife, clean water, zero toxic agricultural sprays, no dust and erosion. These things come at a higher value than a bottle of wine to many in this community.

167-03

I am especially concerned about 4.4 Impacts on Biological Resources and agree that "the Proposed Project could have a substantial adverse effect" on sensitive habitats. I don't believe than many of the mitigation measures

167-04

proposed will be followed or regulated. Deep in construction when time is money, who will actually ensure that bats, birds, Napa false indigo and narrow-anthered California brodiaea will be surveyed? Once surveyed, who will ensure that construction ceases so that recommended buffer zones are established? Who will then ensure that these buffer zones will be maintained throughout the construction process and beyond? Will work personnel actually be trained on proper identification of sensitive habitats? Once trained, will they follow through with proper precautions? Knowing that "work will halt immediately", will paleontological resources (e.g., fossils) be reported when encountered? Sadly, when time is money (and it always is) these will be the first things to conveniently be overlooked.

I67-04  
(Cont.)

Impact 4.6-2: *Development of the Proposed Project would not result in substantial soil erosion or the loss of topsoil with the implementation of the ECP.* Even following the ECP, I don't believe this statement to be true. Soil erosion and loss of topsoil is the direct effect of deforestation. Especially concerning with a project that borders 4000 feet of our beloved Linda Falls Preserve.

I67-05

Impact 4.8-2: *The Proposed Project would include the use of common vineyard-related substances such as fuels, pesticides, and fertilizers.* This is a major concern of mine, especially considering its location bordering Linda Falls. I hear more and more reports about people in the Napa Valley having a higher rate of chronic illness, which is often the case in agricultural communities. This project, like all agricultural projects, will have a significant impact when using pesticides and fertilizers irregardless of following IPM plans. Using these substances will have a negative effect on the community. There's no way around that.

I67-06

Impact 4.12-2: *Traffic generated by the Proposed Project would not result in significant changes to air traffic patterns.* Any time trucks and trailers make their way up and down these hills traffic is delayed.

I67-07

In conclusion, I recommend No Project Alternative, which would leave the property in its existing state as partially-forested with areas of shrubland and grassland. Vineyard would not be developed, timber would not be harvested, and no changes to the property would occur.

Thank you, Brian, for reading my letter and taking my concerns into consideration.

Sincerely,

Tessa Henry

February 23, 2019

David Morrison, Director  
Planning, Building & Environmental Services  
Phone: 707-253-4805  
Email: [David.Morrison@countyofnapa.org](mailto:David.Morrison@countyofnapa.org)

Brian Bordona, Supervising Planner  
Planning, Building & Environmental Services  
Phone: 707-259-5935  
Email: [Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT LE COLLINE VINEYARD PROJECT**

Dear Messrs:

Please include the following comments as part of the public record for the aforementioned DEIR.

My initial review of Section 4.4 (Biological Resources) of the DEIR leads me to conclude there is either insufficient data or insufficient mitigative measures to draw the conclusions that have been drawn:

- The empirical data presented in the report does not substantiate that wildlife corridors within/near the project boundaries are inconsequential.
- The "preferred" corridors described on page 4.4-6 are drawn from a 17-year old study conducted in Sonoma County. Other than geographical proximity, no scientific reasons were given to validate that study's findings as directly applicable to the property in question.
- Surveys conducted specifically for the DEIR were limited in their duration and season.
- 16 special-status plant species and 5 special status animal species were identified on the property and the DEIR itself notes in more than one place (for example, page 4.4-9) that "high-quality habitat in the vicinity of the property is otherwise fragmented" (more below).
- Notwithstanding mitigative measures (pages 4.4-32 to 4.4-41), the net effect of the project, were it to proceed, is to increase fragmentation of habitat in a key Napa County watershed.
- The question of the relationship between biodiversity and fragmentation of habitat is inadequately, or not, addressed in this DEIR.
- Specifically, the proposed project, notwithstanding mitigative measures, is in direct conflict with County of Napa Natural Resource Goals and Policies Goals Con-2 though Goal Con-5.



I68-01

I68-02

I68-03

I68-04

I68-05

**Habitat Fragmentation**

The Watershed Information and Conservation Council (WICC) of Napa County documents (see WICC web site) the following:

*"Napa County has a high natural level of biodiversity compared to California as a whole. The County's biodiversity provides valuable goods, services, and scientific information. More importantly, the plants and animals of the County provide many critical ecological and social*



I68-06



*functions. Napa County's many species also represent a vast storehouse of scientific information, most of it unexplored and some of it endemic to the County."*

Penn State University in its syllabus for the course GEOG 30: Geographic Perspectives on Sustainability and Human-Environment Systems enumerates the principal threats to biodiversity today, as follows:

*"There are many threats to biodiversity today. The biggest ones can be remembered by using the acronym H.I.P.P.O.: Habitat Loss, Invasive Species, Pollution, Human Population, and Overharvesting."*

Habitat loss is generally considered either the first or second reason for the loss of biodiversity.

Finally, in tying these threads together consider the following comments prepared by the law firm of Shute, Mihaly & Winebarger LLP for the Land Trust of Napa County in a letter dated October 3, 2015 in reference to a proposed THP not three miles from the property/project of the DEIR herein in question:

**"In fact, the Property lies within a regionally significant, 12,000-acre wildland complex that includes lands managed by California State Parks, the California State Lands Commission, the Bureau of Land Management, the Land Trust, and the Biological Field Studies Association. Despite this fact, the DEIR, TCP, and THP all give the incorrect impression that the Project sits in a predominately agricultural area, and improperly attempt to minimize the conservation value of the surrounding lands."** (Emphasis added by this author.)

The property in question in this DEIR is also within the noted "12,000 acre wildland complex". This conclusion lays bare the conclusions, or lack thereof, drawn in this DEIR regarding "habitat fragmentation"..

To conclude that the proposed project will not lead to significant impacts to habitat fragmentation, and subsequent loss of biodiversity is hypothetical at best, particularly when the "cumulative effects" of decades of deforestation in Angwin are taken into account.

Thank you.

Cluney Stagg, PhD  
160 Winding Way, Angwin

[cluney\\_stagg@gmail.com](mailto:cluney_stagg@gmail.com)

I68-06  
(Cont.)

I68-07

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyla](#)  
**Subject:** FW: Let Colline Development Objection  
**Date:** Monday, February 25, 2019 10:03:54 AM

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**From:** Rally Varlakova Tetz <varlakova@gmail.com>  
**Sent:** Sunday, February 24, 2019 3:47 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Let Colline Development Objection

Mr Bordona,

My husband and I are citizens and small business owners in Napa county. I live about 10 minutes away from the area where this is proposed to take place. Linda Falls has been a long-standing family tradition for rich and poor in our county and those visiting. In light of the recent drought and resulting erosion there has already been natural deforestation near Linda Falls. I am appalled at the idea of removing yet another few acres of natural habitat and land that benefits the entire community so that another vineyard can be planted. I vehemently oppose the option to allow clearing and vineyard planting in this area. A green light to this project would please a property owner wanting to have their vanity vineyard while creating a huge wound in our community. This would be a huge detriment to us and this land that we are supposed to be stewards of. Please consider our plea and do not allow permitting for this process.

Rally & Lee Tetz

# Comment Letter I70

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kym](#)  
**Subject:** FW: Comment on Le Colline Vineyard Conversion  
**Date:** Monday, February 25, 2019 10:04:00 AM

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**From:** Bucky <buckyswisher@yahoo.com>  
**Sent:** Sunday, February 24, 2019 2:25 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Comment on Le Colline Vineyard Conversion

As local residents we are writing to comment on the proposed La Colline vineyard development near Linda Falls.

I70-01

Having reviewed the Summary of Impacts and Mitigations we believe the new vineyards will have detrimental environmental impacts and the plans contain insufficient safeguards.

Linda Falls is a key component of the local ecosystem, providing resources and habitat for wildlife. Some of the wildlife it fosters are endangered species and require additional protection.

I70-02

Noise and traffic from development and vineyard work will be disturbing.

I70-03

Also concerning is the potential for erosion to increase sediment in the creek system and Linda Falls, both during the development phase and beyond. On top of that is the potential for agricultural run-off.

I70-04

These issues are covered by Impact 4.3-1, 4.4-1, 4.4-2, 4.6 and 4.8 but we believe the mitigations are insufficient, even if strictly applied (which our experience has shown to rarely be the case).

I70-05

We believe the La Colline project creates significant risks for adjacent forest and Linda Falls.

For these reasons we oppose the proposed development.

Sincerely,

Tom Freeman and Bucky Swisher.



**From:** [Bordona, Brian](#)  
**To:** [Dora Nya](#)  
**Subject:** FW: Le Colline vineyard conversion  
**Date:** Monday, February 25, 2019 10:04:07 AM

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**From:** sharon dellamonica <sharondellamonica@gmail.com>  
**Sent:** Sunday, February 24, 2019 1:30 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline vineyard conversion

Dear Mr. Bordona:

Please let me introduce myself. My name is Sharon Dellamonica and I have been a resident of Napa Valley since 1980. I came here with my family because I loved the beauty of this valley. When I grew up in Santa Cruz, CA, I watched the ecological balance and beauty of the Santa Clara Valley be destroyed and I truly hoped that would not happen here.

Napa Valley is not being paved over as it was in Santa Clara, but it is being destroyed in a more insidious way. The rampant proliferation of vineyards is killing the ecology here.

It is destroying the watershed, bringing more traffic than the roads can bear, polluting the Napa River, surrounding tributaries and creating an upset in the delicate balance that we need to preserve.

Le Colline Vineyard conversion is a perfect example of how we are rushing headlong into the destruction of this balance.

Specifically, I find the Draft EIR lacking in (only some of) the following areas:

- Air quality. The destruction/construction is going to take two years. Neighbors there are still having serious health issues from the fires and smoke of the past two years. Many had to move. This will render their environment as toxic as it was during those times. What about their health and property values?
- Water – This will upset the delicate balance of the watershed. To say that there will be no effect on the aquifer is certainly not true. How can this project be done without the use of water?
- Animals. Protection of all of the sensitive animal species in the area and loss of their habitat and their migration corridors. There isn't enough concern for this at all.
- Traffic. The number of trucks going up and down the mountain will increase dramatically and be dangerous for the students and residents. Not to mention the increase in CO emissions. An example of this problem can be found on the



I71-01



I71-02



I71-03



I71-04



I71-05



## Comment Letter I71

road over to Santa Rosa, which is now clogged with large trucks attending to the reconstruction of housing that burned out over there. The traffic is unsafe. It will be the same on this road.

I71-05  
(Cont.)

- Compliance – I do not believe that the applicant or those working on the site will follow the numerous mitigation measures that are proposed. Is the County going to have someone there daily watching that they comply?

I71-06

It is my recommendation to Napa County Planning that this land is left in its existing state, that no vineyard be developed and that no changes to the property would occur.

Thank you for taking this into consideration,

Sharon Dellamonica

PO Box 653

St. Helena, CA

707-963-9262

# Comment Letter I72

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyla](#)  
**Subject:** FW: Le Colline Vineyard Conversion  
**Date:** Monday, February 25, 2019 10:04:14 AM

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-----Original Message-----

From: Wendy Cole <beehaven2@comcast.net>  
Sent: Sunday, February 24, 2019 10:58 AM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Le Colline Vineyard Conversion

Dear Mr. Bordona

I oppose this whole project. In looking at the map of its location, it is too close to Conn Creek, including Linda Falls. Our watershed is too valuable to put it at risk for one person's commercial venture.

I72-01

Other than watershed issues, the road itself is narrow and a dead end. It is not conducive to increased traffic from the ongoing vineyard operations. No more vineyard conversion should be approved along Cold Springs Road. It may seem to some that one "small" vineyard conversion causes no significant change, but each "small" vineyard conversion is cumulative. Lets stop the conversion now before the traffic does become a problem.

I72-02

Unfortunately, just because mitigation measures are agreed to, it does not mean they are done. Does the county oversee these measures?

I72-03

I urge the county to NOT approve this project.

Sincerely,

Wendy Cole

**From:** [Daphne Meltzer](#)  
**To:** [Purvis, Kyra](#); [Morrison, David](#); [brian.bardona@countvofnapa.com](mailto:brian.bardona@countvofnapa.com)  
**Subject:** Protect water, wildlife, habitat etc. at Linda Falls from Le Colline vineyard deforestation  
**Date:** Monday, February 25, 2019 10:24:19 AM

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To Whom it may concern:

The development of Le Colin Vineyards project deeply concerns me. Allowing deforestation of 33.8 acres in Linda Falls Land Trust preserve is appalling and concerns me greatly for our wildlife, watershed, erosion, and purity of water, and noise pollution.

It is stated that:

The project involves the clearing of vegetation, earthmoving, and installation and maintenance of erosion control measures. The project also requires a Timber Harvest \*cumulative impact of converted forest to agriculture leading to near extinction of healthy contiguous forest in the Angwin area.

How can you mitigate deforesting 33.8 acres? Even if you replant oak seedlings in would take 100 years to be able to replace what is lost by deforestation of this many acres of oak woodlands.

I want explanations how the following will be mitigated:

- \*Loss of 33.8 acres of Oak woodlands.
- \*Wild life disruption.
- \* Noise Impact

While deforesting the land there will be a huge loss of animal life and noise in the process.

What are the environmental impacts on wild life?

Can you please explain the proposed noise mitigations including mufflers on all heavy equipment and how this would reduce impacts to residences and schools from rock jack hammering?

I question the DEIR (Draft Environmental Impact Report) estimations of Le Colline impacts. I question mitigation measures of the DEIR being sufficient or realistic enough to mitigate this level of impact that will be created.

There are many impacts not listed in the DEIR that I feel could result and be harmful.

I73-01

I73-02

I73-03

I73-04

I73-05

## Comment Letter I73

To me there really is no Project Alternative that could reduce the impacts this will make on our environment!

Nor the Increased Water Quality Decline and Sensitive Habitat disruption.

I beg you to put a halt to this very serious impact on this beautiful and invaluable land!

Sincerely,

Darlene Meltzer  
36 year resident Napa Valley

I73-05  
(Cont.)



February 25, 2019

David Morrison, Director

Brian Bordona, Supervising Planner , Building and Environmental Services

Dear Sirs:

**I am writing in regard to the draft Le Colline Vineyard conversion EIR project.**

**In early November 2018 I toured this property, which is just above and contingent to Linda Falls Preserve. It is hard to imagine putting vineyards in this rugged, rocky, forested area which is also the headwaters of Conn Creek, the watershed for Lake Hennessy and the primary water supply for the City of Napa.**

174-01

Below are some of my concerns:

**1. Although this is not covered in the draft EIR, it appears that this property was unethically and perhaps criminally secured by the current owner.**The property was sold at a price for non vineyard property. The previous owner, aged 86 at the time, evidently did not know the buyer's intent to develop it into a vineyard and was effectively swindled. This needs to be investigated as **elder abuse, particularly because it can happen more and more as wealthy individuals buy up land from old time families and residents. I do believe it is the County's responsibility to make sure these properties are ethically acquired in a respectful manner and that sellers have been appropriately reimbursed before putting time and energy into steps to develop such property.**

174-02

**2. What happens on Le Colline property also impacts Linda Falls Preserve — and the City of Napa's drinking water.** The sediment from soil disturbance, the cutting of forests and oak woodlands, all change this area forever, an area deserving of conservation far into the future (as I delineate below). Le Colline is part of Lake Hennessy watershed. Lake Hennessy provides most of the drinking water for the City of Napa. Despite what our policies say, there is no mitigation for the loss of timberland and oak woodlands far into the future. We need these organs of the earth to sequester carbon, to ensure the cleanness of our water and the restoration of aquifers, and to provide ongoing habitat for the wildlife that still exists in these areas.

174-03

**3. On the November 2018 tour we saw some of the so-called mitigations for the Bremer project, mitigations that either have not worked or have not been properly installed and monitored by the County** (like upside down deer fencing which stops the effectiveness of the fencing whose purpose is to allow small animals through but not deer),

174-04

as well as the destruction of soil structure (by deep ripping fragile soils and importing valley soil to make rocky soil grow grapes) and destruction of creeks. Will this project and its mitigations will be any better monitored? Will those construction individuals deemed important in monitoring flora and fauna stop construction when rare species are found? Will they even know what's rare or protected? My own experience with hired vineyard companies is that they are for efficiency, not for conservation.

I74-04  
(Cont.)

**4. Mitigation Measure 4.8-3:** Pesticide usage. According to the state manual for applicators, *Pesticide Safety* (University of California Publication 3383, **as much as 55% of pesticides leave the targeted site.** “Non target organisms include all plants and animals other than the pest being controlled by a pesticide application. As much as 55% of an applied pesticide may leave the treatment area [sic] due to **spray drift, volatilization, leaching, runoff and soil erosion.**”[emphasis mine] ...”Some herbicides in concentrations as low as 1/1000 of a pound (0.454 gram) per acre may reduce yields. Under certain weather conditions, and if large acreage is being treated, pesticide concentrations in this range can drift out the treatment area and move for several miles before settling to the ground.” “Even if a pesticide exposure does not directly cause illness or death, it may weaken a non target animal and indirectly cause death by leaving the animal unable to get food and water or protect itself from predators. Some pesticides affect the ability of wildlife to reproduce. **This area is rich with a variety of native plants and wildlife and the use of even properly applied pesticides is contraindicated. There is simply too much to lose.**

I74-05

**4. Impact 4.4-1,4.4-2, 4.4-3; 4.4-4; 4.4-5:** Implementation of the Proposed Project could have a substantial adverse effect on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS, on wetlands, animal migrations corridors, and fish populations. Deemed “potentially significant” on all accounts. This biologically diverse area will suffer due to the proposed fragmentation of this site. According to the Watershed Information and Conservation Council (WICC), **“Napa County has a high natural level of biodiversity compared to California as a whole. The County’s biodiversity provides valuable good, services, and scientific information. More importantly, the plants and animals of the County provide many critical ecological and social functions. Napa County’s many species also represent a vast storehouse of scientific information, most of it unexplored and some of it endemic to the County.”**

I74-06

**4. Impact 4.5-1, 4.5-2, 4.5-3, 4.5-4, 4.5-5: Cultural Resources:** The area is not only an important watershed but also has been frequented for millennia by native peoples, evidenced by grinding holes in the rocks by the creek. The area is also used recreationally by locals and by the students attending Pacific Union College. The mitigations of basically recording what is there and then proceeding with plans, is insufficient and disrespectful of our native people’s heritage.

I74-07

**Le Colline deserves to be conserved as is and protected far into the future for these many reasons.**

**If ever there was an opportunity to JUST SAY NO to a project which has such ramifications, Le Colline is that opportunity. Please just say no. Recommend that the property be put into Conservations Easement. We need our County to protect our environment and our natural resources and make sure that old time residents are not preyed upon by those wishing to make a great Cab.**

**Sincerely,**

**Patricia Damery  
Napa**

I74-08



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**Concerns: Draft EIR for LeColline ECP #P14-00410 ECPA**

**2-25-2019**

Brian in reviewing the DEIR I have the following comments and concerns. I have approached this from the standpoint of concerns first and comments second. The concerns are numbered the comments have bullet points.

- 1. Mitigation Measure 4.4-2 page 4.4-35 of the DEIR (Bat habitat preservation) contains incorrect information regarding the actual bat habitat, contradicts the recommendations from AES wildlife biologist, Kjeldsen Biological consulting, and the California Department of Fish and Wildlife, is inconsistent with other Napa County imposed mitigations for like and similar ECP's.**

*"The applicant shall submit the following changes to the Proposed Project to the County and CalFire for approval*

*The Proposed Project shall be revised to avoid all bat roosting habitat within Block E1 and Block D1 to avoid potential special-status bat habitat located within clearing limits. A minimum 200-foot buffer area measured from the outboard dripline of the bat roosting trees shall be included in the avoidance area. The change in design would result in the avoidance of the three trees designated as potential roosting habitat for special-status bats as shown on **Figure 4.4-1**. Proposed avoidance would result in the preservation of 100 percent of the identified roosting habitat on the property.*

I75-01

**Concerns over Mitigation Measure 4.4-2**

The mitigation requests a design change. This mitigation has never been discussed before. Not with the County, Cal Fire or CDFW

**There are several incorrect statements associated with mitigation 4.4-2.**

The mitigation requests a change to the clearing limits for Block E1 and D1 to avoid potential bat habitat. There is one potential bat habitat tree in Block D1. Block E1 has two potential bat habitat trees. The DEIR map found on page 4.4-4, figure 4.4-1 shows 4 bat trees in Block E1, this is incorrect. It is also incorrect that these are bat trees, they are potential bat habitat. There is no evidence that they are in fact habitat and a serious effort has been made to monitor that fact, with no response to date. **Technical Memorandum Appendix R** lists the potential roost trees, see table 1 page 3 of the technical Memorandum. This does not compare with figure 4.4-1 of the DEIR.

I75-02

**The mitigation found in the DEIR is inconsistent with the recommendations of AES wildlife biologist, Kjeldsen Biological consulting, California Department of Fish and Wildlife biologist (CDFW) and the Timber Harvest Plan (THP).**

The DEIR mitigation asks for Mitigation measure 4.4-2. See italicized measure above.

AES Biologist, Technical Memorandum, appendix R states,

I75-03



it is recommended that biologists preform one preconstruction sunset fly-out survey and one acoustic bat survey prior to construction occurring within 200 feet to ensure no potential roosting pallid or Townsend's big-eared bats are disturbed. To improve accurate detection of bat species recording devices will be setup closer to potential roosting areas and microphones will be placed at higher elevations for better sonar detection (SonoBat, 2016).

If bats are found to be using the site as a roost, and additional calls or pallid or Townsend's big-eared bats are recorded during the preconstruction survey, CDFW should be contacted about confirming the identity of the roosting species and about protecting the roost site. If however, the surveys do not document bat emergence, potential impacts to these species should be drastically reduced to no or minimal impact. If these surveys are performed prior to construction and bats are not observed emerging from the Douglas Fir Alliance, impacts to the pallid and Townsend's big-eared bat would be reduced to less-than significant levels.

Kjeldsen Biological, Biology report, Appendix D states.

Recommendation 7.0 If initial ground disturbance occurs during the bat maternity roosting season (May 1 through August 31), a qualified biologist will conduct a bat roost assessment of trees on the site searching for suitable entry points, roost cavities or crevices. Natural habitat for this species includes trees with a minimum 42-inches dbh, with a minimum basal hollow opening of 2 square feet, minimum interior hollow height 3-feet above ground, and the interior hollow ceiling extends a minimum of 12-inches above the upper lip of the hollow opening, CDFW. If the biologist determines there is potential for maternal roosting on the project site then, these trees shall be removed between August 15, and October 15 (or before evening temperatures fall below 45F and/or more than 1" of rainfall within 24 hours occurs), or between February 28, and April 15. These seasonal restrictions ensure all bats are active during tree removal.

CDFW PHI report recommendation 7

The RPF should include in Appendix R that additional acoustic and sunset fly-out surveys shall be performed a maximum of three days prior to construction, and that positive detections will be sent to CNDDDB.

THP mitigation measure 15 states

Within the rocky outcrop area and the Douglas Fir Alliance area associated with the 5 potential bat roosting trees: Biologists are to perform one preconstruction sunset fly-out survey a Maximum of three days prior to construction occurring within 100 feet to ensure no potential roosting Townsend's big-eared bats are disturbed. If bats are found to be using the site as a roost, and additional Townsend's big-eared bat calls are recorded during the preconstruction survey, CDFW should be contacted about confirming the identity of the roosting species and about protecting the roost site. If however, the surveys again do not document bat emergence from the rocky outcrop, potential impacts to this species should be drastically reduced to no or minimal impact.

Within the Douglas Fir Alliance Area: The three trees identified as potential roost trees will be removed as part of the Proposed Project, they shall be removed over the course of two days. On the first day, some limbs may be removed (if there are any remaining) as well as other nearby trees not flagged as potential bat roosting habitat. This amount of disturbance should cause any roosting bats to find another roost during their nighttime foraging. As the potentially roosting bats will have left over the course of the night, the rest of the tree can be harvested on the afternoon of the second day. It is also recommended that biologist with bat identification skills and an up-to-date rabies vaccine be present for the removal of these trees in the event that any bats are found to have been roosting. This will allow the biologist to collect any injured bats and identify if they are a special status species. If any special status bats are injured during the timber harvest, CDFW will be notified immediately to consult regarding the next steps. See Appendix R, Technical Addendum Bat Survey

Napa County mitigation recently imposed on an ECP approval

Implementation of the following measures to minimize impacts to special-status bat species:

- a. A Qualified Biologist (defined as having demonstrable qualifications and experience with the particular species for which they are surveying) shall conduct a habitat assessment in order to identify suitable bat habitat trees with in the project area(s), no more than 6 months and no less than 14 days in advance of the planned tree removal. If the habitat assessment determines that trees proposed for removal contain suitable bat habitat, the following shall apply to potential bat habitat trees:
  - i. Tree trimming and/or tree removal should only be conducted during seasonal periods of bat activity (August 31 through October 15, when young would be self-sufficiently volant and prior to hibernation, and March 1 to

I75-03  
(Cont.)

April 15 to avoid hibernating bats and prior to formation of maternity colonies), under supervision of a qualified biologist. Note that these windows may shift with atypical temperatures or rainfall. Trees should be trimmed and/or removed in a two-phased removal system conducted over two consecutive days. The first day (in the afternoon), limbs and branches would be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices and deep bark fissures would be avoided, and only branches or limbs without those features would be removed. On the second day, the entire tree would be removed.

- ii. For removal of bat habit trees outside the seasonal activities identified above (between October 16 and February 28/29 of the following year or between April 16 and August 30), a qualified biologist shall conduct pre-construction survey within 14 days of project initiation and/or removal to determine absence/presence of special-status bat species. Survey methods, timing, duration, and species shall be provided for review and approval by Napa County prior to conducting pre-construction surveys. A copy of the survey shall be provided to the County Planning Division and CDFW prior to commencement of work. If special-status bat species are not present removal can proceed. If bats are found to be present a plan for removal or exclusion will be developed by a qualified biologist in conjunction with the County Planning Division and CDFW. The removal or exclusion plan shall be implemented upon approval of the plan by the County Planning Division

I75-03  
(Cont.)

Nowhere in any of the professional reports supporting the project or directing input to the project is the 100% preservation of potential bat habitat suggested. For the DEIR to require 100% preservation is not in line with professional consultants, state agency biologists nor is it supported by science or substantial evidence. These three trees are only potential bat habitat. The whole purpose of the bat survey procedure is to insure the detection of bats if they are in fact using the potential habitat. If the bats are found to be using the habitat, specific recommendations have been put in place to insure the removal of the trees did not harm the bats if they were present. All mitigation proposals are designed to reduce impacts to less than significant levels. This has been done by the ECP and THP.

**2. Mitigation Measure 4.4-3 page 4.4-35 of the DEIR (Bat habitat preservation inconsistent with DEIR)**

The following measures shall be enacted prior to construction or after delays in vegetation removal activities:

- For earth-disturbing activities occurring during the breeding season (March 1 through August 31), a qualified biologist shall conduct pre-construction surveys of potential bat roosting habitat suitable for special-status bats within 200 feet of earthmoving activities.
- If active special-status bat roosts are found during pre-construction surveys, the biologists shall submit an avoidance plan to CDFW for review and acceptance. A no disturbance buffer (acceptable in size to CDFW) will be created around active bat roosts during the breeding season or until it is determined that young have become sufficiently volant to change roosts. The avoidance plan shall evaluate the length of time of disturbance, equipment noise, and type of habitat present at the project site.
- If pre-construction surveys indicate that roosts are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required.
- If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas shall be resurveyed.

I75-04

This mitigation allows for the removal of potential bat habitat trees once they are surveyed for and found not to be roosting within these trees. Mitigation 4.4-3 does not support the 100% preservation of Mitigation 4.4-2. Page 4.4-35 of the DEIR states,

"The Proposed Project has the potential to impact special-status bat species should special-status bats be present in areas identified as potentially suitable habitat (**Table 4.4-3**), and should activities occur within 200 feet of these areas. The permanent removal of the identified trees would also result in impacts to special-status bat species should they be present at the time of removal"

The whole point of the survey is to identify the presence and or absence of bats in potential habitat. Impacts to bats occur at the "time of removal." Removal of the trees over a two day period as proposed in the THP mitigation supported by CDFW and Napa County is then allowed. CEQA requires that the project impacts be reduced to less than significant levels, not complete preservation.

3. Mitigation Measure 4.4-7 page 4.4-40 of the DEIR (Wildlife corridors inappropriate)

*Prior to project approval, the final project design shall be revised to reduce the clearing limits to Block E1 and/or Block E2 to provide a minimum 100 foot wildlife movement corridor increase the distance between blocks D1 and E2. The change in design would result in a greater width between Blocks E1 and E2 to maintain wildlife movement through the area identified as having relatively high biological value and wildlife usage. Furthermore, the final project design shall be modified, and associated fencing plan with locations, submitted to the County for approval, so that proposed vineyard blocks shall be fenced individually or in small clusters, with corridors of no less than 100 feet in width.*

For the proponent to be directed in the DEIR to make these two changes is inappropriate. This type of input should have been discussed prior to the DEIR being developed.

**Blocks E1 to E2**

The present wildlife corridor between block E1 and E2 represents a 35' WLPZ on both sides of a Class III watercourse. The increase of this corridor to 100' is acceptable.

**Blocks D to E1**

The narrow strip between Blocks D and E1 is the result of a short section of ground with over 30% slopes. Due to the narrow nature of this section the original proposal was to fence the area so that wildlife could not access the narrow strip. Due to conversations with state and local agencies the fencing between Block D and E1 was moved to the individual blocks. Presently the distance between Block D and E2 is 300 feet. If we create a 100' wide corridor between Block D and E1, Block E1 becomes 100' wide. There is no reason to have two 100' wildlife corridors 100' apart. There is no scientific justification for this. The wildlife corridor between Blocks E1 and E2 is sufficient and connects the wet area by the WLPZ's below. I would suggest that we modify the corridor between E1 and E2 as requested and that strip between Block D and E1 be fenced so that wildlife could not access the narrow strip.

I75-05





**4. Mitigation Measure 4.4-8 page 4.4-41 of the DEIR (protection of Oak woodland around residence)**

- *Native oak trees within close proximity to the project site shall be protected from vineyard ground-disturbing activities. Prior to site preparation, the contractor shall be informed of the need to protect the root zone of surrounding oak trees. Heavy equipment intrusion and parking under the drip line shall be restricted to protect oak tree roots. The drip line of remaining trees adjacent to clearing activities shall be flagged around the drip line to protect oak tree roots from equipment intrusion.*
- *The remaining 15.39 acres of oak woodland located outside of clearing limits shall be designated for preservation in a mitigation easement with a County-approved organization or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat, including, but not limited to, conversion to other land uses such as agriculture or urban development, and/or excessive off-road vehicle use that significantly increases erosion. The exact area to be conserved shall be determined and appropriately delineated through consultation between the Applicant and the County and recorded prior to commencement of any land clearing associated with the Proposed Project with the Napa County Recorder's office.*

I75-06

This mitigation has two parts, the first bullet point is ok and will be done. I am concerned about the second bullet point. The preservation of a two for one acreage is acceptable, however I am concerned about the limitations it puts on the area around the present residential structures. The project proposed the removal of 7.42 acres of Mixed Oak Alliance out of a total of 22.81 acres of Mixed Oak Alliance on the property. This would equate to a 14.84 acre preservation based on a two for one set aside. Due to potential wildland fire issues and a defensible space around the existing structures. I would like to propose that we limit the mitigation easement to 14.84 acres, this allows for a possible .55 acre modification of Oak Woodland Alliance associated with the defensible space around the structures.

**5. 5.3.3 of the DEIR page 5-6 ( does not meet economic viability )**

Increased Water Quality and Sensitive Habitat Protection Alternative. The DEIR states.

*Under the Increased Water Quality and Sensitive Habitat Protection Alternative, approximately 2.76 acres of Mixed Oak Alliance and 9.15 acres of Douglas-Fir Alliance would be avoided through a reduction in vineyard acreage. As shown in Figure 5-2, this alternative would reduce the project size (compared to the Proposed Project) by approximately 13.05 acres. Vineyard blocks would be reduced in size in certain areas to account for increased stream setbacks and avoidance of sensitive habitats. The objectives of the Increased Water Quality and Sensitive Habitat Protection Alternative are to further increase stream setbacks in the vineyard blocks which provides for greater wildlife movements and avoids areas with relative higher biological value beyond the Proposed Project.*

*Mitigation measures required in Section 4.0 for the Proposed Project would apply to this alternative as well. With the Increased Water Quality and Sensitive Habitat Protection Alternative, vineyard block configurations have been adjusted to preserve additional areas located adjacent to the onsite streams, which preserves additional habitat and increases wildlife movement. Other Mitigation Measures associated with the Proposed Project regarding avoidance and/or minimization of impacts to biological resources would also apply to this alternative.*

I75-07

The alternative proposes a reduction of 13.05 acres. This is a 38% additional reduction. (13.05 ac /33.8 ac = 38.6%) The objectives of the project, found on page 5-1

- Implement an ECP to reduce post project runoff.
- Minimize project related soil erosion.
- Develop 25 acres of vineyard for economic viability.
- Provide employment and economic development in Napa County
- Implement sustainable vineyard farming practices.

Of the 5 objectives this alternative does meet four to them. However it does not meet the economic viability objective. At no time has the county or AES asked about economic viability. The proponent has developed an



economic model that requires 25 acres. This is a major portion of the objectives for the project. On page 5-10 the DEIR states:

*"The Increased Water Quality and Sensitive Habitat Protection Alternative would result in the development of approximately 19.96 acres of vineyard, and would be economically viable"*

This is not true. First the actual proposed vineyard acreage of 33.8 gross acres would be reduced by 13.05 acres, a 38.6% reduction. The proposed 25 net acre vineyard would also be reduced 38.6% or to 15.3 acres net. The DEIR's statement of 19.96 acres is erroneous. In addition, this is a very significant reduction in the proponent's objectives. The DEIR can not state that this 15 acre vineyard would be economically viable. The DEIR does not show any financial information to support this opinion, nor did anyone ask the proponent for economic support information.

I75-07  
(Cont.)

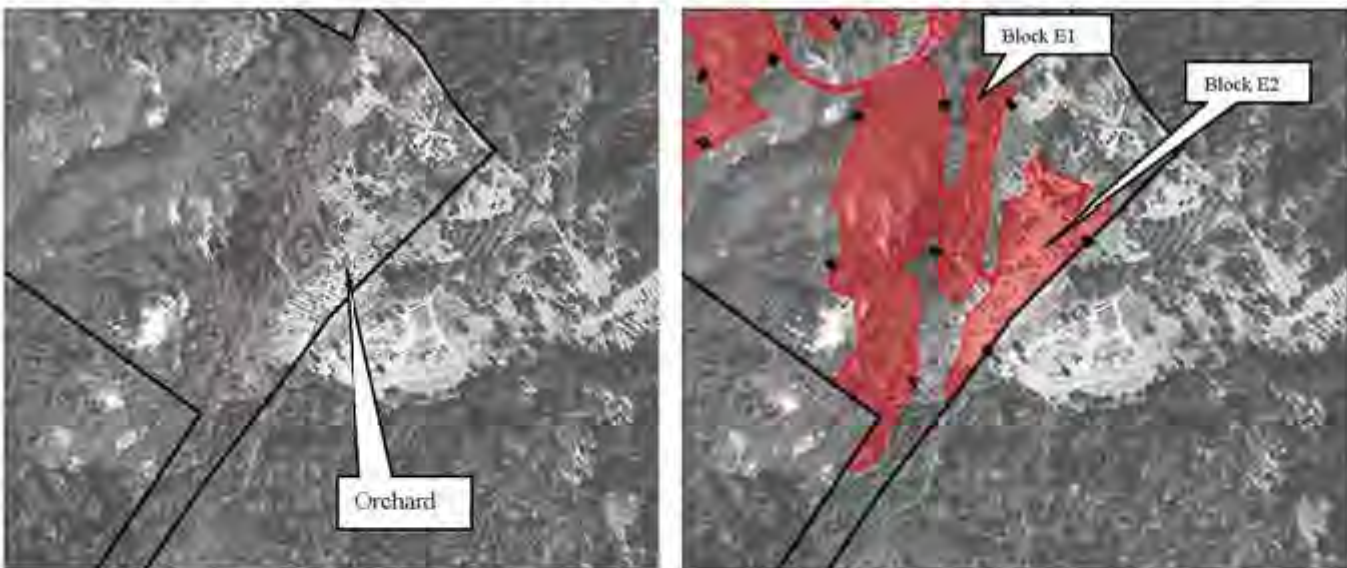
**Page 5-6 of the DEIR states**

*"The objectives of the increased Water Quality and Sensitive Habitat Protection Alternative are to further increase stream setbacks in the vineyard blocks which provides for greater wildlife movements and avoids areas with relative higher biological value beyond the Proposed Project."*

The propose project has set back from all streams according to the Forest Practice Rules and Napa County ordinances. There is no justification for additional setback. These setbacks were created by these agencies to provide habitat and wildlife movement associated with watercourses. The setbacks proposed in the project are now greater than required. There is no scientific evidence or substantial evidence that they need to be increased.

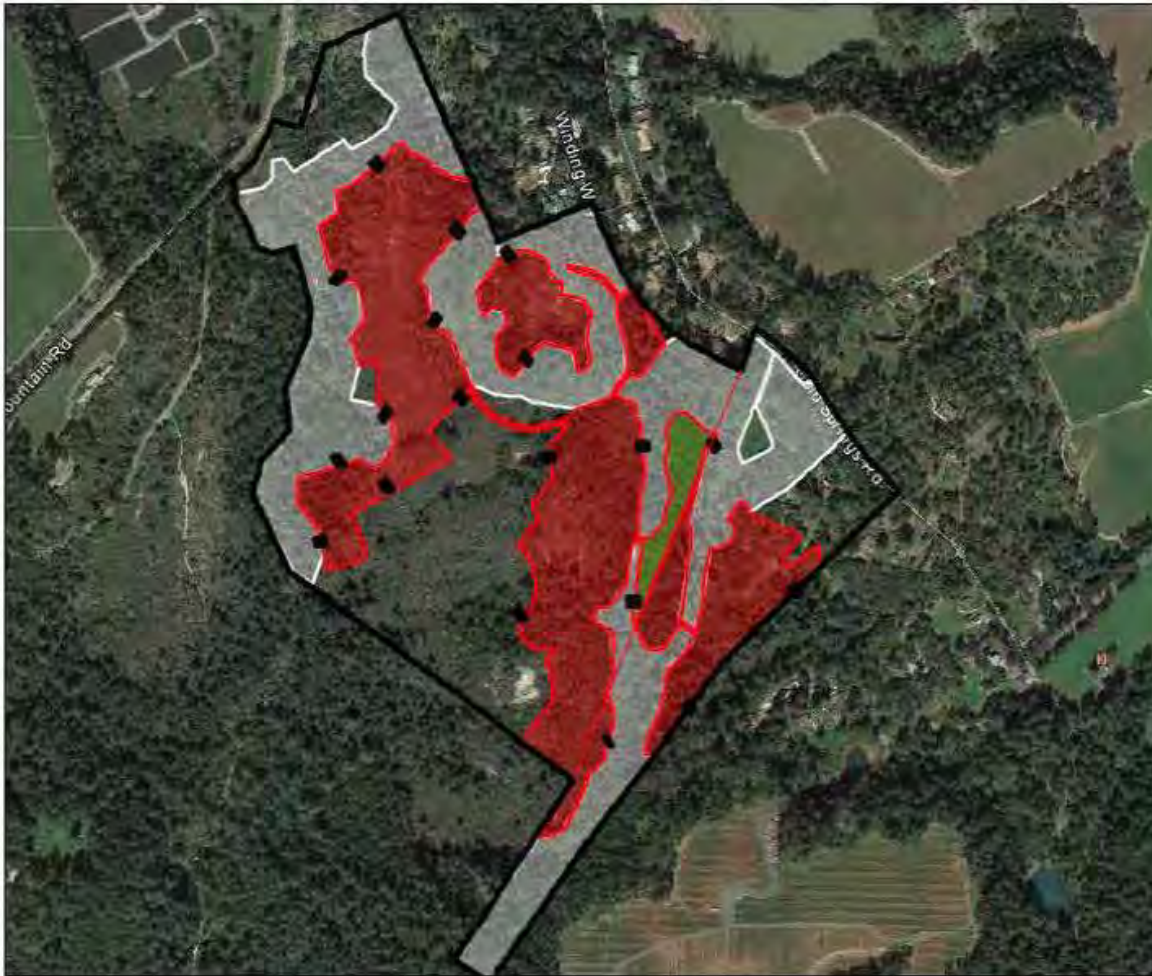
I75-08

As for additional avoidance of areas with "relative higher biological value", this is a very subjective description. It is open to interpretation by county planners who are not biologists. As it related to Block E1 and E2, both were previously orchard in the 1930's. See the aerial photos below. The watercourses found throughout the project area are protected areas of high biological value, the wet area is a protected area of high biological value as are the wildlife corridors maintained and protected around all vineyard blocks. In total 35 acres of valuable biological habitat are maintained and protected on the proponent's property. See the aerial photo next page showing 35 acres of retained habitat.



In the photo's above you can see the agricultural activities in the left hand photo, the present ECP project is shown in the right hand photo. The Black lines represent the present land ownership of the applicant.





The white area in this 2017 google earth photo shows areas of large trees with a park like setting within the present holding.

The green area is the 1.7 park like setting within Block E1.

**Page 5-8 of the DEIR states**

*"This alternative would not conflict with the property's AW:AC zoning."*

This is incorrect. The LeColline property is composed of two purchases. The first purchase of three parcels, APN 024-300-71, 024-300-70 and 024-300-72. The second purchase was parcel APN 024-340-01. It is this parcel that contains Blocks E1 and E2. If Block E1 and E2 are removed from the proposed project it would in fact conflict with the property's AW:AC zoning as no agriculture would be allowed on the property. I again point out that most of this parcel was in agriculture early in the last century, see aerial photo above.



I75-09

Page 5-12 of the DEIR states

"It should be noted that although the Increased Water Quality and Sensitive Habitat Protection Alternative has fewer impacts to biological resources and sensitive receptors, The Proposed has been designed to minimize impacts to the environment to less-than-significant levels provided in Section 4.0. There are no significant and unavoidable impacts associated with the Proposed Project."

I75-10

This is the end goal of the CEQA process. The DEIR accomplishes this "no significant and unavoidable impacts". Given that there are no significant unavoidable impacts, it is not appropriate for the County to seriously consider alternatives that serve no other purpose than to significantly reduce agricultural uses without any tangible benefits.

Comments: Draft EIR for LeColline ECP

- There are many changes suggested to the project that the applicant was not informed of. This application has been before Napa County for almost 5 years. During that time many negotiations have taken place, between agencies participating in the permitting process and the DEIR. The DEIR itself states that all aspects of the project have been mitigated to less than significant levels. This is a direct result of the negotiations and studies that have taken place during this 5 year period. For the Lead Agency to now make significant changes to the project without the proponents' knowledge is inappropriate. These types of changes must be part of the review process and must have some basis in required regulations, ordinances and or science. For the Lead Agency to develop an EIR that changes the project to the point that it is no longer economically viable and not allow the proponent to defend the project is an abuse of government.
- The LeColline project was developed with environmental sensitivity right from the start. The project proponent directed all of their advisors to create a sound environmentally sensitive project.
- We could have asked for a 50 acre project, we did not. Instead the application asked for 35.4 acres, a reduction of 30% less than we could have proposed.
- We could have been closer to Conn creek and still meet all state and county setback requirements. We did not, instead we keep the boundary of the vineyard out of sight of Conn Creek.
- We could have developed vineyard next to the trail that leads to Linda Falls. We did not. We recognized the impact the vineyard would have had on the visitors to Linda Falls.
- Several small areas were purposely avoided to concentrate activity in larger blocks and avoid increasing access to small blocks scattered around the property. This saved a significant amount of vegetation disturbance.
- CDFW asked to save a large Douglas fir at the bottom of Block A1, this was done. The boundary line was moved back to accommodate the request.
- Napa County asked for a corner of Block D to be removed in order to avoid a small swale. This was done by moving the boundary of Block D back.
- CDFW and Napa County asked for an additional wildlife corridor between Block B, C and D. A 100' corridor was added.
- We avoided a steep area adjacent to Block B. Our geologist did not feel it was a slide. Due to concerns from agency participants the area was given a 50' setback.
- We were concerned about the amount of fuel loading on the proponent's property below and adjacent to the homes on Bishop Place, Winding Way and Cold Springs Road. We proposed a 100' to 200' fuel break to aid in protection of the exiting residences. Both CDFW and Napa County would not approve the fuel break. This would have had a significant impact on reducing fire danger to the local community. We were asked to remove it from the application. We did as asked.

I75-11

I75-12

I75-13

I75-14

I75-15



# Comment Letter I75

- All significant impacts associated with the DEIR have been mitigated as proposed. There is no justification for the acreage reduction suggested in the Environmentally Superior Alternative. 175-16
- I began working on this project for the proponent in April of 2014. We are presently 5 years in developing the project to this point. I recognize that there are a lot of variables in this process. But the length of time is directly related to agency misdirection. The proponent and their advisors have received multiple conflicting directives from all state and local agencies that have significantly contributed to this lengthy and expensive process. Throughout this process the proponent and their advisors have consistently tried to work with all agencies to solve their perceived concerns. The application of this Environmental Superior Alternative to this project by the county is inappropriate to the CEQA process. All significant impacts were mitigated by the proposed project. Application of the Environmentally Superior Alternative is inappropriate. 175-17
- City of Napa water quality concerns. The proponent recognized the concerns of the City of Napa as it related to water quality within the Lake Hennessey reservoir. To that end they voluntarily began preproject water sampling above and below the project area. Sampling began the winter of 2016-2017 and continues to this date. The locations, timing and testing procedures were developed with City of Napa input. These samples have been discussed with the City of Napa and are not showing any significant concerns. The sampling locations are on Conn Creek and are below the City of Angwin, associated residential neighborhoods, Wineries and vineyards. Most of these entities are not under the environmental review that this proposed project is presently undergoing and yet there are no major issues with the water quality in Conn Creek or Lake Hennessey directly related to vineyards. 175-18
- At the direction of Napa County planning and the Napa County Resource Conservation District. The soil modeling for the proposed project took into consideration the ripping of the soils prior to planting. This ripping impacted the flow of water through the soils, the corresponding change in the hydrology of the soil (Hydrological Soil Group, HSG) was used in determining the appropriate erosion control measures needed to achieve county standards. The county approved the Technical Adequacy (TA) of the project recognizing this consideration of the SHG. A change in county policy occurred as it related to HSG. The project proponent and their advisors were told that the soil modeling would not have to be redone as a result of the county changing its position on HSG. The proponent decided to go ahead and make these changes anyway. This was done at great expense to the proponent, not only monetarily but in additional time, approximately 6 months. 175-19

Please respond to my concerns and comments at your earliest convenience. I am also available by phone, email or a meeting in your offices.

Thank you,

*SRB*

Scott R. Butler





**From:** [Bordona, Brian](#)  
**To:** [Euris, Kyra](#)  
**Subject:** FW: Le Colline  
**Date:** Monday, February 25, 2019 10:51:31 AM  
**Attachments:** Le Colline.docx

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**From:** Ken Stanton <ken.stan395@gmail.com>  
**Sent:** Monday, February 25, 2019 10:19 AM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline

February 23, 2019  
Comments on DEIR for Le Colline ECPA P14-00410  
Submitted by Ken Stanton

Brian Bordona, Supervising Planner  
County of Napa  
1195 Third Street, Second Floor  
Napa, Ca 94559

Comments:

Linda Falls Preserve now under Land Trust ownership, has been a favorite recreational outing for Napers for over 100 years. Linda Falls is the most popular, publicly accessible waterfall in the county. Destruction of forest and conversion to vineyard in the immediately adjacent Le Colline property will create permanent, irrevocable damage to this important recreational resource, to the water quality flowing in Conn Creek over Linda Falls, to the sense of solitude a place like this deserves, to the animals that live and migrate through here, and possibly affecting the superb biodiverse plant life.

I76-01

The summary of impacts and mitigation measures in Table 1-1 of the DEIR lists over 50 possible negative impacts and incredibly, concludes that every single one has less than significant impact with or without mitigation measures. This is naïve at best. Napa county does not have the infrastructure nor at this point, **the will**, to monitor and enforce existing rules and regulations concerning the wine industry activities in the ag watershed. It has become an unfortunate reality that watch dog citizens must monitor and insist on enforcement from the county.

I76-02

Will Napa County really monitor and enforce the rules and regulations at Le Colline on a regular basis? The county's record in the past has been poor in this regard.

Will an employee training session to identify threatened and endangered species be sufficient to protect all species occurrences on property? Napa False Indigo for example can look like many other plants except to professional biologists or amateur plant enthusiasts.

# Comment Letter I76

Will protecting only threatened and endangered species preserve the bio diversity? The natural world is complex and interrelated in ways we are only beginning to understand.

176-02  
(Cont.)

Will employees during development voluntarily stop work to comply with the numerous mitigation measures? That's not the way things work in the real world. We all know it.

Lake Hennessey is the municipal water source for 80,000 people in Napa. Le Colline threatens the health of Napa's in the following ways:

Accidental and inevitable pesticide and herbicide spills that threaten Conn Creek.

Use of Glyphosate as herbicide, a known carcinogen found in all Napa wines.

Potential failure of sediment catch basins if not maintained. Napa county has as mentioned a poor record in monitoring.

176-03

Slope failure. Slopes exist on Le Colline as high as 63% not mentioned in the DEIR.

Climate change is bringing more severe weather. This means potentially higher peak flows in winter and spring beyond normative forecasting. Has the DEIR taken this into account?

The extensive network of proposed new roads on site means higher water flow, while these same roads and avenues essentially merge with and enlarge existing streams to convey sediment downstream.

176-04

All these factors including decreased forest canopy can potentially lead to warmer water temperatures, higher turbidity and algae blooms in Lake Hennessey.

The building of 15,000 linear feet of fencing is a serious threat to wildlife migration. There exists not far away in Bell Canyon, municipal watershed for St Helena, a ridge to river fence hundreds of yards long, 7 feet high and flush to the ground surface. Why has the county not been aware of and/or taken mitigation measures to correct this situation. How many more like this are there in the county? What measures does the county propose to allow wildlife to pass through the fence proposed for Le Colline?

176-05

The proximity and connectivity of Le Colline to Linda Falls Preserve makes it more appropriate for a permanent preserve/park than for forest destruction and vineyard development. One thing I've learned in 60 years of experience in the outdoors is that **All** things are connected and **No** impact is insignificant. Given the weight of the cumulative negative impacts this project will bring, I strongly urge you to accept the No Project Alternative.

176-06

Ken Stanton  
Angwin



THOMAS ADAMS  
tadams@dpf-law.com

February 25, 2019

VIA EMAIL: [Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)

Mr. Brian Bordona  
Planning, Building and Environmental Services Department – Planning Division  
County Administration Building  
1195 Third Street, Second Floor  
Napa, CA 94559

Re: **Le Colline ECP #P14-00410-ECPA**

Dear Mr. Bordona:

Thank you for the opportunity to comment on the Le Colline Vineyard Project. We are providing this letter to provide information and analysis concerning the alternative feasibility conclusions included in the Le Colline Vineyard Project Draft Environmental Impact Report ("DEIR") dated January 2019 ("Project"). Thank you for the time and attention you have given and will continue to give to the Project. We appreciate your consideration of the concerns expressed below.

177-01

**THE PROJECT IS ALREADY SUBSTANTIALLY SMALLER THAN IT COULD HAVE BEEN THE PROJECT WAS DESIGNED TO AVOID ENVIRONMENTAL IMPACTS BY EXCEEDING COUNTY CONSERVATION REGULATIONS**

The Project was originally developed using the following guidelines found in controlling Napa County code and State guidelines:

1. Development only on slopes of less than 30 percent.
2. Setbacks on all watercourses as defined by Napa County Code and Cal Fire.
3. Vegetation preserved as directed by Napa County's 60/40 ordinance
4. Oak woodland protected at a ratio of 2:1.

177-02

Moreover, in order to address concerns important to the Applicant, the Proposed Project was reduced from the outset to well-below what could legally be permitted. The Applicant sought to develop an environmentally sound project from the start. It was set back further from Conn Creek than legally required, so that the vineyard would not be visible from Conn Creek. Likewise, it was designed so that it was sufficiently set back and screened from hikers on the Linda Falls trail so that they would not be impacted. The project was also set back further than required from adjacent homes on Cold Springs road. Numerous slopes within the potential vineyard footprint that could have been included were instead avoided. Smaller outlying areas were also avoided in order to obviate the need for additional access roads.

177-03

Consistent with all applicable guidelines, the Applicant could have proposed a project as large as 50.1 gross acres. But, in accordance with the Applicant's desires for a socially and environmentally-sensitive Project and the controlling guidelines, the Proposed Project was initially designed in 2014 with only 35.4 acres of gross development, yielding 29.4 acres of net vineyard, with approximately one acre of access

177-04



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drives and improvements to dirt trails. The project as originally proposed was thus nearly 30% smaller than it could have been.

I77-04  
(Cont.)

**THE INITIAL STUDY FINDINGS HAVE ALREADY BEEN INCORPORATED, FURTHER REDUCING THE PROJECT SIZE**

Some four years later, following an initial study, the Project was even further reduced in size, based on input from participating agencies to its present acreage of 33.8 acres gross and 25 acres net, with one acre of access drives and improvements to dirt trails. Thus the project has already been reduced by another 15% as a result of the environmental study process. Those reductions were taken to address perceived potential environmental impacts of the Project, and indeed go well-beyond the existing legal limitations on development of Projects of this type.

I77-05

The Applicant has already been responsive to anticipated agency concerns and requests. The Applicant took into account the information compiled in the Initial Study, avoiding special plant species and further reducing project acreage to accommodate additional wildlife corridors. CDFW also requested that Blocks A2 and C be reduced to save a wildlife tree and due to the wetland analysis in the IS, respectively. Although the Applicant respectfully disagreed with CDFW's analysis that the purported wetland was a Class III swale, when in fact it did not meet that standard, the Project implemented the requested change anyway to avoid that area. Potential slide areas were also avoided despite the project geologist's conclusion that it was not a slide. Even further reductions were made at the County's request, adjacent to Conn Creek and next to Block D.

I77-06

In sum, the Applicant's goal consistently has been to respect environmental concerns while still maintaining a viable project. Applicant designed the project to avoid impacts from the start, and responded to and addressed any and all significant concerns expeditiously. It has already been substantially reduced from its original design. Not only does the Project meet every legal standard, but it surpasses them. The Project should move forward, not alternatives that only serve to reduce the project size with no reduction in significant impact. The Project has no significant impacts as designed and mitigated.

I77-07

**ANY ALTERNATIVES MUST BE FEASIBLE, ATTAIN THE OBJECTIVES, AND AVOID OR SUBSTANTIALLY LESSEN SIGNIFICANT EFFECTS**

The range of alternatives included in the DEIR is beholden to the "rule of reason," meaning the DEIR must set forth only those alternatives necessary to yield a reasoned choice. An important purpose of alternatives, like mitigation measures, is to provide options to the decision maker that would reduce significant environmental impacts while still largely meeting the project's objectives. (CEQA Guidelines 15126.6.)

CEQA requires as a threshold consideration that the alternatives discussion in the DEIR "describe a range of reasonable alternatives to the project ... which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines 15126.6(a).) There are thus three prerequisites to any alternative: that it be (1) feasible, that it (2) obtain most of the basic objectives, and that it (3) actually addresses a significant effect of the project.

I77-08

Only if a feasible alternative provides for avoidance or substantial reduction in significant impacts can it be considered, even if it impedes to some degree the project's ability to meet all of the project objectives or would be more costly. (CEQA Guidelines 15126.6(b).) However, in this instance the alternatives do



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not serve this substantive purpose, but rather only infeasibly and significantly reduce the size of the Project with no resulting reduction in or avoidance of significant impacts, because the project has already been mitigated to a level of less-than-significance, in compliance with all County policies

177-08  
(Cont.)

**ALTERNATIVES ANALYSIS IS INTENDED TO AVOID OR SUBSTANTIALLY LESSEN SIGNIFICANT EFFECTS**

The DEIR concluded that that Project, as already mitigated, has reduced all potentially significant impacts to a level of less than significant. (DEIR § 5.5 at 5-10.) It therefore necessarily follows that a range of alternatives that further reduce the Project's gross vineyard acreage despite the lack of significant impacts serves no policy objective other than to compromise the commercial viability of the Project, with no meaningful environmental benefit.

177-09

Even assuming the Project did have significant impacts, CEQA would require that an alternative being considered for approval must be feasible and offer substantial environmental advantages over the Proposed Project. Such an alternative needs to be able to be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors. (CEQA Guidelines 15364.)

177-10

Chapter 5.5 of the DEIR details alternatives to the proposed project. The Applicant had no input into the alternatives before they were published for review, and thus there was no evidence submitted that either alternative was or was not feasible prior to the publication of the DEIR.

The DEIR evaluated two reduced-acreage alternatives termed the "Reduced Intensity Alternative" (reduces Project by 6.9 acres of gross vineyard) ("RI Alternative") and the "Increased Water Quality and Sensitive Habitat Protection Alternative" (reduces Project by 13.05 acres of gross vineyard) ("IWQ Alternative"). These alternatives reduce the Project gross vineyard acreage by 20.4% (6.9 acres / 33.8 acres) and 38.6% (13.05/33.8 acres), respectively. The DEIR also considered a "no project" alternative.

The environmentally superior alternative was found to be the "no project" alternative. When this is the case, the EIR must also identify the environmentally superior of the other alternatives (CEQA Guidelines 15126.6(e)). This was determined to be the "Increased Water Quality and Sensitive Habitat Protection Alternative." Although this alternative has fewer impacts to biological resources and sensitive receptors, the Proposed Project had already been designed and mitigated to minimize the impacts on the environment to less-than-significant levels. Thus, while it may be a truism that doing nothing generally has less impact than doing something,<sup>1</sup> as a matter of policy and law, the appropriate standard is not 'is doing nothing better?' it is whether there are any "significant and unavoidable impacts" of the Project. The DEIR concludes at Section 5.5 that there are not:

177-11

*There would be no significant and unavoidable impacts as a result of the Proposed Project. Each impact identified under the Proposed Project would be considered less-than-significant after mitigation. (DEIR § 5.5 at 5-10.)*

Thus, there are no significant impacts associated with the Project as mitigated, and no justification for requiring an alternative to the Project. According to the DEIR, each identified impact of the Proposed Project would already be considered less-than-significant after mitigation, making consideration of an alternative project unnecessary.

<sup>1</sup> And here even that may not be the case, as a project with erosion control procedures is superior to the 'no project' condition with uncontrolled natural run-off, which will result in greater geology, soil, hydrology and water quality impacts.

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As is the case here, an agency is not required to consider the environmentally superior alternatives if a project's mitigation measures will reduce environmental impacts to acceptable levels. *Rio Vista Farm Bureau Ctr. v. Cty. of Solano*, 5 Cal. App. 4th 351, 379 (1992) citing *Laurel Heights Improvement Assn. v. Regents of Univ. of California*, 47 Cal. 3d 376, 401 (1988). The process of an alternatives analysis is governed by the "rule of reason." Under this concept, an EIR need only consider a reasonable range of alternatives. *Id.* citing *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 566 (1990); *Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 731 (1990). The alternatives to this project have been adequately analyzed in the DEIR. The DEIR fully complied with CEQA by including an extensive discussion of project alternatives, findings, and mitigation measures that would reduce anticipated environmental impacts. *Id.* citing *Citizens for Quality Growth v. City of Mt. Shasta*, 198 Cal. App. 3d 433, 445 (1988).

I77-12

That said, consideration of an alternative over the Project is unnecessary in light of the fact the Project has already been mitigated to less than significant impacts. This important fact, coupled with the financial infeasibility of the alternatives considered (discussed below), means that the approval of an alternative would only serve to penalize the Applicant without any tangible environmental benefit. Thus, the best policy decision, as well as the decision that best respects the Project's objectives, the agricultural zoning of the Property, and the requirement that alternatives must be feasible is to approve the Project, not an infeasible alternative that offers no tangible environmental benefits.

**THE DEIR CONCLUSIONS ON FEASIBILITY OF ALTERNATIVES ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE**

Even if there were significant unavoidable impacts that required the County to consider an alternative, which there are none, the alternatives proposed here would not be appropriate. The DEIR includes unsubstantiated statements regarding the economic feasibility of one alternative (the IWQ Alternative) and very limited discussion of the feasibility of the R1 Alternative. In fact, the limited discussion of the R1 Alternative concedes that it is not feasible. (DEIR at § 5.3.2 ("would not be economically viable."))

I77-13

The DEIR also claims without evidence or analysis that the Environmentally Superior Alternative – the IWQ Alternative – is economically feasible, but this is not the case. There has been no communication between the landowner and any agency, including the County regarding economic feasibility. In fact the landowner was not provided any information on the DEIR, including the alternatives, prior to its publication and only was made aware of the alternatives at that time. There is no evidentiary or rational basis for the DEIR's apparent but unspecified conclusion that the IWQ Alternative is economically feasible.

Although the DEIR failed to perform any analysis or obtain any evidence on the subject, a reasonable assumption would be that a 13.05 acre (38.6%) reduction in gross acreage from 33.8 gross acres to 20.7 gross acres would substantially impact the economic feasibility of the Project; and indeed analysis shows that it would not be economically feasible. (See Exhibit A.) This alternative does not "feasibly attain most of the basic objectives," (CEQA Guideline 15126.6(a)), let alone the primary project objective to "Develop approximately 25 net acres of vineyard on the portions of the property suitable for the cultivation of high-quality wine grapes to ensure economic viability of the Proposed Project" (see page 5-1 DEIR). It would dramatically decrease the Project to only 15 net acres and as a result, is not economically viable.

I77-14



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**SUBSTANTIAL EVIDENCE SUPPORTS A DETERMINATION THAT THE IWQ ALTERNATIVE IS INFEASIBLE AND CONFLICTS WITH THE ABILITY TO ESTABLISH A COMMERCIALY VIABLE VINEYARD ON AGRICULTURALLY ZONED LAND**

Agricultural land owners in Napa County have a right to farm. Vineyards are allowed in agriculturally-zoned land as a matter of right. In theory, no permission is required to establish a vineyard – although substantial regulatory requirements nearly-entirely undo that permissive nature. Consistent with this policy, vineyard projects should be expected to be encouraged and commercially viable. This Project is not a hobby. It is a business that requires a significant investment made in reliance on loans and cash flow for it to be viable and to proceed to create jobs and generate tax revenue in the County.

As shown in Exhibit A, a 15-acre net vineyard project simply cannot generate the necessary cash flow to be sustainable. While some wineries may be able to justify the costs of small vineyards by offsetting the losses with the value added component of making and selling wine, this is not the case for a vineyard alone. The startup, overhead, and ongoing costs of maintaining such a small vineyard on a parcel of this size do not make economic sense – the Project at that scale would never be expected to be profitable. All of the acquisition, overhead, and other fixed costs of the Project will remain the same, but the cash flow resulting from the grape harvest would be reduced by a project-defeating 43.7%. Net cash flow simply would never turn positive within the Project's lifetime at the scale proposed in the IWQ Alternative. The IWQ Alternative is not a feasible alternative.

177-15

**THE PROPOSED IWQ ALTERNATIVE HAS NUMEROUS SUBSTANTIVE FLAWS IN ITS ANALYSIS**

Even if it were feasible, and it is not, the IWQ Alternative has several analytical shortcomings that undermine its conclusions. For example, the IWQ Alternative states on page 5-9 that "vineyard acreage would be approximately 30% less than the Project." This is a significant understatement of the effects of its reductions on the Project. The Project is 33.8 gross acres (DEIR page 1-2). The IWQ Alternative would reduce that by 13.05 acres (DEIR page 5-6). That is a 38.6 percent reduction. Similarly, page 5-12 states the IWQ Alternative "would result in the development of approximately 19.96 net acres of vineyard." That is incorrect. The 38.6 percent reduction in the project under that Alternative would yield a vineyard of only 15.3 net acres.

177-16

As discussed above, the Project has no significant impacts as presently mitigated, and as such any further reductions in the alternatives are not substantially reducing any significant impacts. The DEIR acknowledges as much. (DEIR 5-10.) It nevertheless discusses alternatives in terms of "greater" and "lesser" impacts as "varying degrees of impacts below established significance thresholds" (Id.) In addition, the DEIR's discussion of the relevant impacts of the IWQ Alternative are not entirely correct. A portion of the relevant table (5-1) is reproduced below with indicated comments:

177-17

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ENVIRONMENTAL IMPACT COMPARISON

| Impact Area                        | ... | Increased Water Quality and Sensitive Habitat Protection Alternative |
|------------------------------------|-----|--|
| Aesthetics                         | ..  | Similar  |
| Agriculture and Forestry Resources | ..  | Lesser <sup>1</sup>  |
| Air Quality                        | ... | Lesser   |
| Biological Resources               | ... | Lesser   |
| Cultural and Tribal Cultural       | ..  | Similar  |
| Geology and Soils                  | ..  | Similar <sup>2</sup>   |
| Greenhouse Gas Emissions           | ... | Lesser   |
| Hazards and Hazardous Materials    | ... | Similar  |
| Hydrology and Water Quality        | ... | Lesser <sup>3</sup>  |
| Land Use                           | ... | Similar  |
| Noise                              | ..  | Lesser   |
| Transportation and Traffic         | ..  | Lesser   |

1. The impact on Agriculture and Forestry Resources is actually greater under the IWQ Alternative, as that element relates to productive uses for agriculture and forestry resources. Since the productive use of agriculture and forestry resources would be restricted, the IWQ Alternative has a greater impact on those resources.
2. The sediment transport savings proposed by the ECP would not be realized under the Alternative, and as such the Alternative will have a greater impact on Geology and Soils than the Proposed Project.
3. Like the Geology and Soils element, the Hydrology and Water Quality impacts of the Alternative are greater than those of the Proposed Project, since the hydrological saving proposed by the ECP would not be realized.

In sum, the purportedly “environmentally superior” alternative would actually result in greater impact than the Project because it will not achieve the savings proposed in sediment transport or hydrology proposed in the Project ECP.

Indeed, the Project’s Applicant is confident in the lack of significant environmental impacts of the project, particularly with regard to water quality, for which the Applicant has a deep concern. To confirm the lack of impact of the Project on water quality, the Applicant has agreed to a voluntary Sampling and Analysis Plan for the Project with the City of Napa that tests for and compares upstream and downstream water quality standards in Conn Creek adjacent to the Project. That plan provides for the Project to examine its BMPs in the event of any elevated constituents that might arise in the future, and take corrective actions in the unlikely event of an elevation in any testing results. A copy of the plan is attached hereto as Exhibit B.

The IWQ Alternative further suggests modifications that are unnecessary. For instance, the alternative seeks to “increase stream setbacks in the vineyard blocks which provides for greater wildlife movements

I77-17  
 (Cont.)

I77-18

I77-19



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and avoids areas with relative higher biological value." (DEIR 5-6.) There is no justification for such measures given that the Project has already complied with all applicable State and County requirements. Setback requirements, defined by Cal Fire and Napa County, under the Project have been met and in fact exceeded in some portions. The Project already provided wildlife corridors which meet or exceed all applicable requirements, as well as additional mitigation measures as suggested by participating agencies. (See aerial photo below.) These wildlife corridors provide easy access between Conn creek and areas east of the project area.



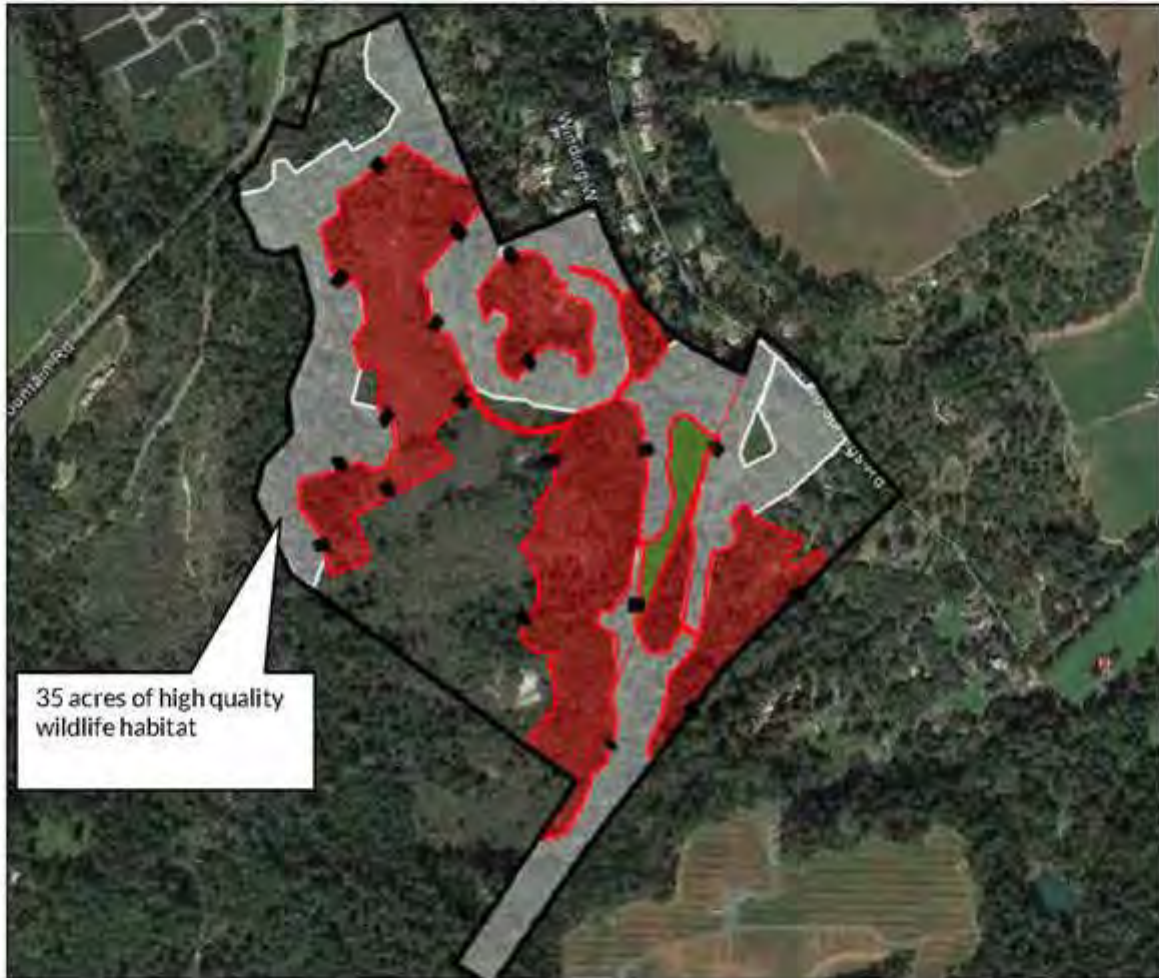
The DEIR also cites "relative higher biological value" areas within the Project as a means of justification of the IWQ Alternative. However, this is a subjective standard open to interpretation, not a requirement for approval. The Project has already been acknowledged as having mitigated or eliminated any impacts below a significant level in compliance with over 40 Federal, State, and Local regulations and policies. (DEIR Biological Section 4.4.2 Regulatory Framework.) The Project already retains 35 acres of high-quality wildlife habitat of similar quality to what is recommended for further reduction (13.08 acres) in the

I77-19  
(Cont.)

I77-20

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IWQ Alternative. See the aerial photo below which shows 35 acres of high quality wildlife habitat retained on the property:



I77-20  
(Cont.)

**CONCLUSION**

In sum, the Project meets or exceeds every applicable standard for approval as proposed with the required mitigation measures. The alternatives discussed in the DEIR are neither necessary to reduce

I77-21



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significant impacts nor feasible. There is no substantial evidence to support any conclusion other than approval of the Project. We appreciate the opportunity to provide this information, and would be happy to answer any questions you may have

I77-21  
(Cont.)

Regards,

DICKENSON, PEATMAN & FOGARTY



Thomas Adams

TSA:bab

Enclosures

**EXHIBIT A**



To : Tom Adams

From : Dave DiCesaris

Date : January 30, 2019

Re: Economic Viability Analysis for the Le Colline Project; Correction of False Statements Contained in Section 5.0 of DEIR

Here are my comments on Section 5.0 - Alternatives To The Proposed Project together with both a summary and detailed analysis of the economic viability of 15 and 25 net vineyard acres.

**I. General Comments - Identification of False Statements**

1. The total proposed project is 33.8 acres that yields 25 net acres of vineyard. The 25 net acres of vineyard equals 73.96% of the proposed project.
2. In Section 5.3.3 paragraph 1, lines 3 - 4, it states that the Increased Water Quality and Sensitive Habitat Protection Alternative "would reduce the project size (as compared to the Proposed Project) by approximately 13.05 acres."
3. In Section 5.4.1, page 5-12, paragraph 2, lines 5 - 7 it states "The Increased Water Quality and Sensitive Habitat Protection Alternative would result in the development of approximately 19.96 acres of vineyard, and would be economically viable," The representation of 19.96 acres of "vineyard" and that of "economic viability" are both false statements.
4. In Section 5.3.3, page 5-8, subsection "Environment Impacts" paragraph 2, line 12, it states "conflict with the property's AW:AC zoning." The property is also zoned "PD" and as such, should not an alternative of a planned development have been evaluated as part of the EIR?
5. In Section 5.3.3, page 5-9, subsection "Environmental Impacts" paragraph 1, line 5-6, it states "since vineyard acreage would be approximately 30% less than the Proposed Project." This statement is false. The actual reduction of vineyard acreage is 41%. Further, the reduction of net vineyard acres associated with The Increased Water Quality and Sensitive Habitat Protection Alternative is 40%.

177-22

177-23

177-24

177-25

177-26

**II. Discussion of miscalculated net vineyard acres under The Increased Water Quality and Sensitive Habitat Protection Alternative.**

|  |   |               |
|--|---|---------------|
| Total Proposed Project Acreage   | : | 33.80         |
| Approximate Project Reduction per Section 5.3.3  | : | 13.05         |
| Revised Proposed Project Acreage under The Increased Water Quality and Sensitive Habitat Protection Alternative        | : | 20.75         |
| Stated Revised Proposed Project Acreage under The Increased Water Quality and Sensitive Habitat Protection Alternative | : | 19.96         |
| Ratio of net vineyard acres to project acreage   | : | 73.96%        |
| Actual Number of net vineyard acres under The Increased Water Quality and Sensitive Habitat Protection Alternative     | : | 14.76 - 15.34 |

177-27

Therefore, the actual net vineyard acres under the The Increased Water Quality and Sensitive Habitat Protection Alternative would result in the development of approximately 15.00 net acres of vineyard. 15 net acres of vineyard is not economically viable.

**III. Discussion of miscalculated economic viability**

**General Assumptions**

|  |   |          |
|--|---|----------|
| Price per ton, high quality Howell Mountain grapes<br>(verified by existing grape purchase contracts on a vineyard located on Cold Springs Rd) | : | \$12,500 |
| Yield in tons per acre<br>(verified by 12 years of yield data on a vineyard located on Cold Springs Rd)  | : | 3.1      |
| Farming costs per acre   | : | \$15,000 |
| Financing Rate   | : | 6.50%    |
| Financing LTV of development costs, not to exceed \$4MM  | : | 65%      |

177-28

Please see Exhibits A and B for a detailed presentation of the assumptions germane to economic viability for both 15 and 25 net vineyard acres

Economic Viability Memo  
 Page 3

|  | Net Vineyard Acres |             |
|--|--------------------|-------------|
|  | 15.00              | 25.00       |
| Development Cost per Acre  | \$362,498          | \$272,362   |
| Projected Average Grape Revenue<br>(first crop through year 25)                                    | \$613,063          | \$1,088,511 |
| Projected Cash Expenses<br>(first crop through year 25-<br>non-cash expenses are <b>excluded</b> ) | \$694,868          | \$914,602   |
| Projected Annual Cash Flow   | (\$81,805)         | \$173,909   |

I77-29

Please see Exhibits A and B for a detailed presentation of the projected 25 year cash flow germane to economic viability for both 15 and 25 net vineyard acres.

**Conclusion**

Fixed costs, net vineyard acres and economic viability are all directly correlated. To the extent fixed costs rise, the number of net vineyard acres required for a project to attain economic viability also rises. Given the upfront fixed costs associated with the Le Colline project, it is not economically viable as a 15 net vineyard acre project as one cannot be reasonably expected to incur annual cash losses of \$82k into perpetuity. Instead, 25 net vineyard acres, which is in compliance with all applicable County, State and Federal regulations and for which all impacts, when mitigated, are less than significant, returns annual cash flow of \$173k. Given the range of alternatives evaluated in an EIR is governed by a "rule of reason," one can easily conclude that to attain economic viability, the project must produce positive cash flow in an amount to (i) provide a livelihood to the grower, and (ii) justify the significant upfront investment required to convert timber and shrub in Napa County to vineyard. The 25 net vineyard acre solution is the only solution that meets the economic viability criterion.

I77-30

**EXHIBIT A**  
 Economic Viability Analysis  
 Le Colline Project  
 15 Net Vineyard Acres  
 prepared 1/29/19



I77-31

|  |                |   |          |
|--|----------------|---|----------|
| <b>I. Financing</b>                                |                | <b>III. Starting Grape Revenue</b>            |          |
| Maximum Loan to Development, not to exceed \$4MM   | 65%            | Tons per Acre                                 | 3.10     |
| Loan Interest Rate                                 | 6.50%          | 3rd Year Tons per Acre                        | 1        |
| Term   | 240            | Price Per Ton                                 | \$12,500 |
| Loan Amount  | \$3,534,357.19 |   |          |
| Payment  | \$26,351.22    |   |          |
| <b>II. Development Costs</b>                       |                | <b>IV. Operational</b>                        |          |
| <u>Actual Expenses to Date</u>                     |                | <u>Farming</u>                                |          |
| Land 67 acres - Actual                             | \$995,000      | Farm per acre                                 | \$15,000 |
| Land 21 acres - Actual                             | \$735,000      | Planted Acres                                 | 15       |
| 2014 - 2018 ECP, THP, EIR, RPF, NC, Other - Actual | \$711,143      | Replacement vines per year                    | 2500     |
| 2019 - 2020 ECP, THP, EIR, RPF, NC, Other - Actual | \$33,000       | Cost per Vine                                 | \$3.25   |
| Property Taxes - Actual                            | \$94,037       | Vine Replacement Labor Multiplier             | 200%     |
| Irrigation Well - Actual                           | \$80,009       |   |          |
| Initial Due Diligence - Actual                     | \$10,000       | <u>Property Taxes, Travel, Crop Insurance</u> |          |
| Vineyard Development - Actual                      | \$7,416        | Property Taxes of Initial Market Value        | 1.00%    |
|  |                | Annual T&E Budget                             | \$12,000 |
|  |                | Crop Insurance % Total Revenue                | 0.75%    |
| <u>Budgeted Expenses</u>                           |                | <b>V. Inflation</b>                           |          |
| 2019 - 2020 ECP, THP, EIR, RPF, NC, Other - Budget | \$85,000       | Rate of Increase on Farming                   | 2.00%    |
| 2019 - 2020 Misc Expense - Budget                  | \$150,000      | Rate of Increase on Grape Revenue             | 1.00%    |
| Frost Fans - Budget                                | \$135,000      | Rate of Increase on T&E                       | 5.00%    |
| Farm Equipment - Budget                            | \$125,000      | Rate of Increase on Property Taxes            | 1.50%    |
| Irrigation Well Power - Budget                     | \$25,000       | Rate of Increase on Crop Insurance            | 3.00%    |
| Per Acre to Plant - Budget                         | \$96,300       |   |          |
| Per Acre to Prep - Budget                          | \$32,770       |   |          |

|  |             |
|--|-------------|
| <b>Summary Data - first crop through year 25</b> |             |
| Total Start-up Costs                             | \$5,437,473 |
| Projected Average Annual Grape Revenue           | \$613,063   |
| Projected Average Annual Cash Only Expenses      | \$694,868   |
| Projected Average Annual Cash Flow               | -\$81,805   |



**EXHIBIT A**  
 Economic Viability Analysis  
 La Colina Project  
 15 Net Vineyard Acres  
 prepared 1/29/19

I77-32

|                                  | CY 14        | CY 15      | CY 16      | CY 17      | CY 18      | CY 19      | CY 20        | CY 21      | CY 22      | CY 23      | CY 24      | CY 25      | CY 26      |
|----------------------------------|--------------|------------|------------|------------|------------|------------|--------------|------------|------------|------------|------------|------------|------------|
| Updated 1-27-19                  |              |            |            |            |            |            |              |            |            |            |            |            |            |
| Revenue                          | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$290,625  | \$587,063  | \$592,933  | \$596,662  | \$604,851  |
| CS                               | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Total Vineyard Revenue           | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$290,625  | \$587,063  | \$592,933  | \$596,662  | \$604,851  |
| Expenses                         |              |            |            |            |            |            |              |            |            |            |            |            |            |
| Land 67.5 acres                  | \$995,000    | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Land 21.5 acres                  | \$735,000    | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| 2014 - 2018 ECP, TRP, EIR, RPF   | \$64,223     | \$150,257  | \$209,112  | \$194,242  | \$93,210   | \$96,750   | \$21,250     | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| 2019 - 2020 ECP, TRP, EIR, RPF   | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Farm Equipment                   | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$125,000    | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Initial Due Diligence            | \$10,000     | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Clearing and Infrastructure, Net | \$0          | \$0        | \$0        | \$0        | \$0        | \$491,500  | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Vineyard Development             | \$7,416      | \$0        | \$0        | \$0        | \$0        | \$0        | \$1,444,500  | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Farming                          | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$112,500  | \$225,000  | \$229,500  | \$234,090  | \$238,772  | \$243,347  |
| Frost Fans                       | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Irrigation Well w/Power          | \$80,009     | \$0        | \$0        | \$0        | \$0        | \$25,000   | \$135,000    | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Crop Insurance                   | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$4,359      | \$4,490    | \$4,525    | \$4,754    | \$4,907    | \$5,054    | \$5,205    |
| Travel                           | \$12,003     | \$14,807   | \$12,251   | \$9,117    | \$8,222    | \$12,600   | \$13,230     | \$13,692   | \$14,586   | \$15,315   | \$16,081   | \$16,885   | \$17,729   |
| Funded Vine Replacement          | \$0          | \$0        | \$0        | \$0        | \$0        | \$0        | \$0          | \$0        | \$24,375   | \$24,863   | \$25,360   | \$25,867   | \$26,384   |
| Property Taxes                   | \$14,816     | \$23,190   | \$18,357   | \$18,697   | \$18,977   | \$19,262   | \$19,552     | \$19,833   | \$60,426   | \$61,312   | \$62,252   | \$63,186   | \$64,134   |
| 2019 - 2020 Misc Expense         | \$0          | \$0        | \$0        | \$0        | \$0        | \$75,000   | \$75,000     | \$0        | \$0        | \$0        | \$0        | \$0        | \$0        |
| Total Vineyard Expense           | \$1,918,567  | \$188,254  | \$239,720  | \$222,056  | \$120,409  | \$720,162  | \$1,837,890  | \$190,415  | \$329,012  | \$335,774  | \$342,690  | \$349,764  | \$357,000  |
| CFBTTDAH                         |              |            |            |            |            |            |              |            |            |            |            |            |            |
| Interest Expense/Debt            | -\$1,918,567 | -\$188,254 | -\$239,720 | -\$222,056 | -\$120,409 | -\$720,162 | -\$1,837,890 | -\$190,415 | -\$329,387 | -\$335,789 | -\$342,743 | -\$349,899 | -\$357,851 |
| Projected Annual Cash Flow       | -\$1,918,567 | -\$188,254 | -\$239,720 | -\$222,056 | -\$120,409 | -\$720,162 | -\$1,837,890 | -\$190,415 | -\$38,362  | -\$64,926  | -\$50,757  | -\$67,116  | -\$80,354  |

|                                  | CY '14    | CY '15    | CY '16    | CY '17    | CY '18    | CY '19    | CY '20    | CY '21    | CY '22    | CY '23    | CY '24    | CY '25    |
|----------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Updated 1-27-19                  |           |           |           |           |           |           |           |           |           |           |           |           |
| Revenue                          | \$610,900 | \$617,009 | \$623,179 | \$629,410 | \$635,705 | \$642,062 | \$648,482 | \$654,967 | \$661,517 | \$668,132 | \$674,813 | \$681,561 |
| CS                               | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Total Vineyard Revenue           | \$610,900 | \$617,009 | \$623,179 | \$629,410 | \$635,705 | \$642,062 | \$648,482 | \$654,967 | \$661,517 | \$668,132 | \$674,813 | \$681,561 |
| Expenses                         |           |           |           |           |           |           |           |           |           |           |           |           |
| Land 67.5 acres                  | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Land 21.5 acres                  | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| 2014 - 2018 ECR, THP, EIR, RFP,  | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| 2019 - 2020 ECR, THP, EIR, RFP,  | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Farm Equipment                   | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Initial Due Diligence            | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Clearing and Infrastructure, Net | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Vineyard Development             | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Permitting                       | \$248,418 | \$253,387 | \$258,454 | \$263,623 | \$268,896 | \$274,274 | \$279,759 | \$285,354 | \$291,061 | \$296,883 | \$302,820 | \$308,877 |
| Frost Risk                       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Irrigation Well w/Power          | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Crop Insurance                   | \$5,361   | \$5,522   | \$5,688   | \$5,859   | \$6,034   | \$6,215   | \$6,402   | \$6,594   | \$6,792   | \$6,996   | \$7,205   | \$7,422   |
| Taxrel                           | \$18,616  | \$19,547  | \$20,524  | \$21,550  | \$22,628  | \$23,759  | \$24,947  | \$26,194  | \$27,504  | \$28,879  | \$30,323  | \$31,840  |
| Funded Vine Replacement          | \$28,912  | \$27,450  | \$27,989  | \$28,559  | \$29,130  | \$29,713  | \$30,307  | \$30,913  | \$31,532  | \$32,162  | \$32,806  | \$33,462  |
| Property Taxes                   | \$85,096  | \$86,072  | \$87,063  | \$88,069  | \$89,090  | \$90,127  | \$91,179  | \$92,246  | \$93,330  | \$94,430  | \$95,546  | \$96,680  |
| 2019 - 2020 Misc Expense         | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       | \$0       |
| Total Vineyard Expense           | \$364,403 | \$371,978 | \$379,729 | \$387,661 | \$395,779 | \$404,088 | \$412,594 | \$421,303 | \$430,219 | \$439,350 | \$448,701 | \$458,279 |
| CRBITDAM                         | \$246,496 | \$245,030 | \$243,450 | \$241,750 | \$239,926 | \$237,974 | \$235,888 | \$233,664 | \$231,298 | \$228,782 | \$226,112 | \$223,282 |
| Interest Expense/Debt            | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 | \$316,215 |
| Projected Annual Cash Flow       | -\$69,718 | -\$71,184 | -\$72,765 | -\$74,465 | -\$76,289 | -\$78,241 | -\$80,327 | -\$82,550 | -\$84,917 | -\$87,433 | -\$90,103 | -\$92,932 |

**EXHIBIT B**  
 Economic Viability Analysis  
 Le Colline Project  
 25 Net Vineyard Acres  
 prepared 1/29/19



I77-33

|  |                |   |          |
|--|----------------|---|----------|
| <b>I. Financing</b>                                |                | <b>III. Starting Grape Revenue</b>            |          |
| Maximum Loan to Development, not to exceed \$4MM   | 65%            | Tons per Acre                                 | 3.10     |
| Loan Interest Rate                                 | 6.50%          | 3rd Year Tons per Acre                        | 1        |
| Term   | 240            | Price Per Ton                                 | \$12,500 |
| Loan Amount  | \$4,000,000.00 |   |          |
| Payment  | \$29,822.93    |   |          |
| <b>II. Development Costs</b>                       |                | <b>IV. Operational</b>                        |          |
| <i>Actual Expenses to Date</i>                     |                | <i>Farming</i>                                |          |
| Land 67 acres - Actual                             | \$995,000      | Farm per acre                                 | \$15,000 |
| Land 21 acres - Actual                             | \$735,000      | Planted Acres                                 | 25       |
| 2014 - 2018 ECP, THP, EIR, RPF, NC, Other - Actual | \$711,143      | Replacement vines per year                    | 2500     |
| 2019 - 2020 ECP, THP, EIR, RPF, NC, Other - Actual | \$33,000       | Cost per Vine                                 | \$3.25   |
| Property Taxes - Actual                            | \$94,037       | Vine Replacement Labor Multiplier             | 200%     |
| Irrigation Well - Actual                           | \$80,009       |   |          |
| Initial Due Diligence - Actual                     | \$10,000       | <i>Property Taxes, Travel, Crop Insurance</i> |          |
| Vineyard Development - Actual                      | \$7,416        | Property Taxes of Initial Market Value        | 1.00%    |
|  |                | Annual T&E Budget                             | \$12,000 |
|  |                | Crop Insurance % Total Revenue                | 0.75%    |
| <i>Budgeted Expenses</i>                           |                |   |          |
| 2019 - 2020 ECP, THP, EIR, RPF, NC, Other - Budget | \$85,000       | <b>V. Inflation</b>                           |          |
| 2019 - 2020 Misc Expense - Budget                  | \$150,000      | Rate of Increase on Farming                   | 2.00%    |
| Frost Fans - Budget                                | \$135,000      | Rate of Increase on Grape Revenue             | 1.75%    |
| Farm Equipment - Budget                            | \$125,000      | Rate of Increase on T&E                       | 5.00%    |
| Irrigation Well Power - Budget                     | \$25,000       | Rate of Increase on Property Taxes            | 1.50%    |
| Per Acre to Plant - Budget                         | \$96,300       | Rate of Increase on Crop Insurance            | 3.00%    |
| Per Acre to Prep - Budget                          | \$32,770       |   |          |

|  |             |
|--|-------------|
| <b>Summary Data - first crop through year 25</b> |             |
| Total Start-up Costs                             | \$6,809,072 |
| Projected Average Annual Grape Revenue           | \$1,088,511 |
| Projected Average Annual Cash Only Expenses      | \$914,602   |
| Projected Average Annual Cash Flow               | \$173,909   |

|                                  | CY 14        | CY 15      | CY 16      | CY 17      | CY 18      | CY 19        | CY 20        | CY 21      | CY 22     | CY 23      | CY 24       | CY 25       | CY 26       |
|----------------------------------|--------------|------------|------------|------------|------------|--------------|--------------|------------|-----------|------------|-------------|-------------|-------------|
| <b>Updated 1-27-19</b>           |              |            |            |            |            |              |              |            |           |            |             |             |             |
| <b>Revenue</b>                   |              |            |            |            |            |              |              |            |           |            |             |             |             |
| CS                               | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$484,375 | \$985,703  | \$1,002,953 | \$1,020,505 | \$1,038,363 |
|                                  | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
|                                  | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| <b>Total Vineyard Revenue</b>    | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$484,375 | \$985,703  | \$1,002,953 | \$1,020,505 | \$1,038,363 |
| <b>Expense</b>                   |              |            |            |            |            |              |              |            |           |            |             |             |             |
| Land 67.5 acres                  | \$995,000    | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Land 21.5 acres                  | \$735,000    | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| 2014 - 2018 ECP, THP, EIR, RPF   | \$64,323     | \$150,257  | \$209,112  | \$194,242  | \$93,210   | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| 2019 - 2020 ECP, THP, EIR, RPF   | \$0          | \$0        | \$0        | \$0        | \$0        | \$96,750     | \$21,250     | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| <b>Farm Equipment</b>            | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$125,000    | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Initial Due Diligence            | \$10,000     | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Clearing and Infrastructure, Net | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Vineyard Development             | \$7,416      | \$0        | \$0        | \$0        | \$0        | \$0          | \$2,407,500  | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Farming                          | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$187,500  | \$375,000 | \$382,500  | \$390,150   | \$397,953   | \$405,912   |
| Front Farm                       | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Irrigation Well w/Power          | \$80,009     | \$0        | \$0        | \$0        | \$0        | \$0          | \$135,000    | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Crop Insurance                   | \$0          | \$0        | \$0        | \$0        | \$0        | \$25,000     | \$0          | \$0        | \$0       | \$0        | \$0         | \$0         | \$0         |
| Travel                           | \$12,003     | \$14,807   | \$12,251   | \$9,117    | \$8,222    | \$12,600     | \$13,230     | \$13,892   | \$7,708   | \$7,939    | \$8,178     | \$8,423     | \$8,676     |
| Funded Vine Replacement          | \$0          | \$0        | \$0        | \$0        | \$0        | \$0          | \$0          | \$0        | \$14,586  | \$15,315   | \$16,061    | \$16,885    | \$17,729    |
| Property Taxes                   | \$14,816     | \$23,190   | \$18,357   | \$18,697   | \$18,977   | \$19,282     | \$19,551     | \$59,513   | \$24,375  | \$24,863   | \$25,360    | \$25,867    | \$26,384    |
| 2019 - 2020 Misc Expense         | \$0          | \$0        | \$0        | \$0        | \$0        | \$19,282     | \$19,551     | \$59,513   | \$60,428  | \$61,332   | \$62,232    | \$63,186    | \$64,134    |
| <b>Total Vineyard Expense</b>    | \$1,918,567  | \$188,254  | \$239,720  | \$222,056  | \$120,409  | \$1,047,862  | \$2,803,797  | \$268,408  | \$482,095 | \$491,950  | \$502,022   | \$512,314   | \$522,835   |
| <b>CRIBITDAM</b>                 |              |            |            |            |            |              |              |            |           |            |             |             |             |
| Interest Expense/Debt            | -\$1,918,567 | -\$188,254 | -\$239,720 | -\$222,056 | -\$120,409 | -\$1,047,862 | -\$2,803,797 | -\$268,408 | -\$2,280  | -\$449,754 | -\$500,932  | -\$508,191  | -\$515,528  |
| Projected Annual Cash Flow       | -\$1,918,567 | -\$188,254 | -\$239,720 | -\$222,056 | -\$120,409 | -\$1,047,862 | -\$2,803,797 | -\$268,408 | \$2,280   | \$133,878  | \$143,057   | \$150,315   | \$157,653   |



**EXHIBIT B**



REVISED PROJECT REVISION STATEMENT

I77-35

TO: Brian Bordona
FROM: Thomas Adams
RE: Revision No. 2 of Erosion Control Plan #P14-00410-ECPA
DATE: February 25, 2019

LE COLLINE, LLC
Agricultural Erosion Control Plan #P14-00410-ECPA

I hereby revise the project description for the proposed 25 net acres of vineyard in the Agricultural Erosion Control Plan #P14-00410-ECPA for Le Colline, LLC (the "ECP" or "Project"), located at 300 Cold Springs Road, Angwin: Assessor's Parcel Nos. 024-300-070, 024-300-071, 024-300-072, and 024-340-001 (the "Property") to include the attached Water Quality Sampling Program ("Sampling Program"). See Exhibit No. 1.

Le Colline has submitted the ECP application to the County. The ECP, if approved by the County, will enable Le Colline to establish a vineyard on the Property. The County has prepared a draft Environmental Impact Report ("DEIR") evaluating the impacts of the Project. This DEIR concludes that the Project will not have any significant impacts, and is consistent with County General Plan Policies applicable to vineyard development. Among other things, the DEIR concludes the Project will not have a significant impact on surface water quality.

Despite this, Le Colline has agreed to perform water quality monitoring on the Property if the ECP is approved by the County. Le Colline has agreed to perform this monitoring as a means of providing information to the City as part of its ongoing efforts to collect water quality information.

The attached Sampling Program is hereby made a part of the Project and will be implemented upon approval of the ECP by Le Colline, LLC and its successors. The Sampling Program is not intended to address any significant environmental impacts associated with the Project.

[Handwritten signature] MANAGER, Le Colline, LLC

Le Colline LLC, c/o David DiCesaris
(Property Owner)

2-25-19

Date

**Sampling and Analyses Plan for Le Colline LLC Vineyard Conversion Project**

In order for the property owner of the Le Colline LLC Vineyard Conversion (P14-00410-ECPA) Project "Project" to provide water quality information to City of Napa ("City") regarding water supply in Lake Hennessey, samples of the adjacent Conn Creek shall be analyzed both upstream and downstream of the Project outfalls as described below.

At owner's expense, the samples shall be analyzed at minimum for the following parameters:

|                      |  |
|----------------------|--|
| Stream discharge     | Total Kjeldahl nitrogen (organic N + ammonia + ammonium) |
| Water temperature    | Soluble Kjeldahl nitrogen                                |
| Air temperature      | Nitrate + nitrite  |
| Specific conductance | Ammonia, Ammonium  |
| Dissolved Oxygen     | Total phosphorus   |
| Turbidity            | Orthophosphate   |
|                      | Total organic carbon                                     |
|                      | Dissolved organic carbon                                 |
|                      | Total suspended solids                                   |
|                      | Total dissolved solids                                   |
|                      | Total volatile suspended solids                          |
|                      | Carbonaceous biochemical oxygen demand (CBOD5)           |
|                      | Sulfate  |
|                      | Chloride   |
|                      | Total hardness   |
|                      | Alkalinity   |
|                      | Calcium  |
|                      | Pesticides and Herbicides*                               |

\* If pesticides or herbicides are applied on the site, then one sample above and below the Project site will be taken and analyzed for pesticides/herbicides following the first rain event during the winter. The sampling will be representative of a readily-identifiable constituent of the pesticide/herbicide applications. If no pesticides nor herbicides are applied, then analyses for said constituents are not required.

**Frequency.** One sample event indicates a sample is gathered at both the upstream and downstream locations. Samples shall be collected as follows:

- Within the first 48 hours after the first significant rain event of the wet season (Oct 1 – April 30.)
- Within 48 hours of at least one major storm event. A major event is defined as 1-inch or more of rain within a 24-hour period.
- Once every two months (bimonthly) for the rainy period from Dec 1 – May 1 (so long as creek flow is sufficient to grab a sample.) The two samples described above may qualify as a bimonthly sample event.

Sampling and analysis required by this plan shall commence when construction activities begin and shall end 2 years after all improvements and plantings have been completed. Upon completion of sampling and analysis requirements, the owner shall grant the City- a right of entry to the sampling sites to allow the City to continue using the sites to monitor water quality long term.

**Location.** Upstream of the project site and downstream of the outfall and runoff area of the project site. See Exhibit A for sampling locations. Sampling locations identified in Exhibit A shall not change unless agreed to by both the City and the property owner.

### **Sampling and Analysis.**

Sampling and analysis shall be performed by either City staff or through a third-party entity under contract with the City. Owner shall pay all costs of sampling and analysis and shall enter into a contract with the City to establish payment terms and conditions. Owner and City shall coordinate sampling events and property access, including reasonable advanced notice to owner prior to accessing the property. Owner shall provide free and clear access to sampling sites as agreed upon with the City. Analyses must be performed at an ELAP-certified laboratory and include the chain of custody. Results shall be provided to owner within 30 days of samples being gathered.

**Corrective Actions.** If analyses indicate constituents are elevated downstream of the Project when compared to upstream, the owner shall examine the BMPs it is implementing to control discharge of constituents from the Project site. They shall try to identify the actual or suspected cause of the elevated constituent(s) and shall either modify relevant BMPs or add one or more new BMPs in order to eliminate the cause of the elevated constituent(s). Owner shall make every effort to complete the BMP review within 72 hours of notification of the elevated constituent.

Owner shall provide the City Water Division with a Corrective Action Memorandum describing its BMP review and modification(s) within 30 days after receiving a sample test result with elevated constituent(s). Sampling and analyses will be extended until consecutive annual sets of monitoring data show no elevated levels of constituents.

If unexpected site discharge due to over irrigation, production of agricultural tailwater or site run-off caused for any reason other than natural rainfall is observed in otherwise dry/non-discharge period (typically May – October), immediate monitoring of such discharge must commence.



EXHIBIT A



## Comment Letter I78

**From:** [Bordona, Brian](#)  
**To:** [Purdy, Kyra](#)  
**Subject:** FW: No La Colline project!  
**Date:** Monday, February 25, 2019 10:52:13 AM

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**From:** Charlotte Bear <bearcoastalgirl@gmail.com>  
**Sent:** Saturday, February 23, 2019 9:41 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** No La Colline project!

Do not carve out 88.5 acres for vineyards, access roads and staffing areas etc. Keep the Linda Falls preserve in tact and protected for wildlife!!!

Charlotte Bear



I78-01

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Vineyard Conversion  
**Date:** Monday, February 25, 2019 12:01:15 PM

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**From:** Saunie H. <email4saundra@gmail.com>  
**Sent:** Friday, February 22, 2019 5:05 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline Vineyard Conversion

I write to you today to oppose the plan to take an 88.34 acre property adjacent to Linda Falls Preserve in Angwin and carve out 33.8 acres for vineyards and associated access roads and staging areas by removing 24.51 acres of forest and 9.29 acres of grassland and manzanita. Please do not allow this. A winery only benefits a few. Our lands deserve protection, as they are, for the enjoyment of our children, and their children.

Thank you,  
Saundra Holloway

I79-01

Brian Bordona  
Supervising Planner  
Napa County Planning, Building, and Environmental Services Department

Re: Le Colline Vineyard ECPA Draft Environmental Impact Report

Mr. Bordona,

Please find my comments to specific sections of the Draft Environmental Impact Report (“DEIR”) for the Le Colline Vineyard ECPA below.

As a general matter, the DEIR fails to acknowledge, much less meaningfully consider, the proximity of the Project to the Angwin special zoning area. The site itself may not be in the “Angwin Area Designated on the Land Use Map for Non-Agricultural Uses” (Napa County General Plan AG/LU 32-34), but the only road to access the project directly abuts it. Further, in characterizing the surrounding vicinity as rural residences, vineyards and open space, the Project applicant ignores that Cold Springs Road is a residential neighborhood. As will be further discussed below, this overbroad generalization extends to many of the assumptions regarding the practical traffic capacity of Cold Springs Road and the purported lack of impacts to pedestrians and bicyclists.

180-01

**4.8 Hazards and Hazardous Materials**

The DEIR’s discussion of impacts from potential pesticide application during Project Operation is insufficient to allow for meaningful consideration of the costs and benefits of the Project.

180-02

The DEIR states that the proposed Project may include the use of organic-certified chemicals for vineyard maintenance in the event other non-chemical methods were previously exhausted and found insufficient. And, Mitigation Measure 4.8-3 provides for County approval prior to the use of pesticides onsite. This analysis and the proposed mitigation measure fail to address likely health consequences or the possibility of substantial adverse effect on human beings.

180-03

As the Project applicant is likely aware, the State adopted regulations that address agricultural pesticide applications near public K-12 schools and licensed child day care centers (schoolsites). These regulations provide minimum distance standards of a quarter mile for certain agricultural pesticide applications near schoolsites and require annual notifications to schoolsites. The goal is to reduce the chances of unintended pesticide exposure to children.

The DEIR is clear that there are no schoolsites within that quarter mile minimum distance standard. However, many children do live well within a quarter mile distance. Compliance with a minimum threshold should not relieve the Project applicant of the obligation to consider substantial evidence of a Project’s significant environmental effects. The State’s regulations are aimed at preventing unintended pesticide exposure to children. This Project may result in unintended pesticide exposure to the children who live on Cold Springs Road, walk to school and simply play in their back yards. The DEIR should clarify if the type of agricultural pesticides that may be applied would require compliance with the State’s noticing regulations if a schoolsite were within a quarter mile. The DEIR should also clarify whether the potential pesticide,

180-04



regardless of whether it is one that requires notice, poses any health consequences to sensitive receptors.

180-04  
(Cont.)

And, if there are any potential health consequences or risks of unintended pesticide exposure, at a minimum, the mitigation measures should require advance notice to the residents on Cold Springs Road and Winding Way so that they may have the option of closing windows, staying inside and not having their children walk to school when pesticides are being applied.

180-05

The DEIR also contains little to no evaluation of the cumulative impact of pesticide use. A quick review of the California Environmental Health Tracking Program Pesticide Use map in California already shows that portions of the Project are in the 50<sup>th</sup> to 75<sup>th</sup> percentile. More information is needed to meaningfully evaluate adding additional pesticide contributors in the Project vicinity.

180-06

**4.10 Land Use**

As briefly discussed above, the DEIR fails to consider the proximity of the Project to the Angwin Area Designated on the Land Use Map for Non-Agricultural Uses” (Napa County General Plan AG/LU 32-34). Thus, the following items were not addressed:

- “Narrow, winding roads affect travel to and from Angwin, and public concerns have been expressed about water quality and groundwater supplies.”
- “The County shall seek to maintain Angwin’s rural setting and character while providing opportunities for limited commercial services focused on the Angwin community.”
- “To maintain the rural atmosphere of the Angwin community, the County will not promote policies that encourage land uses that are incompatible with or out of character with the area, recognizing that a large part of the community’s character is derived from its **wooded setting**.” (emphasis added).

180-07

**4.11 Noise**

The DEIR fails to address the significant impacts of the Project’s operation, specifically a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, particularly nighttime noise. The fact that agricultural operations are exempt from a County noise ordinance is irrelevant to meaningful CEQA compliance.

180-08

Conformity with a general plan or local ordinance does not insulate a project from EIR review if the project will generate significant environmental effects. Rather than evaluate all of the operational effects, the DEIR cites the exemption, provides minimal information on the noise levels of grape haul trucks and provides a cursory conclusion that operational noise impacts will be less than significant.

180-09

The DEIR acknowledges that nighttime ambient noise levels are typically lower than daytime ambient noise levels and because of the potential for sleep disturbance, people tend to be more sensitive to increased noise levels at night than during the day and that increases in nighttime noise have a far greater impact on the community noise environment than increases in day time noise. The DEIR also acknowledges that there are sensitive receptors given the close location of residences to the Project.

180-10

Despite that, however, the DEIR does not include any discussion of the noise level impacts of wind machines for frost protection (typically used at night), nor does it acknowledge

180-11

the extended hours employees keep during harvest and the impact that large trucks and multiple employee vehicles have on nighttime ambient noise levels in a residential neighborhood.

I80-11  
(Cont.)

The exemption from the County noise ordinance is not a “free pass” to avoid meaningful consideration of the Project’s unmitigated noise impacts.

The DEIR indicates that Block C, the closest vineyard block to sensitive receptors according to the DEIR, will be hand-farmed. However, it does not provide any mitigation measures for other residences in the vicinity that will also be exposed to increased nighttime noise.

I80-12

**4.12 Transportation and Traffic**

As an initial matter, certain factual statements regarding Winding Way are simply wrong. Winding Way is not a “Non-Continuing Minor” County road. It is a private road shared and maintained by the residents of Winding Way. The County does not maintain Winding Way and County capacity assumptions are inapplicable.

I80-13

Moreover, the assumptions and capacity baseline throughout the entire Transportation and Traffic section are wholly inconsistent with the reality of the streets and surrounding uses.

I80-14

By using general County definitions and descriptions rather than limiting the analysis to the actual conditions, the DEIR overstates the road capacity which in turn, minimizes the extent of the impact.

The hyper-technical reading of bikeways and pedestrian facilities similarly minimizes the extent of the impact. Cold Springs Road is a neighborhood. Children walk to school or ride their bikes to friends’ houses; we walk our dogs; we visit our neighbors; students bike to the College. Regardless of a formal “facility” designation, adding construction traffic and operational traffic will impact bikeways and pedestrian facilities.

I80-15

Many of the proposed mitigation measures rely on the “rules” being accurately communicated and constantly followed. How are these measures legally binding and what recourse do the residents of Cold Springs Road have if the measures are not complied with?

I80-16

Finally, the discussion of emergency access should not only consider public services access to the Project site. Rather, it should evaluate the impact, if any, that the addition of these vehicle trips will cause on evacuation routes and plans?

I80-17

Until these deficiencies in the DEIR are addressed, the public is left without an opportunity to meaningfully participate and understand the risks and benefits of the Project. Similarly, it is not possible to fully evaluate the Project Alternatives until the impacts are adequately considered.

I80-18

Respectfully submitted,

Erin E. Stagg  
160 Winding Way  
Angwin, CA 94508

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kara](#)  
**Subject:** FW: Comments for the Le Colline Erosion Control Plan Application  
**Date:** Monday, February 25, 2019 2:18:47 PM

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**From:** Dave Tillay <dave.tillay@gmail.com>  
**Sent:** Monday, February 25, 2019 12:37 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Comments for the Le Colline Erosion Control Plan Application

Wayne & Mary Tillay  
160 Cold Springs Road  
Angwin, CA 94508

We have concerns about the proposed Le Colline #P14-00410-ECPA Project and its impacts on our quality of life.

My wife, Mary, and I purchased our lot and built our home in 1960 at 160 Cold Springs Road. We chose this location as it was a quiet road where our children could walk to school, and it was close to my work as a Chemistry Professor at Pacific Union College and Mary's work at St. Helena Hospital. As a bird watcher, I enjoyed viewing the wildlife here including owls like the Spotted Owl, Western Screech, and Northern Pygmy species which all nested in the woodland areas of the proposed Le Colline Vineyards (habitat destruction). The narrow road did not bother us as there were few homes present then, no vineyards or businesses, and Winding Way's development was years away.

181-01

Our first concern relates to the increased traffic and abuse of the Cold Springs Road. It is narrow (19 feet wide at our mailbox), lacks shoulders, and how in the past developments at the end of Cold Springs Road with heavy equipment traffic led to the breaking of our water line which passes under the road near 135 Cold Springs Road (the Staples residence). This water line serves homes at 135, 160, and 180. Cold Springs Road drainage has continued to be a problem near our home after the Winding Way home development in the late 1960's. The road is not safe for increased traffic and use by heavy construction vehicles especially with the road narrowing over the creek near 90 and 115 Cold Springs Road. There are two schools on Cold Springs Road, PUC Elementary near the entry to Cold Springs Road and Discoveryland Preschool at 85 Cold Springs Road. Additionally, many folks walk these roads/ride their bicycles to school, for pleasure, and to work. Placing another commercial use on a dead end road may also pose increased fire evacuation risks in addition to the liability issues of increased traffic on a non-conforming county road.

181-02

Our second concern relates to how close the clearing will come to houses and homes on our side of Cold Springs Road. Will a significant set-back be included to match the one on the opposite side of Cold Springs Road when that vineyard was developed (I believe it is now owned by Kendall Jackson)? This setback mitigates the wafting of spray and noise associated with vineyard operations not to mention keeping the natural aesthetics of the land where we chose to purchase and build homes.

181-03

Our third concern relates to our wells, water table, and potential pollution problems with Conn

181-04

Creek. Vineyards take a lot of water from our son's experience on Buckeye Lane. When he purchased his property in 1992, there was only one vineyard near his home and his well produced over 100 gallons per minute during the summer months. With vineyards beside and beyond him, his well produces less than 10 gallons per minute during the dry summer months now. Additionally, How well will the proposed detention basins work to protect Conn Creek and Lake Hennessey Reservoir? The County's History of not regulating and enforcing rules and agreements with vineyards is well known.

I81-04  
(Cont.)

While I may not live to see the conclusion of this matter (I turn 94 on Tuesday and wife is 88 years old), my children (David - retired public school teacher and administrator, LeAnne - Davita HealthCare Partners Executive) join us in saying that this project CANNOT have impacts rendered "less than significant." Napa County must do more to protect those of us who chose to live and raise families in rural areas without vineyards on our doorsteps.

I81-05

Sincerely,

Wayne & Mary Tillay  
David W. Tillay

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**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#); [Morrean, David](#)  
**Subject:** FW: Comments on Le Colline Project - P14-00410  
**Date:** Monday, February 25, 2019 3:10:27 PM

-----Original Message-----

From: Geoff Ellsworth <GEllsworth@cityofsthelena.org>  
Sent: Monday, February 25, 2019 3:03 PM  
To: Bordona, Brian <Brian.Bordona@countyofnapa.org>  
Subject: Comments on Le Colline Project - P14-00410

Comment on:  
Project Information

- \* Application: P14-00410
- \* Project Class: Erosion Control Plan
- \* Parcels: 024-300-070, -071, -072; 024-340-001
- \* Address:

300 Cold Springs Road, Angwin, CA 94508

As mayor of St. Helena I want to be clear that I am submitting these comments as an individual elected official and am not speaking for the City of St. Helena or the St. Helena City Council.

That being said I want to voice my serious concerns regarding the Le Colline vineyard project.

I82-01

This project is set in a very delicate water source area at the absolute headwaters of Conn Creek which is the main feeder stream for Lake Hennessy, which is the main reservoir/water source for the City of Napa (pop. approx. 80,000).

\$12.5 billion dollars of assessed property values in the City of Napa depend on clean, available waters from Lake Hennessy.

Clean water access is a primary component in property value.

I82-02

Development above reservoirs/water sources can cause contamination of the waters by way of chemicals, fertilizers and erosion/siltation. The possibility of water diversion above the reservoir/feeder streams is also heightened with development in proximity. Knowing that water flows naturally in a downward direction all arguments/calculation follow from this.

Most other Bay Area Counties established protected water source areas for their municipal reservoirs over a century ago.

Napa County did not and thus we have to consider how continued development in our watershed/watersource areas affects investment in our municipal areas.

I82-03

Though the City of St. Helena is not in the direct watershed of the Le Colline project, many impacts of the project could affect St. Helena and the surrounding community. St. Helena (with assessed property values of \$2.5 billion dollars) contracts with the City of Napa to purchase up to 600 acre feet of water a year, so keeping the waters of Napa's main water source clean and available is critical for our town as well.

I82-04

All development in Napa County adds to the cumulative impacts we are experiencing in this region where we all share the same roads, water and living space.

Cumulative traffic, workforce and housing issues must be considered with each project as well as cumulative issues such as regional egress/exit in case of emergencies such as fire, flood and earthquake, emergencies that occur here with some regularity. As we add more projects and people to our region, what is the emergency evacuation plan?

The fires in the Paradise Ca. area showed us that lacking capacity for proper exit leads to extreme vulnerability. St. Helena also provides fire protection support in the Howell Mt. area, and thus St. Helena are stakeholders in this regard as well.

I82-05

## Comment Letter I82

It must also be considered that since the property is over ten acres, a winery could be applied for on the property. Since the 2008/2010 alterations to the County Definition of Agriculture and Winery Definition Ordinance it must be considered that higher commercial use/visitation could ensue and add further to the cumulative impacts on water, traffic, housing, safety, environment etc., as well as possibly increased impacts of alcohol based tourism.

I82-06

We must also consider how continued deforestation from projects like this impact our climate, and more specifically the Napa Valley microclimate. Trees hold fog and moisture and cool the land. Our temperate micro-climate is important to the quality of our Napa Valley grapes. Trees also sequester Green House Gasses and prevent erosion. Stripping away our forests will only expedite damage to our micro-climates.

I82-07

Sensitive wildlife habitat is also at risk with projects like this. Again an example of cumulative impacts. The disruption of eco-systems in one area can affect other areas. There are also concerns with how the property was acquired by the current owner and I think a more thorough examination of that process might be of value in this case as well.

I82-08

Thank you,  
Geoff Ellsworth

**From:** [Veronika Sumbera](#)  
**To:** [Purvis, Kyra](#); [Morrean, David](#); [brian.bardona@countyofnapa.com](mailto:brian.bardona@countyofnapa.com)  
**Subject:** Comments on the Le Colline Draft Environmental Impact Report  
**Date:** Monday, February 25, 2019 3:17:57 PM

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Dear Mr. Bordona, Mr. Morrison, and Ms. Purvis,  
Please include the following comments as part of the public record for the Le Colline Draft Environmental Impact Report. Napa County as the Lead Agency should address these concerns:

There is insufficient data and insufficient mitigative measures in the DEIR to conclude that impact on wildlife corridors within or near the project boundaries will be inconsequential. Mitigative measures 4.4-4 and 4.4-3 do not adequately mitigate the increased fragmentation of habitat in a key Napa County watershed such as this.

Habitat loss is generally considered one of the foremost reasons leading to the loss of biodiversity. To conclude that the proposed project will not lead to significant impact to habitat fragmentation and subsequent loss of biodiversity (especially when the cumulative effects of decades of deforestation in Angwin are taken into account) is not proven or substantiated.

There is a carrying capacity of habitats and to think that we can funnel wildlife to smaller more fragmented habitats without significant impact is unrealistic.

I support a "No Project Alternative" conclusion.

Sincerely,  
Veronika Sumbera  
2130 Ranch Court  
Napa, Ca

*"As we let our own light shine, we unconsciously give other people permission to do the same."*

—Martine Williamson

Sent from my iPad.

I83-01

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kym](#)  
**Subject:** FW: Please halt the Le Colline project  
**Date:** Monday, February 25, 2019 4:08:34 PM

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**From:** Heather Leitch <heathereleitch@gmail.com>  
**Sent:** Monday, February 25, 2019 4:00 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Please halt the Le Colline project

Dear Mr. Bordona:

I am writing as a concerned citizen to ask you to stop the Le Colline development. I am concerned about the project's impact on federal wetlands, native and migratory wild life, and Native American burial sites. I love wine, I love Napa Valley vineyards, but we don't need more at the expense of cultural, paleontological and natural resources.

Thank you for your time.

Heather Leitch



I84-01



# Comment Letter I85

**From:** [Sandy Dunn](#)  
**To:** [Purvis, Kyra](#); [Morrison, David](#); [Bordona, Brian](#)  
**Subject:** Le Colline and Watershed Ordinance  
**Date:** Monday, February 25, 2019 4:52:17 PM

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This is a comment letter on both of these projects.

Having both a scientific and mechanical background, I thought of a meaningful parallel to our THPs and watershed issues in Napa County.

Some people, and mechanics, say "If it ain't broke, why fix it." This seems to be the attitude of a group that think that all is fine, not broke, show me the problem. To them, the concept of preventative maintenance does not seem to apply to our watershed. However, if it does break, you will not be able to go get some parts, nor, order a new one.

As simplistic as this may sound, this is really all that it amounts to. A simple solution, be safe via prevention. Horrific, complex, consequences await, if our watershed busts. We will all be SOL. You know this, we know this, so let us take action.

R.L. Dunn

Sent from my iPad

I85-01

**From:** [Nancy McCoy Blotzke](#)  
**To:** [Kyra, Kyra](#)  
**Subject:** Fwd: Le Colline DEIR  
**Date:** Monday, February 25, 2019 5:00:08 PM

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Hello Kyra, Here is a copy of my comments to Brian.  
Thank you,  
Nancy McCoy-Blotzke

To: Brian Borden

Supervising Planner

1195 Third St.

Napa CA 94599

From: Nancy McCoy-Blotzke

265 South Hartson St

Napa, CA 94559

February 25, 2019

Comments Draft Environmental Impact Report Le Colline Vineyard Project

Dear Brian,

You seem like a person who would be concerned about the environment—protecting forests and threatened species, reducing the impact of climate change. I am amazed that Analytical Environmental Services expects you to believe that the mitigations they are proposing are close to being realistic.

As a former county employee, I know you may be pressed for time. Hopefully, the comments being submitted will draw attention to what otherwise may be overlooked.

In this time of climate crisis, the UN International Panel on Climate Change has urged us to preserve all remaining forests. Scientific evidence shows why the forests in this area are among the most valuable and must remain intact.

From the General Technical Report WO-59, "Carbon Storage and Accumulation in United States Forest Ecosystems," prepared by the U.S. Department of Agriculture.

[https://www.nrs.fs.fed.us/pubs/gtr/gtr\\_wo059.pdf](https://www.nrs.fs.fed.us/pubs/gtr/gtr_wo059.pdf)): The quantity of carbon varies considerably between regions, with Pacific Coast States containing 205 thousand pounds per acre (23.0 kg/m<sup>2</sup>). Douglas fir contains the highest average carbon because of the large quantity stored in the trees. On average, live trees are accumulating carbon at a rate of 1,252 pounds per acre per year (0.14kg/m<sup>2</sup>/yr ), a rate of increase of 2.7 percent.

186-01  
(Cont.)

The largest proportion of carbon in the average U.S. forest is found in the soil, which contains 59 percent of the carbon in the forest ecosystem. A vineyard conversion eliminates not only the trees but also the soil's carbon sequestration.

Another reason why we cannot take threatened species for granted: "Some people have assumed that biodiversity effects are relatively minor compared to other environmental stressors," said biologist David Hooper of Western Washington University, the lead author of a Nature paper. "Our new results show that future loss of species has the potential to reduce plant production just as much as global warming and pollution."

186-02

COMMENTS ON ANALYTICAL ENVIRONMENTAL SERVICES DEIR:

4.1-1-4 How would the muddy runoff during and after construction affect to beauty of the Linda Falls and Conn Creek? The cutting of the forest will definitely impact the view shed of the Linda Falls trail. Recently, there were over a dozen people from babies to grandparents enjoying the hike within the 1½ hours we were there.

186-03

4.3-1 Because a lot of dust damage can be done in 48 hours, why is the corrective action time frame for complaints on dust not less than 24 hours?

186-04

4.3-2-5 This is contributing unnecessarily to carbon and other climate pollutants including pollutants that cause health problems for many people. What is the plan to prevent the environmental and health consequences?

186-05

4.4-1 to 4.4-6 Is the county planning to have a biologist, with no financial ties to the project, on-site to verify the mitigations? How often will they be checking? Do you trust workers paid by the developer to identify and protect species in the midst of the heavy work? Do you trust the developer to build around such species? If bird or bat species uses this area for roosting or reproduction, taking away that habitat will reduce the future number of animals that can reproduce and survive. A bird chooses a nesting site that provides a surrounding habitat that allows it to gather enough food to feed it's young. If you save the nest but eliminate the food source, you have essentially killed the young.

186-06

Do you think a worker is going to be kept on the job if he tries to stop work because of a plant that he found in the middle of the construction zone? Won't he be replaced by someone who does not impede "progress"?

186-07

4.6-1 Are you planning to assure that the developer does not import soil, which has been done in other projects, and which has a serious potential for

186-08

## Comment Letter I86

sediment runoff?

I86-08  
(Cont.)

4.7-1 to 4.7-2 As noted in General Technical Report WO-59 above, more than 205 thousand pounds of sequestered CO<sub>2</sub> per acre of forest (much of it in the soil) would be released back into the atmosphere. Why has no mitigation been sited for that?

I86-09

Mitigation measures 4.8-1 to 4.8-4 Would county oversight and enforcement of these measures be better than current enforcement where hazardous materials are rinsed into stream tributaries?

I86-10

4.9 Is the developer planning to use a well? What are the guarantees that it will not deplete other wells in the area?

I86-11

Please see Kellie Anderson's comments. Few of us have had the experience to give such a well documented in-depth report as she has done.

I86-12

Sincerely,  
Nancy McCoy-Blotzke



**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline public comment  
**Date:** Tuesday, February 26, 2019 8:38:49 AM

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**From:** Debby Fortune <debbyfortune@gmail.com>  
**Sent:** Monday, February 25, 2019 4:43 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline public comment

I am writing to express my opposition to any further consideration of the Le Colline proposal.

I have read all the available documents and I find that from start to finish, it is laden with issues and insufficiencies, and in its entirety is truly an environmental rampage upon sacred ground.

The environmental impact report generated by a third party company is nothing short of lazy and formulaic. I would hope that the county staff would be astute in observing this shoddy work.

Today Reuters news service announced from Oslo that scientists now know that the certainty of human induced climate change has reached "gold standard" level.

<https://www.reuters.com/article/us-climatechange-temperatures/evidence-for-man-made-global-warming-hits-gold-standard-scientists-IdUSKCN1QE1ZU>

We have got to act at every local level to be part of the solution. It must begin immediately or we are simply putting our heads in the sand and pretending that we are not part of the problem.

Please, do not allow this travesty upon Linda Falls in Angwin to become yet another historic, destructive mistake that cannot be undone.

Sincerely,  
Deborah Fortune Walton  
26 Jacks Lane  
Napa, California 94558  
797-226-7152

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Sent from Gmail Mobile

**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline vineyard  
**Date:** Tuesday, February 26, 2019 8:39:00 AM

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**From:** ellen sabine <esabine@sonic.net>  
**Sent:** Monday, February 25, 2019 4:52 PM  
**To:** Bordona, Brian <Brian.Bordona@countyofnapa.org>  
**Subject:** Le Colline vineyard

Hello,

Thank you for considering these comments.

I believe it isn't a good time or location for the proposed Le Colline vineyard. Worldwide and locally we're experiencing extremes in weather and an indisputable overall temperature rise. Trees offer some protection in these conditions. Their loss magnifies heat and protection of water supplies. Clearcutting in Angwin is a bad idea.

Reviews of Analytical Environmental Services by their employees are mixed but point to hiring of very recent graduates with little experience, low pay, lack of mentoring and high turnover.

Their assessment of most impacts as of little or no consequence does not match easily observable, common sense impressions of impacts to the land and community.

Large lumber trucks make plenty of noise and vibration on country roads. Their introduction during vineyard construction will interfere with daily life, traffic, school pickup and deliveries and in general, drastically alter the life of local residents. Saying there is little or no impact from traffic is just one example from Analytical Environmental Services that simply is not true.

Please do not approve this application.

Regards,

Ellen Sabine, Napa

February 24, 2019

David Morrison, Director  
Planning, Building & Environmental Services

Brian Bordona, Supervising Planner  
Planning, Building & Environmental Services

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED LE COLLINE VINEYARD PROJECT**

In reviewing the Air Quality section of the DEIR, Section 4.3, I have noted the report statements related to Impacts, Level of Significance Before Mitigation, Mitigation Measures, and Level of Significance After Mitigation, and I firmly state that the analysis and mitigations proposed are not sufficient and do not protect health and well-being of those who live on Cold Springs Road or nearby. In addition, the proposed project does not sufficiently protect clean air, that is air free from serious pollutants. Instead the report focuses on reducing the amount of fugitive dust.

189-01

Fugitive dust settles in neighborhoods and in nearby houses and structures, not just on the project site. This has not been addressed. Of critical importance is all fugitive dust is not equal. Some contents are more hazardous than others. More analysis of the composition of pollutants to be sent airborne on this proposed project site and the related health hazards of these pollutants is needed prior to moving forward on a project of this scope. Merely referencing them as PM10 and PM2.5 is not sufficient.

189-02

I have lived on Cold Springs Road for 29 years and know from many years of experience that this neighborhood forms a small valley-like area, capturing and retaining pollutants that occur within it. The air currents seldom drive the pollutants out and most often push pollutants from west side to the east side of the street. The proposed Le Colline project does not put in place a barrier between the longstanding residential properties and itself. At minimum, there should be a 200' greenbelt of forest to filter the pollutants that will occur during construction and throughout the life of vineyard, if it is determined that the land is to be converted from forest to vineyard. Such a barrier was required in the mid 80s when a vineyard on Las Posadas was proposed that backed up to the properties on the east side of Cold Springs Road.

189-03

The natural sweep of air current each day for the area of Cold Springs Road comes in from Linda Falls and Conn Valley, passing through and filtered by the essential forested area. The result has been clean air. Likewise, the forests surrounding the community of Angwin have been the primary source of clean air, and this important

189-04

function needs to be retained for those who reside here. In order to preserve clean air to the residents of Cold Springs Road, it is imperative that a 200' barrier of forested trees, at minimum, be retained between the proposed vineyard parcels and the residences on Cold Springs, and further that no openings in the forested greenbelt are allowed to the back of properties which face Cold Springs Road, as they will channel/funnel pollutants into the neighborhood. Currently, there is vineyard development proposed up to the back fences of some of the properties.

189-04  
(Cont.)

In sustaining a community, it is essential that one owners dream does not destroy quality of life of its other members, and in this case a longstanding residential neighborhood comprised of families with young children and teenagers, adults, seniors and people with disabilities.

189-05

In the interest of those of us who reside here, please address the specific pollutants to be released and their specific health hazards, and insure clean air will be maintained through retention of a greenbelt of forested land in order to continue the functions essential to ongoing air filtration.

189-06

Respectfully submitted,

Margo Kennedy  
245 Cold Springs Road  
Angwin



**From:** [Bordona, Brian](#)  
**To:** [Purvis, Kyra](#)  
**Subject:** FW: Le Colline Vineyard ECPA, P14-00410  
**Date:** Tuesday, February 26, 2019 8:39:18 AM

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**From:** Walt Brooks <[brooksvineyard@sbcglobal.net](mailto:brooksvineyard@sbcglobal.net)>  
**Sent:** Monday, February 25, 2019 4:59 PM  
**To:** Bordona, Brian <[Brian.Bordona@countyofnapa.org](mailto:Brian.Bordona@countyofnapa.org)>  
**Cc:** [joelle.gallagher@countyofnapa.org](mailto:joelle.gallagher@countyofnapa.org)  
**Subject:** Le Colline Vineyard ECPA, P14-00410

Hello Brian,

I am very concerned about your findings on the Le Colline Vineyard ECP project. I do believe there is a place for vineyards in some of our hills and AW but this project is too intense for such a sensitive area. Even our own Napa RCD has proposed that an alternative and reduced development plan needs to be considered. I find it ironic and sad that in a time when we are reconsidering our watershed rules and attempting to strengthen them that a project like Le Colline is getting a go ahead recommendation. I think we need to stop trying to reduce the significant impacts of projects with unrealistic and unenforceable mitigations and start working with project requestors on realistic and sustainable plans. I am sure there is a lot of pressure on you and other planners to make it all work. But just because a requestor brings a project forward should not mean that planners need to say yes to all the parts of their request with numerous mitigations.

I request that you and the Planning Commission take the recommendation and advice from the RCD and others to reduce the scope of this project to a sustainable level not just a profitable one.

Thank You,  
Bernadette Brooks  
Dry Creek Road Alliance

# SECTION 4.0

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## RESPONSES TO COMMENTS

### 4.1 INTRODUCTION

Responses to comments are organized below in five sections. General comments about the Proposed Project and issues that were raised by multiple commenters are addressed first in **Section 4.2**. **Section 4.3** provides individual responses to each comment received from agencies and organizations. Responses are provided to individuals' comment letters in **Section 4.4**. Comments have been bracketed and numbered in the letter margin for ease of reference and are provided in **Section 3.0** of this document. Refer to **Table 3-1** for an index of comments received on the Draft Environmental Impact Report (DEIR). Once an issue is addressed, either in the General Responses (**Section 4.2**) or in an individual response to a comment (**Sections 4.3** through **4.4**), subsequent responses to similar comments reference the initial response. This format eliminates redundancy where multiple comments have been submitted on the same issue.

### 4.2 GENERAL RESPONSES

#### GR-1 – EXPRESSIONS OF OPINION/NON-SUBSTANTIVE COMMENTS

##### *Summary of Comments*

Many comments expressed opinions for or against the development of vineyard on the property and did not raise substantive environmental issues.

##### *Response*

In accordance with Section 15088(a) of the *California Environmental Quality Act (CEQA) Guidelines*, the Lead Agency “shall respond to comments raising significant environmental issues received during the noticed comment period.” Section 15088(c) clarifies that “(t)he level of detail contained in the response... may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general). A general response may be appropriate when a comment does not contain or specifically refer to readily available information, or does not explain the relevance of evidence submitted with the comment.” Accordingly, comments that do not raise significant environmental issues of the project or proposed alternatives do not require further response under CEQA or are addressed through this general response. However, all comments are in the administrative record for the project and will be considered by the County.

#### GR-2 – TREE REMOVAL, FOREST MANAGEMENT, AND FIRE RISK

##### *Summary of Comments*

Many comments stated concerns associated with tree removal and timber conversion.

### ***Response***

As discussed in Section 4.2.1 of the DEIR, agricultural uses, such as timber harvesting and vineyard production, are considered permitted land uses under the zoning designation within the project site (Napa County Zoning Ordinance). Analysis regarding impacts associated with tree removal and forestland conversion is included in Sections 4.2.3 and 4.4.3 of the DEIR. Section 4.2.3 of the DEIR has been revised to include a reference to Section 4.4.3, which assesses potential tree removal impacts in accordance with the following regulatory requirements:

- Oak Woodlands Protection Act (Public Resources Code [PRC] Section 21083.4),
- Napa County Code Section 18.108.027, which requires the retention of a minimum of 60% of the tree canopy cover present in 1993, and
- Napa County General Plan Policy CON-24, which requires preservation of oak woodlands at a minimum 2:1 ratio.

In addition to local plans and policies, the Proposed Project would be implemented in accordance with California Department of Forestry and Fire Protection (CAL FIRE) Forest Practice Rules. The purpose of the Forest Practice Rules is to implement the provisions of the Forest Practice Act in a manner consistent with other laws, including, but not limited to, the Timberland Productivity Act of 1982, CEQA, the Porter Cologne Water Quality Act, and the California Endangered Species Act (CESA) (CAL FIRE, 2015). According to Forest Practice Rules (4598. Legislative findings and declarations), the Legislature has found and declared the following:

- In order to meet the goals of the California Global Warming Solutions Act of 2006 (Division 25.5 [commencing with Section 38500] of the Health and Safety Code), it is necessary to increase the carbon sequestration potential of California's timberlands and to decrease carbon emissions from wildland fires.
- Over one-half of the privately owned, commercial timberland in the State is owned by non-industrial landowners. These lands will be increasingly important in the State's efforts to meet the goals of the California Global Warming Solutions Act of 2006. The owners of these lands often lack the forestry expertise, economic incentive, or capital needed to make investments to decrease present and future greenhouse gas (GHG) emissions from their lands and the potential for wildland fires that release GHGs.
- Prudent management of timberlands can decrease the potential for large wildland fires that release GHGs by creating forests that are less susceptible to ignition and that reduce the intensity of wildland fires, thereby allowing for more successful fire suppression efforts.
- The State has an interest in securing carbon sequestration and fire protection benefits of prudent long-term management of timberlands owned by non-industrial landowners.

The Le Colline property is designated by CAL FIRE as within a “Very High” Fire Hazard Severity Zone (CAL FIRE, 2007). The property abuts residential neighborhoods and is bordered by Conn Creek (an area that allows public access), essentially isolating the property as an island of undeveloped potential fire fuel. An elementary school, church, and college are located due north of the proposed vineyard.

Napa County has experienced multiple large-scale fires in recent years that have devastated communities and the environment. Angwin has a Community Wildfire Protection Plan (Plan) that was developed by the Angwin Fire Safe Council (AFSC, 2016). The Plan describes Angwin as including approximately 1,000 residences and approximately 3,000 permanent residents. According to the Plan, “[m]uch of the forested areas of Angwin contain flammable dead and dying understory and/or large stands of pyrophytic species that increase ignitability of the forest canopy.” The Plan, although not including the project site, does discuss the Conn Creek riparian corridor as important habitat for wildlife that is “choked” by invasive plants that add to the fuel load. Measures outlined in the Plan to reduce fire risk include engaging in practices that promote a healthy forest and watershed by reducing and removing pyrophytes and non-native species. The Plan’s goal is to enhance the forested element of Angwin through the reduction of flammable dead and dying understory and the removal of non-native vegetation. Projects outlined in the Plan have been recommended to respond to fire hazard conditions and are intended to offer suggestions of treatments that would reduce fire risk and improve firefighting response capabilities, and/or reduce the ignition potential and vulnerability of structures from wildland fire. Roadside treatments are being implemented along Cold Springs Road near the property, and consists of the removal of pyrophytic species, crown thinning, limbing up, brush clearing, and debris chipping. Implementation of the Plan would result in additional fire protection to surrounding residences. The Proposed Project, once implemented, would further reducing fire risk to the community due to improved access via new agricultural roads, fuel reduction, and additional fire breaks resulting from the vineyard plantings.

Additionally, Pacific Union College intends to implement an approximately 3-mile shaded fuel break on a prominent ridge between Pope Valley and Angwin, running from Howell Mountain road to the Las Posadas State Forest. Other fire breaks were implemented in the Angwin area by CAL FIRE during the 2020 Glass Fire.

The Proposed Project would reduce overall fire susceptibility onsite through the reduction and separation of biomass fuels in the existing forest canopy and understory, resulting from a less fire-sensitive irrigated agricultural crop. Reduction in continuity of wildland fire biomass fuel reduces the potential exposure of people and structures to significant risk of loss, injury, or death involving wildland fires, including neighboring residences and development. The Proposed Project would also improve fire response and access due to improving access to wildlands via new agricultural roads and avenues in proximity to the proposed vineyard blocks. To this end the Proposed Project has been



revised to include in the Project Description the following language on Wildfire Risk Procedures:

Numerous procedures and management practices would be in place to minimize fire risk during both construction and operation:

- Equipment, fuels, and chemicals would be stored in appropriate containment facilities and areas that would be appropriate for reducing the risk of fire ignition.
- Equipment would be allowed to cool during a break before refueling.
- No equipment would be operated that would have the potential to create a spark when the National Weather Service issues Red Flag Warnings.
- All equipment would be equipped with fire extinguishers and or shovels, and any future equipment would be equipped, with fire extinguishers and or shovels. Equipment operators would be trained by a qualified professional during onboarding and annually in the use of best fire prevention practices as well as in the use of fire equipment.
- Brush would be burned in accordance with the standards of the California Department of Forestry and Fire Protection, and only on approved burn days with appropriate permits and/or authorization from the Bay Area Air Quality Management District.
- In accordance with standard practice, any blasting would occur only after vegetation has been cleared from the site, reducing the fuel load in the area.
- A fire safety plan would be provided to Napa County for approval and the approved plan would be supervised by a licensed third-party vendor during blasting.
- All employees would be trained, on the Le Colline Emergency Action Plan (EAP) to address site-specific environment and evacuation nuances for fire, emergency, etc. The EAP includes: preventive measures such as establishing and maintaining firebreaks and establishing safe work zones as necessary; safety measures that would be implemented during an incident including an evacuation plan, communication procedures, and isolation and securing of power and other ignition sources; and reporting and communication protocols with management and emergency officials.

In addition, the Project Description has been revised to also include an Emergency Action Plan that includes procedures and management practices to minimize fire risk during both construction and operation.

Project design has also incorporated preservation of the majority of forestland on the property. As the Lead Agency, Napa County requires that the Proposed Project preserve oak woodland at a minimum 2:1 ratio or greater (Policy CON-24, Napa County General Plan). As stated in Section 4.4.3 of the DEIR, approximately 64% of tree canopy would remain undeveloped with implementation of the Proposed Project.

Conn Creek watershed properties are subject to the requirements of the “60/40 Rule,” (Napa County Code Section 18.108.027), which requires the retention of a minimum of 60% of the tree canopy cover present in 1993, or when vegetation consists of shrub and brush without tree canopy, a minimum of 40% of the shrub, brush, and associated annual and perennial herbaceous vegetation within sensitive domestic supply watersheds (further discussed in Section 4.4.3 of the DEIR). In 2019, the Board of Supervisors adopted the Water Quality and Tree Protection Ordinance, which increased the 60% tree canopy preservation requirement to 70%. However, projects on file prior to the adoption of the ordinance were not subject to this new requirement; because the Proposed Project’s application was submitted in 2014, it is not subject to the 70% tree canopy preservation requirement but does exceed the applicable preservation requirement by approximately 4% by retaining 64% of 1993 tree canopy on the Property.

The Proposed Project would result in the permanent preservation of approximately 26.52 acres of Douglas Fir Alliance, 15.39 acres of Mixed Oak Alliance, and 0.58 acres of Ponderosa Pine Alliance via implementation of Mitigation Measures 4.4-2, 4.4-7, and 4.4-9 in Section 4.4, and would therefore comply with local policies, including Napa County Code Section 18.108.027 and Napa County General Plan Policy CON-24, to conserve and retain the integrity and diversity of forestland to the extent feasible. The Proposed Project retains a significant percentage of forest cover and would not result in the removal of forestland such that forestland would no longer be the dominant natural land cover type on the Property. Project design and preservation and avoidance reduce potential impacts to total tree canopy and oak woodlands. Furthermore, the Proposed Project would comply with local and State policies regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands to the extent feasible and would incorporate forest management practices to benefit long-term forest health. The Increased Water Quality and Sensitive Habitat Protection Alternative (the “Water and Habitat Alternative”) would further avoid both the removal of additional Mixed Oak Woodland and virtually all of the Ponderosa Pine Habitat on the Property. This Alternative would increase the overall preservation of forestland preservation on the Property.

## GR-3 – EROSION AND HYDROLOGY

### ***Summary of Comments***

Many comments expressed concern regarding potential erosion and hydrology impacts of the Proposed Project, the methodology of the hydrological/geological studies (runoff and soil loss modeling and groundwater analyses) incorporated into the EIR as Appendices B, I, J, and O of the DEIR, groundwater and water availability, groundwater and surface water interactions, and impacts to water quality.

## ***Response***

### *Runoff and Erosion*

Potential hydrology and geological impacts of the Proposed Project were assessed in Sections 4.6 and 4.9 of the DEIR in accordance with applicable federal, State, and local resource management plans, regulations, and guidelines. Hydrologic and erosion analyses were conducted according to standardized methods required by the Lead Agency. Hydrologic and geologic impact analyses in the DEIR were based on a variety of sources including modeling, site visits (discussed in Appendix F of Appendix I), historic conditions and trends, and existing technical data.

Impacts in the DEIR were assessed in accordance with applicable federal, State, and local resource management plans, regulations, and guidelines. Models used in analysis incorporated long-term data representative of an average for a particular region, as well as site-specific data, such as groundcover types for determining runoff and erosion rates. Modeling allows for analysis of long-term historic trends of geologic and hydrologic patterns in the area and is helpful in predicting future trends and determining post-project conditions. Models were not used as a substitute for site visits; site visits were conducted to provide more accurate baseline data for the models used to assist with the baseline determinations and impact discussions. For example, as discussed on page 4 of Appendix J of the Hydrology and Erosion Analysis, modeling requires inputs to determine rainfall for design storms, the topographic definition of Project Watersheds, and descriptions of vegetative cover and soils to determine runoff characteristics. These are site-specific inputs that ensure results are tailored to the impact analysis for the Proposed Project.

Applied engineering methods were used to estimate erosion rates (U.S. Department of Agriculture [USDA] Universal Soil Loss Equation) and runoff rates (USDA TR 55) (refer to page 4 of Appendix J). Such methods are utilized in Napa County to provide quantitative estimates of erosion and runoff under pre-project conditions and design Erosion Control Plans (ECP) that meet County standards of no increase in erosion or runoff. Professional Engineers, hydrologists/geomorphologists (Professional Geologists and Certified Engineering Geologists), and County planning and engineering staff were involved in the ECP design of the Proposed Project (Appendix B of the DEIR).

To evaluate the effects of the Proposed Project on runoff, quantitative watershed hydrology studies were conducted (Appendices I and J). Analysis assessed changes in runoff due to changes in existing land cover types to vineyard, and due to changed drainage patterns by the installation of the erosion control measures in the ECP. The hydrologic analysis was conducted using HydroCAD software developed by HydroCAD Software Solutions, LLC. The HydroCAD software employs methods from common hydrologic models including TR-55 and TR-20 to simulate watershed runoff processes. Both TR-20 and TR-55 are hydrologic models commonly used in Napa County to estimate runoff and peak discharges and develop hydrographs for small basins using unit hydrograph theory and routing procedures that depend on runoff travel time through segments of the watershed. Parameters required as inputs for the development of the model include rainfall, soil hydrologic groups, ground cover types along with channel characteristics, and dimensions. To

ensure modeling inputs are site specific, site visits were conducted to verify modeling inputs. For example, as shown in Appendix F of the Hydrology and Erosion Analysis (Appendix J of the DEIR), a site visit was conducted by Napa County Resource Conservation District (NCRCD), Napa County Planning and Engineering, Napa Valley Vineyard Engineering (preparers of the hydrologic study), and OEI (preparers of the hydrology and erosion analysis) to view the various vegetation communities and come to a consensus regarding the ground cover conditions for generating accurate, custom cover value inputs for use in soil loss modeling.

As discussed in Section 4.9.1 of the DEIR, different land uses have different types and amounts of vegetation coverage, which influences runoff. Currently, the property consists primarily of mixed conifer and hardwood forest, brush, and grassland. Habitats with dense vegetation coverage disperse runoff via intercepting precipitation and providing obstacles to the concentration of runoff. Modeling results indicated that while development of the Proposed Project would alter the drainage pattern of the property, there would be a decrease in the runoff rates and volumes during storm events. This is largely due to construction of attenuation basins that would delay peak flow timing to mitigate potential increases in erosion by allowing the flows to be released over a longer time period. While timing and flow volumes would be altered, the amount of total runoff would remain similar to pre-project conditions, and there would be minimal impact to downstream water sources considering the total acreage of the project site represents 1% of the total delineated area of the Conn Creek Basin (8,589.56 acres).

Section 303 (d) of the Clean Water Act requires that each state identify water bodies or segments of water bodies that are “impaired” (i.e., not meeting one or more of the water quality standards established by the state). Once a water body or segment is listed, the state is required to establish a Total Maximum Daily Load for the pollutant causing the conditions of impairment. The Napa River is designated as impaired for sediment, nutrients, and pathogens; therefore, these constituents are a concern for the portion of the property that drains to Conn Creek thence Lake Hennessey (State Water Resources Control Board [SWRCB], 2015). Thus, project-related impacts to local surface waters, such as Conn Creek, would also affect regional watersheds, as assessed in the DEIR.

Construction and operation of the Proposed Project would comply with federal, State, and local regulations, including the Napa County Code and the Napa River Watershed Owner’s Manual, which provide measures for erosion control. Mitigation measures in Sections 4.4.3, 4.6.3, and 4.9.3 of the DEIR would reduce potential impacts associated with hydrology and erosion to less-than-significant levels, and temporary and permanent erosion control measures would limit sediment delivery to off-site receiving waters, as discussed in the ECP (Appendix B).

#### *Groundwater*

As required by Napa County (Policy CON-53), a Water Availability Analysis (WAA) was prepared for the Proposed Project and is included in Appendix O of the DEIR. The WAA was prepared for the Proposed Project in accordance with County standards and requirements. The WAA was updated on April 4, 2022 to ensure that the current prolonged drought conditions were considered in the context of potential impacts to Conn Creek and surrounding groundwater resources. (Refer to the



attached WAA Memo, Attachment 2 to Response to Comments, [Sec 4.0 Responses] for further analysis and updated Appendix O of the revised DEIR in Volume II of the FEIR). The WAA provides a water balance for the Proposed Project through the assessment of average annual rainfall and groundwater recharge. Estimated groundwater recharge is based on U.S. Geological Survey (USGS) hydrogeological investigations in Napa County in an area with similar Sonoma Volcanics formation aquifer material and as discussed below is more conservative (protective of groundwater) than Napa County published groundwater recharge assumptions within the Conn Creek Watershed, where the project site is located. Groundwater use for the Proposed Project is compared to estimated recharge for the range of annual precipitation spanning extremely dry, dry, and average rainfall years. To provide for a conservative analysis, groundwater resources are typically evaluated with reference to average hydrologic conditions because recharge in wet years and dry years tend to balance out. In the average year, project groundwater use represents approximately 48% of the estimated groundwater recharge occurring on the property. In dry and critically dry years, groundwater use is respectively 60% and 84% of estimated groundwater recharge occurring on the property. In either scenario those being average or drought years, recharge exceeds groundwater pumping even using conservative recharge rates.

Per Napa County Goal CON-11, the use of available groundwater is prioritized for agricultural and rural residential uses over urbanized areas. As discussed in Section 4.9.1 of the DEIR, the project site is not located within a groundwater basin but is underlain by rocks of the Sonoma Volcanics. Irrigation water for the project site is derived from these groundwater-bearing volcanic formations. The property comprises 88.34 acres overlying these formations and the average annual rainfall is approximately 33 inches. The WAA project analysis utilized a conservative recharge rate of approximately 9% to 13% of precipitation that falls on Sonoma Volcanics soils percolating into the underlying formation and into the groundwater aquifer. The property receives approximately 243 acre-feet (af) per year of rainfall (88.34-acre property multiplied by the average annual precipitation rate of 33 inches). Using these recharge percentages, it is estimated that 9% to 13% recharge on the property results in approximately 21.87 af to 31.6 af of annual groundwater recharge, based on average annual precipitation. Accordingly, the maximum groundwater allotment based on recharge for the property is approximately 31.6 acre feet per annum (afa) with a more conservative estimate of only 10% recharge providing 24.3 afa of allocated groundwater use. The County's own Updated Hydrologic Conceptualization and Characterization of Condition report prepared by LSC and MBK Engineering dated January 2013 concluded that recharge rates from precipitation within the Conn Creek Watershed is 21%; refer to Table 8-9 titled Summary of Water Balance Model Results. This would result in  $243 \text{ af} \times 0.21 = 51 \text{ af}$ . The DEIR estimated the maximum groundwater allocation (based on recharge) to be 44.2 afa as opposed to the correct conservative recharge rate of 31.6 afa based on the WAA. This has been corrected in Section 4.9 and 6.1.4-9 of the DEIR. Water use of the Proposed Project is expected to be approximately 11.15 afa, well below even the most conservative assumptions. The water use for the on-site residence is expected to be 0.05 afa for a total groundwater demand of 11.65 afa. Accordingly, the revision does not change the conclusion of the analysis as the conservative recharge budget of 24.3 afa compared to the Proposed Project demand of 11.15 afa still provides for sufficient groundwater resources to support the Proposed Project. The estimated water use is less than half of

the identified most conservative recharge rate during a normal rainfall year with groundwater recharge also exceeding proposed groundwater use during both dry and extremely dry years (refer to Appendix O of the DEIR). Therefore, the Proposed Project meets the County requirements and no further updates to the DEIR are required (Napa County, 2014 [WAA FAQs]). It is further noted that the two wells currently onsite, both the irrigation and the domestic use well for the residence, predate the 2014 initiation date for the Proposed Project and have been previously approved and are therefore not subject to the current County approval for new wells. Refer to the Memo to County (Attachment 2 to the Response to Comments), which addresses the revised WAA for further information.) The revised WAA further notes that due to the elevations and depth of the irrigation well, the depth of seals and well screen placements combined with the location of the well and intervening geologic formations (approximately 697 feet set back from Conn Creek). It is expected, as discussed below, that pumping from the irrigation well would not interfere with or reduce flows in Conn Creek.

#### *Groundwater-Surface Water Impacts*

Significant impacts to surface water flows may result from groundwater extraction if there is a contribution of the groundwater source to surface flow, this is typically related to shallow groundwater tables within substrate (such as alluvium) that allows groundwater flow to feed surface water resources. Based on a review of the drillers log (Appendix O of the DEIR), the material encountered during development of the well from ground surface to well perforation depth, includes stratified, clay, ash, (not water bearing) and then hard gray rock (water bearing) indicating the groundwater system is associated with fractured bedrock (water bearing) with overlying layers of clay and ash (not water bearing). The depth at which hard gray rock was encountered matches the depth of the first perforation of the well. The well drillers log indicates that the first perforation in the well (the first point down the well casing where groundwater enters the well) is 270 feet below ground surface level of 1,740 feet above mean sea level (amsl) or 1,470 feet amsl. The elevation of Conn Creek directly down slope of the well is 1,540 amsl. Accordingly, the point at which the well first contacts/extracts groundwater is 70 feet lower than Conn Creek flow elevation. In order for the flow of Conn Creek to be influenced by groundwater (that is groundwater providing surface flow to the creek), the elevation of the groundwater table in the vicinity of the stream must be higher than the elevation of the stream-water interface (USGS, 1998). This is not the case here since the groundwater elevation is lower than the elevation of Conn Creek in the vicinity of the Proposed Project based on the stratification and well perforation information as shown in the well drillers log. Accordingly, the use of the existing well for irrigation of the vineyard blocks would not reduce Conn Creek surface flows supporting the conclusion of the DEIR that any impact would be less than significant.

#### *Water Quality*

Section 3.0 of the Draft EIR has been updated to include the voluntary water quality monitoring program that would be implemented as part of the Proposed Project. Samples from Conn Creek would be collected upstream and downstream of project outfalls within 48 hours of the first significant rain event of the wet season, or within 48 hours of at least one major storm event, and

once every two months between December and May when adequate flow is available to sample. Samples would be analyzed according to physical properties such as temperature, dissolved oxygen, and turbidity; for chemical constituents including inorganics such as phosphorus, solids, chlorides, and nitrate; and for potentially hazardous products such as pesticides and herbicides. In addition, baseline pre-project water quality would be conducted for a minimum of one year prior to project development.

## GR-4 – WILDLIFE MOVEMENT

### ***Summary of Comments***

Many comments expressed concerns associated with wildlife corridors and potential impacts to wildlife movement through the property as a result of the Proposed Project.

### ***Response***

Figure 4.4-2 has been added to the revised DEIR to show avoided habitat, widened openings between Blocks D1/E1 and E1/E2, and vineyard block fencing. Evidence of wildlife use and movement on the property and methodology for assessing potential wildlife movement and determining potential movement corridors are discussed in Sections 4.4.1 and 4.4.4 of the DEIR and in Appendices D and E. Wildlife observed in the vicinity of the property include black-tailed deer (*Odocoileus hemionus*; sight), Virginia opossum (*Didelphis virginiana*; scat), dusky-footed wood rat (*Neotoma fuscipes*; den), pocket gopher (*Thomomys bottae*; sight), and several bird species (Appendix D). Game trails were also identified on the property; however, evidence of distinct continuous natural wildlife corridors within the property was not observed (Appendix D). As discussed in Section 4.4.4 of the DEIR, the property has not been identified as part of a major regional movement corridor (NCCDPD, 2010), and high-quality habitat in the vicinity of the property is fragmented.

The property provides for some wildlife movement, however existing impediments to wildlife movement occur in areas surrounding the property. Existing impediments to wildlife movement occur around the property, including existing fencing, residences, development, and roadways along the west, north, and east boundaries. Residential properties north and east of the property have extensive fencing that form a barrier for wildlife movement from the site, and confine wildlife to Cold Springs Road and Las Posadas Road. To the west of the property, vineyards and residences confine wildlife movement to Howell Mountain Road. Pacific Union College, the Angwin Airport, residences, and a shopping center limit wildlife movement to the north of the property. Thus, wildlife movement through the property is currently limited by these features.

Slopes along Conn Creek to the west and south of the property are steep, as shown on the ECP (Appendix B of the DEIR). Additionally, Angwin has a Community Wildfire Protection Plan that was developed by the Angwin Fire Safe Council (AFSC, 2016). The Plan discusses the Conn Creek riparian corridor as “choked” by invasive plants, which in combination with steep slopes along the property line, also limits wildlife movement onto the property.

Some comments referred to the property as a “pinch point” for wildlife movement, suggesting wildlife are funneled through a corridor from the south to the north and that the property is the only means of passage. The property’s location near the town of Angwin as well as the surrounding barriers described above suggest it is not a pinch point but rather an island of undeveloped land located between a developed town and Conn Creek. Therefore, the Proposed Project would not significantly impact wildlife movement due to the fact that wildlife movement onto the property is limited by surrounding residential and commercial development, roadways, steep slopes, and fences.

Regardless of the existing constraints to wildlife movement in the project area, the Proposed Project has incorporated design features to allow for continued wildlife use of the property. Up to approximately 50 acres of the property may be suitable for the development of vineyard, however, the Proposed Project only consists of approximately 25.0 acres of vineyard to allow for greater protection of environmental resources, facilitate wildlife movement, and still achieve an appropriate level of erosion and sediment control.

Setbacks under the Proposed Project were determined in accordance with the Napa County General Plan Conservation Element Policies and are intended to provide habitat to support wildlife movement. Stream setbacks and buffers would be maintained between proposed vineyard blocks to allow for wildlife movement along Conn Creek (Figures 4.4-1 and Appendix B of the DEIR). Water sources, including the wetland area, would be unfenced to allow wildlife access.

As discussed in Section 4.4.3 of the DEIR, proposed vineyard blocks would be individually fenced to the extent feasible to minimize impacts to wildlife movement through the property. Unfenced corridors between proposed vineyard blocks, especially nearest to Conn Creek, could be traversed by larger wildlife species. The proposed fencing would be permeable to smaller wildlife species.

Wildlife corridors greater than 100 feet would be maintained between vineyard blocks (Mitigation Measure 4.4-8 and Table 4.4-4 of the revised DEIR). The Proposed Project would maintain openings and undeveloped habitat to facilitate wildlife movement by conserving forestland and natural habitat through avoidance and preservation of approximately 60% of the property, including approximately 64% of tree canopy. Mitigation Measures 4.4-2, 4.4-7, 4.4-8, and 4.4-9 would be implemented to preserve habitat, maintain movement corridors, and reduce impacts to wildlife movement.

## GR-5 – REVISED WATER AND HABITAT ALTERNATIVE

### ***Summary of Comments***

Many comments were received on the Water and Habitat Alternative concerning reduced impacts to sensitive habitats including Conn Creek.



## *Response*

### **CEQA REQUIRES THAT ALTERNATIVES BE LIMITED TO ONES THAT AVOID OR SUBSTANTIALLY LESSEN SIGNIFICANT EFFECTS**

The *CEQA Guidelines* state that an Environmental Impact Report (EIR) shall describe a range of reasonable alternatives to the project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project (*CEQA Guidelines* Section 15126.6(a)). Further, in discussing the range of alternatives required to be evaluated CEQA requires that “[t]he alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effect of the project” (*CEQA Guidelines* Section 15126.6(f)). As noted in the DEIR, all project significant effects can be mitigated by the identified mitigation measures with no significant unavoidable impacts identified. Therefore, the range of alternatives evaluated must be limited to those that avoid or substantially lessen the significant or potentially significant effects of the project that required mitigation in the DEIR. The DEIR states that “[t]he objectives of the Water and Habitat Alternative are to further increase stream setbacks in the vineyard blocks which provides for greater wildlife movement and avoids areas with relative higher biological value beyond the Proposed Project” (DEIR, p. 5-6). The Water and Habitat Alternative has been reevaluated to ensure that it lessens these identified significant effects of the project considering public comment and the updated Biological Resources Assessment (BRA) addendum. The BRA addendum was required given that some of the original BRA analysis and conclusions were based on less than complete assumptions and field observations regarding the Proposed Project’s impacts and habitat value of the forest lands both inside and outside of the Proposed Project vineyard boundaries resulting in an overestimation of actual project impacts that needed to be clarified.

Two of the nine Agency/Organization comment letters commented on the specific provisions of the Water and Habitat Alternative (Comment Letter A1, California Department of Fish and Wildlife [CDFW] and Comment Letter A3, Napa County Regional Park and Open Space District). The comments were predicated on the assumption that Blocks E1 and E2 were high quality habitat and constituting a majority of the potential habitat for protected bat species, as well as other wildlife species due to mature trees and proximity to a drainage and wetland water source that contributed to wildlife habitat value predicated largely on incomplete information regarding the value of the forest habitat outside of the vineyard blocks (specifically Blocks E1 and E2). The updated BRA addendum included a more in-depth assessment of the habitat in this area of the project site as well as evaluated other areas that provide potential bat habitat outside of the proposed vineyard blocks. These additional investigations and analysis were conducted in response to comments on the DEIR and information provided by the Applicant’s Registered Professional Forester regarding potential sensitive bat species habitat on the property. The biologists that prepared the updated BRA addendum evaluated the habitat and determined that Blocks E1 and E2 originally removed from the Water and Habitat Alternative did not meet any recognized standard or threshold for sensitive or significant habitat; in fact, it was determined that the wetland was actually the result of a leaking pipe that has since been repaired and that a large section of this area was historically developed as an orchard, substantially reducing the previously assumed biological value. In addition, potential sensitive bat species habitat that was originally thought to only occur within Blocks E1 and E2 has

been shown to exist throughout the remainder of the property, again reducing the assumptions regarding the high biological value of these vineyard blocks. Therefore, the underlying basis for originally avoiding Blocks E1 and E2 of the project site to support potential special-status bat species and wildlife habitat is no longer justified from a biological perspective. To summarize, this conclusion is based on substantial evidence consisting of additional site evaluation and analysis performed in response to comments on potential bat habitat, the “wetland” hydrologic source, the history of the area as an orchard, and the absence of sensitive habitat or a biotic community of limited distribution as discussed in the updated BRA addendum.

Based on the BRA addendum, as discussed in detail below, the following revisions were made to the Water and Habitat Alternative (attached as Figure 5-2):

1. Retain all of Block E2 except reduce the tail end to ensure a 50-foot buffer from the drainage;
2. Retain the northern portion of Block E1 while maintaining at least a 100-foot corridor between Blocks D1 and E1;
3. Retain the southern portion of D1, maintaining the reduced boundary at the northwestern corner to ensure adequate buffer to the drainages; and
4. Add a 200-foot minimum buffer from Conn Creek which requires reductions to both Blocks A1 and A2.

Accordingly, the revised Water and Habitat Alternative would result in the gross disturbance of 28.45 acres. The original Proposed Project would result in the gross disturbance of 33.8 acres. When comparing the Proposed Project with mitigation to the Water and Habitat Alternative with mitigation (as described above) the Water and Habitat Alternative results in a 5.35-acre reduction, which is due to the it including an assured 200-ft buffer along Conn Creek and enlarging others throughout the Proposed Project and protecting key Oak Woodland habitats.

#### **REDUCTION OF BIOLOGIC and HYDROLOGIC SIGNIFICANT EFFECTS**

The revisions to the Water and Habitat Alternative adequately meet the intent and purpose of the Alternative but more importantly, as discussed above appropriately refocus the Water and Habitat Alternative on commenters concerns associated with water quality, wildlife movement, and areas of higher biological value. Considering the additional information regarding the actual quality of habitat on the project site, the Water and Habitat Alternative more accurately addresses environmental concerns by commenters although it results in less acreage reduction than the original version that was based on inaccurate assumptions which dictated the completion of the BRA addendum.

The DEIR states that “[t]he objectives of the Water and Habitat Alternative are to further increase stream setbacks from the vineyard blocks which also provides for greater wildlife movement corridors and avoids areas with relative higher biological value beyond the Proposed Project” (DEIR, p. 5-6). This objective correctly assumes that stream setbacks not only protect water quality but also can protect wildlife movement and areas of relatively high biological value, i.e., additional mixed oak

habitat. The emphasis of the Water and Habitat Alternative, as stated in the DEIR, is increased stream setbacks, which provide both increased water quality protection and wildlife habitat particularly along Conn Creek which is a designated Municipal Watershed.

### **WATER QUALITY / STREAM SETBACKS**

The revised Water and Habitat Alternative would ensure waterways are fully protected, oak habitats are better protected, and wildlife corridors are increased compared to the Proposed Project. The additional acreage added back focuses on the least sensitive habitats which includes areas previously farmed. Thus, the objectives of the Water and Habitat Alternative are met by protecting waterways, protecting sensitive oak habitat and increased wildlife corridors.

By eliminating the southern portion of E1, the revised Water and Habitat Alternative would increase the minimum distance between Blocks D1 and E1 compared to the Proposed Project from approximately 60 feet to 125 feet, doubling the minimum distance and facilitating wildlife movement corridors. Furthermore, the minimum distance between E1 and E2 would increase from approximately 90 feet to 145 feet compared to the Proposed Project with the same result. In regard to the ephemeral drainage located between the southern portion of E1 and E2, E2 acreage has been reduced by moving the boundary further from the drainage to provide a minimum of 50 feet between E2 and the drainage as delineated. With the removal of the southern portion of E1, the drainage would have a minimum buffer distance of 185 feet from the southern portion of D1 to approximately 400 feet near where the ephemeral drainage was delineated as having defined bed and bank verses the upstream swale. Accordingly, the removal of the southeastern portion of D1 was not considered necessary to meet the purpose and goals of the Water and Habitat Alternative, of increasing water quality and habitat protection.

The revised Water and Habitat Alternative adequately increases water quality protections through increased buffers as discussed above, and also retains many of the increased buffers originally included in the Water and Habitat Alternative. Specifically, it retains the reduction of the northwestern portion of A1 to the ephemeral drainages (note: this also protects and lessens impacts to oak habitat as discussed below), as well as the reduction in the northwestern corner in D1 to increase the buffer between clearing area and ephemeral drainage, and also the reductions in A1 and A2 to ensure the buffer to Conn Creek is maintained at a minimum of 200 feet. Maintaining the larger reduction of the lower portion of A1 not only protects Conn Creek but also reduces impacts to Douglas fir habitat (outside of the former orchard that is present in the balance of E1 and E2 which were added back).

### **HIGH VALUE HABITAT AND WILDLIFE MOVEMENT**

Many commenters requested protections for tree species and habitats for which no specific legal protections or thresholds of significance are identified by resource agencies or the County. This is particularly true in regard to the E blocks. As noted in the response to comments, there were no significant effects identified to tree species in the EIR evaluation of the Proposed Project. Primarily due to a better refinement of habitat types on the BRA addendum and the clarification that significant

portions of both Blocks E1 and E2 contained a previous orchard, there is no need to completely remove Blocks E1 and E2 from the Water and Habitat Alternative as there is no reduction in significant impacts compared to the Proposed Project or protection of any habitat of limited distribution or habitat protected by any established regulatory or legal requirements.

The revised Water and Habitat Alternative's increased habitat protection is accomplished by keeping and expanding on the components of the Alternative presented in the DEIR that remove development within A1 and A2 within the Douglas-Fir Alliance adjacent to Conn Creek. This is consistent with the purpose of the Alternative by increasing habitat protection of a large stretch of contiguous habitat in proximity to a watercourse beyond what was proposed in the Water and Habitat Alternative as presented in the DEIR. Furthermore, by maintaining the removal of the northwest portion of A1, the entirety of the mixed-oak alliance along the northwestern portion of the property would remain intact and a complete habitat, which is a habitat that is recognized as providing significant habitat values by resource agencies and the County. Accordingly, the revised Alternative provides increased sensitive habitat protection by fully protecting two habitats on the property, the Douglas-Fir Alliance and the mixed-oak woodland alliance that extends from Conn Creek to the northeastern property boundary while also providing protection of water quality and ensuring the presence of a wildlife corridor to facilitate wildlife movement as discussed in the updated BRA addendum. It should also be noted that, as stated in the Water and Habitat Alternative's objectives and purpose, the increases in watercourse setbacks also provide additional wildlife movement corridors and available habitat. Also, the wetland feature that was one of the DEIR's rationale for removal of the E Blocks has been determined to provide significantly less wildlife habitat value given the repair to the leaking pipe located upslope that provided the only source of year around water to this feature.

Other comments were received that stated the Alternative Analysis as a whole was inadequate and did not comment on specific aspects of the alternatives themselves. Furthermore, the Center for Biodiversity includes within their comment a reference to the *CEQA Guidelines* that states "(t)he discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects on the project." As discussed above, the revised Alternative, in light of the updated BRA addendum, appropriately focuses on avoiding or substantially lessening significant effects, as opposed to reducing impacts that have been shown by the updated BRA addendum not to be considered significant. Accordingly, the revised Alternative meets the purpose and goal of the Water and Habitat Alternative and given the additional information, the BRA addendum provides a reduction in significant effects relative to the Proposed Project from the DEIR and the original Alternative.

#### **ADDITIONAL CONSIDERATIONS**

Further considerations for revising the Water and Habitat Alternative were comments expressing concern regarding impacts to Linda Falls, Conn Creek, wildfire risk and vineyard fire breaks, and farming feasibility. The proposed revisions would address these comments by providing additional setbacks from Conn Creek and therefore, also Linda Falls, decrease fire risk to residences on Cold



Spring Road primarily through the installation of the irrigated vineyard which decreases the more flammable existing habitat and by the increased agricultural roads therefore increasing access and safe space, if needed, for firefighting while also reducing impacts to a level of less than significant and by increasing watercourse setbacks beyond what is required by mitigation alone. Note that the DEIR makes statements regarding the economic feasibility of this Alternative with no substantial evidence to support such a conclusion (Refer to DEIR, p. 5-12). In response to this, the Applicant submitted evidence asserting that this Alternative would not be economically feasible. The revised Water and Habitat Alternative appropriately limits vineyard acreage reduction to areas with a direct link to reducing significant effects based on the BRA addendum that was completed in response to comments received on the DEIR and the request to increase water quality especially in the municipal watershed of Conn Creek.

## **4.3 RESPONSES TO AGENCY/ORGANIZATION COMMENTS**

### **A1 - CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

#### ***Response to Comment A1-01***

Comment Noted. CDFW is a Trustee Agency for the Proposed Project.

#### ***Response to Comment A1-02***

Comment Noted. The CESA, Lake or Streambed Alteration Agreements, and Migratory Bird Act are discussed in Section 4.4.2 and the associated impacts in relation to these regulatory issues are discussed in Section 4.4.3. The Proposed Project has been designed to comply with CESA and avoid impacts to aquatic features through vineyard block setbacks established in the Erosion Control Plan (Appendix B).

#### ***Response to Comment A1-03***

Commenter provides a summary of the Proposed Project and property. Refer to Section 3.0 of the DEIR for the project description.

#### ***Response to Comment A1-04***

As discussed in Section 4.4.1 of the DEIR, protocol northern spotted owl (NSO) surveys that follow the revised January 9, 2012 *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owl* have been conducted for four years, and no NSO nesting activity has been identified within 0.25 miles of the project site. Furthermore, NSO surveys would be conducted until timber harvest activities occur. Mitigation Measure 4.4-2 has been added to Section 4.4.3 of the revised DEIR to further ensure potential impacts to NSO are minimized through habitat retention, compliance with applicable policies, and implementation of a 0.25-mile avoidance buffer should active NSO nests be observed.

#### ***Response to Comment A1-05***

Mitigation Measure 4.4-5 of the revised DEIR has been revised to clarify that buffer distances would be developed in the field by a qualified botanist.

***Response to Comment A1-06***

Mitigation Measure 4.4-5 of the revised DEIR has been revised to clarify that the pre-construction survey would be conducted by a qualified botanist prior to the start of construction, and that the survey would follow the methodology outlined in *Protocols for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Sensitive Natural Communities*.

***Response to Comment A1-07***

Mitigation Measure 4.4-5 of the revised DEIR has been revised to clarify that the County and CDFW would be contacted should additional special-status plant species be observed within clearing limits.

***Response to Comment A1-08***

Mitigation Measure 4.4-5 of the revised DEIR has been revised accordingly to incorporate the use of woven drift fencing or similar protection to protect special-status plants.

***Response to Comment A1-09***

Mitigation Measure 4.4-1 of the revised DEIR has been revised in accordance with recommendations from CDFW. Mitigation Measures 4.4-1 and 4.3-2 have been revised to include that the surveys would be conducted by a qualified biologist. In addition, Mitigation Measure 4.4-1 has been revised to state that surveys would be conducted no more than 5 days prior to ground-disturbing activities.

***Response to Comment A1-10***

Commenter states that the Timber Harvest Plan (THP)/Timber Conversion Plan (TCP) contains inaccurate habitat information for foothill yellow-legged frog (FYLF) and that the EIR does not mention FYLF. Habitat information regarding FYLF has been updated in the THP. The commenter is incorrect in stating the EIR does not mention FYLF. Refer to Table 4.4-2 in Section 4.4 of the revised Draft EIR as well as Appendix D for information on FYLF. As discussed in the table and Appendix D of the DEIR, suitable habitat for FYLF does not occur in areas proposed for development. This species occurs in shallow streams with some cobble, riffles, and sunny banks. The ephemeral drainages on the property do not provide suitable habitat for this species. The nearest recorded occurrence was observed in 2015 near Conn Creek approximately 0.06 miles from the project site. Conn Creek occurs at least 105 feet from areas proposed for disturbance along the southern property line, and steep rocky slopes between the creek and the property greatly limit the potential for FYLF to occur on the project site. However, Table 4.4-2 of the revised Draft EIR has been revised to reflect the potential for FYLF, as well as California red-legged frog and California giant salamander, to occur in Conn Creek. Additionally, in accordance with commenter's Exhibit 2, Mitigation Measure 4.4-4 has been added to Section 4.4.3 of the revised DEIR to reduce impacts to potentially occurring special-status aquatic species in Conn Creek, including FYLF.

Additionally, coast range newt does not appear on the special-status species queries that were conducted for the project site (Appendix G of the Draft EIR), and the nearest record occurrence is located approximately 130 miles south of the project site (CDFW, 2019). Therefore, the project site

is presumed outside the known range of coast range newt. Regardless, Mitigation Measure 4.4-4 has been added to ensure that any potential impacts to special-status aquatic species are mitigated to a less-than-significant level. Accordingly, the findings of the revised DEIR are consistent with the previous findings that special-status species would not be significantly impacted from implementation of the Proposed Project, and the Applicant would be required to implement the new mitigation measures. Therefore, recirculation of the DEIR is not required in accordance with Section 15088.5 of the *CEQA Guidelines*, as the new mitigation measures does not constitute significant new information.

### ***Responses to Comments A1-11 to A1-13***

Commenter states that removal of oak trees greater than 15 inches in diameter is a significant impact, and the proposed mitigation would not offset the impact as there would be a net loss of oak woodland. Refer to **GR-2**.

The Oak Woodlands Protection Act (PRC Section 21083.4) requires that a county, under CEQA, determine whether a project in its jurisdiction may result in the conversion of oak woodland to the extent that a significant effect on the environment would occur. Should a county determine that a project would result in a significant effect to oak woodlands, one or more mitigation alternatives as specified by the Oak Woodlands Protection Act must be implemented. Agriculture projects, such as the Proposed Project, are exempt from the Oak Woodlands Protection Act.

The EIR was prepared in accordance with the *CEQA Guidelines* and the Napa County General Plan. CEQA does not establish specific acreage retention requirements regarding timber harvest conversion, including specific requirements for protections within the project area. County policies (Policy CON-24), CEQA, and the Oak Woodlands Protection Act do not specify that individual oak trees be assessed, and, contrary to the commenter's statement, do not require "no net loss," but do require that potential impacts to oak woodland be assessed as a whole and mitigated for accordingly. Therefore, oak woodland impacts were mitigated for according to acreage rather than individual oak trees. Although exempt from the Oak Woodlands Protection Act, the Proposed Project still complies with County policies regarding oak woodlands (Policy CON-24), and therefore also complies with the Oak Woodlands Protection Act.

Mitigation Measure 4.4-9 has been revised to clarify that the remaining Mixed Oak Alliance located outside of clearing limits would be retained, which would exceed the 2:1 ratio of the Oak Woodlands Protection Act and Napa County policies. Mitigation Measure 4.4-9 includes that the remaining Mixed Oak Alliance shall be designated for preservation in a mitigation easement with a County-approved organization or other means of permanent protection. Additionally, a copy of the easement shall be provided to CDFW. Adjacent oaks would also be protected during project activities as stated in Mitigation Measure 4.4-9. Forest habitat would be retained through project design and retention of the remaining 16.50 acres of Douglas Fir Alliance, 0.58 acres of Ponderosa Pine Alliance, and 15.39 acres of Mixed Oak Alliance located outside clearing limits (Mitigation Measures 4.4-2, 4.4-7, and 4.4-9 of the revised DEIR). Accordingly, as stated in the DEIR and revised DEIR, the Proposed Project would comply with State and local policies regarding oak woodland preservation to conserve

the integrity and diversity of oak woodlands, and to retain existing oak woodlands to the extent feasible.

### ***Response to Comment A1-14***

As requested, additional bat habitat surveys, sunset flyout surveys, and overnight acoustic monitoring were conducted throughout the property in July 2019. Section 4.4.3 of the DEIR has been revised to include the results of the 2019 surveys. Acoustic bat monitoring equipment was placed overnight near trees identified as potential bat habitat and the rock outcrop area near Conn Creek. Sunset flyout surveys were conducted at each potential bat habitat tree location and rock outcrop area by qualified biologists with bat survey experience. At the time of the 2019 survey, the tree near the wetland that had been previously identified as containing basal hollows had fallen down, and another was leaning heavily and appeared unstable. Sunset flyout surveys conducted in 2019 did not observe bats directly flying out from the potential bat habitat trees or the rock outcrop area.

Acoustic monitoring equipment did not record calls from special-status bat species near the trees with basal hollows. Acoustic monitoring data near the rock outcrop indicated calls from foraging Townsend's big-eared bat (*Corynorhinus townsendii*) and western red bat (*Lasiurus blossevillii*), which are listed as a State species of special concern. Section 4.4.3 of the DEIR also addresses the impact on potentially suitable habitat for special-status bat species within the clearing limits of the proposed vineyard blocks. Potential foraging and roosting habitat would be retained through avoidance and preservation of greater than 60% of the property located outside proposed clearing limits, including approximately 64% of tree canopy on the property.

Mitigation Measure 4.4-3 has been revised to include those comments on the previous version of Mitigation Measure 4.4-2. Mitigation Measure 4.4-3 now includes those recommendations from CDFW based on the results of the 2019 survey. Section 4.4.3 of the DEIR has been revised to include commenter's suggested mitigation to the extent feasible, including the two-day phased removal method during the specified seasonal periods of bat activity, to avoid impacting roosting bats. However, because the entire property has already been surveyed for potential bat roosting habitat in 2015 and 2019 and did not identify bats flying out from the potential bat habitat, the revised version of Mitigation Measure 4.4-2 does not include conducting a Bat Habitat Assessment of all trees proposed for removal at least 30 days prior to the start of construction.

### ***Response to Comment A1-15***

Comment noted. Accordingly, Mitigation Measure 4.4-3 in the revised DEIR provides general protection to bats.

### ***Response to Comment A1-16***

Table 1-1 (Impact 4.6-3) contained a typo, and has been revised to state "The Proposed Project does not propose the use of septic tanks or alternative wastewater disposal systems..." The typo and change to the finding in the executive summary do not qualify as significant new information and therefore recirculation of the DEIR is not required.



***Response to Comment A1-17***

Refer to **Response to Comment A1-16**. The observations by the CDFW were not related to the Proposed Project as the site is currently occupied by a residence and there are no provisions within the Proposed Project related to development of a wastewater disposal system.

***Response to Comment A1-18***

Refer to **GR-4**.

***Response to Comment A1-19***

Refer to **GR-4**. Commenter states, "...crossing Cold Springs Road and further up the corridor, College Avenue, and later Highland Road has not restricted wildlife movement..." This suggests wildlife are already accustomed to moving through urban development.

Figure 4.4-2 has been added to the revised DEIR to show avoided habitat, widened openings between Blocks D1/E1 and E1/E2, and fencing. Information regarding wildlife corridors is discussed in Impact 4.4-4 of the revised DEIR. Blocks would be fenced as shown in pink (Proposed Clearing Limits) in Figure 3-3. Table 4.4-4 has been revised to indicate distances between adjacent vineyard blocks before and after mitigation. Mitigation Measure 4.4-8 has been revised to clarify distances; it should be noted that the adjustment may result in a slightly decreased acreage of clearing limits, but would not result in the acquisition of additional areas not already included within the ECP and assessed in the EIR. Corridors no less than 100 feet would be maintained between vineyard blocks with implementation of Mitigation Measure 4.4-8, and the majority of the forested habitat would be avoided to allow for wildlife movement (Mitigation Measures 4.4-2, 4.4-7, and 4.4-9).

***Response to Comment A1-20***

Refer to **GR-4** and **Response to Comment A1-19**. Figure 4.4-2 has been added to the revised DEIR to show avoided habitat, widened openings between Blocks D1/E1 and E1/E2, and fencing. The corridors between Blocks E1, E2, and D2 would maintain forested habitat around and leading up to the existing wetland area. Additionally, wildlife would be able to access the wetland through the corridor between Blocks C and D1, however the wetland does not usually hold standing water. Nevertheless, the wetland area would be avoided during most of the day and all of the night, and would maintain 100 feet between Blocks D1 and E1 to benefit wildlife. Impacts from construction, including artificial lighting, pollution, noise, and vibration would have less-than-significant effects with the implementation of mitigation (refer to mitigation measures listed in Sections 4.3, 4.8, and 4.11). Activities associated with daytime vineyard operations would not impact nighttime wildlife movement through corridors. Wildlife in the area are currently exposed to human disturbance from nearby dense rural residential development. Refer to impacts and mitigation in Section 4.4 regarding impacts from construction and operation as well as mitigation. Refer to Impact 4.4-1 regarding noise impacts to nesting migratory birds. The Proposed Project would follow the Conservation Element Policies within the Napa County General Plan, which includes guidelines for avoiding introduction of non-native species.

### ***Response to Comment A1-21***

Refer to **GR-4**. Functional wildlife movement would be maintained by preserving natural habitat between adjacent blocks. Figure 4.4-2 has been added to the revised DEIR to show avoided habitat, widened openings between Blocks D1/E1 and E1/E2, and fencing. The integrity of remaining habitat for movement would not be significantly reduced, as the existing conditions are already subject to human disturbance, including fencing and roadways. The majority of the property would remain undeveloped and available to wildlife, conserving the environment to the extent feasible while also obtaining the goals of the Applicant as a property owner.

As discussed in Section 5.0 of the DEIR, analysis concluded that the alternatives met the majority of project objectives and found that the Water and Habitat Alternative was the most Environmentally Superior Alternative, which is still accurate considering the revised Alternative (refer to **GR-5**). However, with implementation of the mitigation measures in Section 4.0 of the EIR, it was determined that the Proposed Project would also result in a less-than-significant impact to the environment. CEQA does not require that the Environmentally Superior Alternative be selected when a proposed project would result in similar levels of impacts after mitigation is incorporated, or if the environmentally preferred alternative is not economically feasible.

*CEQA does not require the lead agency to choose the environmentally best alternative identified in an EIR if (1) through the imposition of feasible mitigation measures identified in the report the environmental damage from a project can be reduced to an acceptable level (Laurel Hills Homeowners Assn. v. City Council (1978) 83 Cal.App.3d 515, 521 [147 Cal.Rptr. 842]), or (2) the agency finds specific economic, social or other considerations make alternatives infeasible. (PRC, § 21081, subd. (c).) (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 730.)*

A representative of the Applicant submitted a comment letter (Refer to comment Letter I-77), regarding the Applicant's assertions regarding the economic infeasibility of the Environmentally Superior Alternative which will be considered by the decision maker when acting on the Proposed Project.

Furthermore, as indicated in the above responses, including information provided by the CDFW that wildlife is currently using the limited existing movement areas provided within the town of Angwin, there are no significant and unavoidable impacts associated with the Proposed Project.

### ***Response to Comment A1-22***

Refer to **GR-4** and **Response to Comment A1-21**. Sections 3.0 and 4.4 of the DEIR have been revised to incorporate a minimum fence height of 7 to 8 feet and to clarify that barbed wire would not be used. Wildlife exclusion fencing would be implemented around individual vineyard blocks to the extent feasible. (Refer to Impact 4.4-4.)

***Response to Comment A1-23***

Section 3.0 of the DEIR has been revised to clarify that erosion control devices would be composed of biodegradable material and would not contain plastic monofilament that could entangle wildlife. The ECP (Appendix B of the DEIR) has also been revised to reflect this change.

***Response to Comment A1-24***

Comment noted. New special-status species occurrences would be reported to CNDDDB as needed.

***Response to Comment A1-25***

Comment noted.

**A2 - CITY OF NAPA*****Response to Comment A2-01***

Refer to **GR-3**. Section 3.0 of the Draft EIR has been updated to include a voluntary water quality program that would be implemented as part of the Proposed Project.

**A3 - NAPA COUNTY REGIONAL PARKS & OPEN SPACE DISTRICT*****Response to Comment A3-01***

Comment noted. The Land Trust is cited in Section 4.10.1 of the DEIR under *Surrounding Land Uses*. As noted by commenter, the General Plan, zoning, and other land use regulations adopted by the County govern the use of the project site. The project site, as noted in Section 4.10.1, is zoned as Agricultural Watershed (AW) with an Airport Compatibility (AC) overlay. The Napa County Zoning Ordinance describes the intent of this zoning designation as follows:

*The AW district classification is intended to be applied in those areas of the county where the predominant use is agriculturally oriented, where watershed areas, reservoirs and floodplain tributaries are located, where development would adversely impact on all such uses, and where the protection of agriculture, watersheds and floodplain tributaries from fire, pollution and erosion is essential to the general health, safety and welfare.*

Agricultural uses, such as timber harvesting and vineyard production, are considered permitted land uses under the applicable land use designation within the project site (Napa County Zoning Ordinance). Generally, permitted uses, as set forth in Section 18.20.020 of the Napa County Code of Ordinances include, but are not limited to, the following:

*Agriculture, including but not limited to, as defined in Section 18.08.040 as: (a) growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain, and similar food crops and fiber crops, and (d) sale of agricultural products grown, raised, or produced on the premises (Napa County, 2017).*

***Response to Comment A3-02***

Comment noted. The general plan is the constitution for all future development; any decision affecting land use and development must be consistent with the general plan. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) However, a project need not be in perfect conformity with each and every general plan policy. A project must be examined to determine whether overall it is in harmony and agreement with the policies stated in the general plan. (*Sequoia Hills Homeowners Ass'n v. City of Oakland* (1993) 153 CA3d 391, 408.) A project may not conflict with specific mandatory policies or provisions contained in a general plan. Inconsistency with a single mandatory policy requires denial of a project, even if it is consistent with numerous other provisions. (*Endangered Habitats League v. County of Orange* (2005) 131 CA4th 777, 789.) It is well established that the County has considerable discretion in interpreting its own General Plan. A court's review of a County's interpretation of its general plan policies is highly deferential because "policies in a general plan reflect a range of competing interests" which it "must be allowed to weigh and balance the plan's policies when apply them, and it has broad discretion to construe its policies in light of the plan's purpose." (*Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal. App. 4th 807, 816.)

County policies are designed to guide development on private property and the purpose of the EIR is to assess the Proposed Project's compliance with County, State, and federal requirements in response to the potential impacts from Applicant's request for the approval of the Erosion and Control Plan by the County. Commenter states that the Proposed Project does not strike the best balance and therefore adverse impacts could be avoided if the project were redesigned. The comment does not raise a significant environmental issue as to the impacts that could be avoided and therefore no further response is required. The DEIR concluded that implementation of the Proposed Project would not result in significant impacts and accordingly a statement of overriding considerations is not warranted. The general plan and zoning consistency analysis in the EIR is for informational purposes only and to disclose potential conflicts. (*CEQA Guidelines* Section 15125(d).) It is not binding on the County decision makers who are charged with interpreting the County's land use policies and rendering the final determination on a project's consistency or lack thereof (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 668). The final determination as to the Proposed Project's consistency with County policies will be made at the time the Proposed Project is considered for approval.

***Response to Comment A3-03***

Refer to **GR-4**.

***Response to Comment A3-04***

Refer to **GR-4**. Setbacks under the Proposed Project were determined in accordance with the Napa County Conservation Element Policies and would provide habitat to support wildlife movement. The Proposed Project would maintain forestland and natural habitats through avoidance and preservation of over 60% of the property, conserving the environment to the extent feasible while also obtaining the goals of the Applicant as a property owner.



***Response to Comment A3-05***

Refer to **Response to Comment A1-21**. As discussed in Section 15126.6 of the *CEQA Guidelines*:

*An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.*

The Water and Habitat Alternative, discussed in Section 5.3.3, and associated revisions in the Revised DEIR (refer to GR-5) adequately meets the requirements of Section 15126.6 of the *CEQA Guidelines* as most of the objectives of the Proposed Project could be generally met under this alternative while still avoiding or substantially reducing significant impacts to a less-than-significant level. This alternative was included in the EIR to foster informed decision making by comparing the Proposed Project to an alternative that provides conservative protections for habitats and environmental resources within the project site.

***Response to Comment A3-06***

As noted in Section 4.7.3, criteria for determining the significance of impacts from GHG emissions have been developed based on Appendix G of *CEQA Guidelines* and relevant agency thresholds. Impacts would be considered significant if the Proposed Project were to:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

The above significance criteria from the *CEQA Guidelines* address the generation of project-related GHG emissions and conflicts with applicable plans, for which the Bay Area Air Quality Management District's (BAAQMD) *CEQA Guidelines* for GHG analysis were written. These guidelines ensure a project would not prevent the State and the California Air Resources Board (CARB) from meeting legislative goals for GHG reductions. The County, BAAQMD, and State have not established CEQA thresholds related to loss of sequestration from tree removal at this time.

For example, as discussed in Section 4.7.3, although the BAAQMD *CEQA Guidelines* provide clear guidance on how to analyze GHG emissions from biogenic sources that result from natural biological processes such as the decomposition or combustion of vegetative matter (wood, paper, vegetable oils, animal fat, yard waste, etc.), the *CEQA Guidelines* do not require the quantification of biogenic GHG emissions as part of the quantification of project-related GHG emissions, and do not provide a GHG emission threshold for these sources for operation or construction. However, the guidelines do recommend that construction-related GHG emissions be quantified using the California Emissions

Estimator Model 2013.2.2 air quality program (CalEEMod) and disclosed in the appropriate environmental document. The guidelines require that only exhaust from construction equipment be included in the climate change analysis, similar to the analysis for criteria pollutants. Accordingly, analysis in Section 4.7 of the DEIR for GHG emissions is consistent with the applicable guidance.

After the close of the review period, the BAAQMD adopted updated guidance on CEQA thresholds of significance for GHG emissions. In response a revised analysis was conducted reviewing the project in light of the BAAQMD *CEQA Guidelines* changes and in keeping with the DEIR concludes that the project GHG impacts for both construction and operations remain less than significant. The memo also addresses further reductions that could be accomplished via the adoption of the Water and Habitat Alternative and additional Applicant commitments to implement a voluntary net zero operational program utilizing electric vehicles, equipment, and offset tree planting, and including possible GHG offset credit purchase with the goal of reducing annual operational GHG emissions to zero. Refer to Memo Attachment 1 to Response to Comments (Sec. 4.0 Responses) for further detail.

### ***Response to Comment A3-07***

Refer to **GR-3**; also see Appendices I and J. Impacts from the Proposed Project's construction, operation, and maintenance were analyzed based on field surveys of the project site and published information regarding the soil and water resources of the project area. Determining soil loss through on-site sampling is not a viable method of baseline development to assess impacts. Sampling would have to occur over the various types of rain events during wet and dry seasons in order to account for first flush and sporadic rain events. It is inconceivable to establish a sampling methodology that would capture all data points to calculate water and sediment runoff rates over multiple years to assess various annual rain conditions (drought, average, above average, etc.). However, utilizing a model allows for the incorporation of long-term data into the baseline analysis, representing an average for a particular region, and as discussed in **GR-3**, the model utilized to assess the Proposed Project utilizes site-specific inputs such as types and degree of ground cover. Results from the use of a model provide more information than a single field study, where the current conditions may not accurately reflect geologic and hydrologic patterns in the area.

### ***Response to Comment A3-08***

Comment noted. As discussed in Section 4.9.3, criteria for assessing impacts from the Proposed Project were developed based on Appendix G of the *CEQA Guidelines* along with relevant agency thresholds. These significance criteria are listed as follows:

- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level;
- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality;
- Substantially alter the existing drainage pattern of the site or area, including through the

alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site or result in flooding on- or off-site;

- 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;
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Inundation by seiche, tsunami, or mudflow.

These significance criteria are adequately addressed in accordance with *CEQA Guidelines* in the DEIR. In regard to the analysis of groundwater and site runoff, refer to **GR-3**. As discussed therein, based on the physical characteristics of the soil strata, depth to groundwater table and associated elevation differences between surface water within Conn Creek and the groundwater table, there are no indications of direct connectivity between groundwater and surface water at a level that would adversely impact the levels within Lake Hennessy (significantly reduce drinking water levels requiring additional drinking water sources to be obtained to meet demands).

The 30-year historical average for water storage a Lake Hennessey is 20,400 acre feet (National Oceanic and Atmospheric Administration [NOAA], 2019). Conservatively, assuming all groundwater demand for the Proposed Project would typically feed into Lake Hennessey, which as discussed above, there is no evidence of such interaction and the total water demand for the Proposed Project would be 0.0006 of the 30-year historical average water storage volume within the lake. As a worst-case scenario loss for the lake, the impact in loss of annual water demand compared to the 30-year average storage volume would be *de minimis*. Furthermore, the spillway for Lake Hennessey that is utilized once capacity is reached has been used at least once a year between 2009 and 2017, except in 2013 (Systech Water Resources, Inc., 2019). The use of the spillway indicates the reservoir routinely receives more water volume from tributary sources than storage volume capacity.

### ***Response to Comment A3-09***

Comment noted. The oak woodland areas referred to in this comment are identified in Mitigation Measure 4.4-9 as the remaining 15.39 acres of oak woodland (Mixed Oak Alliance) located outside of clearing limits shall be designated for preservation in a mitigation easement with a County-approved organization or other means of permanent protection). Refer to Figure 4.4-1 for locations of Mixed Oak Alliance habitat located outside of clearing limits to be preserved.

## **A4 - LAND TRUST OF NAPA COUNTY**

### ***Response to Comment A4-01***

Comment noted. This comment raises the issue of the project area as habitat for FYLF. Refer to **Response to Comment A1-10**.

***Response to Comment A4-02***

This comment raises the issue of the possible existence of the FYLF immediately adjacent to the Conn Creek channel. Refer to **Response to Comment A1-10**. Mitigation Measure 4.4-4 has been added to ensure that any potential impacts to special-status aquatic species are mitigated to a less-than-significant level.

***Response to Comment A4-03***

Refer to **GR-3** and **Response to Comment A1-10**. Temporary and permanent erosion control measures would limit sediment delivery to off-site receiving waters, as discussed in the ECP (Appendix B). The Proposed Project would maintain forestland and natural habitats through avoidance and preservation of over 60% of the property, conserving the environment to the extent feasible while also obtaining the goals of the Applicant as a property owner. The Proposed Project has been designed to minimize impacts to the environment to less-than-significant levels provided in Section 4.0. There are no significant and unavoidable impacts associated with the Proposed Project. Accordingly, selection of a project alternative is not required to mitigate significant and unavoidable impacts.

**A5 - CALIFORNIA WILDLIFE FOUNDATION*****Response to Comment A5-01***

Comment noted. Refer to **GR-1**.

***Response to Comment A5-02***

Refer to **GR-2** and **Response to Comment A1-21**. The Proposed Project would maintain forestland and natural habitats through avoidance and preservation of over 60% of the property, conserving the environment to the extent feasible while also obtaining the goals of the Applicant as a property owner.

The Proposed Project has been designed to minimize impacts to the environment to less-than-significant levels provided in Section 4.0. There are no significant and unavoidable impacts associated with the Proposed Project.” Accordingly, selection of a project alternative is not required to mitigate significant and unavoidable impacts.

**A6 - CENTER FOR BIOLOGICAL DIVERSITY*****Response to Comment A6-01***

Comment noted. Refer to **GR-1**. The DEIR adequately addresses impacts to forests and biological habitats in accordance with *CEQA Guidelines*. For example, as discussed in Section 6.1.4-2 of the DEIR and shown in Table 6-1 (excluding the Proposed Project), assuming the total acreage of current and reasonably foreseeable future projects (totaling 698 acres) resulted in a 100% removal of forestland per listed project within a 3-mile radius of the Proposed Project, this would result in a removal of 698 acres of forestland and would only account for less than a 10% loss of the total forestland acreage in that 3-mile radius of the Proposed Project. As noted in the analysis, a



conservative assumption was made that acreages for the vineyards presented in the cumulative context (Table 6-1) resulted in the same acreage of forestland loss (there is no site-specific data readily available to determine the amount of forest lost for each vineyard operating under an ECP; therefore, it was conservatively assumed that acreages of vineyard development resulted in the equivalent loss of forestlands). Furthermore, Napa County Code Section 18.108.027 requires the retention of a minimum of 60% of the tree canopy cover present in 1993 and Napa County General Plan Policy CON-24 requires preservation of oak woodlands at a minimum 2:1 ratio. Considering the conservative nature of the assumption that the acreage of each vineyard project listed in Table 1 resulted in the equivalent acreage of forest removal and application of the Napa County Code and General Plan policies to vineyard projects in a 3-mile radius, impacts resulting from timberland conversion of the Proposed Project are considered less than significant within the cumulative context.

### ***Response to Comment A6-02***

Comment noted.

### ***Response to Comment A6-03***

Comment noted. ECPs are approved administratively by the Planning, Building and Environmental Services (PBES) Director without a public hearing. All comments are entered into the record are considered by the PBES Director prior to making a final decision on the EIR and the Proposed Project or adopted Alternative finally approved based on the EIR which identifies the maximum acreage of new vineyard proposed and therefore requiring an ECP.

### ***Response to Comment A6-04***

Comment noted. Refer to **GR-1**. The DEIR and subsequent FEIR were developed in accordance with the *CEQA Guidelines* and applicable legal interpretations. The findings are supported by substantial evidence that the Proposed Project would not result in a significant and unavoidable impact in accordance with the significance criteria adopted from Appendix G of the *CEQA Guidelines*.

### ***Response to Comment A6-05***

Commenter states that the DEIR fails to assess alternatives pursuant to CEQA requirements because the alternative analysis is inadequate. Refer to **GR-1** and Section 5.0 of the DEIR for an adequate analysis of project alternatives. The DEIR provides an adequate analysis of alternatives in Section 5.0. In addition, refer to GR-1 as this comment does not raise a significant environmental issue requiring a substantive response.

Additionally, *CEQA Guidelines* Section 15126.6 (b) requires consideration of alternatives that would reduce impacts to a less-than-significant level or eliminate any significant adverse environmental effects of a proposed project, including alternatives that may be more costly or could otherwise impede the proposed project's objectives. The range of alternatives evaluated in an EIR is governed by a "rule of reason," which requires the evaluation of alternatives "necessary to permit a reasoned

choice.” Alternatives considered must include those that offer substantial environmental advantages over the proposed project and may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors.

An EIR does not need to consider every possible alternative but must consider alternatives that would foster informed decision-making and public participation. The scope of alternatives reviewed must be considered in light of the nature of the project, the project’s impacts, relevant agency policies, and other material facts. (*Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477, 487.) In this instance all potentially significant impacts of the Proposed Project have been addressed via mitigation measures so the Alternatives are not necessary to address any significant environmental impacts. As a result both the Alternatives evaluated reduce impacts beyond those necessary to address significant environmental impacts.

### ***Response to Comment A6-06***

This comment does not raise a significant environmental issue requiring a substantive response. Refer to **Response to Comment A6-05**. Commenter states that the DEIR draws the wrong conclusions about the impacts of the Reduced Intensity Alternative and deprives the public and decision makers of sufficient evidence to evaluate its effectiveness. However, commenter does not provide substantive comments regarding how the specific conclusions or analysis are inadequate. Refer to **GR-1**. Section 5.0 of the DEIR contains an analysis of project alternatives. Figures 5-1 and 5-2 of the DEIR have been revised to be consistent with Figure 4.4-1, and vineyard block boundaries under each alternative have been restructured and relabeled for clarity.

### ***Response to Comment A6-07***

Refer to **GR-3** and **Response to Comment A6-05**. Commenter states that the DEIR concludes that the Reduced Intensity Alternative would be less environmentally protective than the Proposed Project.

Section 5.5 of the DEIR provides a summary table (Table 5-1) that notes that some impact areas would experience lesser impacts under the Reduced Intensity Alternative compared to the Proposed Project, however these are offset by its greater impacts for geology and hydrology than the Water and Habitat Alternative. The Water and Habitat Alternative, as revised, would further protect water quality through reducing existing baseline erosion via its ECP acreage coverage, increased watercourse buffers and avoidance of sensitive habitats such as oak woodlands; it is superior due to its balanced approach of addressing existing legacy erosion occurring on the property with an engineered ECP, focus on increased stream setbacks to Conn Creek and tributaries thereby resulting in a significant reduction in sedimentation versus the other Alternatives as well as increasing the size of wildlife corridors and further protecting oak habitat compared with the Proposed Project for example. This increase in water quality is especially important due to the Proposed Project being located in a municipal watershed and the current impairment of the Napa River due to sediment to which Conn Creek is tributary. Neither the Reduced Intensity Alternative nor the Water and Habitat Alternative are necessary to address any significant impacts so in a

watershed listed as impaired for sediment due to existing conditions, a smaller vineyard does not necessarily result in an environmentally superior project since it limits the ability to address existing sedimentation via engineered ECPs and ongoing maintenance required to occur on vineyards, such as winterization and cover crops, and results in less permanent protection of the remaining forestland.

In regard to sedimentation, as discussed in Section 4.6.1 of the DEIR, site visits observed existing erosion onsite. Detailed evidence prepared by qualified professionals in support of these conclusions is included in Appendices B, H, I, K, and O. The current conditions of the project site consist of poor groundcover of soils associated with the chaparral habitat and decent groundcover associated with forested floors resulting in approximately 169.9 tons of sediment per year, which is further discussed in Appendix J of the DEIR. This determination was made by qualified professional engineers as well as professional geologists and certified engineering geologists with experience in Napa County projects and was based on the USDA Universal Soil Loss Equation per Napa County guidelines. Because the Reduced Intensity Alternative would result in a smaller footprint and lesser amount of converted and stabilized land, erosion on the project site could continue at a greater extent than that under the Proposed Project or Water and Habitat Alternative. The Reduced Intensity Alternative does not include the increased minimum setback on Conn Creek found in the Water and Habitat Alternative but does include other increased setbacks from other watercourses due to significant reduction in vineyard acreage. The ECP (Appendix B of the DEIR) for the Proposed Project and the Alternatives is specifically intended to cover the converted amount of acreage. The ECP would result in a reduction in erosion beyond pre-project conditions for either the Proposed Project or the Water and Habitat Alternative relative to current conditions; however, given the significant size reduction of the ECP for the Reduced Intensity Alternative it would not result in the same sediment reduction of pre-project erosion as either the Proposed Project or Water and Habitat Alternative. Since required preservation of oak woodlands and other sensitive habitats are based on offsetting vineyard impacts the Reduced Intensity Alternative would also result in less permanent protection of the remaining forestland on the property compared to the Proposed Project and Water and Habitat Alternative. As discussed in response GR-3 either the Proposed Project or the Water and Habitat Alternative, would further reducing fire risk to the community, as compared to the Reduced Intensity Alternative due to greater improved access via new agricultural roads, greater fuel reduction, and additional fire breaks resulting from the vineyard plantings.

CEQA does not designate a specific number of project alternatives that must be assessed. *CEQA Guidelines* state "...The EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project..." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; see *Save Our Residential Environment v. City of West Hollywood* (1992) 9 Cal.App.4th 1745, 1753, fn.1). The Lead Agency determined the reasonable range of alternatives to be evaluated in the EIR and, consistent with CEQA, considered these alternatives within the context of achieving project objectives. The DEIR determined that the Environmentally Superior Alternative was not the Proposed Project. Alternative analysis concluded that the alternatives met the majority of project objectives, and found that the Water and Habitat Alternative, including the revisions in the Revised DEIR (refer to **GR-5**) was the Environmentally

Superior Alternative based on it striking the right balance between protecting sensitive resources, reducing existing sedimentation, and increasing water quality setbacks. Additionally, with mitigation incorporated, the Proposed Project was determined to not result in significant impacts to the environment and would not be more environmentally degrading than the assessed alternatives. CEQA does not require that the Environmentally Superior Alternative be selected when a project would result in similar levels of impacts after mitigation.

### ***Response to Comment A6-08***

Refer to **GR-3** and **Response to Comment A6-07**. Erosion-related calculations are included in Appendix J. Because vineyard cover crops may not provide sufficient cover comparable to existing ground cover, “potential increases in erosion rates caused by a small decline in ground cover are mitigated by installation of cross-slope ditches in vineyard fields that shorten flow paths to prevent the development of concentrated flow that could cause rill erosion. In addition, four segments of grassy drainage-way are proposed in Vineyard Blocks D and E to further reduce potential erosion in areas where concentrated flow could occur.”

Erosion is occurring across the project site under existing conditions, and reducing land converted in turn reduces the amount of erosion control measures that would be applied. Therefore, erosion under the Water and Habitat Alternative would not be reduced to the same level of the Proposed Project. Analysis determined that there are no increases in erosion from vineyard areas with existing forest cover due to the extent and intensity of erosion control measures. Erosion control measures in areas of chaparral were determined to significantly reduce erosion rates in those areas. Thus, either the Proposed Project or the Water and Habitat Alternative would result in reduced sediment relative to existing conditions. The full sediment reducing impact due to the increased waterway buffers in the revised Water and Habitat Alternative cannot be fully determined by the acreage of conversion method alone but the reduction of sediment would be significant relative to current conditions and the increased buffers will reduce any sediment from the conversion to vineyard.

### ***Response to Comment A6-09***

Refer to **Responses to Comments A1-21** and **A6-05**. According to CEQA, only alternatives that would avoid or substantially lessen significant effects of the Proposed Project identified in the EIR need be discussed. *CEQA Guidelines* Section 15126.6(c) were used to eliminate alternatives from further analysis on the basis of: (i) failure to meet the majority of project objectives; (ii) infeasibility; or (iii) inability to avoid significant environmental impacts. CEQA does not require any fixed number of alternatives, nor the inclusion of every conceivable alternative. For example, the City of San Francisco adopted a housing element that was based on an EIR, which only addressed a ‘project’ and a ‘no project’ alternative. (*San Franciscans for Livable Neighborhoods v. City and County of San Francisco* (2018) 26 Cal.App.5th 596.) In addition to the No Project Alternative, two feasible alternatives to the Proposed Project were analyzed in **Section 5.0** of the DEIR, and others were also discussed but determined infeasible.

The EIR project objectives were determined based on the Applicant’s goal of planting a vineyard, the



total acreage suitable for timber harvest (including areas limited by protected habitats), and the soils and slope on the property are discussed in the EIR for both the Proposed Project and the Water and Habitat Alternative. The analysis concluded that the alternatives met the majority of the project objectives, and found that the Water and Habitat Alternative, at approximately 26.4 gross acres was the Environmentally Superior Alternative. Therefore, the specific objective of developing 25 net acres of vineyard did not restrict or otherwise preordain selection of alternatives to the Proposed Project. However, with implementation of the mitigation measures in Section 4.0 of the EIR, the Proposed Project would also result in a less-than-significant impact to the environment. CEQA does not require that the Environmentally Superior Alternative be selected especially if the project goals are not met; in this case, either the Proposed Project or the Water and Habitat Alternative (the Environmentally Superior Alternative) would meet the project goals. The EIR appropriately considered reasonable alternatives to the Proposed Project including the Water and Habitat Alternative.

### ***Response to Comment A6-10***

The Center states that the Administrative Draft Environmental Report (ADEIR) for the Proposed Project was issued to the Center by CAL FIRE, and the Center provided comments on the document. CAL FIRE is no longer the Lead Agency for the Proposed Project, and the Lead Agency is now Napa County. The ADEIR was an internal, unfinished document. Technical studies, including the ECP, were also unfinished at that time. Comments associated with the ADEIR were related to a different document under different Lead Agency requirements.

Additionally, purchase of an alternative property is not a reasonable alternative. The Applicant purchased the property specifically for its location and soils. Consideration of an off-site alternative would not likely avoid or substantially lessen any of the effects of the Proposed Project which have been mitigated and reduced to a less-than-significant level. Given the nature of the Proposed Project, an alternative undeveloped location within Napa County would require a similar analysis of groundwater, erosion, surface water, and biological impacts and imposition of mitigation measures similar to the Proposed Project. The property is located in an area zoned for agricultural use, and the Proposed Project is an allowable use under the designated zoning that will be implemented with mitigation intended to minimize environmental degradation. The same is true for the Water and Habitat Alternative which is on the same site as the Proposed Project. There is no guarantee, barring full analysis, that an alternative project site would be especially better or worse; however, either the Proposed Project or the Water and Habitat Alternative result in less than significant impacts.

### ***Response to Comment A6-11***

Refer to **GR-4** and **Responses to Comments A6-09** and **A6-10**. Up to approximately 50 acres of the property may be suitable for vineyard development based on terrain, slope, soils, and regulatory requirements. However, the Proposed Project only consists of 25.0 acres of conversion to vineyard to allow for greater protection of environmental resources, wildlife movement, and an appropriate level of erosion control. The project footprint has already undergone a reduction in intensity prior to submittal of the application.

***Response to Comment A6-12***

Refer to **GR-3**, **Responses to Comments A6-09** and **A6-10**, and **Responses to Comments A3-07** and **A3-08**.

***Response to Comment A6-13***

Refer to **GR-1** and **GR-3**. Commenter summarizes the hydrologic setting of the Proposed Project, and then states that the DEIR falls short in considering and mitigating such impacts. Impacts and mitigation associated with hydrology are included in Sections 4.6.3 and 4.9.3. The Commenter questions the analysis and conclusion that the conversion would improve erosion, sediment, and runoff but does not provide substantive comments regarding specific conclusions or analysis. As summarized in **GR-3**, the primary reason for the decrease is the construction of attenuation basins that would delay peak flow timing. Refer also to **GR-1**.

***Response to Comment A6-14***

Refer to **GR-3**. Section 4.9.1 of the DEIR provides information regarding the hydrologic setting of the project site and the region. Additional information regarding existing geologic conditions of the project site, including erosion, is presented in Section 4.6 of the DEIR, and more detailed data is included in Appendices B, H, I, K, and O. Per *CEQA Guidelines* Section 15147:

*The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. **Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR.** Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review (emphasis added).*

As stated above, CEQA requires that baseline conditions be summarized in an EIR, and that detailed technical information be included in appendices. Baseline conditions in the DEIR were discussed utilizing data contained in Appendices B, H, I, K, and O and other informational sources.

***Response to Comments A6-15 and A6-16***

Refer to **GR-3** and **Responses to Comments A1-21** and **A6-14**. Baseline conditions in the DEIR were not hypothetical and relied on site visits and other available information in addition to modeling. Hydrologic and erosion analyses followed accepted USDA methodology and account for the role of forest cover in runoff and erosion processes. Runoff characteristics of different vegetation types are represented by “Curve Numbers” (CN) in the TR 55 methodology, and the hydrologic effect of the conversion of forest and chaparral to vineyard is represented by the appropriate CN. The replacement of forest cover with vineyard in TR 55 predicts runoff increases consistent with results from paired watershed studies of timber harvest effects on hydrology. The ECP includes

construction of flow attenuation basins to compensate for the predicted increase in runoff. Similarly, the USDA Universal Soil Loss Equation (USLE) methodology predicts low erosion rates under forest cover. (Refer to Appendix J of the DEIR for further analysis.)

Refer to **GR-3**. Analytical methods that were used accounted for the effects of forest cover on hydrologic and erosion processes. As discussed in Section 4.6.1 of the DEIR, site visits observed existing erosion onsite. The current conditions of the project site result in approximately 169.9 tons of sediment per year (Appendix J of the DEIR). This determination was made by qualified engineers and was based on the USDA USLE per Napa County guidelines.

The commenter has not identified the specific mitigation measures that are alleged to be ineffective or failed on other projects. Also refer to **GR-1**. All of the mitigation measures would be imposed as enforceable conditions of approval on the Proposed Project, if approved. Furthermore, the measures would be inspected and monitored annually for a minimum of three years until the Proposed Project is deemed stable and the measures are determined to be functioning appropriately. Thereafter, the County performs random spot checks to ensure continued maintenance over the life of a project.

#### ***Response to Comment A6-17***

Refer to **GR-3** and **Responses to Comments A6-14** through **A6-16**.

#### ***Response to Comment A6-18***

Refer to **GR-3** and **Responses to Comments A6-14** through **A6-16**. The DEIR is required to address impacts related to the Proposed Project and alternatives. Issues resulting from the operations of other vineyards are addressed under cumulative impacts. Impacts related to cumulatively considerable projects are addressed in Section 6.0 of the revised DEIR.

Failure to implement mitigation measures or install appropriate water quality controls on other vineyards are outside of the control of the Proposed Project. This analysis addresses the impacts from regional vineyard development; however, the analysis is not required to speculate about impacts that would result from operational failure at other vineyard projects. A Mitigation Monitoring and Reporting Plan (MMRP) is included in this Final EIR, Volume I, Section 5.0. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project (refer to Table 5-1 of the Final EIR, Volume I, Section 5.0).

#### ***Response to Comment A6-19***

Refer to **GR-3**. As discussed in Section 3.9.1 of the DEIR, Conn Creek is a small USGS blue-line stream located below Conn Dam, and is a major tributary of the Napa River. Potential impacts associated with aquatic species and Conn Creek flows are discussed in Impact 4.4-4 of the DEIR. Mitigation is presented in Sections 4.4, 4.6, and 4.9 of the DEIR to reduce incremental water quality impacts, such as those to Conn Creek, which in turn reduce impacts to watersheds. As discussed in Impact 4.4-1 of the revised DEIR, implementation of the ECP as part of the Proposed Project and

Mitigation Measures 4.4-4, 4.4-7, 4.8-1, 4.8-2, and 4.8-3 would reduce impacts to water quality and the aquatic environment to a less-than-significant levels.

The Napa River is designated as impaired for sediment, nutrients, and pathogens; therefore, these constituents are a concern for the portion of the property that drains to Conn Creek thence Lake Hennessey (SWRCB, 2015). Thus, project-related impacts to local surface waters, such as Conn Creek, would also affect regional watersheds, as assessed in the DEIR. Section 3.2.2 of the revised DEIR has been updated to include the voluntary water quality monitoring program that would be implemented as part of the Proposed Project. Samples from Conn Creek would be collected upstream and downstream of project outfalls within 48 hours of the first significant rain event of the wet season, within 48 hours of a least one major storm event, and once every two months between December and May when adequate flow is available to sample.

### ***Response to Comment A6-20***

Refer to **GR-3** and **Responses to Comments A2-01, A6-10, A6-14, and A6-19**. Information regarding available and allowable groundwater use has been updated in Section 4.9 of the DEIR. Information regarding drainage and runoff is discussed in Section 4.6 and 4.9 of the DEIR. Appendices I, J, and O contain detailed calculations regarding conclusions and supporting information made in Section 4.9 of the DEIR. Conflicting numbers regarding hydrology have been updated in Section 6.1.4-9 of the DEIR.

In a 2016 comment letter prepared for the ADEIR, commenter asserts that the Proposed Project has the potential to turn a Class II drainage on the project site into a Class III, as well as reduce flow and potentially dry up Conn Creek below the project site, yet presents no methodology, qualifications, or analysis to support such conclusions. Additionally, the ADEIR was originally prepared under CAL FIRE, which is no longer the Lead Agency for the Proposed Project, and the ADEIR was in the internal editing stage, was unfinished, and had not undergone agency or Lead Agency review or comment. Technical studies, including the ECP, were also unfinished at that time. Comments associated with the ADEIR were not submitted during the public review period of the DEIR and were in regard to a different document.

As discussed in Section 4.9 of the DEIR, potential hydrology impacts were assessed according to State and local requirements and thresholds. The Proposed Project would not utilize surface water and would rely strictly on groundwater supplied from an existing on-site well that is supplied by annual rainfall and recharge, similar to other wells utilized by residences and vineyards in the region. There is no evidence of direct connectivity between the groundwater well and Conn Creek. Refer to **GR-3** for additional discussion regarding hydrological impacts to Conn Creek from the anticipated water use for the Proposed Project.

### ***Response to Comment A6-21***

Refer to **GR-3** and **Responses to Comments A2-01, A6-14, A6-19, and A6-20**. As discussed in Section 9 of the DEIR, potential hydrology impacts were assessed according to State and local requirements and thresholds. Further, analysis in Impact 4.9-1 did not reach a “no impact”



conclusion regarding groundwater use. A “less-than-significant” impact determination was reached based on significance thresholds of the Lead Agency.

Per Napa County Goal CON-11, the use of available groundwater is prioritized for agricultural and rural residential uses rather than urbanized areas. As required by Napa County (Policy CON-53), a WAA was prepared for the Proposed Project and is included in Appendix O of the DEIR. Comparing water demand for the Proposed Project to “virtually no groundwater extraction on the property,” as stated in the comment, would not accurately reflect the existing baseline conditions. The existing baseline reflects the existing level of groundwater usage for the existing uses on the property.

### ***Response to Comment A6-22***

Refer to **GR-3** and **Responses to Comments A2-01** and **A6-22**. Potentially hazardous substances, including pesticides, are assessed in Section 4.8.3 and Section 4.9.3 of the DEIR. As discussed in Section 4.9.3, the Proposed Project would incorporate integrated pest management (IPM) techniques and best management practiced (BMP) that focus on environmentally sensitive methods of reducing agricultural pests and avoids the use of harsh chemicals, as discussed in Appendix L. The IPM plan includes sustainable methods designed to benefit the natural environment to the extent feasible. Sustainable practices include introducing beneficial and predatory insects to assist in maintaining a balanced ecosystem and incorporating a natural habitat of native plant species with overlapping flowering periods to provide refuge and a constant food supply year-round for natural enemies.

As outlined in the IPM plan, the use of non-chemical and minimalist chemical practices (utilizing chemicals that require the minimal amount to achieve efficacy) would be the first line of defense against pests and disease in the vineyard. Should the situation arise where a more intrusive technique or material is required, other avenues for a non-chemical approach would be exhausted first, and then more intrusive techniques would be implemented in consultation with the County to ensure no further environmental impacts result from use.

Chemical application would be performed in accordance with the registration and under the guidance of a pesticide control advisor. As discussed in Section 4.8.2 of the DEIR, the Agricultural Commissioner requires a private applicator certificate for restricted materials (pesticide) use. Mitigation Measure 4.8-3 includes standard operating procedures (SOP) regarding chemical use that would be included as conditions of approval and therefore enforced by the County. SOPs include purchasing and using the minimal amount of pesticide needed under acceptable weather (no to low wind speeds [typically less than 10 miles per hour] with no rainfall) in accordance with the manufacturer’s label. All mitigation measures would be imposed as conditions of approval.

Additionally, the Proposed Project must achieve performance standards for the discharge of nutrients and pesticides pursuant to the Water Boards Waste Discharge Requirements for vineyards of 5 acres or larger that are locate in the Napa River and Sonoma Creek watersheds. Soil and fertilizers used on the property would be organic certified (refer to Appendix L, Section 2, “Virus and

Disease Management).

Runoff from the property is reduced under post-project conditions, and adherence to the IPM plan, BMPs, and Mitigation Measures 4.8-1, 4.8-2, and 4.8-3 in Section 4.8 Hazardous Materials would ensure there is no risk to chemical loading of the Napa River. Additionally, mitigation is presented in Sections 4.4, 4.6, and 4.9 of the DEIR to reduce incremental water quality impacts, such as those to Conn Creek and wildlife. As discussed in Impact 4.4-1 of the revised DEIR, implementation of the ECP as part of the Proposed Project and **Mitigation Measures 4.4-4, 4.4-7, 4.8-1, 4.8-2, and 4.8-3** would reduce impacts to water quality and wildlife to a less-than-significant levels.

### ***Response to Comment A6-23***

Mitigation measures to reduce potential impacts of the Proposed Project to less-than-significant levels are included in Section 4.0 of the revised DEIR. An MMRP is included in Table 5-1 of the Final EIR, Volume I, Section 5.0. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project.

### ***Response to Comment A6-24***

As discussed in Section 3.0 and 4.8 of the DEIR, the Proposed Project would utilize IPM techniques and BMPs that focus on environmentally sensitive methods of reducing agricultural pests and avoids the use of harsh chemicals, as discussed in Appendix L. As outlined in the IPM plan, the use of non-chemical and minimalist chemical practices (utilizing chemicals that require the minimal amount to achieve efficacy) would be the first line of defense against pests and disease in the vineyard. Should the situation arise where a more intrusive technique or material is required, other avenues for a non-chemical approach would be exhausted first, and then more intrusive techniques would be implemented in consultation with the County to ensure no further environmental impacts result from use. Chemical application would be performed in accordance with the registration and under the guidance of a pesticide control advisor. Additionally, the Proposed Project must achieve performance standards for the discharge of nutrients and pesticides pursuant to the Regional Water Quality Control Board's General Permit for vineyards located in the Napa River and Sonoma Creek watersheds.

The IPM (Appendix L of the DEIR) includes sustainable methods designed to benefit the natural environment to the extent feasible. Sustainable practices include introducing beneficial and predatory insects to assist in maintaining a balanced ecosystem and incorporating a natural habitat of native plant species with overlapping flowering periods to provide refuge and a constant food supply year-round for natural enemies. In some cases, vineyards that include sustainable pest management systems have experienced increases in pollinators (Washington State University, 2015). Vineyard and farming practices can also contribute to virus, disease, and predation management, including invasive species control and forest disease management, which can benefit long-term biodiversity.

As discussed in Section 4.8.2 of the DEIR, the Agricultural Commissioner requires a private applicator certificate for restricted materials (pesticide) use. Mitigation Measure 4.3-3 includes SOPs regarding chemical use that would be included as conditions of approval and therefore enforced by the County. SOPs include purchasing and using the minimal amount of pesticide needed under acceptable weather (no to low wind speeds [typically less than 10 miles per hour] with no rainfall) in accordance with the manufacturer's label. All mitigation measures would be imposed as conditions of approval.

### ***Response to Comment A6-25***

Refer to **GR-3** and **Response to Comment A6-24**. Sections 4.6.3, 4.8.3, and 4.9.3 of the DEIR contain mitigation measures intended to protect water quality. Section 4.9.1 has been revised to define "MCL." Section 3.0 of the revised DEIR has been updated to include the voluntary water quality monitoring program that would be implemented as part of the Proposed Project. Samples from Conn Creek would be collected upstream and downstream of project outfalls within 48 hours of the first significant rain event of the wet season, within 48 hours of at least one major storm event, and once every two months between December and May when adequate flow is available to sample.

Samples would be analyzed according to physical properties such as temperature, dissolved oxygen, and turbidity; for chemical constituents including inorganics such as phosphorus, solids, chlorides, and nitrate; and for potentially hazardous products such as pesticides and herbicides.

*CEQA Guidelines* do not implement specific *performance standards* (emphasis added) regarding IPM plans. In *CEQA Guidelines Sierra Club v. Fresno County (December 24, 2018) - Cal.5<sup>th</sup>*, the Court upheld the EIR's mitigation measures in the face of the Sierra Club's contention that mitigation was improperly deferred. The Court noted that "[m]itigation measures need not include precise quantitative performance standards, but they must be at least partially effective, even if they cannot mitigate significant impacts to less than significant levels."

### ***Response to Comment A6-26***

Commenter states that the DEIR inadequately assesses potential impacts to biological resources. However, commenter does not provide substantive comments regarding specific methodology or analysis itself. Refer to **GR-1** and **GR-2**.

Additionally, the Proposed Project would not impact the Linda Falls Preserve. As stated in Section 4.2.3 and Section 4.4.3 of the revised DEIR, approximately 64% of forestland would remain undeveloped with implementation of the Proposed Project. The Proposed Project would result in the permanent preservation of approximately 26.52 acres of Douglas Fir Alliance, 15.39 acres of Mixed Oak Alliance, and 0.58 acres of Ponderosa Pine Alliance via implementation of Mitigation Measures 4.4-2, 4.4-7, and 4.4-9, and would therefore comply with local policies, including Napa County Code Section 18.108.027 and Napa County General Plan Policy CON-24, to conserve and retain the integrity and diversity of forestland to the extent feasible.

***Response to Comment A6-27 and A6-28***

Refer to **GR-4** and **Responses to Comments A1-18** through **A1-21**. Methodology for assessing wildlife movement and determining potential corridors is discussed in Section 4.4.1 of the DEIR and in Appendix D.

***Response to Comment A6-29***

Refer to **GR-4** and **Responses to Comments A1-18** through **A1-21**.

As discussed above, the property is surrounded by several impediments to wildlife movement. The Proposed Project has incorporated open areas to facilitate wildlife movement to the extent feasible, while still meeting goals of the Applicant as a property owner.

***Response to Comment A6-30***

Comment noted. Updated survey information regarding surveys conducted up until 2019 have been added to Appendix E and Section 4.4.1 of the revised DEIR.

***Response to Comment A6-31***

Refer to **Response to Comment A1-14**. Based on the results of the 2019 survey, which did not observe bats emerging from or roosting in the five trees or rock outcrop within the project site, it was determined that Mitigation Measure 4.4-2 of the DEIR is no longer necessary. Mitigation Measure 4.4-3 has been revised to be consistent with CDFW recommendations and to address the removal of the previous draft of Mitigation Measure 4.4-2 in the DEIR. Sunset flyout surveys did not observe bats leaving potential bat habitat trees. Only six potential bat habitat trees were identified, not nine, and one has since fallen. Accordingly, Figure 4.4-1, Section 4.4.3 of the DEIR, and Appendix E have been updated to reflect the current number of potential bat habitat trees based on updated survey findings.

***Response to Comment A6-32***

Refer to **Responses to Comments A1-14** and **A6-31**. No changes to the Proposed Project footprint would occur. Accordingly, the findings of the revised DEIR are consistent with the previous findings that special-status species would not be significantly impacted from implementation of the Proposed Project. Therefore, recirculation of the DEIR is not required in accordance with the *CEQA Guidelines*.

***Response to Comment A6-33***

Refer to Section 4.4 and Table 4.4-2 of the revised DEIR for information on western pond turtle (WPT). Surveys were conducted by multiple qualified biologists to identify any and all potentially occurring special-status species, including WPT. Biologists determined the on-site wetland was not suitable to support this species, and therefore Appendix D concludes that suitable habitat for the species is not present on the project site (areas proposed for development).



Conn Creek occurs at least 105 feet from areas proposed for disturbance along the southern property line, and should WPT occur in Conn Creek, steep slopes (approximately 30% or greater) between the creek and the property greatly reduce the potential for the species to nest on or near the project site. In one recent study, WPT were found to use slopes at an average of 9% for nest site selection (Davidson and Alvarez, 2020). However, Mitigation Measure 4.4-4, which includes limiting work during significant rain events to allow potentially occurring special-status aquatic species to move away from aquatic breeding sites and requiring vegetation piles along Conn Creek to be allowed to naturally degrade, has been added to Section 4.4.3 of the revised DEIR to reduce impacts to potentially occurring special-status aquatic species in Conn Creek, such as the WPT, to less a less-than-significant level. Accordingly, the findings of the revised DEIR are consistent with the previous findings that special-status species would not be significantly impacted from the implementation of the Proposed Project.

### ***Response to Comment A6-34***

Refer to **Responses to Comments A6-10** and **A6-20**. Potentially occurring special-status fish species in Conn Creek are discussed in Section 4.4.1 of the DEIR under *Aquatic Features* and *Special-status Fish Species*. Section 4.4.1 states “This reach of Conn Creek provides habitat for non-anadromous fish species,” which include rainbow trout. While steelhead are protected and are a type of rainbow trout, rainbow trout are not special-status fish species that are afforded specific protection under CEQA.

Impacts to special-status fish and aquatic species are discussed in Section 4.4.3 under Impact 4.4-1, and Measures 4.4-4, 4.4-7, 4.8-1, 4.8-2, and 4.8-3 would reduce impacts to water quality and fish habitat and fish species to a less-than-significant level via avoidance and setbacks to wetlands and water courses, limiting work during significant rain events, requiring vegetation piles along Conn Creek to be allowed to naturally degrade, and incorporating SOPs and spill response measures to protect water quality.

### ***Response to Comment A6-35***

Refer to **GR-2**. As stated in Mitigation Measure 4.4-5 of the DEIR, “The remaining 15.39 acres of oak woodland located **outside of clearing limits**” would be preserved in perpetuity through a mitigation easement, deed restriction, or similar mechanism that would provide permanent protection. This mitigation measure has been renumbered as 4.4-9 in the FEIR. Refer to Figure 4.4-1 of the DEIR for oak woodland within clearing limits and outside of clearing limits. The Lead Agency (County) is charged with approving the mitigation easement and the type of easement.

### ***Response to Comment A6-36***

Refer to **GR-2** and **Responses to Comments A1-21** and **A6-35**. The County’s first choice is for the Applicant to obtain an easement and requires applicants to demonstrate that they have exhausted all reasonable efforts to locate a willing third-party who will accept the easement before accepting a deed restriction. Because of the size and location of some projects and the areas to be protected, it is not always possible to find a third-party steward that will accept an easement. Regardless of the

mechanism, it is required to be recorded prior to any earthmoving activity on the property.

### ***Response to Comment A6-37***

Refer to **GR-2** and **Responses to Comments A6-10** and **A6-20**. Impacts associated with oak woodland are discussed in Section 4.4.3 of the DEIR. Refer to Impact 4.4-5 which would result in a less-than-significant impact on oak woodland areas. The property occurs in an area zoned for agricultural use, and the Proposed Project is an allowable use under the designated zoning that would be implemented with mitigation that meets County regulatory requirements. Approximately 50 acres of the property is suitable for the development of vineyard based on terrain, slope, soils, and regulatory requirements. However, the Proposed Project only consists of approximately 25 acres of vineyard to allow for greater protection of environmental resources, facilitate wildlife movement, and still achieve an appropriate level of erosion and sediment control. The project footprint has already undergone a reduction in intensity.

Vineyard blocks were developed according to not only oak woodland avoidance, but northern spotted owl habitat avoidance, wetland avoidance, wildlife movement habitat avoidance, drainage setbacks, steepness of slopes, and other limiting factors. After consideration of such factors, complete avoidance of all oak woodland was determined infeasible, and was therefore mitigated in accordance with County regulatory and policy requirements (refer to Section 4.4, including Impact 4.4-5, which would result in less-than-significant impacts to oak woodland areas). The ultimate determination of infeasibility and General Plan consistency would be made the County decision maker.

### ***Response to Comment A6-38***

Refer to **GR-2** and **Response to Comment A6-37**. Refer to Appendix B and Section 4.4.3 of the DEIR for a discussion on drainage setbacks. Setbacks have been applied to all drainages, including those within oak woodland, in accordance with County requirements (Appendix B). According to Figure 4.4-1 of the DEIR, a setback of at least 35 feet has been applied to the location of oak woodland near Block D1. Mitigation Measures 4.4-2 and 4.4-9 provide additional protection to native trees located within close proximity to the project site, including the permanent protection of 15.39 acres of oak woodland, 16.50 acres of Douglas Fir Alliance, and 0.58 acres of Ponderosa Pine Alliance through a mitigation easement or other preservation method.

The Proposed Project complies with Napa County Code Section 18.108.027 and Napa County General Plan Policy CON-24, to conserve and retain the integrity and diversity of forestland to the extent feasible.

### ***Response to Comment A6-39 and A6-40***

Refer to **GR-2**. Section 4.2.3 has been revised to include additional details regarding forest resources. The property occurs in an area zoned for agricultural use, and the Proposed Project is an allowable use under the designated zoning that would be implemented with mitigation that meets County regulatory requirements. As stated in Section 4.2.3 and Section 4.4.3 of the revised DEIR,

approximately 64% of forestland (tree canopy) would remain undeveloped on the property with implementation of the Proposed Project.

Additionally, the Proposed Project would result in the permanent preservation of approximately 26.52 acres of Douglas Fir Alliance, 15.39 acres of Mixed Oak Alliance, and 0.58 acres of Ponderosa Pine Alliance via implementation of Mitigation Measures 4.4-2, 4.4-7, and 4.4-9 in Section 4.4 of the revised DEIR, and would therefore comply with *CEQA Guidelines* and local policies, including Napa County Code Section 18.108.027 and Napa County General Plan Policy CON-24, to conserve and retain the integrity and diversity of forestland to the extent feasible.

#### ***Response to Comment A6-41***

Refer to **GR-2** and **Response to Comment A6-40**.

#### ***Response to Comment A6-42***

Refer to **GR-2** and **Response to Comment A6-40**.

#### ***Response to Comment A6-43***

Refer to **Responses to Comments A6-10** and **A6-20**.

#### ***Response to Comment A6-44***

Refer to **GR-2**. As stated in 2.4 *Energy Conservation* of the DEIR, “The Proposed Project will not require the long-term use of electricity, as the vineyards will not require connection to the Pacific Gas & Electric [PG&E] electrical grid...there would be no impacts to the region’s energy grid, and therefore an additional analysis per *CEQA Guidelines* is not necessary.” Furthermore, ongoing actions of PG&E are independent of the Proposed Project and outside the scope of the EIR.

#### ***Response to Comment A6-45***

Page 4.1-7 of the DEIR states, “The Napa Land Trust open space area is adjacent to the southwestern border of the property along Conn Creek. Setbacks of at least 105 feet from Conn Creek are proposed. In addition, the property is upslope from Conn Creek and there is a steep decline between where project activities would occur and the Land Trust Property, which would further prevent the project from being visible. As such, there would be a minimum of 105 feet of dense vegetation and a large slope break between the Proposed Project and the Napa Land Trust open space area, and therefore no significant aesthetic impacts are anticipated.” Tree canopy consisting of mature Douglas fir forest blocks views of the Proposed Project from the Linda Falls Land Trust Preserve, therefore, a significant visual impact would not occur.

#### ***Response to Comment A6-46***

Refer to **Responses to Comments A6-10**, **A6-20**, and **A6-45**. The commenter references a draft document prepared by a different lead agency that was never finalized or published as a DEIR by the Lead Agency for responsible agency or public review. The term administrative draft as used by

CEQA practitioners relates to a document that has yet to be reviewed in accordance with Section 15084(e) of the *CEQA Guidelines* which states:

*Before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency. The Lead Agency is responsible for the adequacy and objectivity of the draft EIR.*

### ***Response to Comment A6-47***

Refer to **GR-1**. Impacts associated with climate change are addressed in Section 4.7 of the DEIR.

### ***Response to Comment A6-48***

Refer to **Responses to Comments A3-06** and **A7-02**. A lead agency is not required to describe how a project is consistent with a general plan. "Because EIRs are required only to evaluate any inconsistencies with plans, no analysis is required if the project is consistent with the relevant plans. (Refer to Pfeiffer v. City of Sunnyvale City Council, 200 Cal.App.4th 1552, 1566 (2011)(emphasis added).

### ***Response to Comment A6-49***

Refer to **Responses to Comments A3-06** and **A7-02**.

### ***Response to Comment A6-50***

The current revisions to Sacramento Metropolitan Air Quality Management District's CEQA Guide (February 2021) clearly state under Section 6.2 Analysis Expectations, that the CEQA analyses (plural) include a description of the existing environment conditions or setting, without the project, which constitutes the baseline physical conditions for determine the project's impact. As noted in the 2021 guidance, the physical condition of the project site must be described. This setting is accurately described in Section 4.2.1:

*The project property consists of 66.41 acres of forestland as defined under Public Resources Code Section 12220(g). The forestland consists of Mixed Oak Alliance (22.81 acres), Douglas Fir Alliance (43.02), and Ponderosa pine alliance (0.58 acres). The remaining 25.59 acres of the 88.34-acre property consists of non-timber lands, including 23.43 acres of thick-growth mixed manzanita, annual grasslands, wetlands, and rock outcrops. Dominant tree species include Douglas firs, with several scattered Ponderosa Pines. The hardwood understory is predominantly composed of oak and madrone species. Density and plant succession vary throughout the property.*

As described in Impact 4.7-2 in the DEIR, operation of the Proposed Project would result in a less-than-significant impact to climate change. A conservative analysis was conducted, which includes the annual loss of carbon sequestration from existing baseline conditions (related to the acreage of trees as described in Section 4.2.1) due to the permanent removal of timber as the result of direct and indirect operational emissions (Table 4.7-2 of the DEIR). As show in Table 4.7-2, under



Construction GHG Emissions, the actual harvesting of standing carbon from the trees that would be cleared for vineyard construction were included as releases (emissions) which is the change from baseline conditions (the acreage of forest cover to be removed as a result of the Proposed Project). In addition, the analysis includes “emissions” associated with carbon loss from tilling and ground-disturbing activities.

Furthermore, as noted in Impact 4.7-2, the operational sources of GHG emissions attributable to the Proposed Project would include vehicles (produce, material, and worker transport) traveling to and from the Proposed Project, energy use, and limited water transport. Table 4.7-2 of the DEIR shows the estimated project-related operational GHG emissions from direct and indirect GHG emission sources. As analyzed under Impact 4.7-2, GHG emission levels from operation of the Proposed Project are considered less than significant.

### ***Response to Comment A6-51***

The commenter references Table 4.7-1 of the DEIR which provides the GHG construction emissions calculations. The table identifies the sources of emissions under the heading “Construction GHG Emissions” and then provides the reductions that would be experienced from various components of the Proposed Project. For example, as a component of the Proposed Project, the timber would be converted to lumber, which provides for the sequestration of CO<sub>2</sub>e instead of the release of the CO<sub>2</sub>e from the harvested timber as indicated in the emissions calculations under Construction GHG Emissions. After the incorporation of project provisions, no mitigation is necessary in accordance with the applicable significance criteria as indicated in Section 4.7.3 of the DEIR.

### ***Response to Comment A6-52***

The Proposed Project is described in Section 3.2 of the DEIR. As noted therein, a THP and a TCP for the portion of the Proposed Project containing commercial timberland would be required by the CAL FIRE. The THP and TCP are thereby components of the Proposed Project for which associated impacts are addressed in Section 4.0 of the DEIR. Section 3.2.2 of the DEIR states that on-site mulching would be the primary method used for the removal of non-merchantable vegetated material indicating that timber would be converted to lumber. Section 3.2.2 of the DEIR has been updated to specifically clarify that timber would be converted to lumber. Compliance with all project components and mitigation measures would be enforceable via conditions of approval.

### ***Response to Comment A6-53***

As a policy matter, the County in adopting its General Plan determined that implementation of the General Plan, including vineyard development, would result in a significant and unavoidable impact on climate change and based on *CEQA Guidelines* Section 15183, no additional review of this subject is required. Despite this exemption, potential impacts associated with climate change are addressed in Section 4.7 of the DEIR. As noted in Section 4.7.3 under analysis methodology, operational GHG emissions from mobile and area sources were estimated using the CalEEMod air quality model. Mobile sources include worker trips and transport of grapes and materials. Indirect GHG emissions from water conveyance, average annual loss of carbon sequestration, and

agricultural activities were also estimated by CalEEMod. The analysis is consistent with the recommendations outlined by the BAAQMD for estimating project-level and cumulative emissions.

GHG emissions and potential impacts related to global climate change are more appropriately addressed in a cumulative setting, as one project is not considered large enough to significantly impact global climate change. Taking into consideration GHG emissions of the United States as a whole, forested lands are increasing. Since the late 1980s, gross forested lands have increased by approximately 14 million hectares.

Current trends indicate forested lands increase by approximately 0.02% each year (U.S. Environmental Protection Agency, 2019). Therefore, the removal of 0.053% of the forested lands in the County, would not result in a significant impact related to climate change. Conservation easements and other methods of protecting lands on private property are common methods of mitigation under CEQA. This approach is consistent with California's approach to reduce GHG emissions in accordance with Assembly Bill 32 and implementation of the Cap and Trade System, which allows forest conservation to be sold as GHG offset credits on the GHG credit market.

Under the current protocols to qualify for offset credits, a land owner may harvest portions of their trees while placing others under a conservation easement. The Applicant has not communicated with the County any intent to apply for credits under the Cap and Trade System, therefore, compliance with corresponding GHG emissions offset protocol for forestland is not warranted. The Forest Protocol provided by the CARB under the Cap and Trade System provides a precedent that the preservation of woodlands can result in a reduction of GHG emissions.

Consistent with *CEQA Guidelines* Section 15126.4(c) which provides guidance for lead agencies in reducing GHG emissions, Mitigation Measure 4.9-9 of the DEIR for oak woodlands provides for permanent preservation of virtually all of the oak woodland on the property. This only increases with the revised Water and Habitat Alternative as a means of sequestering GHGs. As shown in Table 4.7-1, GHG reductions were calculated utilizing the minimum requirement for oak woodland preservation of 14.84 acres in accordance with the Oak Woodlands Preservation Act [PRC Section 21083.4] and local Napa County policies. Furthermore, the analysis of GHG emissions presented in Table 4.7-1 was conservative in assuming the total gross area of disturbed land consisted of forested areas. However, the actual forested acreage on the project site that would be removed is 27% lower. Accordingly, the actual acreage requiring permanent preservation to offset GHG emissions to levels below the significance criteria are well below those presented in the conservative estimate presented in Table 4.7-1 of the DEIR. **The permanent preservation would be located onsite on slopes no greater than 30% and outside of stream and wetland setbacks. To the extent that the permanent preservation area may also overlap with other County vegetation retention requirements, those retained areas not only provide protection from soil erosion and water quality but have significant co-benefits including but not limited to aesthetics, wildlife habitat, and GHG sequestration that make it appropriate for mitigating the Proposed Project's impacts, including GHG emissions.** Reliance on existing County requirements for mitigation of the Proposed Project's impacts is consistent with both the County's intent and general purpose for adopting these policies, that is

preservation and protection of the County's natural resources and utilization of these areas for mitigation is consistent with CEQA's definition of mitigation. Specifically, *CEQA Guidelines* Section 15126.4(c) states:

Consistent with Section 15126.4(a), lead agencies shall consider feasible means, supported by substantial evidence and subject to monitoring or reporting, of mitigating the significant effects of greenhouse gas emissions. Measures to mitigate the significant effects of greenhouse gas emissions may include, among others:

- (1) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;
- (2) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F;
- (3) Off-site measures, including offsets that are not otherwise required, to mitigate a project's emissions;
- (4) *Measures that sequester greenhouse gases...* (emphasis added).

Nothing in the CEQA statute or *CEQA Guidelines* suggests that carbon sequestration must occur offsite, or on woodlands otherwise proposed for imminent conversion to non-woodland uses, in order to constitute adequate mitigation. To the contrary, the *CEQA Guidelines*, and relevant case law demonstrate that permanent preservation of on-site woodlands is reasonable and adequate mitigation even when required by existing County policies.

*CEQA Guidelines* Section 15370 defines "mitigation" to include:

- Avoiding the impact all together by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the impact and its implementation;
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- Compensating for the impact by replacing or providing substitute resources or environments.

The preservation of woodland onsite *rectifies* and *compensates* for the Proposed Project's impact on climate change by ensuring that carbon dioxide is sequestered (captured and stored) thereby off-setting the GHGs generated by the Proposed Project's construction. This sequestration would be accomplished through permanent protection of woodland habitat onsite. This mitigation measure is not "illusory," as it would provide a measurable means of reducing the emissions due to project construction as shown in Table 4.7-2 of the DEIR. The attached GHG Memo which concentrates on the Water and Habitat Alternative further addresses the GHG issues in detail. It is important to note that the Applicant has voluntarily offered to purchase credits as needed and/or plant additional trees onsite along with other GHG reduction measures to reduce the operations GHG to zero.

### ***Responses to Comments A6-54 through 58***

The geographic scope of the analysis is presented in Section 6.1.1 of the DEIR. The area affected depends on the nature of the resource and impact being analyzed (*CEQA Guidelines* Section 15130[b][2]). No fixed standards apply, and the agency has discretion to apply its expertise in selecting an appropriate assessment area (*City of Long Beach v. Los Angeles Unified Sch. Dist.*, (2009) 176 CA4th 889). The general geographic scope was limited to a 3-mile radius surrounding the project site, which as noted in the DEIR includes 90% of the Bell Canyon Reservoir Watershed and portions of 13 adjacent watersheds. The DEIR further states that the geographic scope for cumulative analysis is also dependent on the particular resource being addressed. For example, air quality analysis is conducted based on the status of the air basin and the hydrology/water quality and geology/soils analyses are conducted based on the Conn Creek – Main Fork and Upper Reach watersheds, while other resource areas are limited by topography, drainage, and other physical features of the area.

The geographic scope may be decreased or increased accordingly to best capture impacts from similar projects. Because of these differences, analysis presented in the cumulative section further narrows the geographic scope for cumulative analysis for each resource, where appropriate. Courts will defer to the agency's definition of an appropriate area for assessing cumulative impacts if the record shows a reasonable basis for it (*Ebbetts Pass Forest Watch v. Department of Forestry & Fire Protection* [2004] 123 CA4rtg 1331, 1352 (agency's responses to comments explained why use of larger assessment area would obscure the project's impacts and not be practical or reasonable given the lack of useful available data on broader geographic area). The geographic scope of the cumulative impact analysis is reasonably explained in the DEIR at the beginning of the discussion under each of the resources being analyzed. Based on comments received on the DEIR, the discussion has been expanded in Section 6.1.1 to provide further clarification regarding the geographic scope of the cumulative setting. As stated in the revised DEIR, given that impacts assessed in Section 4.0 are less than significant or less than significant with mitigation, a 3-mile radius was appropriately selected to conservatively establish an outer limit of projects that may result in cumulatively considerable impacts when compared to the Proposed Project. If cumulative impacts were not considered significant within a 3-mile radius covering 80% of the Conn Creek – Main Fork Watershed and the Conn Creek – Upper Reach Watershed and portions of 13 adjacent watersheds, then no further analysis regarding potential cumulatively considerable impacts was considered warranted. Accordingly, the DEIR adequately defines the geographic scope and provides a reasonable explanation for the geographic limitation used.

The revisions to the DEIR further clarify the reasoning behind the geographic limitation used. Commenter speculates that the wine industry will continue with the same pace as the same 25 years and therefore the cumulative analysis should have assessed future growth over a 25-year period, and not the 10 years assessed in the DEIR. According to the last 25 years, the average acreage of vineyard development under an ECP within a 3-mile radius of the project site has been decreasing. For example, the average vineyard development under an ECP from 1993 to 2008 within a 3-mile radius was 10.09 acres. However, over the last 10 years (2009 to 2018), the average vineyard



acreage under an ECP within a 3-mile radius decreased by more than 51% to 4.91 acres. In accordance with these trends and difficulties in determining a 25-year future cumulative setting, the cumulative analysis conservatively assumed the average vineyard development under an ECP over the past 25 years would occur each year and selected a decade as the future planning horizon. More than 10 years would be speculative in nature and inconsistent with most recent trends of a decline in vineyard development under an ECP. Furthermore, the cumulative analysis utilized available data which related to those projects requiring County approval. No dataset is readily available to assess all cumulatively considerable projects in the region and CEQA does not require a lead agency to seek out new data that is not readily available.

### ***Response to Comment A6-59***

The 3-mile radius, as analyzed in Table 6-1 in Section 6.1.3 of the DEIR, was assessed as a general geographic scope to determine if further analysis of cumulatively considerable impacts was warranted. As noted in the analysis, a conservative assumption was made that acreages for the vineyards presented in the cumulative context (Table 6-1) resulted in the same acreage of forestland loss (there is no site-specific data readily available to determine the amount of forest lost for each vineyard operating under an ECP; therefore, it was conservatively assumed that acreages of vineyard development resulted in the equivalent loss of forestlands). Napa County Code Section 18.108.027 requires the retention of a minimum of 60% of the tree canopy cover present in 1993 and Napa County General Plan Policy CON-24 requires preservation of oak woodlands at a minimum 2:1 ratio. Under the conservative assumption, the impact within the 3-mile radius was calculated to be 10%, while in actuality considering the conservation assumptions mentioned above, the cumulative impact would actually be less. This was the determination of the less-than-significant impact. The analysis also indicated that under this conservative assessment of complete forestland removal within all the acreages covered under an ECP over the past 25 years, the impact to the County total would be 4.82%. This analysis was provided in addition to the analysis within the 3-mile radius and further substantiates the finding within the DEIR.

Commenter is correct that the County has been consistently assessing cumulative impacts from vineyard conversion projects to ensure each project is assessed in accordance with previously approved vineyard conversion projects. The analysis adequately addresses the incremental impact of vineyard conversion, including the Proposed Project, by calculating the conservative 10% impact. Refer to **Response to Comment A6-57** regarding the discussion of the conservative nature of the impact analysis. The County's assessment of impacts from 25 years of previous vineyard conversion projects provides more than an adequate level of information to evaluate "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts *CEQA Guidelines* Section 15355)." Furthermore, Section 15355 of the *CEQA Guidelines* clarifies that:

*The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable*

*probable future projects.*

As discussed in Section 6.1.3, Cumulative Context, the DEIR assesses cumulative impacts by determining past projects (Table 6-1 of the DEIR), current projects (Table 6-2 of the DEIR), and reasonably foreseeable vineyard projects that may be developed in the future. The approved and pending projects in the cumulative environment listed in **Tables 6-1** and **6-2** and the annual total acreages were used to project an estimation of vineyard development under an ECP for the next several years. This data was then used to assess the impacts to environmental resources, including forestlands (refer to **Section 6.1.4-2**). Accordingly, the DEIR provides sufficient analysis of the Proposed Project potential cumulatively considerable impacts.

### ***Response to Comment A6-60***

Refer to **Responses to Comments A3-05, A1-21, A6-05, A6-06, and A6-09**. The findings of the revised DEIR are consistent with the previous findings that the environment would not be significantly impacted from implementation of the Proposed Project. Therefore, recirculation of the DEIR is not required in accordance with Section 15088.5 of the *CEQA Guidelines*.

### ***Response to Comment A6-61***

Comment noted.

## **A7 - SIERRA CLUB**

### ***Response to Comment A7-01***

Comment noted. Refer to **GR-1**. Impacts related to GHGs and associated climate change considerations are addressed in Section 4.7.3 of the DEIR. As stated in Section 4.7.3, criteria for determining the significance of impacts have been developed based on Appendix G of the *CEQA Guidelines* and relevant agency thresholds. Impacts would be considered significant if the Proposed Project were to:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or
- Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

As discussed in **Section 4.7.2**, the County's Draft Climate Action Plan has not yet been adopted. Therefore, in the absence of an adopted County Climate Action Plan, State goals and adopted thresholds from other nearby jurisdictions are used in this analysis as the basis for determining significance level of impacts during project construction (refer to **Section 4.7.3-1** of the DEIR). The BAAQMD *CEQA Guidelines* were adopted by the BAAQMD Board of Directors in June 2010 and upheld in court on August 13, 2013. The BAAQMD *CEQA Guidelines* do not provide specific thresholds for GHG emissions from construction. Although the *CEQA Guidelines* provide clear guidance on how to analyze GHG emissions from biogenic sources, which result from natural biological processes such as the decomposition or combustion of vegetative matter (wood, paper,

vegetable oils, animal fat, yard waste, etc.), the *CEQA Guidelines* do not require the quantification of biogenic GHG emissions as part of the quantification of project-related emissions, and do not provide a GHG emission threshold for these sources for either operation or construction activities. However, the *CEQA Guidelines* do recommend that construction-related GHG emissions be quantified using CalEEMod and disclosed in the appropriate environmental document (Appendix C of the DEIR).

The *CEQA Guidelines* require that only exhaust from construction equipment be included in the climate change analysis, similar to the analysis for criteria pollutants, which was included in the climate change analysis in the analysis included in Appendix C. As discussed above in the response to **Response 3-06**, a new memo addressing GHG has also been completed and is included as Attachment 1 to the Response to Comments. This memo was predicated on the new BAAQMD revised GHG thresholds.

### ***Response to Comment A7-02***

Refer to **Response to Comment A6-50**.

### ***Response to Comment A7-03***

Refer to **GR-3**. Page 4.6-17 of the DEIR states, “The Proposed Project was designed such that post-project soil loss was achieved on the watershed and sub-watershed level. Additionally, the individual transects showed a decrease in post-project soils loss at a local level (refer to Table 4.6-2).” The use of the erosion control measures in the ECP and mitigation measures discussed in Section 4.4.3, 4.6.3, and 4.9.3 will thus minimize sediment delivery of the Proposed Project to streams and impacts would be less than significant. Post-project conditions would reduce existing surface erosion up to 62%. (Refer to Appendix J.)

### ***Response to Comment A7-04***

Refer to **GR-3**. Potential impacts from the Proposed Project’s construction and operation were analyzed based on an examination and field surveys of the project site and published information regarding the hazards, water, and biological resources of the project area. Where necessary, impact-specific studies were conducted, are attached to the DEIR as appendices, and are summarized within the appropriate impact analysis. Potential impacts were assessed in accordance with applicable federal, State, and local resource management plans, regulations, and guidelines.

### ***Response to Comment A7-05***

Refer to **GR-3**. The cumulative impacts of the Proposed Project were assessed within a 3-mile radius of the Proposed Project, including approximately 80% of the Conn Creek – Main Fork Watershed and the Conn Creek – Upper Reach Watershed and portions of 13 adjacent watersheds. The analysis concluded that peak runoff rates and runoff volumes would not increase or have an impact on flooding in the Conn Creek - Upper Reach Watershed as a result of the Proposed Project (Appendices I and J).

***Response to Comment A7-06***

This comment addresses the potential for habitat loss as a result of the Proposed Project. Refer to **GR-4**.

***Response to Comment A7-07***

Refer to **GR-4**. Mitigation, open space easements and other methods of protecting lands on private property are common methods of mitigation under CEQA. The Lead Agency (County) is in charge of approving the easement and the type of easement or similar mechanism that achieves permanent preservation.

***Response to Comment A7-08***

The Proposed Project would not impact the Linda Falls Preserve or existing off-site trails. The existing tree canopy, consisting of mature Douglas fir forest, blocks views of the Proposed Project from the Linda Falls Land Trust Preserve and would therefore not have an adverse impact on recreational activities or aesthetics. As stated in Section 4.2.3 and Section 4.4.3 of the revised DEIR, approximately 64% of forestland would remain undeveloped with implementation of the Proposed Project. The Proposed Project would result in the permanent preservation of approximately 26.52 acres of Douglas Fir Alliance, 15.39 acres of Mixed Oak Alliance, and 0.58 acres of Ponderosa Pine Alliance via implementation of Mitigation Measures 4.4-2, 4.4-7, and 4.4-9, and would therefore comply with local policies, including Napa County Code Section 18.108.027 and Napa County General Plan Policy CON-24, to conserve and retain the integrity and diversity of forestland to the extent feasible. The Water and Habitat Alternative would preserve even more sensitive habitats (oak woodlands) and increase the buffers for waterways including a 200-foot minimum buffer for Conn Creek.

***Response to Comment A7-09***

The No Project Alternative would not accomplish the majority of the Proposed Project's objectives, and the Proposed Project has been demonstrated to result in less-than-significant impacts with implementation of mitigation measures discussed in Section 4.0 of the DEIR and the revised DEIR. Because the ECP necessitating this EIR was on file with the County prior to the adoption of the Water Quality and Tree Protection ordinance, the new ordinance does not apply to the Proposed Project.

**A8 - LINDA FALLS ALLIANCE*****Response to Comment A8-01***

The commenter requested information regarding the dissemination of the DEIR. The comment was addressed by Napa County via email correspondence on 01/02/2019.



## A9 - LINDA FALLS ALLIANCE

### ***Response to Comment A9-01***

Comment noted. Refer to **GR-1**. Furthermore, the County has worked with the Applicant to assure that environmental impacts would be avoided or mitigated to a less-than-significant level.

### ***Response to Comment A9-02***

Comment noted. Commenter states an opinion regarding the Applicant and proposes the No Project Alternative. Refer to **GR-1**. The No Project Alternative would not accomplish the majority of the Proposed Project's objectives, and the Proposed Project has been demonstrated to result in less-than-significant impacts with implementation of mitigation discussed in Section 4.0 of the DEIR and the revised DEIR. Furthermore, as discussed in Section 4.10.2, the parcel is under the jurisdiction of the County; therefore, the Napa County Zoning Ordinance designates allowable land uses on the site, and the Proposed Project is compatible with those allowable uses.

According to the Napa County Zoning Ordinance, parcels within the project boundary are zoned as Agricultural Watershed (AW) with an Airport Compatibility (AC) overlay. The Napa County Zoning Ordinance describes the intent of this zoning designation as follows:

*The AW district classification is intended to be applied in those areas of the county where the predominant use is agriculturally oriented, where watershed areas, reservoirs and floodplain tributaries are located, where development would adversely impact on all such uses, and where the protection of agriculture, watersheds and floodplain tributaries from fire, pollution and erosion is essential to the general health, safety and welfare," (Napa County Zoning Ordinance Section 18.20.010).*

Agricultural uses, such as timber harvesting and vineyard production, are considered permitted land uses under the applicable land use designation within the project site (Napa County Zoning Ordinance). Generally, permitted uses, as set forth in Section 18.20.020 include, but are not limited to, the following:

*Agriculture, including but not limited to, as defined in Section 18.08.040 as: (a) growing and raising trees, vines, shrubs, berries, vegetables, nursery stock, hay, grain, and similar food crops and fiber crops, and (d) sale of agricultural products grown, raised, or produced on the premises," (Napa County Zoning Ordinance Section 10.08.040).*

The combining zone, AC overlay, serves to modify the primary classification, including limitations on building height, lot coverage, population density, and flight hazards (smoke, glare, electrical interference, etc.). Accordingly, the commenter is incorrect in stating that the No Project Alternative is the only justifiable use of the project site. The Proposed Project complies with the land uses allowed by the Napa County Zoning Ordinance.

***Response to Comment A9-03***

Comment noted. Commenter simply states an opinion regarding the Applicant and states that the mitigation cannot be completed and does not provide a comment “raising significant environmental issues” [refer to Section 150888(a) of the *CEQA Guidelines*] and instead provides unsubstantiated personal attacks on the Applicant and the environmental consultant. Accordingly, additional statements of opinion within the comment letter and unsubstantiated claims regarding the Applicant, County, and associated professionals are referred to **GR-1**.

***Response to Comment A9-04***

Opinion noted. The comments are unrelated to environmental impacts of the Proposed Project. Refer to **GR-1**.

***Response to Comment A9-05***

Comment noted. Refer to **GR-1**. As stated in Section 15088 of the *CEQA Guidelines*, the level of detail contained in the response may correspond to the level of detail provided in the comment (i.e., responses to general comments may be general).

A general response may be appropriate when a comment does not contain or specifically refer to readily available information or does not explain the relevance of evidence submitted with the comment. Accordingly, the responses to comments raised on the DEIR are commensurate to the level of detail provided in the comment. While all comments are hereby incorporated into the record, only those comments that raise a significant environmental issue are addressed with a response as appropriate.

***Response to Comment A9-06***

Commenter states the DEIR incorrectly concludes impacts regarding aesthetics. Due to the topography and existing vegetation and tree canopy that would be retained, views from nearby roadways, including Howell Mountain Road, and nearby public access areas would not be significantly altered by the Proposed Project. The photograph provided in Figure 4.1-1 of the DEIR is a representation of the screening the vegetation provides of the project site from Howell Mountain Road and accurately depicts the scenic setting of the project site.

***Response to Comment A9-07***

Page 4.1-7 of the DEIR states, “The Napa Land Trust open space area is adjacent to the southwestern border of the property along Conn Creek. Setbacks of at least 105 feet from Conn Creek are proposed. In addition, the property is upslope from Conn Creek and there is a steep decline between where project activities would occur and the Land Trust Property, which would further prevent the project from being visible. As such, there would be a minimum of 105 feet of dense vegetation and a large slope break between the Proposed Project and the Napa Land Trust and open space area, and therefore no significant aesthetic impacts are anticipated.” The existing tree canopy, consisting of mature Douglas Fir forest, also blocks views of the project site from the

Linda Falls Land Trust Preserve, and therefore would not have an adverse impact on recreational activities or aesthetics.

### ***Response to Comment A9-08***

Commenter questions the recreational impacts from the Proposed Project. Refer to **Response to Comment A9-07**. Aesthetic impacts are assessed in Section 4.1 of the DEIR. As discussed Section 2.4 of the DEIR, “the Proposed Project would not result in substantial population growth or the associated increased use of recreational facilities and does not include the construction or expansion of recreational facilities. The Proposed Project would also not adversely impact recreational opportunities or prohibit the maintenance of existing recreational opportunities.” Section 2.4 concludes that there would be “no impact” on recreational activities as a result of the Proposed Project. The Proposed Project would be conducted on private land and would not impact the Linda Falls Preserve or existing off-site trails.

### ***Response to Comment A9-09***

Commenter questions the aesthetic impacts from the Proposed Project. Refer to **Responses to Comments A6-45, A9-07, and A9-08**. The potential impacts on aesthetics of the Proposed Project were found to be less than significant under Impacts 4.1-1, 4.1-2, 4.1-3 and 4.1-4. While some areas may be visible, most of the viewshed would be blocked by existing and remaining resources such as the area adjacent to Conn Creek along Howell Mountain Road. Secondly, as described throughout the County’s General Plan, highest and best use of agriculturally zoned land is agriculture and the Proposed Project would be similar to existing surrounding vineyards in the Angwin area. The Proposed Project would not introduce a new view aesthetic to the area as the area has vineyards mixed with natural areas already.

### ***Response to Comment A9-10***

Commenter questions the aesthetic impacts from the Proposed Project. Refer to **GR-2 and Responses to Comments A9-07, A9-08, and A9-09**. The commenter is correct that implementation of the Proposed Project would result in the replacement of forest canopy with vineyard development. Such development is not a significant impact based on the size of the development, the approximately 25 acres not proposed for conversion to vineyard on the site and maintenance of a majority (exception is a small portion of the border of Block C) of foliage surrounding the vineyard blocks screening the vineyard block from view. Furthermore, there are vineyards east, west, and to the south of the project’s site. North, northwest of the project site is a sewage treatment and disposal field adjacent to athletic fields. The resulting vineyard blocks would be consistent with surrounding vineyards and the existing visual aesthetics of Angwin and therefore would not result in a significant degradation of the aesthetics of the area. Furthermore, aesthetic impacts can also be considered significant if the changes do not align with the purposes and policies of the General Plan. As stated in the Agricultural Preservation and Land Use Element Policies and Goals, agriculture and related activities are the primary land use in Napa County (refer to Goals AG/LU-1, 3, 6 and Policies AG/LU-1, 2, 4, 8, and 12). (Furthermore, the activities related to agriculture are projected as indicated in Policy AG/LU-15:

The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities.

### ***Response to Comment A9-11***

Commenter states the conclusions in the DEIR regarding aesthetics are not supported. Refer to **GR-2**. Potential impacts associated with aesthetics are assessed in Section 4.1 of the DEIR.

Refer to Section 6.1.4 of the DEIR for analysis associated with cumulative forestry impacts. The Cumulative Effects analysis of the DEIR includes impacts of forest clearing from other vineyard projects within a 3-mile radius of the Proposed Project. Implementation of these projects would result in the removal of approximately 0.09% of the overall timberland acreage of Napa County. However, commenter incorrectly states that the DEIR relies on “...other forested lands as mitigation...” The occurrence of forestland throughout the County is not used as mitigation. Permanent preservation of existing forest habitat within the property is proposed as mitigation (refer to Mitigation Measure 4.4-2). Therefore, there would be a less-than-significant impact to forestland. This would account for 0.6% of what was estimated to be forest loss in the cumulative context calculated in Section 6.1.3 of the DEIR. Additionally, a slight loss has also resulted from PG&E tree removal within the 3-mile radius of the cumulative setting which does not affect this finding relative to the Proposed Project.

### ***Response to Comment A9-12***

Commenter states the analysis in the DEIR regarding noise is incomplete. Vibration and noise levels for construction and operation of the Proposed Project are assessed in Section 4.11 of the DEIR; levels were determined using California Department of Transportation guidelines and compared to Napa County significance thresholds (peak particle velocity [PPV] value equals 0.5 inches per second or greater). The predicted PPV levels for all of the equipment that would be used in the construction of the Proposed Project would be below the significance thresholds of 0.5 PPV for non-residential structures and 0.1 PPV for residences (Table 4.11-7).

As stated in Section 4.11.2, General Plan Goal CC-7 states that the County accepts “those sounds which are part of the County’s agricultural character while protecting the people of Napa County from exposure to excessive noise.” Furthermore, General Plan Policy CC-35 states that the “noises associated with agriculture, including agricultural processing, are considered an acceptable and necessary part of the community character of Napa County, and are not considered to be undesirable provided that normal and reasonable measures are taken to avoid significantly impacting adjacent uses.” As discussed in Section 4.11.3, Impact 4.11-1, construction and operational activities from the Proposed Project would generate noise a maximum of 85 dBA at 50 feet. The nearest school is PUC Elementary School, which is located approximately 1,000 feet from the nearest vineyard block boundary. Noise impacts at this distance would be less than



significant. Impacts from noise from construction and operational activities at the nearest sensitive receptors would be reduced to less-than-significant levels with implementation of Mitigation Measure 4.11-1, which are normal and reasonable measures for reducing noise impacts from construction.

### ***Response to Comment A9-13***

This comment raises the issue of the impact of the Proposed Project on sensitive receptors. Refer to Mitigation Measure 4.11-1, which would bring any impact of noise on sensitive receptors to a less-than-significant level.

### ***Response to Comment A9-14***

The existing well is tied into the existing electrical system for the project site. As stated in Section 3.2.2 of the DEIR, groundwater would be the irrigation source for the Proposed Project, which would be obtained from the existing agricultural well on the property. Section 3.2.2 of the DEIR states, "Frost protection would be provided by the use of wind machines (typically from 12 am to 7 am), which would operate approximately 15 days out of the year."

### ***Response to Comment A9-15***

Refer to Section 4.11.3 regarding analysis of noise impacts from construction equipment. The statement mentioned by the commenter is in reference to the calculation of the impact, which was noted to be approximately 85 dBA at 41 feet from the nearest sensitive receptor. Table 4.11-7 shows the PPV for those receptors located at 25 and 41 feet from the construction for the Proposed Project. As shown in Table 4.11-7, the predicted PPV levels for all of the equipment to be used in construction of the Proposed Project would be below the significant thresholds of 0.5 PPV for non-residential structures and 01. PPV for residences, resulting in a less-than-significant impact. This type of exposure was estimated to last approximately two days (construction activities with the highest potential of noise generation at 41 feet from a sensitive receptor). Based on tree removal and vineyard installation activities, the exposure would be inconsistent throughout each day. Furthermore, as stated in Section 3.2.2, construction of the Proposed Project is anticipated to occur over a one- to two-year period, with ECP related construction and vineyard planting occurring only during the dry months April 1 through September 15. Accordingly, the impacts of construction are temporary and would occur only during the dry season for two years, at most. The analysis does not state that no noise would result from the Proposed Project but assesses noise generation in accordance with the County noise threshold of 75 dBA. The mitigation measure for noise provides a list of practices that, when combined cumulatively, reduce construction impacts to a less-than-significant level. Mitigation Measure 4.11-1 provides for the use of mufflers or acoustic shields for all construction equipment. As noted in the mitigation measure, muffling would be operated and maintained in accordance with the manufacturers' recommendations. Furthermore, a requirement that landings would not be located within 100 feet of residences has been added to Mitigation Measure 4.11-1.

### ***Response to Comment A9-16***

Commenter states the proposed mitigations are deficient to reduce noise impacts. Refer to

Section 4.11.3 regarding analysis of noise impacts from construction equipment. Mitigation 4.11-1 states "...Construction within 200 feet of the neighboring residences shall only occur between the hours of 8am to 6pm..." This mitigation does not suggest that construction would be continuously occurring for 10 hours between 8 a.m. and 6 p.m. Rather, this mitigation restricts construction activities from occurring within 200 feet of residences prior to 8 a.m. and after 6 p.m. in accordance with County noise requirements. Thus, the statement "...Construction within the remainder of the project site shall occur only between the hours of 7 a.m. to 7 p.m...." is accurate, as workers are only allowed to enter and exit the site at this time.

In addition, under Mitigation Measure 4.11-1, the Project Applicant shall provide a noise complaint contact phone number to all residences within 400 feet of construction activities and shall appoint a noise management employee to investigate noise complaints.

#### ***Response to Comment A9-17***

Refer to **Responses to Comment A9-12, A9-15, and A9-16**. The owner would also ensure that all equipment meets the muffler standards for equipment as required and this shall be noted in the appropriate required filing to the County. The Applicant shall keep record of the equipment actually used onsite and have that information available to the County upon request to ensure compliance with Mitigation Measure 4.11.1.

#### ***Response to Comment A9-18***

Refer to **Response to Comment A9-16**. Sound-reducing windows have been removed from Mitigation Measure 4.11-1 of the revised DEIR due to distance and hours of operation.

#### ***Response to Comment A9-19 and A9-20***

To be conservative, analysis of impacts to forestland assumes that projects included in the cumulative context resulted in 100% forest conversion because, contrary to the unsubstantiated statement by the commenter, the County data pertaining specifically to total forest conversions within Napa County may not be able to fully analyze this question, although it does have information regarding changes in land cover types that could be used to attempt to extrapolate forest conversions but that is not necessary given conservative assumption of analysis. Accordingly, the available data was utilized to develop a conservative cumulative analysis that meets Section 15130 of the *CEQA Guidelines* requirements to assess cumulative impacts.

#### ***Response to Comment A9-21 and A9-22***

Commenter speculates that every parcel of land at least 0.5 acres in size may be converted to vineyard. Cumulative impacts regarding forest loss are specifically addressed in Section 6.1.4-2 of the DEIR. Refer to **Response to Comment A6-01** regarding the conservative nature of the cumulative analysis concerning impacts to forestland.

***Response to Comment A9-23***

Commenter states the DEIR inadequately evaluates the impacts of forest conversion. Analysis regarding impacts associated with tree removal and forestland conversion is included in Sections 4.2.3 and 4.4.3 of the DEIR. Section 4.2.3 of the DEIR has been revised to include a reference to Section 4.4.3, which assessed potential tree removal impacts according to specific County criteria. Forestland would be preserved with implementation of Mitigation Measures 4.4-2, 4.4-7, and 4.4-9.

***Response to Comment A9-24***

Commenter states the maps provided are inadequate. Figure 4.4-1 of the DEIR shows habitat types on the property, including forested areas.

***Response to Comment A9-25***

Commenter requests details regarding aquatic habitat on the project site. Figure 4.4-1 depicts several different aquatic habitat types, including ephemeral drainages, blue-line waters, and wetlands. Refer to Appendix F for the wetland delineation of the project site, which describes characteristics of the aquatic habitat, including locations and plant species.

***Response to Comment A9-26***

Commenter requests details regarding vegetation communities on the project site. Refer to Figure 4.4-1 of the revised DEIR, which provides detailed information on habitat types, including locations of rock outcroppings, special-status plant species, and wetlands.

***Response to Comment A9-27***

Refer to **Response to Comment A9-26**. Figure 4.4-1 of the DEIR identifies 0.49 acres of rock outcrop occurs on the property which lies outside of the clearing limits.

***Response to Comment A9-28***

Refer to **Responses to Comments A9-26** and **A9-27**.

***Response to Comment A9-29***

Refer to GR-5 regarding increased buffers to Conn Creek and **Response to Comment A9-26**. The project site is distinguished by the property boundary and private ownership status versus the Linda Falls Land Trust Preserve. The vineyard blocks would be developed on private land and would not impact the recreational use of Linda Falls. Additionally, the No Project Alternative would not accomplish the majority of the Proposed Project's objectives, and the Proposed Project has been demonstrated to result in less-than-significant impacts with implementation of mitigation discussed in Section 4.0 of the DEIR and the revised DEIR.

***Response to Comment A9-30 through A9-33***

Commenter requests details regarding "rock spoils." Refer to Section 4.6.3 regarding environmental impacts from erosion control features. Rock generated during land preparation may be used in

erosion control features, roads, and local landscaping (Appendix B of the DEIR). Additional rock may be crushed and placed along the existing dirt road where shown on the ECP. The ECP for the Proposed Project (Appendix B of the DEIR) has been designed to minimize erosion and associated impacts. The Lead Agency has determined that the ECP, including the erosion control features, is technically adequate and in compliance with Napa County's Conservation Regulations Chapter 18.108, including General Plan Policies CON 48 and CON-50(c).

#### ***Response to Comment A9-34***

The filter fabric manufacturer for the Mirafi 140N, which would be implemented as part of the Proposed Project, has an estimated a life expectancy of 75 to 100 years or more (Tencate, 2014). Page 2 of the ECP outlines Annual Winterization methods and states, "the rock anchoring filter fabric on interior slope of dikes shall be replaced annually, or as needed." (Refer to Appendix B of the DEIR.)

#### ***Response to Comment A9-35***

Commenter expresses concern about known failures of other vineyards. Refer to **Responses to Comments A6-23** and **A6-18**.

#### ***Response to Comment A9-36***

Commenter asserts the DEIR did not discuss impacts to ephemeral streams. As shown in Figure 4.4-1 and Appendix B of the DEIR, water features such as ephemeral streams and drainages are located outside of the project clearing areas and would not be impacted, pursuant to federal, State, and local regulations. Refer to the Wetland Delineation (Appendix F) detailing water features onsite. Refer to Sections 4.4.3 and 4.9.3 regarding analysis of potential impacts to aquatic features, including ephemeral streams.

#### ***Response to Comment A9-37***

Commenter is concerned about hydrological impacts. Refer to **GR-3** and Section 4.9 of the DEIR.

#### ***Response to Comment A9-38***

Commenter is concerned about erosion control failures at other vineyards which is outside the scope of the Proposed Project and the DEIR. Refer to **GR-3** and **Responses to Comments A6-08** and **A6-23**.

#### ***Response to Comment A9-39***

Commenter is concerned about known level-spreader failures of other vineyards which is outside the scope of the Proposed Project and the DEIR. Refer to **Responses to Comments A6-08** and **A6-23**.

#### ***Response to Comment A9-40***

Commenter states an opinion regarding the feasibility of the erosion control measures and conclusions of the erosion analysis. Refer to **GR-3** and **Response to Comment A6-23**. Erosion is



discussed in Section 4.6 of the DEIR.

### ***Response to Comment A9-41***

Commenter states an opinion regarding the feasibility of the erosion control measures and conclusions of the erosion analysis. Refer to **GR-3** and **Response to Comment A6-23**. Erosion is discussed in Section 4.6 of the DEIR. Winterization inspections would be conducted by the NCRCD during each year of project development until the project is complete and declared “finaled.” These inspections monitor implementation of all temporary and permanent erosion and sediment control measures. Following inspections, NCRCD submits reports, including written comments and photo-documentation, to County staff, applicants, project engineers, contractors, and vineyard management personnel. NCRCD notifies applicants by telephone or email of any shortcomings requiring immediate attention. In addition to inspection of all projects under development, 5% of all “finaled” projects are subject, indefinitely, to random “spot checks,” in which NCRCD re-inspects vineyards to assure continued compliance with the approved Plan’s specifications. These same measures have been used for many years in Napa County to control erosion and ensure that temporary erosion control measures are installed as specified in the ECP each year.

### ***Response to Comment A9-42***

Commenter questions whether the Proposed Project would be certified organic. The Proposed Project would incorporate sustainable pest management techniques discussed in Appendix L but would not be certified organic.

### ***Response to Comment A9-43***

Refer to Section 4.12.4 regarding impacts from construction and operation of the Proposed Project, including traffic and agricultural transport activities. Page 4.8-9 of the DEIR states “There would be no permanent storage of fertilization and pesticide materials onsite. Vineyard employees would be trained annually in the proper use of pesticides. Additionally, implementation of Mitigation Measures 4.8-1, 4.8-2, and 4.8-3 would further reduce risks associated with the routine transport, use, or disposal of hazardous materials.” Impacts to natural vegetation would be avoided through implementation of Mitigation Measures 4.4-6, 4.4-7, 4.4-9, and 4.8-2. The Proposed Project would be operated using IPM techniques and BMPs that focus on environmentally sensitive methods of reducing agricultural pests and avoids the use of harsh chemicals, as discussed in Appendix L.

### ***Response to Comment A9-44 and A9-45***

Refer to **Response to Comment A9-43**. Fertilizer, pesticides, and other potential waste contaminants are assessed in Section 4.8 of the DEIR. Mitigation Measure 4.8-4 requires the establishment of fuel loading and chemical mixing areas outside of riparian buffers (setbacks). Potential impacts associated with accidental release of potentially hazardous substances would be reduced to a less-than-significant level with implementation of Mitigation Measures 4.8-1, 4.8-2, 4.8-3, and 4.8-4. Additionally, the Proposed Project must submit a report of waste discharge and the Regional Water Quality Control Board would assign waste discharge requirements that would minimize impacts to water quality (refer to Section 4.9.2).

***Response to Comment A9-46***

As discussed in Section 3.0 of the DEIR, the vineyard would utilize a drip irrigation system. Irrigation lines are shown on the ECP (Appendix B) and would be installed within access roadways and within areas of clearance.

***Response to Comment A9-47***

Refer to **Responses to Comments A6-24, A9-43, and A9-44**. Potentially hazardous spills and BMPs are discussed in Section 4.8.3 of the DEIR.

***Response to Comment A9-48***

Refer to **GR-2** and **Responses to Comments A6-24, A9-43, and A9-44**.

***Response to Comment A9-49***

Commenter states concerns related to the use of fertilizers or other chemicals used in the Proposed Project. Refer to Sections 4.8-1 and 4.8-1 for impacts associated with hazardous spills. Implementation of mitigation measures as listed in Section 4.8 would reduce those impacts to a less-than-significant level.

***Response to Comment A9-50***

Commenter states concerns with water quality. Refer to **GR-3** and Impact 4.9-1 of the DEIR regarding potential impacts from the Proposed Project to groundwater. An MMRP is included in this Final EIR, Volume I, Section 5.0. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project (refer to Table 5-1 of the Final EIR, Volume I, Section 5.0).

***Response to Comment A9-51***

Commenter states water quality concerns. Refer to **GR-3**. The voluntary Water Quality Monitoring Program has been included as a component of the Proposed Project, refer to Section 3.2.2. Findings of the revised DEIR are consistent with previous findings and would be imposed as a condition of approval if the Proposed Project is approved. Therefore, recirculation of the DEIR is not required in accordance with Section 15088.5 of *CEQA Guidelines*, as this does not constitute significant new information as defined there within.

***Response to Comment A9-52***

Commenter states concerns regarding oak woodland. Refer to **GR-2**. Figure 4.4-1 of the DEIR shows habitat types, including oak woodland, located within and outside of proposed clearing limits.

***Response to Comment A9-53***

Refer to **GR-2** and **Responses to Comments A1-11 through A1-13**.

***Response to Comment A9-54***

Commenter questions wildlife movement impacts and survey methodology. Refer to **GR-2** and **Responses to Comments A6-33** and **A1-14**. Survey methodology is discussed in Section 4.4.1 of the revised DEIR. Biological surveys were conducted according to industry and professional standards in accordance with County, CAL FIRE, the U.S. Fish & Wildlife Service (USFWS), and CDFW requirements. The total acreage for the Proposed Project as stated in the Project Description in Section 3.2 is 33.8 acres.

***Response to Comment A9-55***

Commenter questions wildlife movement impacts and survey methodology. Refer to **GR-2** and **Responses to Comments A6-33, A1-14, and A9-55**. As discussed in Section 4.4.1 of the revised DEIR, biological surveys of the property have been conducted beginning in 2014. Additional site visits were made between 2014 and 2019 by biologists from Forest Ecosystem Management, members of CAL FIRE and CDFW, and biologists from Analytical Environmental Services (AES). The entire property was surveyed multiple times, not just vineyard block areas. Multiple techniques were utilized to assess biological resources of the property, including review of aerial photography, field surveys and studies, review of databases and mapping data, acoustic monitoring, etc.

***Response to Comment A9-56***

Commenter questions survey methodology. Refer to **Response to Comment A9-55**.

***Response to Comment A9-57***

Commenter questions wildlife movement impacts. Refer to **GR-4**.

***Response to Comment A9-58***

Commenter questions NSO impacts. Refer to **Response to Comment A1-04**.

***Response to Comment A9-59***

Commenter questions NSO impacts. Refer to **Response to Comment A1-04**.

***Response to Comment A9-60***

Commenter questions NSO impacts. Refer to **Response to Comment A1-04**. The table on page 2 of Appendix P summarizes the acreages that would be converted that is illustrated on the maps.

***Response to Comment A9-61***

Commenter questions NSO impacts. Refer to **Response to Comment A1-04**. As shown on the Pre & Post-Harvest tables for both NSO territories, NAP 0014 and NAP 0028 (pages 4-6. Appendix P), NSO habitat requirements for each activity center would be met post-harvest.

***Response to Comment A9-62***

Commenter questions NSO impacts. Refer to **Response to Comment A1-04**. Consistency with the County's General Plan is evaluated in Section 4.10 of the DEIR.

***Response to Comment A9-63***

Commenter questions NSO impacts. Refer to **Response to Comment A1-04**. Refer to Mitigation Measure 4.4-2 in the revised DEIR regarding avoidance of take. This mitigation measure was prepared pursuant to USFWS guidelines.

Guidelines from the USFWS and the THP, as directed by CAL FIRE, were utilized as the framework for analyzing habitat loss in Appendix P. The Napa County Planning, Building, and Environmental Services Department; Conservation Division (County), is the Lead Agency for the Proposed Project. The Conservation Division specializes in matters related to erosion control plans, agricultural preserve (Williamson Act) contracts, and mining inspections/permits. The Conservation Division also reviews CEQA documents and supporting technical documents, and provides support to the Wildlife Conservation Commission, which intends to advance the protection, conservation, propagation, and preservation of fish and wildlife in the County. Additionally, CDFW is a Trustee Agency pursuant to CEQA and is also considered a Responsible Agency if a project would require certain discretionary approvals.

***Response to Comment A9-64***

Commenter questions NSO impacts. Refer to **Responses to Comments A1-04** and **A9-63**. Surveys follow the *Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owl* (USFWS, 2012). Page 6 of Appendix P lists surveyors that conducted the NSO surveys.

***Response to Comment A9-65***

Commenter questions NSO impacts. Refer to **Responses to Comments A1-04** and **A9-63**. NSO habitat assessments consisted of a combination of field surveys and analysis of aerial imagery of habitat types, following USFWS survey protocol. Furthermore, it is not permissible for surveyors to trespass on adjacent private property. Surveys utilize a recorded NSO call via loud speaker. The sound travels 0.25 to 0.50 miles. NSO has not been observed on or in the vicinity of the property and responding NSO calls have not been recorded during surveys.

***Response to Comment A9-66***

Commenter questions NSO impacts. Refer to **Responses to Comments A1-04**, **A9-63**, and **A9-64**. Additionally, an MMRP is included in this Final EIR, Volume I, Section 5.0. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project (refer to Table 5-1 of the Final EIR, Volume I, Section 5.0).



***Response to Comment A9-67***

Commenter questions a habitat enhancement plan (HEP). An HEP was considered at the time Appendix P was prepared; however, this plan was not implemented. Refer to **Response to Comment A9-62**. Page 5 of Appendix P states, “The THP will not fragment existing nesting/roosting habitat.” The tables on pages 4-6 show that no NSO habitat within existing territories would be lost post-harvest.

***Response to Comment A9-68***

Commenter questions NSO impacts. Refer to **Responses to Comments A1-04, A6-35, A9-63, and A9-64**. Section 4.4.3 of the revised DEIR discusses potential NSO impacts. The maximum life of a THP approved by CAL FIRE is 7 years. Refer to Mitigation Measures 4.4-2, 4.4-7, 4.4-8, and 4.4-9 regarding the preservation of habitat onsite. The majority of nesting/roosting habitat is located within the 0.5-mile buffers of where the NAP 0014 and NAP 0028 were detected, which do not overlap with the project area. The NSO Habitat for Le Colline Vineyards Pre-Harvest map provides more detail than the NSO Habitat around NAP 0014. Affected acreage is clarified in the tables on pages 4-6 of Appendix P.

***Response to Comment A9-69 (erroneously numbered as Comment A9-64)***

Commenter questions NSO impacts. Refer to **Responses to Comments A1-04, A9-63, and A9-64**.

***Response to Comment A9-70 (erroneously numbered as Comment A9-65)***

Commenter states an opinion regarding the adequacy of the analyses and results of the DEIR. Refer to **GR-1, GR-2, GR-3, and GR-4**.

***Response to Comment A9-71 (erroneously numbered as Comment A9-66)***

Commenter restates opinions regarding the DEIR’s inadequacies and proposes the No Project Alternative. Findings of the revised DEIR are consistent with previous findings, and the Applicant has agreed to implement the new mitigation measures as revised in the DEIR. Therefore, recirculation of the DEIR is not required in accordance with Section 15088.5 of *CEQA Guidelines*, as the new mitigation measures do not constitute significant new information as defined therein.

**A10 - FOREST UNLIMITED*****Response to Comment A10-01***

Comment noted. Refer to **GR-1**.

***Response to Comment A10-02***

Comment noted. Commenter expresses concern regarding the impacts of forest conversion and questions the legitimacy of the analysis. Refer to **GR-2**. Page 4.2-6 lists the Significance Criteria used to determine potential impacts of the Proposed Project on agriculture and forestry resources. Refer to Sections 4.1, 4.4, and 4.9 of the DEIR regarding impacts to aesthetics, wildlife, and water

resources.

***Response to Comment A10-03***

Comment noted. Commenter restates the opinion regarding the adequacy of the analysis. Refer to **Response to Comment A10-02**.

***Response to Comment A10-04***

Biological surveys were conducted according to industry and professional standards in accordance with County, CAL FIRE, USFWS, and CDFW requirements. Biological surveys follow protocols described in General Rare Plant Survey Guidelines, Botanical Survey Guidelines of the California Native Plant Society, the Jepson Manual, Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls, and Protocols for Surveying and Evaluating Impacts to Special-status Native Plant Populations and Sensitive Natural Communities. Refer to Section 4.4 of the DEIR. In addition, refer to Appendices D, E, F, P, and Q for results of these surveys.

***Response to Comment A10-05***

Commenter states the landowner should consider selling the property to other private or public entities. Refer to **Responses to Comments A1-21** and **A6-10**. Refer to Section 4.9.3 regarding impacts to water resources that are pursuant to Napa County's General Plan.

***Response to Comment A10-06***

Commenter expresses concern regarding forest loss and wildfire severity. Refer to **GR-2**.

***Response to Comment A10-07***

Commenter states the impact statements and mitigation measures are incorrect and improper and requests the project alternatives be listed. The project alternatives are listed and evaluated in Section 5.0 of the DEIR.

## **4.4 RESPONSES TO INDIVIDUAL COMMENTS**

### **I1 - CONNIE WILSON**

***Response to Comment I1-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

### **I2 - KAREN WIDMER**

***Response to Comment I2-01***

Commenter is concerned about the increase of traffic on Cold Springs Road. Refer to Section 4.12.3

of the DEIR for analysis regarding project-related traffic on Cold Springs Road.

### I3 - PATRICK DAVILA

#### ***Response to Comment I3-01***

Commenter expresses general concerns associated with the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

#### ***Response to Comment I3-02***

Commenter questions how the Proposed Project would obtain water. Refer to Section 4.9.3 of the DEIR and **GR-3** for information regarding hydrology.

#### ***Response to Comment I3-03***

Commenter is concerned about the increase of traffic on Winding Way. Refer to Section 4.12.3 of the DEIR for analysis regarding project-related traffic on Winding Way.

#### ***Response to Comment I3-04***

Commenter is concerned about the tree removal and ecosystem degradation. Refer to Section 4.4.3 of the DEIR and GR-2 for analysis regarding tree removal and biological resources.

#### ***Response to Comment I3-05***

Commenter questions whether structures would be constructed as part of the Proposed Project. Refer to Section 3.0 of the DEIR for details regarding the project description.

#### ***Response to Comment I3-06***

Commenter questions whether the Proposed Project would be open to the general public. Refer to Section 3.0 of the DEIR for details regarding the project description. The Proposed Project would not be open to the general public.

### I4 - DOUG WILSON

#### ***Response to Comment I4-01***

Commenter states that the DEIR does not recognize aesthetic impacts of the Proposed Project. Refer to Section 4.1.3 of the DEIR for analysis regarding potential impacts to aesthetics.

#### ***Response to Comment I4-02***

Commenter asserts that the DEIR does not assess impacts associated with worker commutes or energy consumption and climate change. As stated in Section 2.4 *Energy Conservation* of the DEIR, the Proposed Project would not require the long-term use of electricity or a connection to the PG&E electrical grid. Impacts associated with traffic are discussed in Section 4.12.3 of the DEIR, and impacts associated with climate change are discussed in Section 4.7.3 of the DEIR.

***Response to Comment I4-03***

Commenter asserts that the DEIR does not assess economics. Refer to **Response to Comment A1-21** regarding economic viability of the Proposed Project.

***Response to Comment I4-04***

Commenter states that the DEIR does not assess potential impacts on bears, mountain lions, or wildlife corridors. Refer to **GR-4** and Section 4.4.3 of the DEIR for information regarding impacts to wildlife and wildlife movement. Additionally, CEQA requires only species that are identified as candidate, fully protected, sensitive, or species of special status to be individually and directly assessed in the DEIR. Section 4.4 of the DEIR also assesses potential habitat and movement impacts for both special-status and non-special-status species, including bears and mountain lions. Implementation of mitigation measures often benefits multiple species via an umbrella effect. Regardless of the wildlife observed, the Proposed Project would maintain habitat for species through avoidance and permanent preservation of over 60% of the property in order to maintain biodiversity.

***Response to Comment I4-05***

Commenter expresses concern over the loss of insect species due to pesticide use. The Proposed Project would be operated using IPM techniques and BMPs that focus on environmentally sensitive methods of reducing agricultural pests and avoids the use of harsh chemicals, as discussed in Appendix L.

***Response to Comment I4-06***

Commenter states that the GHG emissions analysis is inaccurate. Criteria for determining the significance of impacts have been developed based on Appendix G of the *CEQA Guidelines* and relevant agency thresholds including the recent BAAQMD GHG thresholds adopted in April 2022.

***Response to Comment I4-07***

Commenter states the evaluation of cumulative impacts on mature forests is inadequate. Refer to Section 6.1 of the DEIR regarding criteria for determining cumulative impacts pursuant to CEQA.

***Response to Comment I4-08***

Commenter states the analysis of climate impacts did not include travel by workers to the site. Page 4.7-8 of the DEIR states, "Operational GHG emissions from mobile and area sources were estimated using CalEEMod air quality model. Mobile sources include worker trips and transport of grapes and materials."

**I5 - NANCY LECOURT*****Response to Comment I5-01***

Commenter expresses concern regarding the removal of trees. Refer to **GR-2**.



***Response to Comment 15-02***

Commenter raises objections to the Proposed Project regarding pesticide use, tree removal, noise, traffic, and wildlife habitat/corridors. Refer to Mitigation Measure 4.8-3 and Appendix L regarding pesticide use and potential impacts.

Refer to **GR-2** regarding potential impacts from tree removal. Refer to Section 4.11 regarding impacts from noise relating to vineyard operations. Refer to Section 4.12 regarding impacts from traffic related to vineyard construction and operation. Refer to **GR-4** and Section 4.4 regarding impacts to wildlife habitats and corridors.

***Response to Comment 15-03***

Commenter expresses a preference for the Reduced Intensity Alternative. The Reduced Intensity Alternative would not meet all project objectives. Additionally, the goal of avoiding highly erosion-prone areas and preventing erosion, as well as the goal of protecting water quality from sources including sedimentation, would be less in comparison to the Proposed Project due to the reduced ECP area and associated protections. Impacts to water quality due to sediment would be greater than the Proposed Project. As discussed in **Section 4.9**, even with the Proposed Project, the property would provide the same amount of annual recharge, which exceeds the long-term irrigation needs of the Proposed Project and the smaller Water and Habitat Alternative.

***Response to Comment 15-04***

Commenter expresses an opinion regarding planning by Napa County. Refer to **GR-1**.

**I6 - JODI BROWNFIELD*****Response to Comment 16-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I7 - KAREN GARCIA*****Response to Comment 17-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I8 - JASON KISHINEFF*****Response to Comment 18-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

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**I9 - MICHELLE DICKSON*****Response to Comment I9-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I10 - JAYNE FOREST*****Response to Comment I10-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I11 - P. PAWL*****Response to Comment I11-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I12 - LISA ACKERMAN*****Response to Comment I12-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I13 - SAMIR ABDALLA*****Response to Comment I13-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I14 - MARY HANSON*****Response to Comment I14-01***

Commenter states that biologists only surveyed the perimeter of the project site. Refer to Section 4.4.1 of the DEIR and Appendices D and E of the revised DEIR for a discussion on biological survey methodology. Extensive biological surveys have been conducted across the entire property from 2014 through 2019 by biologists, registered professional foresters, northern spotted owl experts, members of CAL FIRE, and staff from CDFW. Survey results were incorporated in impact analyses in Section 4.4.3 of the DEIR and discussed in appendices to the DEIR.

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**I15 - MARSHA SEELEY*****Response to Comment I15-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I16 - AMANDA HOVEY*****Response to Comment I16-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I17 - CAROL YOUNG*****Response to Comment I17-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I18 - TOM BELT*****Response to Comment I18-01***

Commenter expresses concern and opinions regarding the erosion control plans approved by Napa County. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I18-02***

Commenter states an opinion in opposition of the Proposed Project; however, this comment does not raise significant environmental issues in relation to the Proposed Project. Refer to **GR-1**.

***Response to Comment I18-03***

Commenter states an opinion in opposition of the Proposed Project and expresses concern for the water reservoir. Refer to **GR-1**. Refer to Section 4.9.3 of the DEIR regarding potential impacts to water resources.

**I19 - DEBORAH LEIDIG*****Response to Comment I19-01***

Commenter expresses concern for the proposed forest conversion. Refer to **GR-2**.

***Response to Comment I19-02***

Commenter expresses concern for impacts from water usage. Refer **GR-3** and refer to Section 4.9 of the DEIR regarding potential impacts to water resources.

***Response to Comment I19-03***

Commenter expresses concern for impacts from traffic. Refer to Sections 4.11 and 4.12 regarding potential impacts from traffic related to vineyard operations.

***Response to Comment I19-04***

Commenter expresses concern for wildlife and habitat and preference for the No Development Alternative. Refer to Section 4.4 regarding impact to wildlife and habitats. With the No Project Alternative, the property would remain in its existing state; however, this alternative would not accomplish the basic objectives of the Proposed Project. The Proposed Project has been designed to minimize impacts to the environment to less-than-significant levels provided in Section 4.0.

***Response to Comment I19-05***

Commenter expresses general concern for the replacement of forest with vineyards. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I20 - LUKE MCMULLEN*****Response to Comment I20-01***

Commenter states an opinion in support of the Proposed Project and believes the Proposed Project would result in the creation of a fire break. This comment does not raise significant environmental issues requiring a substantive response.

**I21 - VAL WOLF*****Response to Comment I21-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I22 - DONNA MORGAN*****Response to Comment I22-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.



***Response to Comment I22-02***

Commenter states an opinion regarding the adequacy of the analyses and mitigations. This comment does not raise significant environmental issues requiring a substantive response. Refer to **GR-1**.

**I23 - MARSHA SEELEY*****Response to Comment I23-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I23-02***

Commenter states a preference for the Reduced Intensity Alternative. Refer to **Response to Comment I5-03**.

**I24 - TOM BELT*****Response to Comment I24-01***

Refer to Response to Comment I18-01.

***Response to Comment I24-02***

Commenter expresses preference for the No Project Alternative. Refer to **Response to Comment I27-17**.

***Response to Comment I24-03***

Refer to **Response to Comment I18-03**.

**I25 - RODNEY HARDCASTLE*****Response to Comment I25-01***

Commenter discusses being a long-term resident of the area. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I25-02***

Commenter states an opinion in support of the Proposed Project but is concerned that the fire break originally included in project design has been denied by CDFW. Commenter is in support of the originally proposed fire break. Comment noted.

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**I26 - JOHN COLLINS*****Response to Comment I26-01***

Commenter states an opinion in support of including a fire break as part of the Proposed Project. Comment noted.

**I27 - BETH MATTEI*****Response to Comment I27-01***

Commenter discusses being a long-term resident of the area. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I27-02***

Commenter expresses concern for impacts to aesthetics and recreation from Proposed Project. Refer to **Response to Comment A9-07**.

***Response to Comment I27-03***

Commenter expresses concern for impacts to scenic vistas and existing visual character. Refer to **Response to Comment A9-06**.

***Response to Comment I27-04***

Commenter expresses concern for impacts to wildlife movement and corridors. Refer to **GR-4**.

***Response to Comment I27-05***

Commenter expresses concern for impacts from noise and mitigations. Refer to Section 4.11.3 regarding evaluation of impacts from noise. Refer to **Response to Comment A9-12**.

***Response to Comment I27-06***

Commenter questions effectiveness of noise mitigations. Refer to Section 4.11.3 regarding evaluation of impacts from noise. Refer to **Responses to Comments A6-23** and **A9-12**. The County would be responsible for enforcing mitigation measures relating to noise impacts.

***Response to Comment I27-07***

Commenter questions safety along roads near schools from construction activities. Refer to Section 4.12.4 in the DEIR. Mitigation Measure 4.12-1 provides measures to protect roadways near schools including driver notification, timing, and signage.

***Response to Comment I27-08***

Commenter requests evidence supporting traffic analysis, questions impacts from noise and traffic to religious activities, and questions how road damage would be assessed. Refer to Section 4.11.3 for methodology and evidence used to support analysis of impacts from construction traffic. Noise and

traffic from construction or vineyard operations would follow the Napa County Noise Ordinance and the Napa County General Plan. The County would be responsible for maintaining county roads around the project site.

***Response to Comment I27-09***

Commenter expresses concern for emergency access on Cold Springs Road. Construction vehicles would not block access to any passing emergency vehicles. Refer to Section 4.12.3 of the DEIR.

***Response to Comment I27-10***

Commenter requests total number of acres of converted forestland in 3-mile radius of the project site and questions mitigation for forest loss. Refer to Section 6.0 of the DEIR which provides analysis of the cumulative impacts of vineyard conversion within a 3-mile radius of the project site. Refer to Mitigation Measures 4.4-2, 4.4-7, 4.4-8, and 4.4-9 regarding mitigations for forest loss.

***Response to Comment I27-11***

Commenter questions why GHG emissions after construction are not included in analysis. Section 4.7.3 of the DEIR analyze the potential impacts of GHGs during vineyard operations after construction.

***Response to Comment I27-12***

Commenter asks if GHG impacts from operation of the Proposed Project are less than significant. Refer to Section 4.7.3 regarding significance criteria and methodology used to assess potential impacts from GHGs.

***Response to Comment I27-13***

Commenter expresses concern for pesticide use and enforcement of mitigation measures. Refer to Appendix L in the DEIR detailing best practices to be utilized for pesticides and other chemicals. Refer to **Response to Comment A6-23** regarding enforcement of mitigation measures for hazardous materials.

***Response to Comment I27-14***

Refer to **Response to Comment A6-23**. The Proposed Project is also subject to Section 18.108.140 of the Napa County Code, which establishes security measures and violations and penalties of noncompliance.

***Response to Comment I27-15***

Commenter questions whether protecting threatened or endangered species is sufficient to protect the biodiversity of the area. In addition to protecting threatened and endangered species, mitigation measures listed in Section 4.4.3 would offer protection to habitats, including Oak Alliance and Ponderosa Pine Alliance, and other species that do not currently have special-status protection. Criteria for determining the significance of impacts on biological resources have been developed

based on Appendix G of the *CEQA Guidelines* and relevant agency thresholds.

***Response to Comment I27-16***

Commenter states opinion on climate change and cumulative effects of similar projects in general. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I27-17***

Commenter states preference for the No Project Alternative. With the No Project Alternative, the property would remain in its existing state; however, this alternative would not accomplish the basic objectives of the Proposed Project. The Proposed has been designed to minimize impacts to the environment to less-than-significant levels as provided in Section 4.0.

**I28 - MICHELLE MACKENZIE**

***Response to Comment I28-01***

Commenter states preference for the No Project Alternative. Refer to **Response to Comment I27-17**.

**I29 - CONNIE WILSON**

***Response to Comment I29-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments raising significant environmental issues or regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I30 - RONALD STEVENS**

***Response to Comment I30-01***

Commenter express concern for the safety of construction traffic along Cold Springs Road. Refer to Section 4.12.3 regarding analysis of potential impacts from construction or operational traffic related to the Proposed Project.

***Response to Comment I30-02***

Commenter expresses concern for deforestation and environmental impacts. Refer to **GR-2** and **Response to Comment I27-17**.

***Response to Comment I30-03***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.



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## I31 - STEPHEN RAE

### ***Response to Comment I31-01***

Commenter states opinions regarding the DEIR's deficiency in conducting watercourse and biological surveys. Refer to **GR-1**. Refer to Section 4.9 and Appendix F of the DEIR regarding survey methodology for watercourse class determination. Criteria for determining the significance of impacts on biological resources have been developed based on Appendix G of the *CEQA Guidelines* and relevant agency thresholds. Refer to Appendix A of the Kjeldsen Biological Resource Report (Appendix D of the DEIR) for a list of lichens and mosses observed within the project site and vicinity.

### ***Response to Comment I31-02***

Commenter states differences among watercourse classes. Refer to **GR-1**.

### ***Response to Comment I31-03***

Commenter states opinion on use of wording related to mosses but does not address specific conclusions of analysis in the DEIR. Refer to **GR-1**.

### ***Response to Comment I31-04***

Commenter states the biological surveys of mosses were inadequate. Refer to **Response to Comment A10-04**. Refer to Appendix A of the Kjeldsen Biological Resource Report (Appendix D of the DEIR) for a list of lichens and mosses observed within the project site and vicinity.

### ***Response to Comment I31-05***

Commenter lists different species of mosses present around Howell Mountain and restates inadequacy of surveys. Refer to **Response to Comment A10-04**.

### ***Response to Comment I31-06***

Commenter states the biological surveys of mosses were inadequate. Refer to **Response to Comment A10-04**.

### ***Response to Comment I31-07***

Commenter states personal qualifications regarding biological surveys. Refer to **GR-1**.

### ***Response to Comment I31-08***

Commenter states personal qualifications regarding biological surveys. Refer to **GR-1**.

### ***Response to Comment I31-09***

Commenter states no comment would be made regarding forestry practices. Comment noted.

***Response to Comment I31-10***

Commenter states opinion on cumulative effect of forest conversion. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I32 - BILL DYER*****Response to Comment I32-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I33 - RONALD STEVENS*****Response to Comment I33-01***

Commenter expresses concern for noise and traffic related to the Proposed Project. Refer to Sections 4.11 and 4.12 of the DEIR regarding impacts from noise and traffic.

***Response to Comment I33-02***

Commenter expresses concern for the impacts from deforestation and states preference for Water and Habitat Alternative. Refer to **GR-2** and **I5-03**.

**I34 - LYNN AND CAROLYN SANDERS*****Response to Comment I34-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I34-02***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I34-03***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I35 - MARK ANISMAN*****Response to Comment I35-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I36 - MATTHEW REID*****Response to Comment I36-01***

Commenter states opinion on inaccuracy of aesthetics analysis. Refer to Section 4.1.3 regarding impacts analysis on aesthetic resources.

***Response to Comment I36-02***

Commenter states nesting bird surveys would be invasive and disturb nests. Nesting bird surveys are conducted pursuant to the federal Migratory Bird Treaty Act, which prohibits disturbance of nesting birds. Refer to Mitigation Measure 4.4-1.

***Response to Comment I36-03***

Commenter states the proposed mitigation measures do not address impacts to wetlands. Implementation of the ECP as part of the Proposed Project and Mitigation Measures 4.4-7, 4.8-1, 4.8-2, and 4.8-3 would reduce impacts to wetlands and waters of the U.S. and state to a less-than-significant level through avoidance.

***Response to Comment I36-04***

Commenter states preference for the No Project Alternative. Refer to **Response to Comment I27-17**.

**I37 - DON CARRILLO*****Response to Comment I37-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I38 - DON CARRILLO*****Response to Comment I38-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I39 - SHAUN SOLAZZO

***Response to Comment I39-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I40 - RUTH MATZ

***Response to Comment I40-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I41 - M. SEELEY

***Response to Comment I41-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I41-02***

Commenter states opinion on general inadequacy of mitigation. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I41-03***

Commenter states opinion in opposition of deforestation. Refer to **GR-2**.

***Response to Comment I41-04***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I42 - NICOLE WILSON

***Response to Comment I42-01***

Commenter states traffic analysis is inadequate. Refer to Section 4.12 regarding impacts from traffic from construction and vineyard operations.

***Response to Comment I42-02***

Commenter states Mitigation Measure 4.12-1 is insufficient. Additional mitigation measures including notification, timing, and reduced speeds, are listed in Section 4.12.3 of the DEIR.

***Response to Comment I42-03***

Commenter states traffic mitigation would create impacts to school and residents on Cold Springs Road. Criteria for determining the significance of impacts to traffic and circulation have been developed based on Appendix G of the *CEQA Guidelines* and relevant agency guidelines. Refer to Section 4.12.3 of the DEIR.

***Response to Comment I42-04***

Commenter expresses concern for impacts to religious activities of residents. Refer to **Response to Comment I27-08**.

***Response to Comment I42-05***

Commenter states Impact 4.12-4 is false. Refer to **Response to Comment I27-09**.

***Response to Comment I42-06***

Commenter states opposition to conclusion in Impact 4.12-6. Construction and operation of the Proposed Project would generate a small amount of project-related construction and operational traffic; however, it would not impact bicycle transportation or exceed Howell Mountain Road traffic volumes. The safety measures provided in Mitigation Measure 4.12-1 would ensure that pedestrian and bicyclist safety in the area would not be impacted by project-related construction equipment.

**I43 - PAMELA JACKSON*****Response to Comment I43-01***

Commenter states opposition to conclusion in Impact 4.7-2. Refer to Section 4.7 regarding methodology for GHG analysis. As shown in **Table 4.7-2**, operational GHG emissions would be less than the BAAQMD CEQA threshold of 1,100 metric tons of CO<sub>2e</sub> for project-level operation; therefore, operation of the Proposed Project would result in a less-than-significant impact to climate change and mitigation is not required.

**I44 - EDITH TOROSSIAN*****Response to Comment I44-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I45 - DANNA STEVENS*****Response to Comment I45-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.



***Response to Comment I45-02***

Commenter states neighboring properties would experience increased noise, pollution, and destruction of views. Refer to Sections 4.1, 4.3, 4.9, and 4.11 of the DEIR regarding potential impacts to aesthetics, air quality, water, and noise.

***Response to Comment I45-03***

Commenter expresses concern for traffic and noise along Cold Springs Road. Refer to Sections 4.11 and 4.12 of the DEIR regarding impacts from traffic and noise.

***Response to Comment I45-04***

Commenter expresses concern for impacts to two schools on Cold Springs Road. Refer to Section 4.12 regarding impacts to schools from traffic.

***Response to Comment I45-05***

Commenter expresses concern for impacts to noise and water quality. Refer to **Response to Comment I45-02**.

***Response to Comment I45-06***

Commenter states an opinion in opposition to general deforestation in Napa Valley. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I46 - ARWEN ROSE-STOCKWELL*****Response to Comment I46-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I47 - CARMEN THOMAS*****Response to Comment I47-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I48 - KELLY DECKER*****Response to Comment I48-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

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**I49 - DENISE DUBOIS*****Response to Comment I49-01***

Commenter states preference for the No Project Alternative. Refer to **Response to Comment I27-17**. Linda Falls occurs outside the project site and would not be impacted as part of the Proposed Project.

**I50 - KIT LONG*****Response to Comment I50-01***

Commenter expresses concern for impacts of loss of carbon sequestration. Refer to Section 4.7 in the DEIR regarding analysis of carbon loss of sequestration. Impacts associated with carbon sequestration were evaluated in the CalEEMod analysis conducted for the Proposed Project (Appendix C of the DEIR). The vegetation screen portion of CalEEMod was used to estimate the one-time change in carbon sequestration capacity due to the Proposed Project.

**I51 - LYNNETTE GARCIA*****Response to Comment I51-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I52 - KATHY WONG*****Response to Comment I52-01***

Commenter expresses concern for traffic on Deer Park Road and Howell Mountain Road. Refer to Section 4.12 in the DEIR regarding impacts from traffic.

***Response to Comment I52-02***

Commenter expresses concern for water availability. Refer to Section 4.9 in the DEIR regarding impacts to water resources.

***Response to Comment I52-03***

Commenter expresses concern for fire hazards. Refer to **GR-2** and Section 4.8.3 of the DEIR.

**I53 - MARY LAVINE*****Response to Comment I53-01***

Commenter expresses concern for traffic on Cold Springs Road. Refer to Section 4.12 in the DEIR regarding impacts from traffic.

***Response to Comment I53-02***

Commenter expresses concern for Linda Falls, wildlife, and the watershed. Refer to Sections 4.1,

4.4, and 4.9 of the DEIR regarding impacts to Napa County Open Space, wildlife, and water resources. Additionally, Linda Falls is located outside the project site and would not be impacted as part of the Proposed Project.

***Response to Comment I53-03***

Commenter expresses concern for emergency vehicle access. Refer to **GR-2, Response to Comment I27-09**, and Section 4.8.3 of the DEIR.

***Response to Comment I53-04 and I53-05***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I54 - CYNTHIA WHITE**

***Response to Comment I54-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I55 - NEIL WATTER**

***Response to Comment I55-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**. Additionally, Linda Falls is located outside the project site and would not be impacted as part of the Proposed Project.

**I56 - ZITA FEKETE**

***Response to Comment I56-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**

**I57 - REBECCA SCHOENENBERGER**

***Response to Comment I57-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I57-02***

Commenter expresses concern for wildfires. Refer to **GR-2** and Section 4.8.3 of the DEIR.

***Response to Comment I57-03***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I58 - DOROTHY OWEN

***Response to Comment I58-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I59 - PAT WILLIAMSON

***Response to Comment I59-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I60 - MARY SARUMI

***Response to Comment I60-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I61 - ELAINE DE MAN

***Response to Comment I61-01***

Commenter states preference for the No Project Alternative. Refer to **Response to Comment I27-17**.

***Response to Comment I61-02***

Commenter states an opinion regarding the qualifications and intentions of AES. Refer to **GR-1**.

***Response to Comment I61-03***

Comment noted. Commenter references an EIR previously prepared by AES. Refer to **GR-1**.

***Response to Comment I61-04***

The comments are unrelated to the Proposed Project. Commenter makes statement about an EIR from a different project. Refer to **GR-1**. Additionally, the quote presented is not found in the Heiser-West Lane Vineyard EIR.

***Response to Comment I61-05 to I61-09***

Commenter states table in Appendix E is misleading. Table 1 (Appendix E) has been revised to include updated survey hours and information.

***Response to Comment I61-10 and I61-11***

Commenter states biological surveys conducted were inadequate. Refer to **Responses to Comments A9-55** and **A10-04**. Refer also to Appendices D, E, P, and Q of the DEIR, which include surveys conducted during the evening, night, and morning.

***Response to Comment I61-12 to I61-14***

Commenter restates inadequacy of biological surveys. Refer to Section 4.4 of the DEIR regarding potential impacts to wildlife. Refer to **Responses to Comments A9-55, A10-04, I4-04, I61-10** and **I61-11**.

***Response to Comment I61-15***

Commenter expresses concern for wildlife occurring onsite. Refer to Section 4.4 of the DEIR regarding potential impacts to wildlife.

***Response to Comment I61-16***

Commenter questions accuracy of biological surveys. Refer to **Responses to Comments I61-10** and **I61-11**. Additionally, cameras are not a survey method required by the Lead Agency or CEQA.

***Response to Comment I61-17***

Commenter expresses concern for NSO habitat loss and inadequacy of surveys. Refer to **Responses to Comments A1-04** and **A9-65**.

***Response to Comment I61-18 and I61-19***

Commenter expresses concern for protected bat species. Refer to **Response to Comment A1-14**. Refer to updated information in Section 4.4 and Appendix E of the revised DEIR regarding results of updated bat habitat and fly-out surveys.

***Response to Comment I61-20***

Commenter expresses concern for California red-legged frog and adequacy of surveys. As discussed in Appendix D of the DEIR, suitable habitat for California red-legged frog does not occur on the project site and the adjacent Conn Creek stretch is not suitable. However, mitigation for potentially occurring FYLF is included in Section 4.4.3 of the revised DEIR.

***Response to Comment I61-21 to I61-27***

Commenter expresses concern for implementation of mitigation measures. Refer to **Responses to Comments A6-18** and **A6-23**. As indicated in Section 4.7.3, the DEIR utilizes the nearest jurisdiction



with approved CEQA GHG significance thresholds. The *Guidelines* provide clear guidance on how to analyze GHG emissions from biogenic sources, which result from natural biological processes such as the decomposition or combustion of vegetative matter (wood, paper, vegetable oils, animal fat, yard waste, etc.), the *Guidelines* do not require the quantification of biogenic GHG emissions as part of the quantification of project-related GHG emissions and does not provide a GHG emission threshold for these sources for either operation and construction activities. However, the *Guidelines* do recommend that construction-related GHG emissions be quantified using CalEEMod)and disclosed in the appropriate environmental document. The *Guidelines* require that only exhaust from construction equipment be included in the climate change analysis, similar to the analysis for criteria pollutants. Furthermore, the Commenter expresses concern for impacts associated with carbon sequestration. Refer to Section 4.7 in the DEIR regarding carbon sequestration. Impacts associated with carbon sequestration were evaluated in the CalEEMod analysis conducted for the Proposed Project (Appendix C of the DEIR). The vegetation screen portion of CalEEMod was used to estimate the one-time change in carbon sequestration capacity due to the Proposed Project. There is also a GHG Memo (Attachment 1) discussed above which fully explored the GHG issue in light of the recently adopted guidelines from the BAAQMD.

#### ***Response to Comment I61-28***

Commenter expresses concern for habitat impacts. Refer to **GR-2** and Section 4.4 of the revised DEIR.

#### ***Response to Comment I61-29 to I61-31***

Commenter makes general statements about climate change and species diversity in Napa County. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

#### ***Response to Comment I61-32***

Commenter questions whether botanical surveys identified all special-status species that might be impacted by Proposed Project. Refer to Appendix G for a list of special-status plant species occurring near the project site. Refer to Table 4.4-2 regarding potential impacts to listed plant species. Refer to the Napa County General Plan and the Napa County Code regarding Napa County's policies protecting habitat and biodiversity.

#### ***Response to Comment I61-33 to I61-35***

Commenter states question regarding impact from workers traveling to vineyard. Refer to Impact 4.7.3 regarding impacts from GHG emissions, which includes worker trips. Refer to Impact 4.12-1 regarding impacts to traffic from worker trips. As shown in Table 4.7-2, operational GHG emissions would be less than the BAAQMD CEQA threshold of 1,100 metric tons of CO<sub>2</sub>e for project-level operation; therefore, operation of the Proposed Project would result in a less-than-significant impact to climate change and mitigation is not required.

***Response to Comment I61-36***

Commenter expresses concern for the Habitat Enhancement Plan. The Habitat Enhancement Plan, referred to in Appendix P, was considered by the County at the time the report was prepared; however, this plan was not implemented, and was therefore not discussed further in the DEIR.

***Response to Comment I61-37***

Commenter states an opinion regarding the accuracy of impacts to trees not removed on the property. Refer to **GR-2**.

***Response to Comment I61-38 to I61-41***

Commenter expresses concern for impacts to water resources. Refer to **GR-3**.

***Response to Comment I61-42 to I61-46***

Commenter expresses concerns regarding increased traffic hazards and associated safety impacts on schools, religious activities, and emergency access. Commenter also states that requiring large trucks not to exceed 15 miles per hour would impact residents and parents dropping off school children. Commenter presents conflicting statements regarding traffic safety and speed limits.

Sections 4.12.3 of the DEIR discusses potential impacts from traffic related to vineyard operations, including on Cold Springs Road. Refer also to **Responses to Comments I27-08, I27-09, and I42-06**. Additionally, restrictions on work hours are consistent with local noise ordinance requirements and are discussed as time limits, not to indicate that continuous work would occur for 12 hours every day.

***Response to Comment I61-47***

Commenter makes general statements about environmental impacts of vineyard. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1** and **GR-4**.

***Response to Comment I61-48***

Commenter states preference for the No Project Alternative. Refer to Response to **Comment I27-17**.

**I62 - PATRICIA MCCRORY*****Response to Comment I62-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

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**I63 - JAN BARLEY*****Response to Comment I63-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I64 - KAREN CULLER*****Response to Comment I64-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I65 - BARBARA GUGGIA*****Response to Comment I65-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I65-02***

Commenter expresses concern for impacts to traffic, habitat, and air quality as well as implementation of mitigation measures. Refer to Sections 4.3, 4.4, and 4.12 of the DEIR regarding impacts to air quality, biological resources, and traffic. Refer to **Response to Comment A9-03** regarding implementation of mitigation measures.

**I66 - SUSAN FRENCH AND RICHARD ARNOLD*****Response to Comment I66-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I66-02***

Commenter expresses concern for impacts to wildlife and water resources as well as biological surveys. Refer to Section 4.4 regarding impacts and mitigation measures to protect wildlife species. Refer to Section 4.9 regarding impacts to water resources. Refer to **Response to Comment A10-04** regarding standards for biological surveys.

***Response to Comment I66-03***

Commenter expresses concern for impacts from traffic. Refer to Section 4.12 of the DEIR regarding impacts from traffic.

***Response to Comment I66-04***

Commenter expresses concern for water use at the vineyard. Refer to Section 4.9 of the DEIR regarding impacts to water resources and **GR-3**.

***Response to Comment I66-05***

Commenter expresses concern for pesticides and chemicals. Refer to Section 4.8 of the DEIR.

***Response to Comment I66-06***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I67 - TESSA HENRY

***Response to Comment I67-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I67-02***

Commenter expresses concern for impacts to aesthetics. Refer to Section 4.1.3 of the DEIR regarding impacts to aesthetics.

***Response to Comment I67-03***

Commenter expresses concern for loss of forestland and impacts to wildlife corridors. Refer to **GR-2** and **GR-4**.

***Response to Comment I67-04***

Commenter expresses concern for implementation of mitigation measures. Refer to **Response to Comment A9-03**.

***Response to Comment I67-05***

Commenter expresses concern for erosion. Refer to **GR-3**.

***Response to Comment I67-06***

Commenter expresses concern for pesticides and chemicals. Refer to Section 4.8 of the DEIR and **Response to Comment I80-02**.

***Response to Comment I67-07***

Commenter expresses concern for impacts from traffic and preference for the No Project Alternative. Refer to Section 4.12 of the DEIR. Refer to **Response to Comment I27-17**.

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## I68 - CLUNEY STAGG

### ***Response to Comment I68-01***

Commenter expresses concern for wildlife corridors. Refer to **GR-4**.

### ***Response to Comment I68-02***

Commenter states biological surveys were limited in duration and season. Refer to **Response to Comment A10-04** and **GR-4**.

### ***Response to Comment I68-03 to I68-05***

Commenter states the Proposed Project would increase fragmentation and conflicts with Napa County Natural Resources Goals and Policies. Refer to **GR-4** regarding protection of wildlife movement. Refer to Impact Analysis 4.4.3 regarding impacts to special-status species.

### ***Response to Comment I68-06 and I68-07***

Commenter states the DEIR does not adequately assess habitat fragmentation and incorrectly characterizes the area around the Proposed Project as predominately agricultural. Refer to **GR-4**. Refer to Section 4.4.1 regarding the environmental setting of the project site. The project site was historically used for agriculture and remnant orchards remain. Adjacent land uses include rural residential, agriculture, and open space.

## I69 - RALLY AND LEE TETZ

### ***Response to Comment I69-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

## I70 - TOM FREEMAN AND BUCKY SWISHER

### ***Response to Comment I70-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

### ***Response to Comment I70-02***

Commenter expresses concern for endangered species. Refer to Section 4.4 regarding impacts to special-status species.

### ***Response to Comment I70-03***

Commenter expresses concern for noise and traffic. Refer to Sections 4.11 and 4.12 DEIR.



***Response to Comment I70-04***

Commenter expresses concern for potential erosion. Refer to **GR-3**.

***Response to Comment I70-05***

Commenter states the mitigation measures are insufficient and states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I71 - SHARON DELLAMONICA*****Response to Comment I71-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I71-02***

Commenter expresses concern for air quality. Refer to Section 4.3 in the DEIR.

***Response to Comment I71-03***

Commenter expresses concern for water resources. Refer to Section 4.9 in the DEIR and **GR-3**.

***Response to Comment I71-04***

Commenter expresses concern for sensitive wildlife species and migration corridors. Refer to **GR-4** and Section 4.4 in the DEIR.

***Response to Comment I71-05***

Commenter expresses concern for impacts from traffic. Refer to Section 4.12 in the DEIR.

***Response to Comment I71-06***

Commenter expresses concern for compliance with the mitigation measures. Refer to **Response to Comment A6-23**.

**I72 - WENDY COLE*****Response to Comment I72-01***

Commenter expresses concern for impacts to watershed and Conn Creek. Refer to Section 4.9 in the DEIR.

***Response to Comment I72-02***

Commenter expresses concern for impacts from traffic. Refer to Section 4.12 in the DEIR.

***Response to Comment I72-03***

Commenter expresses concern for compliance with the mitigation measures. Refer to **Response to Comment A6-23**.

**I73 - DARLENE MELTZER*****Response to Comment I73-01***

Commenter expresses concern for mitigation for deforestation. Refer to **GR-2** and Mitigation Measures 4.4-2, 4.4-7, 4.4-8, and 4.4-9 in Section 4.4 of the DEIR.

***Response to Comment I73-02 to I73-04***

Commenter requests mitigation measures for loss of oak woodlands and impacts to wildlife and noise. Refer to Sections 4.4 and 4.11 of the DEIR.

***Response to Comment I73-05***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I74 - PATRICIA DAMERY*****Response to Comment I74-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I74-02***

Commenter states an opinion regarding the purchase of the property, which is outside the scope of the Proposed Project and DEIR. Refer to **GR-1**.

***Response to Comment I74-03***

Commenter expresses concern for removal of forests and water resources. Refer to **GR-2**, **GR-3**, and Section 4.9 of the DEIR.

***Response to Comment I74-04***

Commenter expresses concern for implementation of mitigation measures and uses another vineyard as an example. Refer to **Response to Comment A6-18**.

***Response to Comment I74-05***

Commenter expresses concern for use of pesticides. Refer to Section 4.8 and Appendix L of the DEIR.

***Response to Comment I74-06***

Commenter expresses concern for potential impacts listed in Section 4.4. Impacts 4.4-1, 4.4-2, 4.4-3, 4.4-4, 4.4-5 all state the implementation of the Proposed Project could have impacts if left un-mitigated; however, with the proposed mitigation measures, impacts would be less than significant.

***Response to Comment I74-07***

Commenter expresses concern for impacts to cultural resources. Refer to Section 4.5 of the DEIR. Mitigation is recommended in accordance with CEQA and agency requirements.

***Response to Comment I74-08***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I75 - SCOTT BUTLER*****Response to Comment I75-01 to I75-04***

Commenter states Mitigation Measures 4.4-2 and 4.4-3 are inconsistent with recommendations by biologists and agencies. Mitigation relating to bat roosting habitat has been revised accordingly based on updated survey information (refer to Appendix E and Section 4.4 of the revised DEIR).

***Response to Comment I75-05***

Commenter makes recommendations regarding Mitigation Measure 4.4-8. Mitigation Measure 4.4-8 has been revised to clarify distances and make clear that the adjustment may result in a slightly decreased acreage of clearing limits but would not result in the in the acquisition of additional areas not already included within the ECP and assessed in the EIR. Distances listed in Table 4.4-4 would be maintained to facilitate wildlife movement.

***Response to Comment I75-06***

Commenter proposes limiting mitigation easement from 15.39 to 14.84 to allow 0.55 acres for defensible space around structures. These acreages are from the Project as Proposed. They would be adjusted depending on the final County project approved. Comment noted. The Lead Agency will consider this limitation.

***Response to Comment I75-07***

Refer to **GR-5**. Commenter states the Water and Habitat Alternative would not be economically feasible. Refer to **Response to Comment A1-21** regarding Applicant's assertions regarding the economic viability of the Proposed Project.

***Response to Comment I75-08***

Comment noted.

***Response to Comment I75-09***

Comment noted.

***Response to Comment I75-10***

Comment noted.

***Response to Comment I75-11***

Comment noted.

***Response to Comment I75-12***

Comment noted.

***Response to Comment I75-13***

Comment noted.

***Response to Comment I75-14***

Comment noted.

***Response to Comment I75-15***

Comment noted.

***Response to Comment I75-16***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I75-17***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I75-18***

Comment noted.

***Response to Comment I75-19***

Comment noted.

**I76 - KEN STANTON*****Response to Comment I76-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to

GR-1.

***Response to Comment I76-02***

Commenter expresses concern for implementation of mitigation measures. Refer to **Response to Comment A6-23**.

***Response to Comment I76-03***

Commenter expresses concern for water resources, erosion, and pesticide use. Refer to **GR-3** and Section 4.8 of the DEIR.

***Response to Comment I76-04***

Commenter expresses concern for higher water flow and temperature. Refer to Section 4.9 of the DEIR.

***Response to Comment I76-05***

Commenter expresses concern for wildlife fencing and movement through the property. Refer to GR-4 and page 4.4-46 of the DEIR.

***Response to Comment I76-06***

Commenter expresses preference for the No Project Alternative. Refer to **Response to Comment I27-17**.

I77 - TOM ADAMS

***Response to Comment I77-01***

Comment noted.

***Response to Comment I77-02***

Comment noted.

***Response to Comment I77-03***

Comment noted.

***Response to Comment I77-04***

Comment noted.

***Response to Comment I77-05***

Comment noted.



***Response to Comment I77-06***

Comment noted.

***Response to Comment I77-07***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-08***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-09***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-10***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-11***

Comment noted. Refer to **Responses to Comments A1-21 and I27-17**.

***Response to Comment I77-12***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-13***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-14***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-15***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-16***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-17***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-18***

Comment noted. Refer to **GR-3** and **Response to Comment A1-21**.

***Response to Comment I77-19***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-20***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-21***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-22***

Comment noted.

***Response to Comment I77-23***

Comment noted.

***Response to Comment I77-24***

Comment noted.

***Response to Comment I77-25***

Comment noted.

***Response to Comment I77-26***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-27***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-28***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-29***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-30***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-31***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-32***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-33***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-34***

Comment noted. Refer to **Response to Comment A1-21**.

***Response to Comment I77-35***

Comment noted. Refer to **GR-2**.

***Response to Comment I77-36***

Comment noted. Refer to **GR-2**.

**I78 - CHARLOTTE BEAR*****Response to Comment I78-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I79 - SAUNDRA HOLLOWAY*****Response to Comment I79-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I80 - ERIN STAGG*****Response to Comment I80-01***

Commenter states the DEIR does not consider the proximity of the Proposed Project to “Angwin Area Designated on the Land Use Map for Non-agricultural uses.” A zoning map showing adjacent parcels is shown in Figure 4.10-1 of the DEIR. As discussed in Section 4.10 of the DEIR, the property occurs in an area zoned for agricultural use, and the Proposed Project is an allowable use under the designated zoning that would be implemented with mitigation intended to minimize environmental degradation.

***Response to Comment I80-02***

Commenter states that analysis regarding pesticides is insufficient. As discussed in Section 3.0, chemical pesticides would be minimally used as a last resort. Hazardous material impacts, including

pesticides, are discussed in Section 4.8 of the DEIR. The Proposed Project would be operated using IPM techniques and BMPs that focus on environmentally sensitive methods of reducing agricultural pests and avoids the use of harsh chemicals, as discussed in Appendix L. As discussed in Section 4.8.2 of the DEIR, the Agricultural Commissioner requires a private applicator certificate for restricted materials (pesticide) use. Mitigation Measure 4.3-3 includes SOPs regarding chemical use that would be included as conditions of approval and therefore enforced by the County. SOPs include purchasing and using the minimal amount of pesticide needed under acceptable weather (no to low wind speeds [typically less than 10 miles per hour] with no rainfall) in accordance with the manufacturer's label. All mitigation measures would be included as conditions of approval.

***Response to Comment I80-03***

Commenter states that analysis regarding pesticides is insufficient. Refer to **Response to Comment I80-02**.

***Response to Comment I80-04***

Commenter states that analysis regarding pesticides is insufficient. Refer to **Response to Comment I80-02**.

***Response to Comment I80-05***

Commenter states that analysis regarding pesticides is insufficient. Refer to **Response to Comment I80-02**.

***Response to Comment I80-06***

Commenter states that analysis regarding pesticides is insufficient. Refer to **Response to Comment I80-02**.

***Response to Comment I80-07***

Commenter expresses concerns regarding traffic, water, aesthetics, and woodlands. Refer to **Response to Comment I80-01**. Refer to Section 4.12 of the DEIR for information regarding traffic. Refer to **GR-3** and Section 4.9 regarding water impacts. Refer to Section 4.1 regarding aesthetic impacts. Refer to **GR-2**, and Sections 4.2 and 4.4 regarding woodland impacts.

***Response to Comment I80-08***

Commenter states that the Proposed Project's County noise exemption is irrelevant to meaningful CEQA analysis. As the CEQA Lead Agency for the Proposed Project, the Proposed Project's exemption from the County noise ordinance is accurate and allowable in CEQA analysis. Refer to Section 4.11 of the DEIR for analysis associated with noise. Mitigation regarding potential noise impacts is included in Section 4.11.3 of the DEIR.

***Response to Comment I80-09***

Commenter expresses concerns associated with CEQA analysis and traffic. The DEIR was prepared

in pursuant to CEQA and in accordance with the CEQA Lead Agency's requirements and regulations. Refer to Section 4.12 for analysis associated with traffic.

***Response to Comment I80-10***

Refer to **Response to Comment I80-08**.

***Response to Comment I80-11***

Refer to **Response to Comment I80-08**.

***Response to Comment I80-12***

Refer to **Response to Comment I80-08**.

***Response to Comment I80-13 and I80-14***

The commenter is correct that the County roadway designations were utilized in assessing the transportation network. This allows a consistent analysis throughout County documents to ensure impacts are adequately addressed. The analysis clearly states that Winding Way is **best categorized** (emphasis added) as a Non-Continuing Minor road, with a practical capacity of up to 250 vehicles per day in accordance with County Public Works Road and Streets standards. This is based on observations of the roadway itself. Furthermore, Section 4.12.1 of the DEIR describes Winding Way as "a single-lane paved country road that extends west off of Cold Springs Road."

***Response to Comment I80-15***

Commenter questions bicycle and pedestrian impacts. Refer to **Response to Comment I42-06**.

***Response to Comment I80-16***

Commenter questions enforceability. Refer to **Response to Comment I81-04**.

***Response to Comment I80-17***

Commenter questions evacuation impacts. Refer to Impact 4.8-7 of the DEIR regarding evacuation plan impacts.

***Response to Comment I80-18***

Comment noted.

**I81 - WAYNE AND MARY TILLAY**

***Response to Comment I81-01***

Commenter discusses living in the area. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.



***Response to Comment I81-02***

Commenter is concerned about an increase in traffic on Cold Springs Road. Refer to Section 4.12.3 for analysis regarding traffic impacts on Cold Springs Road.

***Response to Comment I81-03***

Commenter questions whether setbacks would be utilized. Refer to Figure 3-3 of the DEIR. Setbacks have been implemented in project design and as discussed in Impact 4.4-4 of the DEIR. Noise impacts are discussed in Section 4.11, hazardous materials impacts are discussed in Section 4.8, and aesthetic impacts are discussed in Section 4.1 of the DEIR.

***Response to Comment I81-04***

Commenter questions hydrology impacts and mitigation enforceability. Refer to **GR-3**. An MMRP is included in this Final EIR, Volume I, Section 5.0. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project (refer to Table 5-1 of the Final EIR, Volume I, Section 5.0). The Lead Agency ultimately monitors implemented mitigation. Speculating that the Applicant would operate the vineyard in such a manner that would lead to a code violation is speculation as defined in Section 15064 of the *CEQA Guidelines*, which states that “(t)he decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency... (a)rgument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence.”

***Response to Comment I81-05***

Comment noted. Furthermore, the property occurs in an area zoned for agricultural use, and the Proposed Project is an allowable use under the designated zoning that would be implemented with mitigation intended to minimize environmental degradation.

**I82 - GEOFF ELLSWORTH*****Response to Comment I82-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I82-02***

Commenter discusses water. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I82-03***

Commenter discusses water. However, commenter does not provide substantive comments

regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I82-04***

Commenter discusses water. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I82-05***

Commenter discusses cumulative issues and fires. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

***Response to Comment I82-06***

Commenter states that a winery could be applied for. Refer to Section 3.0 of the DEIR. The Proposed Project does not include construction of a winery.

***Response to Comment I82-07***

Commenter discusses deforestation. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1** and **GR-2**.

***Response to Comment I82-08***

Commenter discusses wildlife habitat impacts and how the property was acquired by the owner. Refer to **GR-4**. Property acquisition is outside the scope of the DEIR.

I83 - VERONIKA SUMBERA

***Response to Comment I83-01***

Commenter questions wildlife movement impacts. Refer to **GR-4**.

I84 - HEATHER LEITCH

***Response to Comment I84-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

I85 - R.L. DUNN

***Response to Comment I85-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

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## I86 - NANCY McCOY-BLOTZKE

### ***Response to Comment I86-01***

Commenter states an opinion in opposition of the Proposed Project and discusses forestry. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

### ***Response to Comment I86-02***

Commenter states an opinion in opposition of the Proposed Project and discusses threatened species and global warming. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

### ***Response to Comment I86-03***

Commenter questions runoff, forest impacts, and Linda Falls. Refer to **GR-2** and **GR-3**.

### ***Response to Comment I86-04***

Commenter questions air quality mitigation. Corrective action within 48 hours is a standardized BAAQMD mitigation procedure.

### ***Response to Comment I86-05***

Commenter questions air quality analysis. As shown in Table 4.3-5, pollutant levels would be well below *de minimus* levels. Additional mitigation to reduce potential air quality impacts is included in Section 4.3.3 of the DEIR.

### ***Response to Comment I86-06***

Commenter questions whether a “biologist with no financial ties to the project” will be hired by the County to conduct surveys and questions impacts associated with birds and bats. Potential impacts to nesting birds and roosting bats are assessed in Section 4.3.3 of the revised DEIR. Biologists associated with the Proposed Project work for and are hired by the County. An MMRP is included in this Final EIR, Volume I, Section 5.0. The MMRP provides details regarding the timing and implementation of proposed mitigation measures to ensure these measures are enforced throughout construction and operation of the Proposed Project (refer to Table 5-1 of the Final EIR, Volume I, Section 5.0). The Lead Agency ultimately monitors implemented mitigation.

### ***Response to Comment I86-07***

Commenter states concerns associated with worker awareness and listed plants. Refer to Mitigation Measures 4.4-5 and 4.4-6 of the revised DEIR.

### ***Response to Comment I86-08***

Commenter states concerns associated with sediment runoff. Refer to **GR-3**.

***Response to Comment I86-09***

Commenter questions carbon sequestration impacts. Impacts associated with carbon sequestration are included in the climate change/GHG analyses in Section 4.7 of the DEIR. Criteria for determining the significance of impacts have been developed based on Appendix G of the *CEQA Guidelines* and relevant agency thresholds. Impacts associated with carbon sequestration capacity were evaluated in the CalEEMod analysis conducted for the Proposed Project (Appendix C of the DEIR). The vegetation screen portion of CalEEMod was used to estimate the one-time change in carbon sequestration capacity due to the Proposed Project.

***Response to Comment I86-10***

Operations that conflict with the permit and associated conditions of approval and MMRP would result in violations that are enforceable by the County. Speculating that the Applicant would operate the vineyard in such a manner that would lead to a code violation is speculation as defined in Section 15064 of the *CEQA Guidelines*, which states:

*The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency... (a)rgument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence.*

***Response to Comment I86-11***

Commenter questions groundwater usage. Refer to **GR-3** and Section 4.9 of the DEIR.

***Response to Comment I86-12***

Comment noted.

**I87 - DEBBY FORTUNE*****Response to Comment I87-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

**I88 - ELLEN SABINE*****Response to Comment I88-01***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

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## I89 - MARGO KENNEDY

### ***Response to Comment I89-01***

Commenter expresses concern for impacts to air quality. Refer to Responses to **Comments A3-06** and **A6-53**. Refer to Sections 4.3 and 4.7 regarding methodology and significance criteria used to draw conclusions on impacts to air quality and GHG emissions.

### ***Response to Comment I89-02***

Commenter expresses concern for impacts associated with fugitive dust. Fugitive dust reduction is discussed in Section 4.3.3 of the DEIR, which includes implementation of Reduction Measure 4.3-1 and the permanent erosion control measures to avoid the creation of fugitive dust.

### ***Response to Comment I89-03***

Commenter expresses concern for impacts to air quality. Refer to **Responses to Comments I89-10** and **I89-02**.

### ***Response to Comment I89-04***

Commenter expresses concern for impacts to forests. Refer to **GR-2**. Setbacks and habitat avoidance have been implemented where feasible.

### ***Response to Comment I89-05***

Commenter states an opinion in opposition of the Proposed Project. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**.

### ***Response to Comment I89-06***

Commenter states an opinion in opposition of the Proposed Project and requests specific pollutants be addressed. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**. Air quality and pollutants are addressed in Section 4.3 of the DEIR.

## I90 - BERNADETTE BROOKS

### ***Response to Comment I90-01***

Commenter states an opinion in opposition of the Proposed Project and requests that the scope of the project be reduced. However, commenter does not provide substantive comments regarding specific conclusions of analysis in the DEIR. Refer to **GR-1**. Additionally, up to approximately 50 acres of the property may be suitable for the development of vineyard, however, the Proposed Project only consists of approximately 25.0 acres of vineyard to allow for greater protection of environmental resources, facilitate wildlife movement, and still achieve an appropriate level of erosion and sediment control.



# **ATTACHMENT 1**

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MONTROSE ENVIRONMENTAL SOLUTIONS  
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SACRAMENTO, CA 95811  
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# MEMORANDUM

**TO:** Brian Bordona, Assistant Director, Napa County Planning, Building & Environmental Services

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**FROM:** Marcus Barrango, Senior Environmental Analyst

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**DATE:** 7/29/2022

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**RE:** Le Colline GHG Compliance Memo

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The following memorandum provides an analysis of compliance for the Le Colline Vineyard Erosion Control Plan Application (Proposed Project) related to the newly adopted Bay Area Air Quality Management District (BAAQMD) CEQA thresholds of significance for greenhouse gas emissions (GHGs)

## PROJECT DESCRIPTION

As described in the Draft Environmental Impact Report (DEIR), dated January 2019, the Proposed Project involves developing approximately 25 net acres of vineyard within 33.8 gross acres (project site) on the approximately 88.34-acre property. This includes timber harvesting, vegetation removal, earthmoving and grading activities, as well as ripping and tilling and rock removal associated with soil cultivation, installation and maintenance of drainage and erosion control features, vineyard planting and harvesting, and maintenance and operation of vineyards upon completion.

## BACKGROUND

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). The updated thresholds to evaluate GHG and climate impacts from land use projects are qualitative and geared toward building and transportation GHG impacts of land use projects. Projects that incorporated the applicable recommended GHG reductions strategies are considered consistent with the State's long-term climate goals of being carbon neutral by 2045, and 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. Despite this the analysis includes construction GHG emissions, as well as the operational GHG emissions to ensure that all GHG emissions are evaluated and reduced to a level of less than significant.

## DEIR THRESHOLDS OF SIGNIFICANCE

As described in Section 4.7 of the 2019 DEIR, potential impacts of the Proposed Project associated with GHG emissions were evaluated according to the 2010 BAAQMD CEQA Guidelines.

### **Construction**

The 2010 BAAQMD CEQA Guidelines did not provide specific thresholds for GHG emissions from construction based on it determining that the construction phase GHG emissions are only a very small percentage of overall emissions. Therefore, since the County had not yet adopted any further GHG significance criteria, the nearest adopted numerical threshold was used to determine significance, in accordance with the Newhall Ranch Decision. The nearest jurisdiction with an adopted GHG significance threshold for construction was Sacramento Metropolitan Air Quality Management District (SMAQMD), which covers the entirety of Sacramento County. On October 23, 2014, the SMAQMD adopted a 1,100 metric ton (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) per year GHG significance threshold for the construction phase of projects. While not required, use of this threshold was included to provide a comprehensive and conservative analysis of GHG impacts.

### **Operation**

The 2010 BAAQMD CEQA Guidelines established a GHG operational threshold of 1,100 MT per year. In accordance with 2010 BAAQMD Guidelines, a project can be determined to have a less-than-significant impact by providing either project components or mitigation that would reduce operational GHG emissions below a threshold of 1,100 MT per year of CO<sub>2</sub>e (BAAQMD, 2012).

## NEW THRESHOLDS OF SIGNIFICANCE

As described in the recently adopted *CEQA Thresholds Justification Report*, the BAAQMD developed the 2022 Thresholds for consistency with California's long-term climate goal of carbon neutrality by 2045. The BAAQMD determined that new land use development projects being built today need to incorporate the following design elements to do its "fair share" of implementing the goal of carbon neutrality by 2045:

### Thresholds for Land Use Projects (Must Include A or B)

- A. Projects must include, at a minimum, the following project design elements:
  1. Buildings
    - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
    - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
  2. Transportation
    - a. 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 recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

- i. Residential projects: 15 percent below the existing VMT per capita
  - ii. Office projects: 15 percent below the existing VMT per employee
  - iii. Retail projects: no net increase in existing VMT
- b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of California Green Building Standards Code (CALGreen) Tier 2.

- B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

The BAAQMD's *CEQA Thresholds Justification Report* concludes that if a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California's efforts to address climate change.

Additionally, BAAQMD reaffirms that there is no proposed construction-related climate impact threshold. According to the BAAQMD *CEQA Thresholds Justification Report*, greenhouse gas emissions from construction represent a very small portion of a project's lifetime GHG emissions; and therefore, the proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions. Regardless, this project for transparency purposes includes an analysis of construction related GHG emissions to ensure that all emissions are accounted for and will not hinder California's efforts to address climate change.

## **COMPLIANCE WITH NEW THRESHOLDS**

### ***Construction***

Given that the BAAQMD has not provided a construction-related climate impact threshold in the 2022 Thresholds, the nearest adopted numerical threshold will be used to determine significance, in accordance with the Newhall Ranch Decision. Consistent with the significance criteria used in the 2019 DEIR, the nearest jurisdiction with an adopted GHG significance threshold for construction is Sacramento Metropolitan Air Quality Management District (SMAQMD). On October 23, 2014, the SMAQMD adopted a 1,100 MT CO<sub>2</sub>e per year GHG significance threshold for the construction phase of projects.

The SMAQMD adopted its most recent thresholds of significance for GHGs in April 2020. The SMAQMD report, *Greenhouse Gas Thresholds for Sacramento County*, established new operational thresholds for the air district but acknowledged that the report is not intended to replace SMAQMD's existing thresholds for construction emissions, as those thresholds were adopted by the SMAQMD with substantial evidence and documented through staff reports. Therefore, construction-related climate impacts of the Proposed Project will be evaluated according to the SMAQMD thresholds of 1,100 MT CO<sub>2</sub>e per year.

As described in Section 4.7.3 of the 2019 DEIR, the Proposed Project would result in approximately 431

MT of CO<sub>2</sub>e from construction activities after implementation of GHG emission reduction measures. The one-time construction emissions of GHGs are less than the SMAQMD construction significance threshold of 1,100 MT of CO<sub>2</sub>e. Therefore, construction of the Proposed Project would have a less-than-significant impact to global climate change.

### ***Operation***

As described above, the 2022 BAAQMD Thresholds establish operational project design elements that, if incorporated, allow a lead agency to conclude that the project will not make a cumulatively considerable contribution to global climate change.

### **Buildings**

The project design elements related to buildings involve the exclusion of natural gas connections and a determination that the project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

As shown in Section 3.0 of the 2019 DEIR, the Proposed Project does not include any buildings or infrastructure involving the connection or use of natural gas appliances or plumbing. Additionally, there are no unusual characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State. As described in Mitigation Measure 4.7-1 of the 2019 DEIR, the Applicant shall maintain construction equipment in accordance with manufacturing specifications and limit construction equipment idling time to less than five minutes. These measures would further reduce fuel and energy use during all stages of construction and avoid the wasteful, inefficient, or unnecessary consumption of fuel energy. Therefore, construction and operation of the Proposed Project would not result in inefficient, wasteful, or unnecessary consumption of fuel energy or conflict with a State or local plan for renewable energy or energy efficiency.

### **Transportation**

The project design elements related to transportation involve achieving consistency with locally adopted Senate Bill 743 VMT targets. 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 (Napa County, 2022).

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.

As described in Section 4.12.4 of the 2019 DEIR, the Proposed Project is estimated to contribute 22 vehicle trips per day during peak seasons. Therefore, as the number of additional trips generated by the Proposed Project is below the 110-trip screening threshold for VMT impacts contained in the County's TIS, the Proposed Project can be assumed to cause a less-than-significant transportation impact related to vehicle miles traveled.

The 2019 CALGreen Tier 2 currently requires the installation of electric vehicle supply equipment (EVSE) at the time of construction. The 2019 DEIR does not include a requirement for the installation of EVSE for the Proposed Project. Therefore, it is recommended that a new mitigation measure be added to require the installation of EVSE consistent with CALGreen Tier 2.

Accordingly, with implementation of the recommendations described above, the Proposed Project would be consistent with operational project design elements required by the 2022 BAAQMD Thresholds; and therefore, the Proposed Project would have a less-than-significant cumulatively considerable contribution to global climate change.

#### Voluntary Net-Zero

As described above, the Proposed Project would be consistent with the 2022 BAAQMD Thresholds related to operational GHG emissions and would have a less-than-significant cumulatively considerable contribution to global climate change. Nonetheless, the Project Applicant plans to make a voluntary commitment to achieve net-zero GHG emissions from operation of the Proposed Project. As described in Section 4.7.3 of the 2019 DEIR, operation of the Proposed Project is estimated to generate approximately 59 MT of CO<sub>2</sub>e per year. The Project Applicant intends to incorporate several features to reduce operational GHG emissions including: use of electric tractors for vineyard maintenance activities, use of a 15-person electric passenger van to transport vineyard workers to and from the Project Site, and implementation of an on-site tree planting program. Further, in response to comments and to provide additional preservation of oak trees and fir alliance habitats, as well as, increase the water quality by further buffering water courses, the Proposed Project will be reduced in size as shown in the attached figure. This reduction in size and the reduction in the removal of trees will further reduce the impacts to GHG emissions both during the construction and operational phases of the project even further below the current estimated GHG emissions independent of the voluntary net-zero GHG commitment for operations. The reduced gross acreage of the Increased Stream Habitat Setback Alternative v3, as shown in the

attached figure, is 25.6 acres and the reduced net acreage is 20.9 acres.

As shown in the table below, initial estimates indicate that these measures would reduce the operational GHG emissions from the Proposed Project by approximately 59 MT of CO<sub>2</sub>e per year or 100% resulting in net zero emissions.

GREENHOUSE GAS OPERATIONAL EMISSIONS – VOLUNTRARY REDUCTIONS

| <b>Proposed Project</b>   | <b>GHG Emissions<br/>(MT/yr of CO<sub>2</sub>e)</b> |
|---|---|
| <b>Operational GHG Emissions<sup>1</sup></b>  |   |
| Loss of Sequestration   | 34  |
| Mobile  | 25  |
| <b>Total Operational GHG Emissions</b>  | <b>59</b>   |
| <b>Voluntary Reductions</b>   |   |
| Electric Tractors <sup>2</sup>  | -13   |
| Electric Worker Transport Van <sup>3</sup>  | -12   |
| Tree Planting Program <sup>4</sup>  | -30   |
| Reduced Acreage <sup>5</sup>  | -4  |
| <b>Total Reductions</b>   | <b>-59</b>  |
| <b>Remaining Operational GHG Emissions</b>  | <b>0</b>  |
| Notes: MT = metric tons; CO <sub>2</sub> e = carbon dioxide equivalent.<br><sup>1</sup> As shown in Table 4.7-2 of the 2019 DEIR.<br><sup>2</sup> Based on two fully-electric tractors.<br><sup>3</sup> Based on one 15-person electric passenger van.<br><sup>4</sup> Based on 675 new trees (douglas fir).<br><sup>5</sup> Based on the reduced net acreage of 20.9.<br>Source: CalEEMod2020.4. |   |

## ATTACHMENTS

- 1) Increased Stream Habitat Setback Alternative v3 Figure
- 2) CalEEMOD Output Tables

## REFERENCES

BAAQMD, 2022. BAAQMD Justification Report: CEQA Thresholds for Evaluating the Significance of Climate Impacts. April 2022. Available online at: <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf?la=en>.

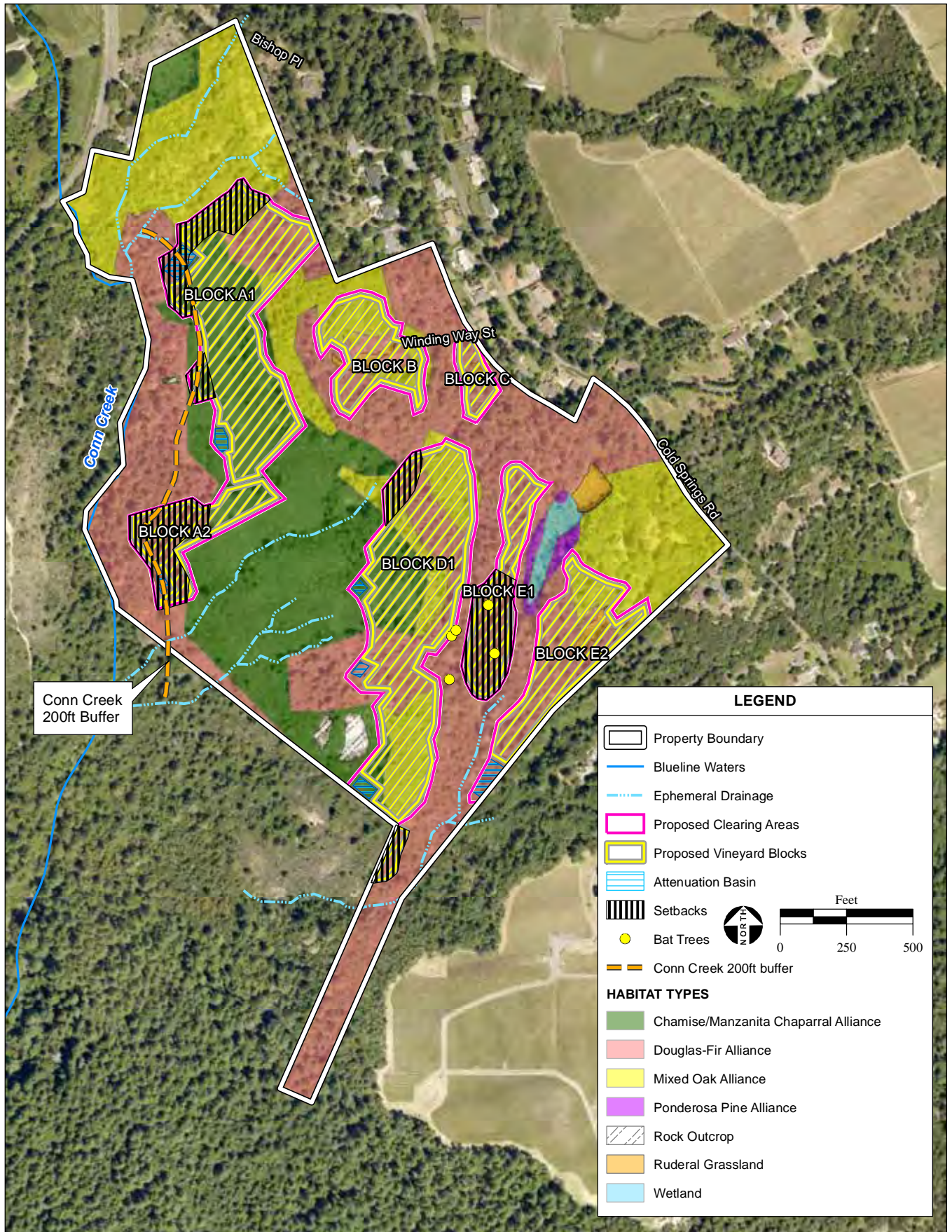
Napa County, 2022. Napa County Traffic Impact Study (TIS) Guidelines – February 2022.

OPR, 2018. OPR Technical Advisory on Evaluation Transportation Impacts in CEQA. December 2018. Available online at: [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf).

SMAQMD, 2009. SMAQMD CEQA Guide. December 2009, Revised May 2011, June 2014, November 2014, June 2015, March 2016, December 2016, July 2019, April 2020. Available online at: <http://www.airquality.org/businesses/ceqa-land-use-planning/ceqa-guidance-tools>.

SMAQMD. 2014. Justification for Greenhouse Gas Emissions Thresholds of Significance. September 2014. Available online at: <http://www.airquality.org/LandUseTransportation/Documents/GHGThresholdsJustificationSept2014.pdf>.

SMAQMD, 2020. SMAQMD Greenhouse Gas Thresholds for Sacramento County. April 2020. Available online at: <https://www.airquality.org/LandUseTransportation/Documents/SMAQMDGHGThresholds2020-03-04v2.pdf>.



\*Basins and subsurface drainage to be removed from avoidance areas and relocated.

**Figure 5-2**  
 Increased Water Quality and Sensitive Habitat Protection Alternative





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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

Trips and VMT - -

Grading - -

Land Use Change -

Sequestration -

| Table Name                | Column Name                | Default Value | New Value |
|---------------------------|----------------------------|---------------|-----------|
| tblConstructionPhase      | NumDays                    | 75.00         | 5.00      |
| tblConstructionPhase      | NumDays                    | 30.00         | 25.00     |
| tblConstructionPhase      | NumDays                    | 30.00         | 75.00     |
| tblConstructionPhase      | NumDays                    | 30.00         | 50.00     |
| tblConstructionPhase      | NumDays                    | 30.00         | 15.00     |
| tblConstructionPhase      | NumDays                    | 30.00         | 18.00     |
| tblConstructionPhase      | NumDays                    | 30.00         | 20.00     |
| tblConstructionPhase      | NumDays                    | 30.00         | 40.00     |
| tblConstructionPhase      | NumDays                    | 30.00         | 8.00      |
| tblGrading                | AcresOfGrading             | 2.50          | 0.00      |
| tblGrading                | AcresOfGrading             | 50.00         | 0.00      |
| tblLandUse                | LotAcreage                 | 0.00          | 34.50     |
| tblOffRoadEquipment       | OffRoadEquipmentUnitAmount | 3.00          | 2.00      |
| tblOffRoadEquipment       | OffRoadEquipmentUnitAmount | 4.00          | 1.00      |
| tblOffRoadEquipment       | OffRoadEquipmentUnitAmount | 4.00          | 1.00      |
| tblOffRoadEquipment       | OffRoadEquipmentUnitAmount | 4.00          | 0.00      |
| tblOffRoadEquipment       | OffRoadEquipmentUnitAmount | 4.00          | 0.00      |
| tblOffRoadEquipment       | OffRoadEquipmentUnitAmount | 4.00          | 0.00      |
| tblOffRoadEquipment       | OffRoadEquipmentUnitAmount | 4.00          | 0.00      |
| tblOffRoadEquipment       | UsageHours                 | 8.00          | 9.00      |
| tblOffRoadEquipment       | UsageHours                 | 8.00          | 9.00      |
| tblProjectCharacteristics | UrbanizationLevel          | Urban         | Rural     |
| tblSequestration          | NumberOfNewTrees           | 0.00          | 200.00    |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

|                |                   |       |        |
|----------------|-------------------|-------|--------|
| tbITripsAndVMT | HaulingTripLength | 20.00 | 100.00 |
| tbITripsAndVMT | HaulingTripNumber | 0.00  | 100.00 |
| tbITripsAndVMT | WorkerTripLength  | 10.80 | 160.00 |
| tbITripsAndVMT | WorkerTripLength  | 10.80 | 150.00 |
| tbITripsAndVMT | WorkerTripLength  | 10.80 | 12.00  |
| tbITripsAndVMT | WorkerTripNumber  | 3.00  | 0.00   |

**2.0 Emissions Summary**

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**2.1 Overall Construction**

**Unmitigated Construction**

|                | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2      | Total CO2      | CH4           | N2O                | CO2e           |
|----------------|---------------|---------------|---------------|--------------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|----------------|----------------|---------------|--------------------|----------------|
| Year           | tons/yr       |               |               |                    |               |               |               |                |               |               | MT/yr         |                |                |               |                    |                |
| 2016           | 0.0204        | 0.2042        | 0.1731        | 4.3000e-004        | 0.0159        | 8.9300e-003   | 0.0248        | 4.2700e-003    | 8.2900e-003   | 0.0126        | 0.0000        | 40.3844        | 40.3844        | 4.6700e-003   | 3.2000e-003        | 41.4536        |
| 2017           | 0.0913        | 0.8968        | 0.5403        | 9.7000e-004        | 0.3286        | 0.0431        | 0.3717        | 0.1728         | 0.0397        | 0.2125        | 0.0000        | 89.7386        | 89.7386        | 0.0207        | 9.1000e-004        | 90.5274        |
| 2018           | 2.0000e-003   | 0.0197        | 0.0175        | 2.0000e-005        | 0.0000        | 1.4000e-003   | 1.4000e-003   | 0.0000         | 1.2900e-003   | 1.2900e-003   | 0.0000        | 2.1281         | 2.1281         | 6.6000e-004   | 0.0000             | 2.1447         |
| <b>Maximum</b> | <b>0.0913</b> | <b>0.8968</b> | <b>0.5403</b> | <b>9.7000e-004</b> | <b>0.3286</b> | <b>0.0431</b> | <b>0.3717</b> | <b>0.1728</b>  | <b>0.0397</b> | <b>0.2125</b> | <b>0.0000</b> | <b>89.7386</b> | <b>89.7386</b> | <b>0.0207</b> | <b>3.2000e-003</b> | <b>90.5274</b> |

**Mitigated Construction**

|                | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2      | Total CO2      | CH4           | N2O                | CO2e           |
|----------------|---------------|---------------|---------------|--------------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|----------------|----------------|---------------|--------------------|----------------|
| Year           | tons/yr       |               |               |                    |               |               |               |                |               |               | MT/yr         |                |                |               |                    |                |
| 2016           | 0.0204        | 0.2042        | 0.1731        | 4.3000e-004        | 0.0159        | 8.9300e-003   | 0.0248        | 4.2700e-003    | 8.2900e-003   | 0.0126        | 0.0000        | 40.3844        | 40.3844        | 4.6700e-003   | 3.2000e-003        | 41.4536        |
| 2017           | 0.0913        | 0.8968        | 0.5403        | 9.7000e-004        | 0.3286        | 0.0431        | 0.3717        | 0.1728         | 0.0397        | 0.2125        | 0.0000        | 89.7385        | 89.7385        | 0.0207        | 9.1000e-004        | 90.5273        |
| 2018           | 2.0000e-003   | 0.0197        | 0.0175        | 2.0000e-005        | 0.0000        | 1.4000e-003   | 1.4000e-003   | 0.0000         | 1.2900e-003   | 1.2900e-003   | 0.0000        | 2.1281         | 2.1281         | 6.6000e-004   | 0.0000             | 2.1447         |
| <b>Maximum</b> | <b>0.0913</b> | <b>0.8968</b> | <b>0.5403</b> | <b>9.7000e-004</b> | <b>0.3286</b> | <b>0.0431</b> | <b>0.3717</b> | <b>0.1728</b>  | <b>0.0397</b> | <b>0.2125</b> | <b>0.0000</b> | <b>89.7385</b> | <b>89.7385</b> | <b>0.0207</b> | <b>3.2000e-003</b> | <b>90.5273</b> |







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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**2.3 Vegetation**

Vegetation

|                        | CO2e                       |
|------------------------|----------------------------|
| Category               | MT                         |
| New Trees              | 178.8000                   |
| Vegetation Land Change | -<br>2,949.280<br>0        |
| <b>Total</b>           | -<br><b>2,770.480</b><br>0 |

**3.0 Construction Detail**

Construction Phase

| Phase Number | Phase Name                                 | Phase Type       | Start Date | End Date   | Num Days Week | Num Days | Phase Description |
|--------------|--|------------------|------------|------------|---------------|----------|-------------------|
| 1            | Phase 1 timber harvest                     | Site Preparation | 8/15/2016  | 9/16/2016  | 5             | 25       |                   |
| 2            | Phase 1 timber harvest - log haul          | Site Preparation | 9/17/2016  | 12/30/2016 | 5             | 75       |                   |
| 3            | Phase 2 site prep                          | Site Preparation | 4/3/2017   | 6/9/2017   | 5             | 50       |                   |
| 4            | Phase 2 site prep - grading                | Grading          | 6/17/2017  | 6/25/2017  | 5             | 5        |                   |
| 5            | Phase 3 vin maint - tractor disc           | Site Preparation | 3/1/2018   | 3/21/2018  | 5             | 15       |                   |
| 6            | Phase 3 vin maint - tractor + rock trailer | Site Preparation | 3/22/2018  | 4/16/2018  | 5             | 18       |                   |
| 7            | Phase 3 vin maint - ATV                    | Site Preparation | 3/22/2018  | 4/18/2018  | 5             | 20       |                   |
| 8            | Phase 3 vin main - tractor trailer         | Site Preparation | 4/19/2018  | 6/13/2018  | 5             | 40       |                   |
| 9            | Phase 3 vin maint - mowing                 | Site Preparation | 6/14/2018  | 6/25/2018  | 5             | 8        |                   |

**Acres of Grading (Site Preparation Phase): 0**

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**Acres of Grading (Grading Phase): 0**

**Acres of Paving: 0**

**Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)**

**OffRoad Equipment**

| Phase Name                                 | Offroad Equipment Type    | Amount | Usage Hours | Horse Power | Load Factor |
|--|---------------------------|--------|-------------|-------------|-------------|
| Phase 1 timber harvest                     | Excavators                | 1      | 8.00        | 158         | 0.38        |
| Phase 1 timber harvest                     | Skid Steer Loaders        | 1      | 8.00        | 65          | 0.37        |
| Phase 1 timber harvest                     | Tractors/Loaders/Backhoes | 1      | 8.00        | 97          | 0.37        |
| Phase 1 timber harvest - log haul          | Off-Highway Trucks        | 0      | 8.00        | 402         | 0.38        |
| Phase 2 site prep                          | Excavators                | 2      | 8.00        | 158         | 0.38        |
| Phase 2 site prep                          | Rubber Tired Dozers       | 2      | 8.00        | 247         | 0.40        |
| Phase 2 site prep - grading                | Graders                   | 1      | 8.00        | 187         | 0.41        |
| Phase 3 vin maint - tractor disc           | Tractors/Loaders/Backhoes | 1      | 8.00        | 97          | 0.37        |
| Phase 3 vin maint - tractor + rock trailer | Tractors/Loaders/Backhoes | 0      | 8.00        | 97          | 0.37        |
| Phase 3 vin maint - ATV                    | Off-Highway Tractors      | 0      | 8.00        | 124         | 0.44        |
| Phase 3 vin maint - ATV                    | Tractors/Loaders/Backhoes | 0      | 8.00        | 97          | 0.37        |
| Phase 3 vin main - tractor trailer         | Tractors/Loaders/Backhoes | 0      | 9.00        | 97          | 0.37        |
| Phase 3 vin maint - mowing                 | Tractors/Loaders/Backhoes | 0      | 9.00        | 97          | 0.37        |

**Trips and VMT**

| Phase Name                        | Offroad Equipment Count | Worker Trip Number | Vendor Trip Number | Hauling Trip Number | Worker Trip Length | Vendor Trip Length | Hauling Trip Length | Worker Vehicle Class | Vendor Vehicle Class | Hauling Vehicle Class |
|-----------------------------------|-------------------------|--------------------|--------------------|---------------------|--------------------|--------------------|---------------------|----------------------|----------------------|-----------------------|
| Phase 1 timber harvest            | 3                       | 8.00               | 0.00               | 0.00                | 160.00             | 6.60               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Phase 1 timber harvest - log haul | 0                       | 0.00               | 0.00               | 100.00              | 10.80              | 6.60               | 100.00              | LD_Mix               | HDT_Mix              | HHDT                  |
| Phase 2 site prep                 | 4                       | 10.00              | 0.00               | 0.00                | 150.00             | 6.60               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |
| Phase 2 site prep - grading       | 1                       | 3.00               | 0.00               | 0.00                | 10.80              | 6.60               | 20.00               | LD_Mix               | HDT_Mix              | HHDT                  |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

|  |   |      |      |      |       |      |       |        |         |      |
|--|---|------|------|------|-------|------|-------|--------|---------|------|
| Phase 3 vin maint - tractor dier           | 1 | 0.00 | 0.00 | 0.00 | 10.80 | 6.60 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Phase 3 vin maint - tractor + rock trailer | 0 | 0.00 | 0.00 | 0.00 | 12.00 | 6.60 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Phase 3 vin maint - ATV                    | 0 | 0.00 | 0.00 | 0.00 | 10.80 | 6.60 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Phase 3 vin main - tractor trailer         | 0 | 0.00 | 0.00 | 0.00 | 10.80 | 6.60 | 20.00 | LD_Mix | HDT_Mix | HHDT |
| Phase 3 vin maint - mowing                 | 0 | 0.00 | 0.00 | 0.00 | 10.80 | 6.60 | 20.00 | LD_Mix | HDT_Mix | HHDT |

**3.1 Mitigation Measures Construction**

**3.2 Phase 1 timber harvest - 2016**

**Unmitigated Construction On-Site**

|               | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total         | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2      | Total CO2      | CH4                | N2O           | CO2e           |
|---------------|---------------|---------------|---------------|--------------------|---------------|--------------------|--------------------|----------------|--------------------|--------------------|---------------|----------------|----------------|--------------------|---------------|----------------|
| Category      | tons/yr       |               |               |                    |               |                    |                    |                |                    |                    | MT/yr         |                |                |                    |               |                |
| Fugitive Dust |               |               |               |                    | 0.0000        | 0.0000             | 0.0000             | 0.0000         | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000        | 0.0000         |
| Off-Road      | 0.0104        | 0.1135        | 0.0896        | 1.3000e-004        |               | 6.8400e-003        | 6.8400e-003        |                | 6.2900e-003        | 6.2900e-003        | 0.0000        | 12.1877        | 12.1877        | 3.6800e-003        | 0.0000        | 12.2796        |
| <b>Total</b>  | <b>0.0104</b> | <b>0.1135</b> | <b>0.0896</b> | <b>1.3000e-004</b> | <b>0.0000</b> | <b>6.8400e-003</b> | <b>6.8400e-003</b> | <b>0.0000</b>  | <b>6.2900e-003</b> | <b>6.2900e-003</b> | <b>0.0000</b> | <b>12.1877</b> | <b>12.1877</b> | <b>3.6800e-003</b> | <b>0.0000</b> | <b>12.2796</b> |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**3.2 Phase 1 timber harvest - 2016**

**Unmitigated Construction Off-Site**

|              | ROG                | NOx                | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total    | Fugitive PM2.5     | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2      | Total CO2      | CH4                | N2O                | CO2e           |
|--------------|--------------------|--------------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|--------------------|--------------------|---------------|----------------|----------------|--------------------|--------------------|----------------|
| Category     | tons/yr            |                    |               |                    |               |                    |               |                    |                    |                    | MT/yr         |                |                |                    |                    |                |
| Hauling      | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| Vendor       | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| Worker       | 5.2000e-003        | 6.9600e-003        | 0.0671        | 1.2000e-004        | 0.0117        | 8.0000e-005        | 0.0118        | 3.1100e-003        | 7.0000e-005        | 3.1800e-003        | 0.0000        | 10.7123        | 10.7123        | 3.5000e-004        | 4.4000e-004        | 10.8520        |
| <b>Total</b> | <b>5.2000e-003</b> | <b>6.9600e-003</b> | <b>0.0671</b> | <b>1.2000e-004</b> | <b>0.0117</b> | <b>8.0000e-005</b> | <b>0.0118</b> | <b>3.1100e-003</b> | <b>7.0000e-005</b> | <b>3.1800e-003</b> | <b>0.0000</b> | <b>10.7123</b> | <b>10.7123</b> | <b>3.5000e-004</b> | <b>4.4000e-004</b> | <b>10.8520</b> |

**Mitigated Construction On-Site**

|               | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total         | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2      | Total CO2      | CH4                | N2O           | CO2e           |
|---------------|---------------|---------------|---------------|--------------------|---------------|--------------------|--------------------|----------------|--------------------|--------------------|---------------|----------------|----------------|--------------------|---------------|----------------|
| Category      | tons/yr       |               |               |                    |               |                    |                    |                |                    |                    | MT/yr         |                |                |                    |               |                |
| Fugitive Dust |               |               |               |                    | 0.0000        | 0.0000             | 0.0000             | 0.0000         | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000        | 0.0000         |
| Off-Road      | 0.0104        | 0.1135        | 0.0896        | 1.3000e-004        |               | 6.8400e-003        | 6.8400e-003        |                | 6.2900e-003        | 6.2900e-003        | 0.0000        | 12.1877        | 12.1877        | 3.6800e-003        | 0.0000        | 12.2796        |
| <b>Total</b>  | <b>0.0104</b> | <b>0.1135</b> | <b>0.0896</b> | <b>1.3000e-004</b> | <b>0.0000</b> | <b>6.8400e-003</b> | <b>6.8400e-003</b> | <b>0.0000</b>  | <b>6.2900e-003</b> | <b>6.2900e-003</b> | <b>0.0000</b> | <b>12.1877</b> | <b>12.1877</b> | <b>3.6800e-003</b> | <b>0.0000</b> | <b>12.2796</b> |







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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**3.3 Phase 1 timber harvest - log haul - 2016**

**Mitigated Construction Off-Site**

|              | ROG                | NOx           | CO            | SO2                | Fugitive PM10      | Exhaust PM10       | PM10 Total         | Fugitive PM2.5     | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2      | Total CO2      | CH4                | N2O                | CO2e           |
|--------------|--------------------|---------------|---------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------|----------------|----------------|--------------------|--------------------|----------------|
| Category     | tons/yr            |               |               |                    |                    |                    |                    |                    |                    |                    | MT/yr         |                |                |                    |                    |                |
| Hauling      | 4.7800e-003        | 0.0838        | 0.0164        | 1.8000e-004        | 4.2100e-003        | 2.0200e-003        | 6.2300e-003        | 1.1600e-003        | 1.9300e-003        | 3.0900e-003        | 0.0000        | 17.4844        | 17.4844        | 6.5000e-004        | 2.7600e-003        | 18.3220        |
| Vendor       | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| Worker       | 0.0000             | 0.0000        | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| <b>Total</b> | <b>4.7800e-003</b> | <b>0.0838</b> | <b>0.0164</b> | <b>1.8000e-004</b> | <b>4.2100e-003</b> | <b>2.0200e-003</b> | <b>6.2300e-003</b> | <b>1.1600e-003</b> | <b>1.9300e-003</b> | <b>3.0900e-003</b> | <b>0.0000</b> | <b>17.4844</b> | <b>17.4844</b> | <b>6.5000e-004</b> | <b>2.7600e-003</b> | <b>18.3220</b> |

**3.4 Phase 2 site prep - 2017**

**Unmitigated Construction On-Site**

|               | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2      | Total CO2      | CH4           | N2O           | CO2e           |
|---------------|---------------|---------------|---------------|--------------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|----------------|----------------|---------------|---------------|----------------|
| Category      | tons/yr       |               |               |                    |               |               |               |                |               |               | MT/yr         |                |                |               |               |                |
| Fugitive Dust |               |               |               |                    | 0.3011        | 0.0000        | 0.3011        | 0.1655         | 0.0000        | 0.1655        | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0792        | 0.8642        | 0.3982        | 6.8000e-004        |               | 0.0424        | 0.0424        |                | 0.0390        | 0.0390        | 0.0000        | 63.5873        | 63.5873        | 0.0195        | 0.0000        | 64.0744        |
| <b>Total</b>  | <b>0.0792</b> | <b>0.8642</b> | <b>0.3982</b> | <b>6.8000e-004</b> | <b>0.3011</b> | <b>0.0424</b> | <b>0.3435</b> | <b>0.1655</b>  | <b>0.0390</b> | <b>0.2045</b> | <b>0.0000</b> | <b>63.5873</b> | <b>63.5873</b> | <b>0.0195</b> | <b>0.0000</b> | <b>64.0744</b> |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**3.4 Phase 2 site prep - 2017**

**Unmitigated Construction Off-Site**

|              | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total    | Fugitive PM2.5     | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2      | Total CO2      | CH4                | N2O                | CO2e           |
|--------------|---------------|---------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|--------------------|--------------------|---------------|----------------|----------------|--------------------|--------------------|----------------|
| Category     | tons/yr       |               |               |                    |               |                    |               |                    |                    |                    | MT/yr         |                |                |                    |                    |                |
| Hauling      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| Worker       | 0.0107        | 0.0139        | 0.1369        | 2.7000e-004        | 0.0274        | 1.7000e-004        | 0.0276        | 7.2900e-003        | 1.6000e-004        | 7.4500e-003        | 0.0000        | 24.5517        | 24.5517        | 6.9000e-004        | 9.1000e-004        | 24.8408        |
| <b>Total</b> | <b>0.0107</b> | <b>0.0139</b> | <b>0.1369</b> | <b>2.7000e-004</b> | <b>0.0274</b> | <b>1.7000e-004</b> | <b>0.0276</b> | <b>7.2900e-003</b> | <b>1.6000e-004</b> | <b>7.4500e-003</b> | <b>0.0000</b> | <b>24.5517</b> | <b>24.5517</b> | <b>6.9000e-004</b> | <b>9.1000e-004</b> | <b>24.8408</b> |

**Mitigated Construction On-Site**

|               | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2      | Total CO2      | CH4           | N2O           | CO2e           |
|---------------|---------------|---------------|---------------|--------------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|----------------|----------------|---------------|---------------|----------------|
| Category      | tons/yr       |               |               |                    |               |               |               |                |               |               | MT/yr         |                |                |               |               |                |
| Fugitive Dust |               |               |               |                    | 0.3011        | 0.0000        | 0.3011        | 0.1655         | 0.0000        | 0.1655        | 0.0000        | 0.0000         | 0.0000         | 0.0000        | 0.0000        | 0.0000         |
| Off-Road      | 0.0792        | 0.8642        | 0.3982        | 6.8000e-004        |               | 0.0424        | 0.0424        |                | 0.0390        | 0.0390        | 0.0000        | 63.5873        | 63.5873        | 0.0195        | 0.0000        | 64.0743        |
| <b>Total</b>  | <b>0.0792</b> | <b>0.8642</b> | <b>0.3982</b> | <b>6.8000e-004</b> | <b>0.3011</b> | <b>0.0424</b> | <b>0.3435</b> | <b>0.1655</b>  | <b>0.0390</b> | <b>0.2045</b> | <b>0.0000</b> | <b>63.5873</b> | <b>63.5873</b> | <b>0.0195</b> | <b>0.0000</b> | <b>64.0743</b> |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**3.4 Phase 2 site prep - 2017**

**Mitigated Construction Off-Site**

|              | ROG           | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total    | Fugitive PM2.5     | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2      | Total CO2      | CH4                | N2O                | CO2e           |
|--------------|---------------|---------------|---------------|--------------------|---------------|--------------------|---------------|--------------------|--------------------|--------------------|---------------|----------------|----------------|--------------------|--------------------|----------------|
| Category     | tons/yr       |               |               |                    |               |                    |               |                    |                    |                    | MT/yr         |                |                |                    |                    |                |
| Hauling      | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000         | 0.0000         | 0.0000             | 0.0000             | 0.0000         |
| Worker       | 0.0107        | 0.0139        | 0.1369        | 2.7000e-004        | 0.0274        | 1.7000e-004        | 0.0276        | 7.2900e-003        | 1.6000e-004        | 7.4500e-003        | 0.0000        | 24.5517        | 24.5517        | 6.9000e-004        | 9.1000e-004        | 24.8408        |
| <b>Total</b> | <b>0.0107</b> | <b>0.0139</b> | <b>0.1369</b> | <b>2.7000e-004</b> | <b>0.0274</b> | <b>1.7000e-004</b> | <b>0.0276</b> | <b>7.2900e-003</b> | <b>1.6000e-004</b> | <b>7.4500e-003</b> | <b>0.0000</b> | <b>24.5517</b> | <b>24.5517</b> | <b>6.9000e-004</b> | <b>9.1000e-004</b> | <b>24.8408</b> |

**3.5 Phase 2 site prep - grading - 2017**

**Unmitigated Construction On-Site**

|               | ROG                | NOx           | CO                 | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total         | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2     | Total CO2     | CH4                | N2O           | CO2e          |
|---------------|--------------------|---------------|--------------------|--------------------|---------------|--------------------|--------------------|----------------|--------------------|--------------------|---------------|---------------|---------------|--------------------|---------------|---------------|
| Category      | tons/yr            |               |                    |                    |               |                    |                    |                |                    |                    | MT/yr         |               |               |                    |               |               |
| Fugitive Dust |                    |               |                    |                    | 0.0000        | 0.0000             | 0.0000             | 0.0000         | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Off-Road      | 1.3400e-003        | 0.0187        | 4.9000e-003        | 2.0000e-005        |               | 6.1000e-004        | 6.1000e-004        |                | 5.6000e-004        | 5.6000e-004        | 0.0000        | 1.5451        | 1.5451        | 4.7000e-004        | 0.0000        | 1.5569        |
| <b>Total</b>  | <b>1.3400e-003</b> | <b>0.0187</b> | <b>4.9000e-003</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>6.1000e-004</b> | <b>6.1000e-004</b> | <b>0.0000</b>  | <b>5.6000e-004</b> | <b>5.6000e-004</b> | <b>0.0000</b> | <b>1.5451</b> | <b>1.5451</b> | <b>4.7000e-004</b> | <b>0.0000</b> | <b>1.5569</b> |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**3.5 Phase 2 site prep - grading - 2017**

**Unmitigated Construction Off-Site**

|              | ROG                | NOx                | CO                 | SO2           | Fugitive PM10      | Exhaust PM10  | PM10 Total         | Fugitive PM2.5     | Exhaust PM2.5 | PM2.5 Total        | Bio- CO2      | NBio- CO2     | Total CO2     | CH4           | N2O           | CO2e          |
|--------------|--------------------|--------------------|--------------------|---------------|--------------------|---------------|--------------------|--------------------|---------------|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Category     | tons/yr            |                    |                    |               |                    |               |                    |                    |               |                    | MT/yr         |               |               |               |               |               |
| Hauling      | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Worker       | 4.0000e-005        | 4.0000e-005        | 3.5000e-004        | 0.0000        | 6.0000e-005        | 0.0000        | 6.0000e-005        | 2.0000e-005        | 0.0000        | 2.0000e-005        | 0.0000        | 0.0545        | 0.0545        | 0.0000        | 0.0000        | 0.0553        |
| <b>Total</b> | <b>4.0000e-005</b> | <b>4.0000e-005</b> | <b>3.5000e-004</b> | <b>0.0000</b> | <b>6.0000e-005</b> | <b>0.0000</b> | <b>6.0000e-005</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>0.0545</b> | <b>0.0545</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0553</b> |

**Mitigated Construction On-Site**

|               | ROG                | NOx           | CO                 | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total         | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2     | Total CO2     | CH4                | N2O           | CO2e          |
|---------------|--------------------|---------------|--------------------|--------------------|---------------|--------------------|--------------------|----------------|--------------------|--------------------|---------------|---------------|---------------|--------------------|---------------|---------------|
| Category      | tons/yr            |               |                    |                    |               |                    |                    |                |                    |                    | MT/yr         |               |               |                    |               |               |
| Fugitive Dust |                    |               |                    |                    | 0.0000        | 0.0000             | 0.0000             | 0.0000         | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Off-Road      | 1.3400e-003        | 0.0187        | 4.9000e-003        | 2.0000e-005        |               | 6.1000e-004        | 6.1000e-004        |                | 5.6000e-004        | 5.6000e-004        | 0.0000        | 1.5451        | 1.5451        | 4.7000e-004        | 0.0000        | 1.5569        |
| <b>Total</b>  | <b>1.3400e-003</b> | <b>0.0187</b> | <b>4.9000e-003</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>6.1000e-004</b> | <b>6.1000e-004</b> | <b>0.0000</b>  | <b>5.6000e-004</b> | <b>5.6000e-004</b> | <b>0.0000</b> | <b>1.5451</b> | <b>1.5451</b> | <b>4.7000e-004</b> | <b>0.0000</b> | <b>1.5569</b> |



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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**3.5 Phase 2 site prep - grading - 2017**

**Mitigated Construction Off-Site**

|              | ROG                | NOx                | CO                 | SO2           | Fugitive PM10      | Exhaust PM10  | PM10 Total         | Fugitive PM2.5     | Exhaust PM2.5 | PM2.5 Total        | Bio- CO2      | NBio- CO2     | Total CO2     | CH4           | N2O           | CO2e          |
|--------------|--------------------|--------------------|--------------------|---------------|--------------------|---------------|--------------------|--------------------|---------------|--------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Category     | tons/yr            |                    |                    |               |                    |               |                    |                    |               |                    | MT/yr         |               |               |               |               |               |
| Hauling      | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Vendor       | 0.0000             | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000             | 0.0000             | 0.0000        | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Worker       | 4.0000e-005        | 4.0000e-005        | 3.5000e-004        | 0.0000        | 6.0000e-005        | 0.0000        | 6.0000e-005        | 2.0000e-005        | 0.0000        | 2.0000e-005        | 0.0000        | 0.0545        | 0.0545        | 0.0000        | 0.0000        | 0.0553        |
| <b>Total</b> | <b>4.0000e-005</b> | <b>4.0000e-005</b> | <b>3.5000e-004</b> | <b>0.0000</b> | <b>6.0000e-005</b> | <b>0.0000</b> | <b>6.0000e-005</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>0.0545</b> | <b>0.0545</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0553</b> |

**3.6 Phase 3 vin maint - tractor disc - 2018**

**Unmitigated Construction On-Site**

|               | ROG                | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total         | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2     | Total CO2     | CH4                | N2O           | CO2e          |
|---------------|--------------------|---------------|---------------|--------------------|---------------|--------------------|--------------------|----------------|--------------------|--------------------|---------------|---------------|---------------|--------------------|---------------|---------------|
| Category      | tons/yr            |               |               |                    |               |                    |                    |                |                    |                    | MT/yr         |               |               |                    |               |               |
| Fugitive Dust |                    |               |               |                    | 0.0000        | 0.0000             | 0.0000             | 0.0000         | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Off-Road      | 2.0000e-003        | 0.0197        | 0.0175        | 2.0000e-005        |               | 1.4000e-003        | 1.4000e-003        |                | 1.2900e-003        | 1.2900e-003        | 0.0000        | 2.1281        | 2.1281        | 6.6000e-004        | 0.0000        | 2.1447        |
| <b>Total</b>  | <b>2.0000e-003</b> | <b>0.0197</b> | <b>0.0175</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>1.4000e-003</b> | <b>1.4000e-003</b> | <b>0.0000</b>  | <b>1.2900e-003</b> | <b>1.2900e-003</b> | <b>0.0000</b> | <b>2.1281</b> | <b>2.1281</b> | <b>6.6000e-004</b> | <b>0.0000</b> | <b>2.1447</b> |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**3.6 Phase 3 vin maint - tractor disc - 2018**

**Unmitigated Construction Off-Site**

|              | ROG           | NOx           | CO            | SO2           | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2     | Total CO2     | CH4           | N2O           | CO2e          |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Category     | tons/yr       |               |               |               |               |               |               |                |               |               | MT/yr         |               |               |               |               |               |
| Hauling      | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000         | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Vendor       | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000         | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Worker       | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000         | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b>  | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

**Mitigated Construction On-Site**

|               | ROG                | NOx           | CO            | SO2                | Fugitive PM10 | Exhaust PM10       | PM10 Total         | Fugitive PM2.5 | Exhaust PM2.5      | PM2.5 Total        | Bio- CO2      | NBio- CO2     | Total CO2     | CH4                | N2O           | CO2e          |
|---------------|--------------------|---------------|---------------|--------------------|---------------|--------------------|--------------------|----------------|--------------------|--------------------|---------------|---------------|---------------|--------------------|---------------|---------------|
| Category      | tons/yr            |               |               |                    |               |                    |                    |                |                    |                    | MT/yr         |               |               |                    |               |               |
| Fugitive Dust |                    |               |               |                    | 0.0000        | 0.0000             | 0.0000             | 0.0000         | 0.0000             | 0.0000             | 0.0000        | 0.0000        | 0.0000        | 0.0000             | 0.0000        | 0.0000        |
| Off-Road      | 2.0000e-003        | 0.0197        | 0.0175        | 2.0000e-005        |               | 1.4000e-003        | 1.4000e-003        |                | 1.2900e-003        | 1.2900e-003        | 0.0000        | 2.1281        | 2.1281        | 6.6000e-004        | 0.0000        | 2.1447        |
| <b>Total</b>  | <b>2.0000e-003</b> | <b>0.0197</b> | <b>0.0175</b> | <b>2.0000e-005</b> | <b>0.0000</b> | <b>1.4000e-003</b> | <b>1.4000e-003</b> | <b>0.0000</b>  | <b>1.2900e-003</b> | <b>1.2900e-003</b> | <b>0.0000</b> | <b>2.1281</b> | <b>2.1281</b> | <b>6.6000e-004</b> | <b>0.0000</b> | <b>2.1447</b> |























Le Colline - Napa County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**4.0 Operational Detail - Mobile**

**4.1 Mitigation Measures Mobile**

|             | ROG     | NOx    | CO     | SO2    | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e   |
|-------------|---------|--------|--------|--------|---------------|--------------|------------|----------------|---------------|-------------|----------|-----------|-----------|--------|--------|--------|
| Category    | tons/yr |        |        |        |               |              |            |                |               |             | MT/yr    |           |           |        |        |        |
| Mitigated   | 0.0000  | 0.0000 | 0.0000 | 0.0000 | 0.0000        | 0.0000       | 0.0000     | 0.0000         | 0.0000        | 0.0000      | 0.0000   | 0.0000    | 0.0000    | 0.0000 | 0.0000 | 0.0000 |
| Unmitigated | 0.0000  | 0.0000 | 0.0000 | 0.0000 | 0.0000        | 0.0000       | 0.0000     | 0.0000         | 0.0000        | 0.0000      | 0.0000   | 0.0000    | 0.0000    | 0.0000 | 0.0000 | 0.0000 |

**4.2 Trip Summary Information**

| Land Use                | Average Daily Trip Rate |          |        | Unmitigated | Mitigated  |
|-------------------------|-------------------------|----------|--------|-------------|------------|
|                         | Weekday                 | Saturday | Sunday | Annual VMT  | Annual VMT |
| User Defined Industrial | 0.00                    | 0.00     | 0.00   |             |            |
| Total                   | 0.00                    | 0.00     | 0.00   |             |            |

**4.3 Trip Type Information**

| Land Use                | Miles      |            |             | Trip %     |            |             | Trip Purpose % |          |         |
|-------------------------|------------|------------|-------------|------------|------------|-------------|----------------|----------|---------|
|                         | H-W or C-W | H-S or C-C | H-O or C-NW | H-W or C-W | H-S or C-C | H-O or C-NW | Primary        | Diverted | Pass-by |
| User Defined Industrial | 14.70      | 6.60       | 6.60        | 0.00       | 0.00       | 0.00        | 0              | 0        | 0       |

**4.4 Fleet Mix**

| Land Use                | LDA      | LDT1     | LDT2     | MDV      | LHD1     | LHD2     | MHD      | HHD      | OBUS     | UBUS     | MCY      | SBUS     | MH       |
|-------------------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|
| User Defined Industrial | 0.482620 | 0.061512 | 0.186749 | 0.155557 | 0.040977 | 0.008986 | 0.015371 | 0.010309 | 0.002007 | 0.000645 | 0.027921 | 0.001959 | 0.005386 |

Le Colline - Napa County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**5.0 Energy Detail**

Historical Energy Use: N

**5.1 Mitigation Measures Energy**

|                         | ROG     | NOx    | CO     | SO2    | Fugitive PM10 | Exhaust PM10 | PM10 Total | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total | Bio- CO2 | NBio- CO2 | Total CO2 | CH4    | N2O    | CO2e   |
|-------------------------|---------|--------|--------|--------|---------------|--------------|------------|----------------|---------------|-------------|----------|-----------|-----------|--------|--------|--------|
| Category                | tons/yr |        |        |        |               |              |            |                |               |             | MT/yr    |           |           |        |        |        |
| Electricity Mitigated   |         |        |        |        |               | 0.0000       | 0.0000     |                | 0.0000        | 0.0000      | 0.0000   | 0.0000    | 0.0000    | 0.0000 | 0.0000 | 0.0000 |
| Electricity Unmitigated |         |        |        |        |               | 0.0000       | 0.0000     |                | 0.0000        | 0.0000      | 0.0000   | 0.0000    | 0.0000    | 0.0000 | 0.0000 | 0.0000 |
| NaturalGas Mitigated    | 0.0000  | 0.0000 | 0.0000 | 0.0000 |               | 0.0000       | 0.0000     |                | 0.0000        | 0.0000      | 0.0000   | 0.0000    | 0.0000    | 0.0000 | 0.0000 | 0.0000 |
| NaturalGas Unmitigated  | 0.0000  | 0.0000 | 0.0000 | 0.0000 |               | 0.0000       | 0.0000     |                | 0.0000        | 0.0000      | 0.0000   | 0.0000    | 0.0000    | 0.0000 | 0.0000 | 0.0000 |



Le Colline - Napa County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**5.3 Energy by Land Use - Electricity**

**Unmitigated**

|                         | Electricity Use | Total CO2     | CH4           | N2O           | CO2e          |
|-------------------------|-----------------|---------------|---------------|---------------|---------------|
| Land Use                | kWh/yr          | MT/yr         |               |               |               |
| User Defined Industrial | 0               | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b>            |                 | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

**Mitigated**

|                         | Electricity Use | Total CO2     | CH4           | N2O           | CO2e          |
|-------------------------|-----------------|---------------|---------------|---------------|---------------|
| Land Use                | kWh/yr          | MT/yr         |               |               |               |
| User Defined Industrial | 0               | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b>            |                 | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

**6.0 Area Detail**

**6.1 Mitigation Measures Area**





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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**6.2 Area by SubCategory**

Mitigated

|                       | ROG           | NOx           | CO            | SO2           | Fugitive PM10 | Exhaust PM10  | PM10 Total    | Fugitive PM2.5 | Exhaust PM2.5 | PM2.5 Total   | Bio- CO2      | NBio- CO2     | Total CO2     | CH4           | N2O           | CO2e          |
|-----------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| SubCategory           | tons/yr       |               |               |               |               |               |               |                |               |               | MT/yr         |               |               |               |               |               |
| Architectural Coating | 0.0000        |               |               |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Consumer Products     | 0.0000        |               |               |               |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| Landscaping           | 0.0000        | 0.0000        | 0.0000        | 0.0000        |               | 0.0000        | 0.0000        |                | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b>          | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |               | <b>0.0000</b> | <b>0.0000</b> |                | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

**7.0 Water Detail**

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**7.1 Mitigation Measures Water**

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

|             | Total CO2 | CH4    | N2O    | CO2e   |
|-------------|-----------|--------|--------|--------|
| Category    | MT/yr     |        |        |        |
| Mitigated   | 0.0000    | 0.0000 | 0.0000 | 0.0000 |
| Unmitigated | 0.0000    | 0.0000 | 0.0000 | 0.0000 |

**7.2 Water by Land Use**

Unmitigated

|                         | Indoor/Outdoor Use | Total CO2     | CH4           | N2O           | CO2e          |
|-------------------------|--------------------|---------------|---------------|---------------|---------------|
| Land Use                | Mgal               | MT/yr         |               |               |               |
| User Defined Industrial | 0 / 0              | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b>            |                    | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

Le Colline - Napa County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**7.2 Water by Land Use**

Mitigated

|                         | Indoor/Outdoor Use | Total CO2     | CH4           | N2O           | CO2e          |
|-------------------------|--------------------|---------------|---------------|---------------|---------------|
| Land Use                | Mgal               | MT/yr         |               |               |               |
| User Defined Industrial | 0 / 0              | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b>            |                    | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

**8.0 Waste Detail**

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**8.1 Mitigation Measures Waste**

Category/Year

|             | Total CO2 | CH4    | N2O    | CO2e   |
|-------------|-----------|--------|--------|--------|
|             | MT/yr     |        |        |        |
| Mitigated   | 0.0000    | 0.0000 | 0.0000 | 0.0000 |
| Unmitigated | 0.0000    | 0.0000 | 0.0000 | 0.0000 |

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**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**8.2 Waste by Land Use**

**Unmitigated**

|                         | Waste Disposed | Total CO2     | CH4           | N2O           | CO2e          |
|-------------------------|----------------|---------------|---------------|---------------|---------------|
| Land Use                | tons           | MT/yr         |               |               |               |
| User Defined Industrial | 0              | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b>            |                | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

**Mitigated**

|                         | Waste Disposed | Total CO2     | CH4           | N2O           | CO2e          |
|-------------------------|----------------|---------------|---------------|---------------|---------------|
| Land Use                | tons           | MT/yr         |               |               |               |
| User Defined Industrial | 0              | 0.0000        | 0.0000        | 0.0000        | 0.0000        |
| <b>Total</b>            |                | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>0.0000</b> |

**9.0 Operational Offroad**

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| Equipment Type | Number | Hours/Day | Days/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|-----------|-------------|-------------|-----------|
|----------------|--------|-----------|-----------|-------------|-------------|-----------|



Le Colline - Napa County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**10.0 Stationary Equipment**

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**Fire Pumps and Emergency Generators**

| Equipment Type | Number | Hours/Day | Hours/Year | Horse Power | Load Factor | Fuel Type |
|----------------|--------|-----------|------------|-------------|-------------|-----------|
|----------------|--------|-----------|------------|-------------|-------------|-----------|

**Boilers**

| Equipment Type | Number | Heat Input/Day | Heat Input/Year | Boiler Rating | Fuel Type |
|----------------|--------|----------------|-----------------|---------------|-----------|
|----------------|--------|----------------|-----------------|---------------|-----------|

**User Defined Equipment**

| Equipment Type | Number |
|----------------|--------|
|----------------|--------|

**11.0 Vegetation**

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|             | Total CO2           | CH4    | N2O    | CO2e                |
|-------------|---------------------|--------|--------|---------------------|
| Category    | MT                  |        |        |                     |
| Unmitigated | -<br>2,770.480<br>0 | 0.0000 | 0.0000 | -<br>2,770.480<br>0 |

Le Colline - Napa County, Annual

**EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Not Applied**

**11.1 Vegetation Land Change**

Vegetation Type

|              | Initial/Final | Total CO2                         | CH4           | N2O           | CO2e                              |
|--------------|---------------|-----------------------------------|---------------|---------------|-----------------------------------|
|              | Acres         | MT                                |               |               |                                   |
| Cropland     | 0 / 25.6      | 158.7200                          | 0.0000        | 0.0000        | 158.7200                          |
| Trees        | 28 / 0        | -<br>3,108.000<br>0               | 0.0000        | 0.0000        | -<br>3,108.000<br>0               |
| <b>Total</b> |               | -<br><b>2,949.280</b><br><b>0</b> | <b>0.0000</b> | <b>0.0000</b> | -<br><b>2,949.280</b><br><b>0</b> |

**11.2 Net New Trees**

Species Class

|              | Number of Trees | Total CO2       | CH4           | N2O           | CO2e            |
|--------------|-----------------|-----------------|---------------|---------------|-----------------|
|              |                 | MT              |               |               |                 |
| Douglas Fir  | 200             | 178.8000        | 0.0000        | 0.0000        | 178.8000        |
| <b>Total</b> |                 | <b>178.8000</b> | <b>0.0000</b> | <b>0.0000</b> | <b>178.8000</b> |

# **ATTACHMENT 2**

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NAPA VALLEY VINEYARD ENGINEERING, INC.

176 MAIN STREET, SUITE B  
ST. HELENA, NAPA VALLEY, CALIFORNIA 94574  
(707) 963-4927 [nvvedla@comcast.net](mailto:nvvedla@comcast.net)

DREW L. ASPEGREN, P.E.  
CIVIL ENGINEER

LE COLLINE EROSION CONTROL PLAN FILE #P14-00410-ECPA

WATER DEMAND AND WATER AVAILABILITY ANALYSIS  
June 25, 2015, Revised 4-3-18, Revised 4-4-2022

It is proposed that the new vineyard (25.0 net acres) will be irrigated using groundwater. This analysis presents water demand for all uses on the holding.

**Water Demand**

The average annual water demand is:  
 $(25.0 \text{ net vine acres})(1,815 \text{ vines/ac}) = 45,375 \text{ vines}$   
 $(45,375 \text{ vines})(80 \text{ gal/vine/yr})/(325,851 \text{ gal/af}) = 11.14 \text{ afa (acre-feet per annum)}$

It is anticipated that during a dry year, vineyard irrigation would include two additional irrigation cycles, or an additional 10 gallons/vine (1.39afa).

Peak vineyard irrigation is expected to be 5 gallons/vine/week. Assuming a 5 day irrigation cycle, average daily operation will irrigate 9,075 vines (45,375 vines/5 days); allowing for 10% increase because of varying convenient irrigation set sizes, peak daily vineyard irrigation will cover 9,985 vines. Peak daily vineyard demand is then  $\pm 49,925$  gallons (9,985 vines x 5 gal).

Also on the holding is a small residence with minor landscaping. Using Guidelines from Appendix B of Napa County Water Availability Analysis, water use for the residence is estimated to be 0.50 afa with a peak use of 500 gallons per day (gpd). Total average demand is 11.64 afa, with peak demand is 50,425 gpd. In a dry year, total demand is 13.03 afa. Water for all uses will be drawn from groundwater.

**Water Availability**

The soils mapped for the subject property are Kidd loam and Forward gravelly loam, both of which are derived from the underlying volcanic parent material. It has been estimated that only about 9-13% of rainfall which falls on these volcanics can percolate into the underlying formation and appear in the deep aquifers (USGS Water Resources Investigation 77-82, Michael Johnson, 1977); the remaining 87-91% flows off site as direct runoff or is held in the topsoils to be evapotransported by surface vegetation.

The holding totals 88.34 acres overlying these volcanic formations, and the average annual rainfall is 33" (Napa County Flood Control and Water Conservation District Isohyetal Rainfall Map, 1975). On average, the property will receive  $\pm 243$  af of rainfall (88.34 ac x 33" = 242.93 af). Using a conservative estimate of 10% appearing as annual groundwater recharge, it is expected that the Le Colline holding will contribute about 24.3 af to the groundwater supply annually.

The Isohyetal Rainfall map shows that, on average, Le Colline receives about 103% of St. Helena rainfall (St. Helena = 32"/yr). NOAA rainfall records for St. Helena show that 18.15" fell during 2013-14, and 26.27" during 2014-15. We consider 2014-15 to be a "dry year" ( $\pm 77\%$  of average), and 2013-14 to be an "extremely dry year" ( $\pm 53\%$  of average). Assuming 103% of that rainfall at Le Colline, and using the same analysis presented above, it is expected that for 2013-14,  $\pm 137.6$  acre-feet (af) would fall on the 88.34 acre property, and 13.76 af would appear as groundwater. Similarly, for 2014-15, 193.4 af would fall on the property and  $\pm 19.4$  af would appear as groundwater.

Attached is the driller's log and a production test (Exhibit A-1 thru A-3), for the irrigation well which indicate a production of 284 gallons per minute (gpm), but a 150 gpm pump will be installed in the well. At 150 gpm, the irrigation well will need to operate less than 6 hours/day to meet peak vineyard demand. The domestic well will continue with its existing operations.

## Conclusions

Total average annual water demand is  $\pm 11.64$  afa, or about 48% of the subject property's average annual groundwater recharge ( $11.64/24.3=47.9\%$ ). Further, the 13.03 afa dry year water demand then would be  $\pm 95\%$  ( $13.03/13.76$ ) of the 2013-14 rainfall contribution to groundwater, and  $\pm 67\%$  ( $13.03/19.4=67.2\%$ ) during 2014-15. Over the long term, it is expected that using groundwater to support the proposed project will not diminish the underlying aquifer. Even during those back to back dry years, it is expected that vineyard irrigation would not have diminished the underlying aquifer nor impacted other wells.

Attached is a portion of the St. Helena Quad sheet (Exhibit B) showing the project site and the existing irrigation well which supports the vineyard. A 500' radius circle has been drawn, centered on the irrigation well, demonstrating that no wells fall within 500' of the existing irrigation well. Further, the distance to the nearest onsite well is  $\pm 1,131'$ , and to the nearest known offsite well is  $\pm 529'$ .

At its nearest point, the irrigation well is  $\pm 697'$  from the flowline of Conn Creek (see Exhibit C), the elevation of the flowline is  $\pm 1490'$ , and the ground surface elevation at the well is  $\pm 1720'$ . Exhibit D presents a schematic of the relationship between the well and that point on Conn Creek. Using information from the well log, the sanitary seal extends 57' below ground surface (bgs), elevation  $\pm 1663'$ , and the top of the well screens are 270' bgs, at elev.  $\pm 1450'$ . Groundwater migrating through the formation will enter Conn Creek at, or above elev. 1490', 40' above the top of the well screens, so water entering the well will do so at least 40' below the flowline of Conn Creek. In the driller's log, the 40' between the top of the screen and the flowline to Conn Creek is described as 20' of black ash sandwiched between two 10' layers of hard grey rock. The well's uppermost perforations are deeper than recommended in the Napa County WAA Guidelines and the geologic formation overlying the extraction zone comprises a 40' thick confining unit between the creek and the screens. It is expected that pumping from the irrigation well will not interfere with, or reduce flows in, Conn Creek.





File Original with DWR

State of California  
**Well Completion Report**

Refer to Instruction Pamphlet  
No. 0236904

Page \_\_\_\_\_ of \_\_\_\_\_

Owner's Well Number \_\_\_\_\_

Date Work Began 09/26/2014

Date Work Ended 10/8/2014

Local Permit Agency Napa County

Permit Number E14-00508

Permit Date 7/16/14

DWR Use Only - Do Not Fill In

|                               |  |           |  |
|-------------------------------|--|-----------|--|
| State Well Number/Site Number |  |           |  |
| Latitude                      |  | Longitude |  |
| APN/TRS/Other                 |  |           |  |

| Geologic Log   |   |                         |
|--|---|-------------------------|
| Orientation <input checked="" type="radio"/> Vertical <input type="radio"/> Horizontal <input type="radio"/> Angle Specify _____ |   |                         |
| Drilling Method Direct Rotary Drilling Fluid Air/mud   |   |                         |
| Depth from Surface   | Description                               |                         |
| Feet to Feet   | Describe material grain size, color, etc. |                         |
| 0  | 4   | Red Clay with Gray Rock |
| 4  | 60  | Red Clay with Red Ash   |
| 60   | 80  | Yellow Ash              |
| 80   | 240                                       | Hard Gray Rock          |
| 240  | 260                                       | Black Ash               |
| 260  | 345                                       | Hard Gray Rock          |
| 345  | 400                                       | Loss Circulation        |
| 400  | 550                                       | Green & Black Ash       |
| 550  | 575                                       | Hard Gray Rock          |
| Perforation Lay Out  |   |                         |
| P = perforation  |   |                         |
| B = blank  |   |                         |
| 0 to 270 blank   |   |                         |
| P  |   |                         |
| B  |   |                         |
| P  |   |                         |
| B  |   |                         |
| P  |   |                         |
| B 390 ft WELL TEST   |   |                         |
| P 100 GPM at 420 ft  |   |                         |
| B 150 GPM at 560 ft  |   |                         |
| P  |   |                         |
| B  |   |                         |
| P 490 ft   |   |                         |
| B  |   |                         |
| P  |   |                         |
| B  |   |                         |
| P 570 ft   |   |                         |

Total Depth of Boring 575 Feet

Total Depth of Completed Well 570 Feet

**Well Owner**

Name David DiCesaris

Mailing Address 5 White Pine Canyon Road

City Pine City PARK CITY State UT Zip 84060

**Well Location**

Address Cold Springs Road

City Angevin County Napa

Latitude \_\_\_\_\_ N Longitude \_\_\_\_\_ W

Datum \_\_\_\_\_ Dec. Lat. \_\_\_\_\_ Dec. Long. \_\_\_\_\_

APN Book 024 Page 300 Parcel 070-000

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_

**Location Sketch**  
(Sketch must be drawn by hand after form is printed.)

North

West

East

South

Illustrate or describe distance of well from roads, buildings, fences, rivers, etc. and attach a map. Use additional paper if necessary. Please be accurate and complete.

**Activity**

New Well  
 Modification/Repair  
 Deepen  
 Other  
 Destroy  
Describe procedures and materials under "GEOLOGIC LOG"

**Planned Uses**

Water Supply  
 Domestic  Public  
 Irrigation  Industrial

Cathodic Protection  
 Dewatering  
 Heat Exchange  
 Injection  
 Monitoring  
 Remediation  
 Sparging  
 Test Well  
 Vapor Extraction  
 Other

**Water Level and Yield of Completed Well**

Depth to first water 260 (Feet below surface)

Depth to Static \_\_\_\_\_

Water Level 240 (Feet) Date Measured 10/08/2014

Estimated Yield \* 150 (GPM) Test Type Air Lift

Test Length 4.0 (Hours) Total Drawdown 310 (Feet)

\*May not be representative of a well's long term yield.

| Casings            |                   |      |          |                |                  |             |                    | Annular Material   |      |             |               |
|--------------------|-------------------|------|----------|----------------|------------------|-------------|--------------------|--------------------|------|-------------|---------------|
| Depth from Surface | Borehole Diameter | Type | Material | Wall Thickness | Outside Diameter | Screen Type | Slot Size          | Depth from Surface | Fill | Description |               |
| Feet to Feet       | (Inches)          |      |          | (Inches)       | (Inches)         |             | If Any (Inches)    | Feet to Feet       |      |             |               |
| 0                  | 60                | 14   | Blank    | PVC Sch. 40    | R21              | 8           |                    | 0                  | 57   | Cement      |               |
| 60                 | 270               | 12.5 | Blank    | PVC Sch. 40    | R21              | 8           |                    | 57                 | 570  | Filter Pack | # 6 well pack |
| 270                | 570               | 12.5 | Screen   | PVC Sch. 40    | R21              | 8           | Milled Slots 0.032 |                    |      |             |               |

**Attachments**

Geologic Log  
 Well Construction Diagram  
 Geophysical Log(s)  
 Soil/Water Chemical Analyses  
 Other \_\_\_\_\_

Attach additional information if it exists.

**Certification Statement**

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name Pulliam Well Exploration Inc  
Person, Firm or Corporation

4371 Cantelow Road Vacaville CA 95688  
Address City State Zip

Signed \_\_\_\_\_ Date Signed 10/15/2014  
C-57 Licensed Water Well Contractor C-57 License Number

EXHIBIT A-1





WELL TESTING SERVICE

Ray's Well Testing Service Inc.
4031 Shadowhill Dr, Santa Rosa Ca 95404
Phone 707 823 3191 Fax 707 317 0057 Lic# 903708

CUSTOMER INFORMATION

Table with 2 columns: Customer Information and Test Details. Includes fields for Report #, Date of Test, Customer Name, Contact, Agent Name, Property Address, and Sent To.

WELL DATA

Table with 2 columns: Well Data and Details. Includes fields for Location of Well, Type of Well, Depth of Completed Well, Diameter of Well Casing, Sanitary Well Seal, Annular Seal, Pump HP and Type, and Depth of Pump Suction.

WATER PRODUCTION RESULTS

Table with 4 columns: Water Production Results. Includes fields for Water Level at Start, Final Pumping Level, Water Level Drawdown, Flow Rate at Start, Final Flow Rate, and Total Length of Test.

CONSTANT PUMPING LEVEL INFORMATION

Table with 4 columns: Constant Pumping Level Information. Includes fields for Stabilized Pumping Level, Duration of Constant Pumping Level, Stabilized Flow Rate (Yield), and Total Yield.

WATER SYSTEM INSPECTION

Table with 3 columns: Water System Inspection. Includes fields for Well Pump, Electrical, Pressure Tank, Storage Tank, and Booster Pump, each with a status and technical info.

WATER QUALITY TESTING

Table with 3 columns: Water Quality Testing. Includes fields for sample type (Bacteria, Arsenic, Irrigation package), dated date, and turnaround time.

SEE NEXT PAGE FOR FURTHER INFORMATION...

EXHIBIT A-2

DATE: 10/30/14

ADDRESS: Winding Way, Angwin Ca 94508. AP# 024 300 070

Le Colline Ranch

COMMENTS:

10/30/14 PUMPING LOG:

| TIME    | WATER LEVEL | BACKPRESSURE | WATER COLOR  | ODOR | SAND             | GPM |
|---------|-------------|--------------|--------------|------|------------------|-----|
| 10:00AM | 224.7'      | 0 psi        | Brown        | No   | Trace black sand | 398 |
| 10:05AM | 264.1'      | 50 psi       | Brown        | No   | Trace black sand | 342 |
| 10:15AM | 270.9'      | 50 psi       | Light Yellow | No   | Trace black sand | 338 |
| 10:30AM | 277.9'      | 50 psi       | Clear        | No   | No               | 334 |
| 11:00AM | 284.8'      | 50 psi       | Clear        | No   | No               | 334 |
| 11:30AM | 287.1'      | 50 psi       | Clear        | No   | No               | 334 |
| 12:00PM | 289.4'      | 60 psi       | Clear        | No   | No               | 313 |
| 12:30PM | 290.5'      | 65 psi       | Clear        | No   | No               | 302 |
| 1:00PM  | 290.5'      | 65 psi       | Clear        | No   | No               | 302 |
| 1:30PM  | 292.8'      | 70 psi       | Clear        | No   | No               | 284 |
| 2:00PM  | 292.8'      | 70 psi       | Clear        | No   | No               | 284 |
| 2:30PM  | 292.8'      | 70 psi       | Clear        | No   | No               | 284 |
| 3:00PM  | 292.8'      | 70 psi       | Clear        | No   | No               | 284 |

10/30/14 WATER LEVEL RECOVERY

|         |        |       |
|---------|--------|-------|
| 3:15 PM | 252.4' | 59.3% |
| 3:30 PM | 245.5' | 69.4% |
| 3:45 PM | 245.1' | 70%   |

10/31/14 WATER LEVEL RECOVERY

|         |      |       |
|---------|------|-------|
| 5:00 PM | 230' | 92.2% |
|---------|------|-------|

Thank you for allowing us to do your well inspection!

APPROVED BY: NICK BRASESCO



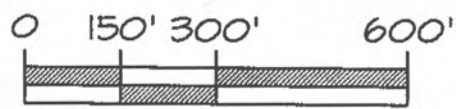
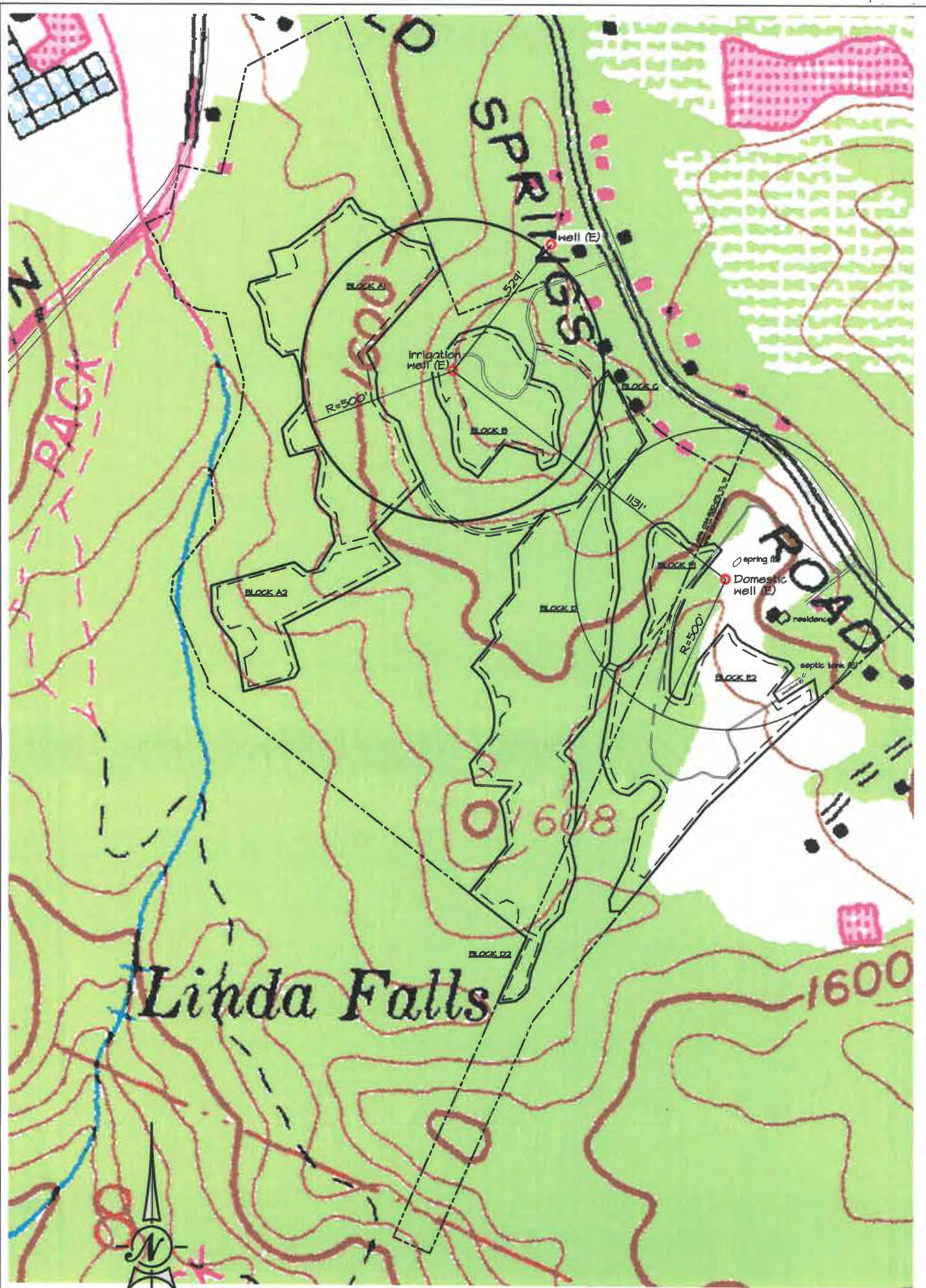
Water levels and well depth are measured as feet below top of well casing unless otherwise noted.

All wells and springs are subject to seasonal and yearly changes in regards to water yield, production and quality. Wells may be influenced by creeks or other water sources and are likely to yield less water during dry months of the year; typically August, September, & October. We make no predictions of future water production or water quality.

This report is for informational use only and is in lieu of and supercedes any other representation or statements of the agent or employee of the company, and all other such presentations or statements shall be relied upon at the customer's own risk. The data and conclusions provided herein are based upon the best information available to the company using standard and accepted practices of the water well drilling industry. However, conditions in water wells are subject to dramatic changes in short periods of time. Therefore, the data and conclusions are valid only as of the date of the test and should not be relied upon to predict either the future quantity or quality the well will produce. The company makes no warranties either expressed or implied as to future water production and expressly disclaims and excludes any liability for consequential or incidental damages arising out of the breach of any expressed or implied warranty of future water production or out of any further use of the report by the customer.

EXHIBIT A-3





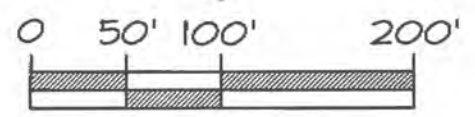
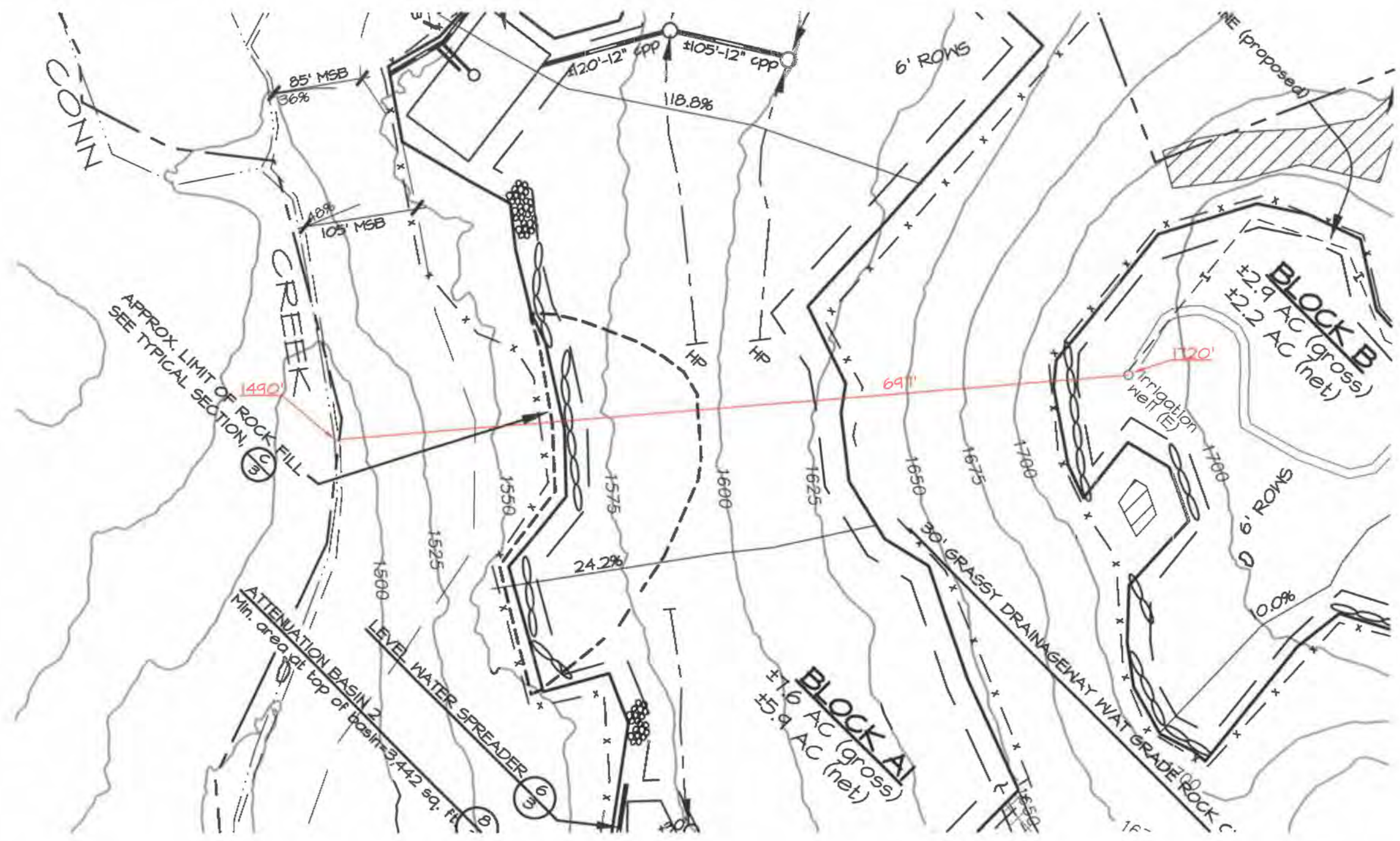
SCALE: 1"=300'  
 CONTOUR INTERVAL: 40'

LeColline Vineyard  
 WELL LOCATION MAP

EXHIBIT B

NVVE 6-23-15  
 REVISION: 3-28-22





SCALE: 1"=100'  
 CONTOUR INTERVAL: 5'

EXHIBIT C

LeColline Vineyard  
 File #14-00410  
 Water Availability Analysis

NVE 3-28-2022



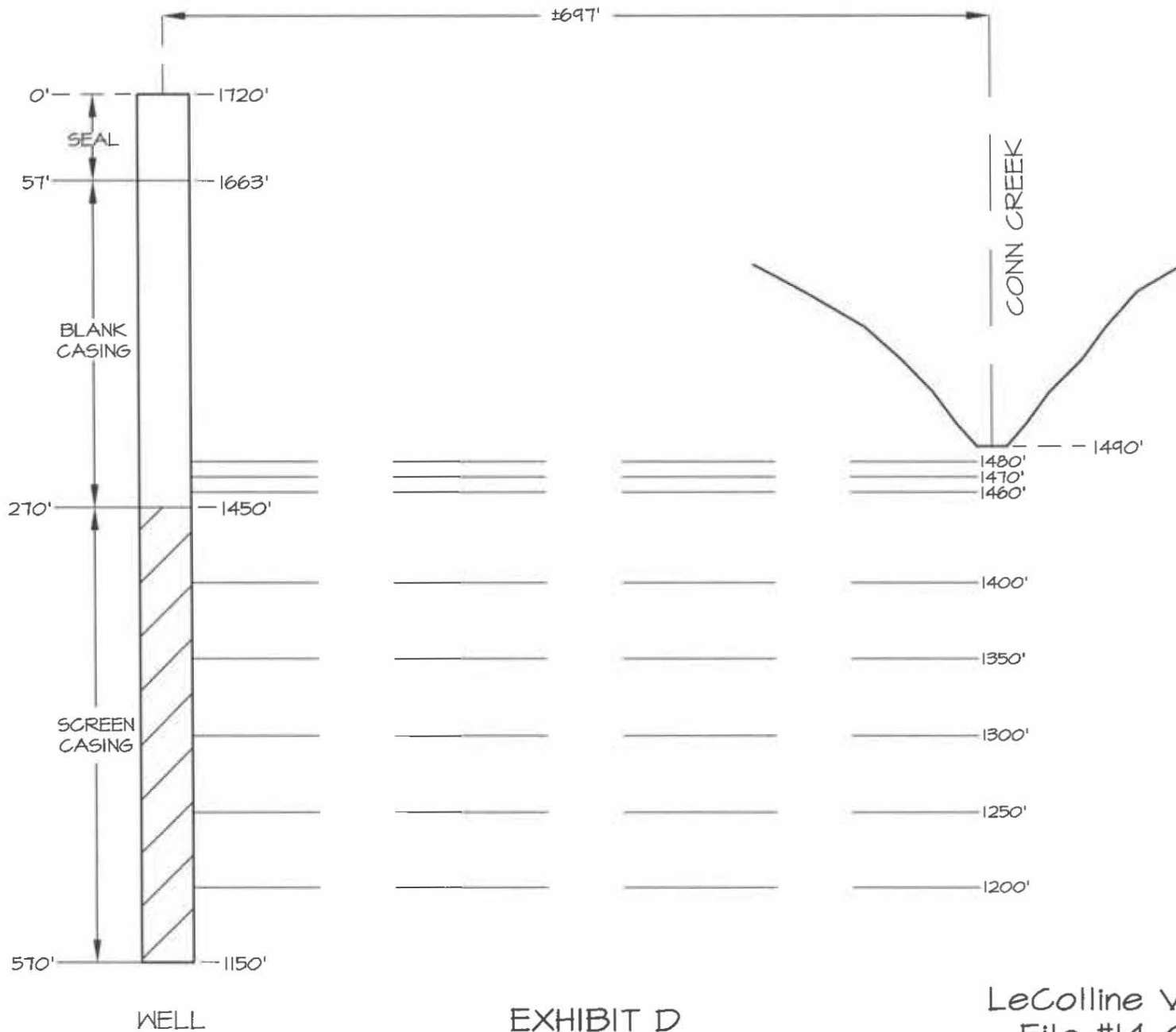
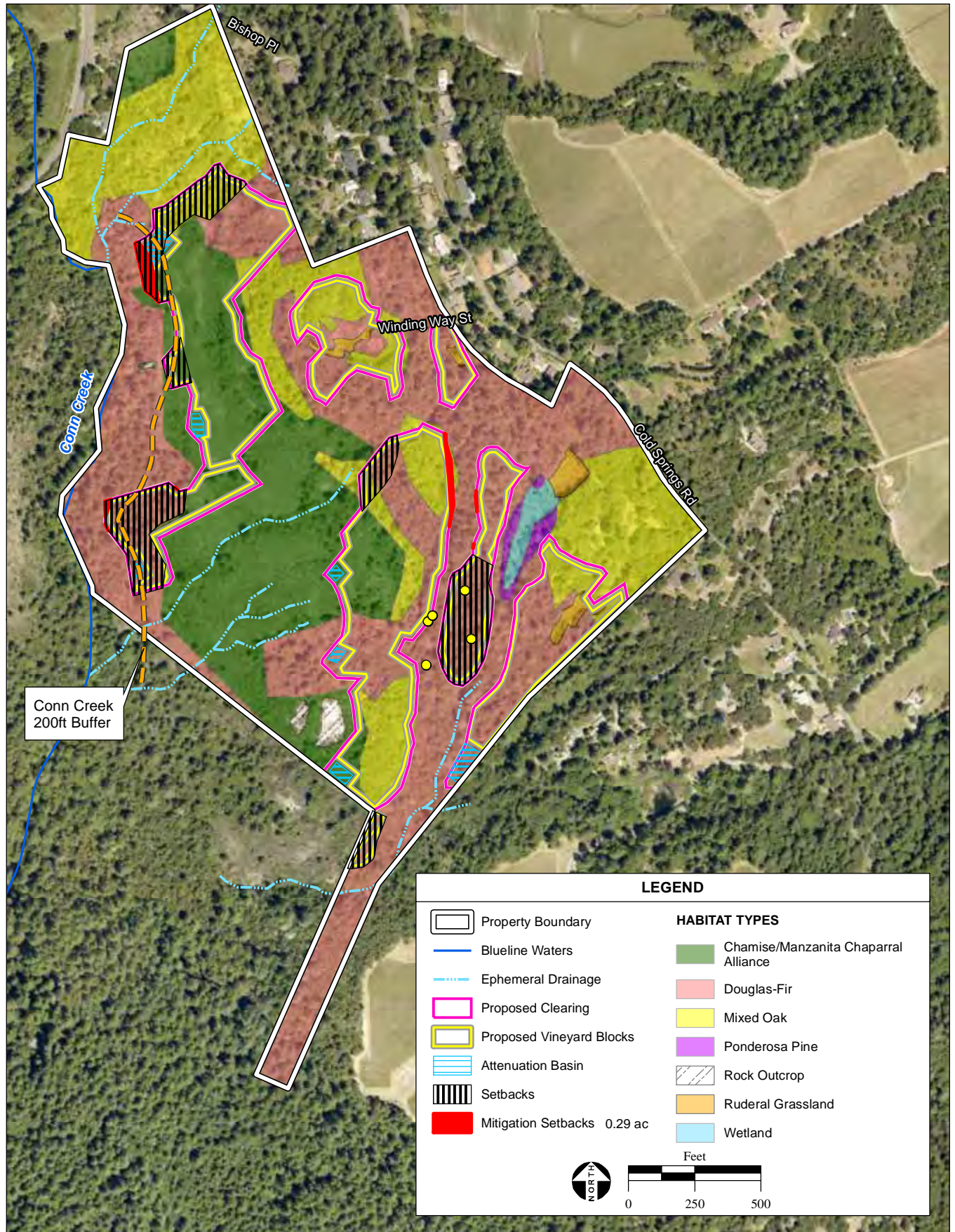


EXHIBIT D  
 VERTICAL SCALE: 1" = 100'  
 HORIZONTAL SCALE: N.T.S.

LeColline Vineyard  
 File #14-00410  
 Water Availability Analysis



\*Basins and subsurface drainage to be removed from avoidance areas and relocated.



MONTROSE ENVIRONMENTAL SOLUTIONS  
1801 7TH STREET, SUITE 100  
SACRAMENTO, CA 95811  
(916) 447-3479 | FAX (916) 447-1665

# MEMORANDUM

**TO:** Brian Bordona, Assistant Director, Napa County Planning, Building & Environmental Services

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**FROM:** Pete Bontadelli, Project Director

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**DATE:** 6/28/2022

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**RE:** Le Colline WAA/Water Memo

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The following memorandum provides an analysis of the 4/4/2022 revised WAA (Attachment 1) prepared by Napa Valley Vineyard Engineering, Inc. (NVV) and the other measures taken to improve water quality through the Improved Water Quality and Sensitive Habitats Alternative (Attachment 2).

## PROJECT DESCRIPTION

As described in the Draft Environmental Impact Report (DEIR), dated January 2019, the Proposed Project involves developing approximately 25 net acres of vineyard within 33.8 gross acres (project site) on the approximately 88.34-acre property. This includes timber harvesting, vegetation removal, earthmoving and grading activities, as well as ripping and tilling and rock removal associated with soil cultivation, installation and maintenance of drainage and erosion control features, vineyard planting and harvesting, and maintenance and operation of vineyards upon completion. Further, in response to Comments and to provide additional preservation of oak trees and fir alliance habitats, as well as, increase the water quality by further buffering water courses, the Proposed Project may be reduced in size as shown in the attached figure, 5-2. The reduced gross acreage of the Increased Water Quality and Sensitive Habitat Protection Alternative, is 25.6 acres and the reduced net acreage is 20.9 acres. The removal of several of the proposed vineyards near stream courses and the removal of all vineyards within 200 ft of Conn Creek help to ensure improved water quality through enhanced buffers should that alternative be adopted.

## BACKGROUND AND ANALYSIS

To ensure that the Water Availability Analysis prepared by NVV remained up to date with current Napa County standards it was again revised on 4/4/2022. This revision under Guidelines from Appendix B of Napa County Water Availability Analysis to determine demand for both vineyards and residential use. This revised WAA also looks closely at all rain year types when analyzing average annual irrigation demands and rainfall for dry rain years as well as average rainfall years. The analysis also looks closely at the geologic formations and soils of the property in conjunction with the proposed output for both the irrigation well and the residential well, to conclude that: "Over the long term, it is expected that using groundwater to support the proposed project (the full Proposed Project 26 plus acres) will not diminish the underlying aquifer. Even during those back to back dry years,"

It is noted that the existing wells on the property are by Napa County standards in full compliance with

County regulations and requirements further they preexist the proposed project. The information from the well log shows that, “the sanitary seal extends 57” below ground surface (bgs) ... Log shows that the well’s uppermost perforations are deeper than recommended in the Napa County WAA Guidelines and the geologic formation overlying the well extraction zone comprises a 40” thick confining unit between the creek and the screens.” Along with other data discussed in the revised WAA “[i]t is expected that pumping from the irrigation well will not interfere with, or reduce flows in Conn Creek.”

## **ATTACHMENTS**

- 1) WAA revised 4/4/2022
- 2) Increased Stream Habitat Setback Alternative v3 Figure



## REFERENCES

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# SECTION 5.0

## MITIGATION, MONITORING, AND REPORTING PLAN

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CEQA requires that a Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to ensure that the mitigation measures identified in the Environmental Impact Report (EIR) for the Le Colline Vineyard #P14-00410-ECPA (Proposed Project) are fully implemented. The MMRP, as shown in **Table 5-1**, describes the timing of mitigation implementation, compliance and/or reporting responsibility, compliance verification responsibility, and compliance standards for the mitigation measures identified in the revised DEIR.

**Table 5-1** presents recommended mitigation measures and is organized by topic in the same order as the contents of the EIR. Where applicable, monitoring actions, once completed, will be reported (in writing) to Napa County, which will maintain mitigation monitoring records for the Proposed Project. The MMRP will be considered by the Lead Agency in conjunction with review and approval of the Proposed Project, and will be adopted as a condition of project approval. The components of this table are as follows:

**Mitigation Measure:** Mitigation measures are numbered and shown verbatim as in the revised DEIR.

**Monitoring/Reporting Responsibility:** Identifies the responsible party for monitoring and/or reporting the measure to the party responsible for verification.

**Compliance Verification Responsibility:** Identifies the responsible party for verifying that the measure was completed appropriately and in compliance with appropriate standards.

**Timing of Action:** Identifies the timing or duration for the implementation of each action.

**Compliance Standards:** Identifies standards each measure must be completed in accordance with.

**Proposed Funding:** Identifies party with financial responsibility for each measure.

**TABLE 5-1**  
 MITIGATION MONITORING AND REPORTING PROGRAM (Proposed Project and for the Water and Habitat Alternative)

| Mitigation Measure  | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility  | Timing of<br>Action | Compliance<br>Standards     | Proposed<br>Funding |
|---|--|---|---------------------|-----------------------------|---------------------|
| 4.3 AIR QUALITY   |  |   |                     |                             |                     |
| <p><b>Reduction Measure 4.3-1</b></p> <p>A. The Applicant shall implement a fugitive dust abatement program during construction to further reduce fugitive dust, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions, which shall include the following elements:</p> <ul style="list-style-type: none"> <li>▪ Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.</li> <li>▪ Cover all exposed dirt stockpiles.</li> <li>▪ Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent paved streets.</li> <li>▪ Limit traffic speeds on unpaved roads to 15 miles per hour (mph).</li> <li>▪ Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</li> <li>▪ Post a publicly visible sign with the telephone number and person to contact at Napa County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul> <p>B. The Applicant shall implement the required basic construction reduction measures as recommended by the BAAQMD's 2017 CEQA Guidelines during the construction of the Proposed Project, which shall include the following elements:</p> <ul style="list-style-type: none"> <li>▪ Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>▪ 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.</li> <li>▪ Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>▪ 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.</li> </ul> | Applicant                                  | Napa County Planning, Building, and Environmental Services Department (PBES)<br><br>Bay Area Air Quality Management District (BAAQMD) | During Construction | County and BAAQMD Standards | Applicant           |

| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility   | Timing of<br>Action                             | Compliance<br>Standards | Proposed<br>Funding |
|--|--|--|---|-------------------------|---------------------|
| 4.4 BIOLOGICAL RESOURCES   |  |  |   |                         |                     |
| <p><b>Mitigation Measure 4.4-1</b></p> <ul style="list-style-type: none"> <li>▪ Should ground-disturbing activities associated with the Proposed Project occur during the general nesting season (February 15 to September 15), a preconstruction nesting bird survey shall be conducted by a qualified biologist no more than 5 days prior to the start of ground disturbing activities. Areas within 500 feet of construction shall be surveyed for active nests.</li> <li>▪ Should an active nest be identified, an avoidance buffer shall be established based on the needs of the species identified and pursuant to consultation with the Lead Agency, CDFW, and USFWS prior to initiation of ground-disturbing activities. Avoidance buffers may vary in size depending on habitat characteristics, project-related activities, and disturbance levels. Construction fencing shall be applied along the outermost perimeter of the avoidance buffer and verified by the Lead Agency or qualified biologist. Avoidance buffers and construction fencing shall remain in place until the end of the general nesting season or upon determination by a qualified biologist that young have fledged or the nest has failed.</li> <li>▪ Should work activity cease for 5 days or greater during the breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.</li> <li>▪ Survey results shall be provided to the Lead Agency, CDFW, and USFWS prior to the initiation of ground-disturbing activities.</li> </ul> | Applicant                                  | Napa County<br>PBES<br><br>California<br>Department of<br>Fish and<br>Wildlife<br>(CDFW)<br>and/or<br>U.S. Fish and<br>Wildlife Service<br>(USFWS) | Within 5<br>days of<br>starting<br>construction | CDFW<br>Standards       | Applicant           |
| <p><b>Mitigation Measure 4.4-2</b></p> <ul style="list-style-type: none"> <li>▪ Retention of 16.50 acres of Douglas Fir Alliance and 0.58 acres of Ponderosa Pine Alliance located outside clearing limits that shall be designated for preservation in a mitigation easement with a County-approved organization or other means of permanent protection. Land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat, including, but not limited to, conversion to other land uses such as agriculture or urban development, and/or excessive off-road vehicle use that significantly increases erosion. The exact area to be conserved shall be determined and appropriately delineated through consultation between the Applicant and the County, and recorded with the Napa County Recorder’s office prior to commencement of land clearing associated with the Proposed Project.</li> <li>▪ Compliance with California Forest Practice Rule 14 CCR 919.9(e), which requires submission of a letter prepared by a registered professional forester to USFWS describing proposed management;</li> </ul>   | Applicant                                  | Napa County<br>PBES<br><br>USFWS   | Throughout<br>Construction                      | USFWS<br>Standards      | Applicant           |

| Mitigation Measure  | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action  | Compliance<br>Standards | Proposed<br>Funding |
|---|--|--|----------------------|-------------------------|---------------------|
| <ul style="list-style-type: none"> <li>▪ Compliance with USFWS Scenario 4 for Interior Ecotype, which outlines avoidance of disturbance and direct take through habitat retention (USFWS, 2008);</li> <li>▪ Compliance with USFWS Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owls (USFWS, 2012);</li> <li>▪ Compliance with USFWS Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California (USFWS, 2006);</li> <li>▪ Continued adherence to the Protocol for Surveying Proposed Management Activities that May Impact Northern Spotted Owl (USFWS, 2012). If an active NSO nest is observed during protocol surveys, a 0.25 mile avoidance buffer shall be applied should construction occur during the NSO breeding season from February 1 to August 31.</li> </ul>   |  |  |                      |                         |                     |
| <p><b>Mitigation Measure 4.4-3</b></p> <ul style="list-style-type: none"> <li>▪ Trees proposed for removal that have been identified as potentially suitable special-status bat habitat shall be removed under the supervision of a qualified bat biologist with documented experience overseeing tree removal using the two-day phased removal method.</li> <li>▪ On day 1, branches and small limbs not containing potential bat roost habitat (cavities, crevices, exfoliating bark, etc.) shall be removed using chainsaws only. On day 2, the following day, the remainder of the tree shall be removed.</li> <li>▪ Removal shall occur during seasonal periods of bat activity: Prior to maternity season from approximately March 1 (or when night temperatures are above 45 degrees Fahrenheit and when rains have ceased) through April 15 (when females begin to give birth to young) and prior to winter torpor from September 1 (when young bats are self-sufficiently volant) until October 15 (before night temperatures fall below 45 degrees Fahrenheit and rains begin).</li> <li>▪ Should the County determine that replacement of suitable bat roosting habitat at a 1:1 ratio is necessary, consultation with the County and CDFW shall occur to determine proper habitat replacement methodology.</li> </ul> | Applicant                                  | Napa County<br>PBES<br>CDFW                  | Pre-<br>construction | CDFW<br>Standards       | Applicant           |
| <p><b>Mitigation Measure 4.4-4</b></p> <ul style="list-style-type: none"> <li>▪ Following significant rain events, large numbers of workers shall be restricted from actively working on or accessing the project site. When feasible, 3 days of rest following significant rain events shall be allowed before resuming activity to allow potentially occurring special-status aquatic species to move into or away from aquatic breeding sites following rain events.</li> <li>▪ To the extent feasible, burning piles of cuttings or other vegetation stored or piled along</li> </ul>   | Applicant                                  | Napa County<br>PBES<br>CDFW                  | Pre-<br>construction | CDFW<br>Standards       | Applicant           |



| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action  | Compliance<br>Standards         | Proposed<br>Funding |
|--|--|--|----------------------|---------------------------------|---------------------|
| <p>Conn Creek shall be avoided, and piles shall be allowed to naturally degrade in place without disturbance. When feasible, native woody debris and natural piles of vegetation shall be allowed to remain in place during and after vegetation removal.</p> <ul style="list-style-type: none"> <li>▪ Excessive debris and vegetative material shall be limited from entering the project site or becoming mobilized during rain events and high flows such that it could enter Conn Creek.</li> <li>▪ If required, artificial irrigation shall be minimized. If supplemental watering is required, only the area immediately surrounding newly installed vines shall be irrigated. The use of pesticides and fertilizers within 100 meters of Conn Creek shall be avoided.</li> </ul>  |  |  |                      |                                 |                     |
| <p><b>Mitigation Measure 4.4-5</b></p> <ul style="list-style-type: none"> <li>▪ Populations of Napa false indigo and narrow-anthered California brodiaea shall be avoided with a buffer determined in the field by a qualified botanist. The qualified botanist shall place woven drift fencing or similar protection around the buffer perimeter of populations prior to ground-disturbing activities to ensure protection of special-status plant populations. Avoidance shall remain in place throughout duration of construction and operation to protect plants against dust accumulation.</li> <li>▪ A preconstruction survey shall be conducted prior to the time of fence placement to identify additional populations of the two special-status plant species, should they occur. The survey shall follow methodology outlined in <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities</i> (CDFW, 2018b). Should additional populations be identified outside of clearing limits, a buffer shall be applied as determined in the field by a qualified botanist. Should additional populations be identified within clearing limits, the County and CDFW shall be contacted to determine the appropriate course of action prior to construction commencement.</li> </ul> | Applicant                                  | Napa County<br>PBES<br><br>CDFW              | Pre-<br>construction | CDFW and<br>County<br>Standards | Applicant           |
| <p><b>Mitigation Measure 4.4-6</b></p> <ul style="list-style-type: none"> <li>▪ A qualified botanist shall conduct an environmental awareness training session for the property owner and work personnel prior to development of the Proposed Project. Training shall include the identification of Napa false indigo and narrow-anthered California brodiaea, associated habits, existing avoided populations identified on the property, and procedures to follow should they be encountered in other areas over time.</li> <li>▪ Supporting materials containing training information shall be prepared and distributed. Work personnel joining the work crew after the training session shall receive the same training and supporting materials from the property owner prior to beginning work.</li> <li>▪ Upon completion of training, the property owner and work personnel shall sign a form stating</li> </ul>   | Applicant                                  | Napa County<br>PBES                          | Pre-<br>Construction | County<br>Standards             | Applicant           |

| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action                             | Compliance<br>Standards                | Proposed<br>Funding |
|--|--|--|---|--|---------------------|
| that they have attended and understood the training. Proof of this instruction will be kept on file with the property owner and submitted to the County. Copies of signed forms will be submitted to the County monthly as additional training occurs for new employees.   |  |  |   |  |                     |
| <p><b>Mitigation Measure 4.4-7</b></p> <p>Ponderosa Pine Alliance on the project site shall be avoided through project design and demarcation. A qualified biologist or forester shall place orange construction fencing around the outermost edge of the Ponderosa Pine habitat in areas adjacent to clearing limits along Block E1 and Block E2 prior to ground-disturbing activities to ensure protection. In areas not adjacent to clearing limits, flagging will be used in lieu of fencing to allow for wildlife access and demarcate the protected area. Areas harvested for timber will be demarcated with different flagging to clearly delineate between harvest areas and protected areas.</p>  | Applicant                                  | Napa County<br>PBES<br>CDFW<br>USFWS         | Pre-<br>Construction                            | USFWS,<br>CDFW,<br>County<br>Standards | Applicant           |
| <p><b>Mitigation Measure 4.4-8</b></p> <p>Prior to approval, the ECP shall be revised for approval by the County to provide at least 100 feet between clearing limits of Blocks E1 and E2 and Blocks D1 and E1. This would result in larger openings between Blocks E1, E2, and D1 to maintain wildlife movement through the area. Vineyard blocks shall be fenced individually or in small clusters and will maintain openings of at least 100 feet. The adjustment may result in a slightly decreased acreage of clearing limits, and would not result in the in the acquisition of additional areas not already included within the ECP.</p>  | Applicant                                  | Napa County<br>PBES<br>CDFW<br>USFWS         | Pre-<br>Construction                            | USFWS,<br>CDFW,<br>County<br>Standards | Applicant           |
| <p><b>Mitigation Measure 4.4-9</b></p> <ul style="list-style-type: none"> <li>▪ Native oak trees within close proximity to the project site shall be protected from vineyard ground-disturbing activities. Prior to site preparation, the contractor shall be informed of the need to protect the root zone of surrounding oak trees. Heavy equipment intrusion and parking under the drip line shall be restricted to protect oak tree roots. The drip line of remaining trees adjacent to clearing activities shall be flagged around the drip line to protect oak tree roots from equipment intrusion.</li> <li>▪ The remaining acres of oak woodland (Mixed Oak Alliance) located outside of clearing limits shall be designated for preservation in a mitigation easement with a County-approved organization or other means of permanent protection up to the total number of Oak Habitat actually impacted by the adopted project. Land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat, including, but not limited to, conversion to other land uses such as agriculture or urban development, and/or excessive off-road vehicle use that significantly increases erosion. The</li> </ul> | Applicant                                  | Napa County<br>PBES<br><br>CDFW              | Pre-<br>Construction<br>and During<br>operation | CDFW,<br>County<br>Standards           | Applicant           |

| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action            | Compliance<br>Standards    | Proposed<br>Funding |
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| <p>exact area to be conserved shall be determined and appropriately delineated through consultation between the Applicant and the County, and recorded prior to commencement of any land clearing associated with the Proposed Project with the Napa County Recorder's office. A copy of the easement shall be provided to CDFW.</p>   |  |  |                                |                            |                     |
| <p>4.5 CULTURAL AND TRIBAL CULTURAL RESOURCES</p>  |  |  |                                |                            |                     |
| <p><b>Mitigation Measure 4.5-1</b><br/>Should any cultural resources, such as wells, foundations, or debris, or unusual amounts of bone, stone or shell, artifacts, burned or baked soils, or charcoal be encountered during onsite construction activities, construction within 50 feet of these materials shall halt immediately and the construction supervisor shall notify the County and Applicant. A qualified professional archaeologist shall be retained to determine the significance of the discovery. If the find appears to be eligible for listing to the CRHR, the archaeologist and consulting parties, including the Native American community if the discovery is prehistoric, shall develop appropriate mitigation measures to mitigate construction impacts. Mitigation may include documentation, testing, data recovery, construction monitoring, or other measures; all efforts shall be documented according to current professional standards. Construction in the vicinity of the find shall not resume until mitigation has been completed.</p> <p>If paleontological resources (e.g., fossils) are encountered, work shall halt immediately within 100 feet of the discovery, and the construction supervisor shall notify the County and Applicant. A qualified professional paleontologist or registered geologist shall be retained to assess the significance of the find and to determine appropriate actions, in cooperation with the County and Applicant. Such measures may include avoidance, preservation in place, excavation, documentation, curation, or data recovery. The paleontologist shall submit a follow-up report to the County, which shall include the period of inspection, an analysis of the fossils found, and present repository of fossils. Construction in the vicinity of the find shall not resume until mitigation has been completed.</p> <p>If human remains are uncovered during project construction, pursuant to PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code, all activities within a 100-foot radius of the find shall be halted immediately, and the construction supervisor shall notify the County and Applicant. The County shall immediately notify the County coroner. California law recognizes the need to protect interred human remains, particularly Native American burials and items of cultural patrimony, from vandalism and inadvertent destruction. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state</p> | <p>Applicant</p>                           | <p>Napa County<br/>PBES</p>                  | <p>During<br/>construction</p> | <p>State<br/>Standards</p> | <p>Applicant</p>    |

| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action                        | Compliance<br>Standards  | Proposed<br>Funding |
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| lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The County shall contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with the County and a qualified professional archaeologist, shall develop a plan of action to avoid or minimize significant effects to the human remains prior to resumption of ground-disturbing activities.  |  |  |  |  |                     |
| 4.7 GREENHOUSE GAS EMISSIONS   |  |  |  |  |                     |
| <p><b>Mitigation Measure 4.7-1</b></p> <p>A) The Applicant shall maintain construction equipment in accordance with manufacturing specifications.</p> <p>B) The Applicant shall limit construction equipment idling time to less than five minutes.</p>  | Applicant                                  | Napa County<br>PBES                          | During<br>construction                     | County<br>Standards<br>and<br>BAAQMD<br>Standards                        | Applicant           |
| 4.8 HAZARDS AND HAZARDOUS MATERIALS  |  |  |  |  |                     |
| <p><b>Mitigation Measure 4.8-1</b></p> <p>The property owner shall prepare and submit a HMBP to the Lead Agency and the California Environmental Reporting System (CERS) prior to development of the Proposed Project. The HMBP shall be prepared in accordance with County standards and California 40 CFR, Part 355, Appendix A, and shall document proposed hazardous substances to be used on-site. If storage amounts or the use of hazardous materials change, the property owner shall update the HMBP as necessary. The Lead Agency shall review the HMBP and may conduct inspections to ensure that the HMBP is being followed, and the HMBP shall be on file with the Lead Agency and CERS. Updates to the HMBP, if warranted, would be made through CERS.</p> | Applicant                                  | Napa County<br>PBES                          | During<br>construction<br>and<br>operation | California<br>Department<br>of Toxic<br>Substance<br>Control<br>guidance | Applicant           |
| <p><b>Mitigation Measure 4.8-2</b></p> <p>Personnel shall follow written BMPs for filling and servicing construction equipment and vehicles. BMPs are designed to reduce the potential for incidents involving hazardous materials and shall include the following:</p> <ul style="list-style-type: none"> <li>▪ Refueling shall be conducted with approved pumps, hoses, and nozzles.</li> <li>▪ Catch-pans shall be placed under equipment to catch potential spills during servicing.</li> <li>▪ Disconnected hoses shall be placed in containers to collect residual fuel from the hose.</li> <li>▪ Vehicle engines shall be shut down during refueling.</li> <li>▪ No smoking, open flames, or welding shall be allowed in refueling or service areas.</li> </ul>   | Applicant                                  | Napa County<br>PBES                          | During<br>operation                        | California<br>Department<br>of Toxic<br>Substance<br>Control<br>guidance | Applicant           |

| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action | Compliance<br>Standards  | Proposed<br>Funding |
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| <ul style="list-style-type: none"> <li>▪ Refueling and all construction work shall be performed outside of any onsite stream buffer zones to prevent contamination of water in the event of a leak or spill.</li> <li>▪ Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents.</li> <li>▪ A spill containment kit that is recommended by the Lead Agency or local fire department will be onsite and available to staff if a spill occurs.</li> <li>▪ If permanent or semi-permanent above ground fuel tanks are used on the site for refueling, they shall be fully contained with sufficient capacity. The containment area shall be lined with impermeable material. The operator of the fueling location shall have sufficient clean-up supplies to address potential spills.</li> <li>▪ In the event that contaminated soil and/or groundwater or other hazardous materials are generated or encountered during construction, work shall be halted in the affected area and the type and extent of the contamination shall be determined.</li> </ul>   |  |  |                     |  |                     |
| <p><b>Mitigation Measure 4.8-3</b><br/>Prior to the use of pesticides onsite, the applicant shall update the IPM and resubmit to the County. The update shall include a map identifying the vineyard blocks where pesticide will be applied and the following Standard Operating Procedures (SOPs) when applying chemicals to the vineyard:</p> <ul style="list-style-type: none"> <li>▪ Only a certified pest applicator shall apply the pesticides in accordance with the manufacturer's label.</li> <li>▪ The minimal amount of pesticide that would be used per season shall be purchased and minimal efficacy amount applied under acceptable weather (no to low wind speeds [typically less than 10 miles per hour] with no rainfall) and in accordance with the manufacturer's label.</li> <li>▪ Chemicals shall be stored in their original containers and kept off-site.</li> <li>▪ Labels on the containers shall not be removed.</li> <li>▪ Chemicals shall be kept in a well-ventilated locked area.</li> <li>▪ Chemical storage areas shall be at least 100 feet from drainage areas, streams, or groundwater wells.</li> <li>▪ If a chemical must be disposed of, the Napa County Agricultural Commissioner shall be contacted to locate a hazardous waste facility for proper disposal.</li> <li>▪ Chemicals or associated rinse water shall not be poured down sinks, toilets, or streams.</li> <li>▪ Proper personal protection equipment shall be utilized when working with chemicals.</li> </ul> | Applicant                                  | Napa County<br>PBES                          | During<br>operation | California<br>Department<br>of Toxic<br>Substance<br>Control<br>guidance | Applicant           |
| <p><b>Mitigation Measure 4.8-4</b></p>   | Applicant                                  | Napa County                                  | During              | California   | Applicant           |



| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action               | Compliance<br>Standards                        | Proposed<br>Funding |
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| Fuel loading and chemical mixing areas shall be established outside of proposed setbacks and away from areas that could potentially drain off-site or affect surface and groundwater quality. Secondary containment, such as a containment pallet, shall be utilized at the fuel loading and chemical mixing site.   |  | PBES   | construction and operation        | Department of Toxic Substance Control guidance |                     |
| 4.11 NOISE   |  |  |                                   |  |                     |
| <p><b>Mitigation Measure 4.11-1</b></p> <p>The following measures shall be enacted during construction of the Proposed Project to minimize noise impacts to nearby sensitive receptors:</p> <ul style="list-style-type: none"> <li>▪ Stationary equipment and staging areas shall be located as far as practical from noise-sensitive receptors.</li> <li>▪ All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations.</li> <li>▪ Construction within 200 feet of the neighboring residences shall only occur between the hours of 8 am to 6 pm.</li> <li>▪ Landings will not be located within 100 feet of adjacent residences.</li> <li>▪ Construction shall occur only between the hours of 7 am to 7 pm.</li> <li>▪ Applicant shall provide a noise complaint contact phone number to all residences within 400 feet of construction activities. The Applicant shall appoint a noise management employee to investigate noise complaints.</li> </ul> | Applicant                                  | Napa County<br>PBES                          | During construction               | County Standards                               | Applicant           |
| 4.12 TRANSPORTATION AND TRAFFIC  |  |  |                                   |  |                     |
| <p><b>Mitigation Measure 4.12-1</b></p> <ul style="list-style-type: none"> <li>▪ The Licensed Timber Operator (LTO) or Registered Professional Forester (RPF) shall advise the drivers of all large vehicles to use extreme caution when transporting equipment, agricultural products, and/or people, especially in areas of limited site visibility.</li> <li>▪ The LTO or RPF shall ensure the drivers are alerted to the proximity of three schools along Cold Springs Road: Discovery Land Preschool, PUC Elementary School, and the Pacific Union College Campus. Drivers shall be informed that school hours are from 7:30 am to 5:30 pm and shall proceed with caution.</li> <li>▪ Large trucks (3 axles or less) shall operate with headlights on for safety and are not to exceed 15 miles per hour on Cold Springs Road. No logging equipment is to use Winding Way at any time. Larger vehicles shall not exceed 25 miles per hour on rural county road..</li> </ul>   | Applicant                                  | Napa County<br>PBES                          | During construction and operation | County Standards                               | Applicant           |

| Mitigation Measure   | Monitoring/<br>Reporting<br>Responsibility | Compliance<br>Verification<br>Responsibility | Timing of<br>Action                 | Compliance<br>Standards | Proposed<br>Funding |
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| <ul style="list-style-type: none"> <li>▪ Oversized vehicles (4 axels or more) shall not use Jake brakes in the immediate vicinity of residential neighborhoods.</li> <li>▪ All construction activities are restricted to Monday through Saturday 7 am to 7 pm. No activities shall take place on Sundays and holidays.</li> <li>▪ Signs indicating slow trucks entering the roadway shall be placed at a distance of 300 feet in both directions of the project site and Discoveryland Preschool, PUC Elementary School, and the Pacific Union College Campus shall be notified when logging will commence and when logging operations are completed.</li> </ul> |  |  |                                     |                         |                     |
| <p><b>Mitigation Measure 4.12-2</b><br/>                     Prior to construction, the Licensed Timber Operator (LTO) or Registered Professional Forester (RPF) shall video-document the existing condition of Cold Springs Road from the intersection of Las Posadas Road for approximately 0.38 miles (2,000 feet) to the existing driveway at 300 Cold Springs Road. Upon completion of logging, the Applicant shall meet with the County Road Department and discuss the need for repairs attributable to implementation of the Proposed Project. The Applicant shall assume responsibility for repairs commensurate with its use.</p>                      | Applicant                                  | Napa County<br>PBES                          | Before and<br>after<br>construction | County<br>Standards     | Applicant           |