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David Morrison
Director

TO: Application File #P20-00304-ECPA

FROM: Pamela Arifian, Planner III

DATE: May 23, 2022

RE: Response to Comments – Project Pioneer Vineyard Conversion
Agricultural Erosion Control Plan (ECPA) File #P20-00304-ECPA
Assessor’s Parcel Number APNs 024-080-040, -044, -048, and -049
1 Angwin Avenue, Angwin CA
SCH #2022020126

INTRODUCTION

This memorandum has been prepared by the County Conservation Division to respond to comments received by the Napa County Department of Planning, Building and Environmental Services (Napa County) on the Proposed Initial Study/Mitigated Negative Declaration (Proposed IS/MND) for the Project Pioneer Vineyard Conversion #P20-00304-ECPA (proposed project). An IS/MND is an informational document prepared by a Lead Agency, in this case, Napa County, that provides environmental analysis for public review. The agency decision-maker considers it before taking discretionary actions related to any proposed project that may have a significant effect on the environment. The Proposed IS/MND analyzed the impacts resulting from the proposed project and where applicable, identified mitigation measures to minimize the impacts to less-than-significant levels.

This memorandum for the Project Pioneer Vineyard Conversion Agricultural Erosion Control Plan #P20-00304-ECPA Proposed IS/MND presents the name of the persons and/or organizations commenting on the Proposed IS/MND and responses to the received comments. This memorandum, in combination with the IS/MND, completes the Final IS/MND.

CEQA PROCESS

In accordance with Section 15073 of the CEQA *Guidelines*, Napa County submitted the Proposed IS/MND to the State Clearinghouse for a 30-day public review period starting February 4, 2022. In addition, Napa County circulated a Notice of Intent to Adopt the Proposed IS/MND to interested agencies and individuals. The public review period ended on March 7, 2022. During the public review period, Napa County received eight (8) comment letters on the Proposed IS/MND. Table 1 below lists the entities that submitted comments on the Proposed IS/MND during the public review and comment period. The comment letters are attached as identified in Table 1.

TABLE 1
COMMENTS RECEIVED ON THE PROPOSED IS/MND

Comment N^o/ Attachment	Comments Received from	Date Received
1	Briana Marie	February 10, 2022
2	Department of Toxic Substances Control (DTSC)	March 2, 2022
3	Lisa Hirayama	March 6, 2022
4	Kellie Anderson	March 6, 2022
5	Water Audit California	March 7, 2022
6	California Department of Fish and Wildlife (CDFW)	March 7, 2022
7	City of Napa Utilities Department	March 10, 2022
8	Yvonne Baginski	February 28, 2022

In accordance with CEQA *Guidelines* Section 15074(b), Napa County considers the Proposed IS/MND together with comments received, both during the public review process and before action on the project, prior to adopting the Proposed IS/MND and rendering a decision the project. The CEQA *Guidelines* do not require the preparation of a response to comments for mitigated negative declarations; however, this memorandum responds to comments received. Based on review of the comments received, no new potentially significant impacts beyond those identified in the Proposed IS/MND would occur, no new or additional mitigation measures, or project revisions, must be added to reduce impacts to a less than significant level, and none of the grounds for recirculation of the Proposed IS/MND as specified in State CEQA *Guidelines* Section 15073.5 have been identified. All potential impacts identified in the Proposed IS/MND were determined to be less-than-significant or less-than-significant with mitigation incorporated.

Furthermore, this Response to Comments Memorandum will be provided to the owner/Permittee as **notice** of potential Local, State and Federal permits necessary to implement and operate this project as identified within the attached agency comment letters, and that project approval shall be subject to conditions of approval requiring any and all such permits be obtained prior to the commencement of vegetation removal and earth-disturbing activities (grading) associated with #P20-00304-ECPA.

RESPONSE TO COMMENTS

Comment #1 Briana Marie (Attachment 1)

Response to Comment 1.1: The proposed project is the development of three vineyard blocks, which would be located on four parcels with Assessor's Parcel Numbers (APNs) 024-080-040, -044, -048, and -049. This is stated in the project description of the proposed IS/MND, shown on Figures 1 through 3, and also shown in the Erosion Control Plan (ECP) included as Exhibit A to the IS/MND. The area known as Mill Valley is not proposed for conversion to vineyard.

Response to Comment 1.2: Under the California Environmental Quality Act (CEQA) and the CEQA *Guidelines*, it is recommended that Lead Agencies first conduct an Initial Study to determine the potential significant impacts of a project; refer to CEQA *Guidelines* Article 5 (Sections 15060 to 15065) "Preliminary Review of Projects and Conduct of Initial Study," and Section 15081 "Decision to Prepare an EIR." Per CEQA *Guidelines* Section 15063(c)(2), the purposes of an Initial Study include enabling the "Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a Negative Declaration." Preparing an Initial Study as the first step in the environmental review process is appropriate and supported by CEQA.

Response to Comment 1.3: As stated in **Response to Comment 1.1** above, the project location is shown in Figures 1 through 3 of the Initial Study and in the ECP included as Exhibit A.

Response to Comment 1.4: Comment noted.

Comment #2 Department of Toxic Substances Control (Attachment 2)

Response to Comment 2.1: As stated in **Section 8, Background** of the IS/MND, the project boundaries are limited to existing hayfields that have been actively farmed since the 1970s. The entire Pacific Union College (PUC) campus is nearly 1,600 acres and there are buildings and an air strip elsewhere on the property, but these existing structures will not be impacted by the project and are not within the project boundaries. The development area or proposed clearing limits are the 42.2 acres of existing hayfields described on page 1 of the IS/MND and shown in Figure 3.

Potential impacts either to the air strip from the proposed project or from air strip operations to the project area are analyzed in **Section IX, Hazards and Hazardous Materials, Section XI, Land Use and Planning, and Section XIII, Noise**. Because the proposed project is limited to an area that has historically been used for agriculture and is itself an agricultural project, conversion of this area from one type of crop to another is not anticipated to have a significant impact due to past or proposed agricultural use. An analysis of proposed hazardous materials associated with vineyard operations is provided in **Section IX(a)** of the IS/MND. Conditions of Approval are included in the IS/MND and will be adopted as part of project approval, if granted, pursuant to California Public Resources Code Section 21081.6, which will further avoid or minimize impacts due to the use of hazardous materials. In addition, compliance with Federal Aviation Administration (FAA) regulations governing obstructions to runway clearance zones were considered during project design, as stated in the ECP Section 3(e) and shown on Sheet 4 (Exhibit A of the IS/MND).

Response to Comment 2.2: As stated in **Section IX(d)** of the IS/MND, the Cortese List was reviewed and "the project site is not on any of the lists of hazardous waste sites enumerated under Government Code

Section 65962.5.” The sites noted in this comment are located elsewhere on the PUC property which is nearly 1,600 acres as disclosed in the IS/MND, but are not located within the project site which is limited to the actively farmed hayfields. Therefore, the IS/MND appropriately considered potential impacts due to hazardous materials in accordance with CEQA and CEQA *Guidelines* and found impacts to be less than significant.

Comment #3 Lisa Hirayama (Attachment 3)

Response to Comment 3.1: Napa County has stringent requirements for Biological Resources Reconnaissance Surveys (BRRS) as outlined in Attachment B,¹ including the qualifications required to conduct the surveys and prepare the reports. The preparers of the Project Pioneer BRRS Report meet those qualifications and have provided documentation of such in Section 7.6 of the BRRS Report, included as Exhibit B to the IS/MND. Furthermore, Napa County staff peer reviewed the BRRS Report and conducted two inspections of the project site, as stated in the IS/MND on page 4, to verify and ground-truth existing conditions. The mapping and analysis contained in the BRRS Report was verified during those visits.

Response to Comment 3.2: Access to the project site will be from an existing paved driveway located at 910 Howell Mountain Road, as stated on Sheet 1 and shown in Figure 2 of the ECP (Exhibit A). Refer to the Road Plan in the ECP for a complete description of the road network and proposed site access. The use of the existing access point off Howell Mountain Road is described in the project description of the IS/MND and analyzed for potential impacts in **Section XVII, Transportation**.

Response to Comment 3.3: As detailed in **Section X, Hydrology and Water Quality**, of the Proposed IS/MND, a Water Availability Analysis (WAA) was prepared in accordance with the County’s WAA Guidance Document², in order to determine if the increase in groundwater extraction for the proposed project would result in a significant impact to groundwater supplies in the area (RCS, 2020 - Exhibit D of the IS/MND). The WAA considers the overall groundwater availability based on geologic materials in the region; estimates the average annual groundwater recharge that may occur within the boundaries of the project parcel; and discusses estimates of existing and proposed groundwater use in order to assess potential impacts on groundwater resources in the area. The WAA also indicated that there are no known offsite wells owned by others located within 500 feet of the project well (Well #8). As disclosed in the IS/MND and the WAA, there are no existing groundwater uses on the project parcel because the hayfields are irrigated with treated wastewater.

The commenter’s assertion that the “adequacy of groundwater is not supported by facts” is without merit. As discussed in the WAA, the analysis relies on data from the United States Geologic Survey, the California Department of Water Resources, Napa County’s Groundwater Consultant Luhdorff and Scalmanini Consulting Engineers, multiple rainfall data sources, and the experience of RCS in having prepared scores of similar WAA’s for projects throughout Napa County.

¹ Napa County, 2016. Attachment B: Guidelines for Preparing Biological Resources Reconnaissance Surveys. Available online at: <https://www.countyofnapa.org/DocumentCenter/View/8498/Attachment-B---Biological-Resources-Survey-Guidelines-8-2016-PDF>

² Napa County, 2015. Water Availability Analysis. Available online at: <https://www.countyofnapa.org/DocumentCenter/View/8496/Attachment-D---Water-Availability-Analysis-Guidelines-5-12-15-PDF>

The Analyses presented in the WAA were particularly conservative. The project property is comprised by four separate parcels of land totaling 485.2 combined acres. However, recharge for the project was calculated using only the singular 103.8-acre parcel on which the project well exists (Well 8), and did not include the annual groundwater recharge that may occur on the other 381.4 acres of the property. Hence, the project's demands were compared to recharge occurring on approximately 20% of the project property. The WAA estimated that the project as proposed would have an annual onsite future groundwater demand of 18 acre-feet per year (AF/yr), which is well below the estimated average annual recharge volume of 70.4 AF/yr for only the 103.8-acre parcel. In addition, multiple different datasets of average rainfall were reviewed as part of the WAA and described in the IS/MND, including the Western Regional Climate Center (WRCC) Angwin PUC rain gage, the WRCC St. Helena rain gage, the Atlas Peak rain gage, the PRISM Climate Group spatial dataset, and the County's isohyetal map. The WRCC Angwin PUC data set was ultimately chosen because it is closest to the proposed project, consistent with but more conservative than the other datasets, and at a slightly lower elevation than the proposed project, which means the project site could have slightly higher annual rainfall, once again presenting a more conservative analysis.

Further, the WAA included an analysis of drought year conditions in addition to the long-term average rainfall analysis that inherently includes times of below-average and above-average rainfall. The analysis resulted in an anticipated recharge rate during a theoretical, prolonged drought of 22.5 AF/yr, which is greater than the annual project demand (18 AF/yr). As described above, this recharge estimate considers only the parcel on which the project well (Well #8) lies, and not the other three parcels that comprise the subject property. Therefore, even in future periods of drought or below-average annual rainfall, the estimated recharge would exceed the estimated groundwater demand.

The headwaters of Conn Creek are located over 3,215 feet from the proposed project site and Linda Falls is located over 8,770 feet (1.6 miles) from the project site. The WAA (RCS, 2020 - Exhibit D of the IS/MND) was prepared in accordance with the County's WAA Guidance Document³ which states that "Tier 3 analysis [Groundwater/Surface Water Interaction] is only conducted when substantial evidence in the record determines the need for such an analysis. The groundwater/surface water criteria are presumptively met if the distance standards and project well construction assumptions are met" and varying distances are provided between a project well and the nearest surface water. Depending on site conditions, if a well is between 500 and 1,500 feet from a surface water and there is substantial evidence that the well is connected to the surface water system, a Tier 3 analysis may be required. As stated above, the project well is not located within 500 or 1,500 feet of the surface waters noted in this comment and the commenter provides no new or additional evidence that flows to Conn Creek or Linda Falls would be affected by this project or of a potential impact requiring mitigation.

Further, the project would be subject to the following Groundwater Management condition of approval, which would further ensure that impacts on groundwater resources are less than significant. Therefore, the County concluded that potential impacts to groundwater supplies, groundwater recharge, and local groundwater aquifer levels as a result of the proposed project are anticipated to be less than significant. No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed

³ Napa County, 2015. Water Availability Analysis. Available online at: <https://www.countyofnapa.org/DocumentCenter/View/8496/Attachment-D---Water-Availability-Analysis-Guidelines-5-12-15-PDF>

IS/MND or that additional mitigation is necessary. A modification will be made to the Groundwater Management, Wells Condition of Approval as noted below (added language in ***bold italics***, deleted language in ~~strike through~~):

Groundwater Management, Wells – Conditions of Approval: This condition is implemented ~~jointly~~ by the ~~Public Works and~~ PBES Departments:

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

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

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

Response to Comment 3.4: Moore Creek Park is located over 6.5 miles southeast of the project site and it is not expected to be impacted by conversion of the project area from hayfields to vineyard crop. No potential impacts to recreational facilities were identified in **Section XVI** of the IS/MND.

Response to Comment 3.5: The analysis presented in **Section VIII, Greenhouse Gas Emissions**, was conducted in accordance with CEQA *Guidelines* Section 15064.4 for determining the significance of impacts from greenhouse gas (GHG) emissions, and in accordance with current County practice. Subsequent to publication of the IS/MND, the Bay Area Air Quality Management District (BAAQMD) rescinded the 1,100 MT CO₂e significance threshold and replaced it with qualitative thresholds geared towards building and transportation projects. Per the BAAQMD, all other projects should be analyzed against either an adopted Climate Action Plan (CAP) or other threshold determined on a case-by-case basis by the Lead Agency. If a project is consistent with the State's long-term climate goals of being carbon neutral by 2045, then a project would have a less-than-significant impact as endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204).

In 2018, Napa County published a draft CAP that contained carbon stock and sequestration factors by land use type (see Table 16 of Appendix A), including for agricultural croplands and vineyards. The potential CO₂e release from development of the project includes the following: one-time loss of carbon stock from removing the existing vegetation, the ongoing loss of carbon sequestration of that vegetation, and tailpipe emissions from equipment. The 2018 CAP provides estimates for multiple land use types including

grasslands and croplands, and notes that the croplands land use includes a mix of olive orchards, vegetables, and hay. Separate carbon stock and carbon sequestration estimates are provided for vineyards.

Using the 2018 CAP, the pre-project hayfields are estimated to have a 2.2 MT C/acre carbon stock and are estimated to sequester 0 MT C/acre because the standing biomass is harvested, meaning that the conversion of the existing hayfields would result in a change in carbon storage of 92.84 MT C. This loss in carbon stock would be offset by the planting of new vineyard in the development area. Grapevines are photosynthetic plants; therefore, they have value for carbon capture and the CAP estimates one acre of vineyards has an above-ground carbon stock of 1.2 MT C/acre and the soil carbon in vineyards is estimated at 34.0 MT C/acre by Williams et.al. Therefore, the carbon stock of the future vineyard, if the project is approved, would be 1,485.44 MT C. In addition, using cover crops, which are also photosynthetic plants, tends to reduce CO₂ loss from vineyard soils. Carbon sequestration when converting from hayfields (with a value of 0 MT C/acre) to vineyard (with a sequestration value of 0.016 MT C/acre) would actually increase on the project site, as the vineyards would act as a small sink for atmospheric CO₂ compared to baseline conditions on the site. Conversion of hayfields to vineyard will result in an increase in carbon storage on the site and would therefore be consistent with the State's long-term climate goals.

In addition to the change in carbon sequestration from conversion of one type of land use to another, the use of farming equipment is an additional source of emissions. In the existing or baseline condition, the hayfields are actively tilled, planted, and harvested using a variety of farming machinery. If the ECP were to be approved and vineyards were to be planted, farming equipment would continue to be used over the same area, resulting in a negligible difference in tailpipe emissions compared to the baseline condition. When considering the increase in carbon storage when converting from grasses (hay) to woody vegetation (vineyards) and the de minimis change in emissions from farm equipment, the proposed project is consistent with the State's long-term climate goals and therefore this would be a less-than-significant impact. Therefore, there is no significant impact and no mitigation is required pursuant to CEQA Guidelines Section 15126.4(a)(3) which states "mitigation measures are not required for effects which are not found to be significant."

Response to Comment 3.6: The chemical mixing and storage area is an existing barn as shown on Figure 3 of the ECP, included as Exhibit A of the IS/MND. The chemical mixing and storage area is over 880 feet away from the groundwater well and is not located in the vicinity of any mapped waters or wetlands. Potential impacts due to the use of pesticides and herbicides were analyzed in **Section IX, Hazards and Hazardous Materials**. Refer to **Response to Comment 2.1** for additional information regarding the condition of approval related to hazardous materials.

Response to Comment 3.7: As discussed in **Response to Comment 3.4** above, recreational impacts are analyzed in **Section XVI** of the IS/MND. The project site is not currently a designated recreational area, it is an active agricultural production facility, and the proposed project would not impact recreational users.

Response to Comment 3.8: The proposed project is subject to the mitigation measures and conditions of approval identified in the Proposed IS/MND and noted in the approval letter, should the project be approved. Monitoring of the project and the mitigation measures would be completed by the responsible party as designated in the Mitigation, Monitoring, and Reporting Plan (MMRP) for the project. In addition, NCC Section 18.108.135 details the oversight and operations responsibilities for installation, maintenance of erosion control measures, and ongoing monitoring required to ensure the erosion control plan is appropriately implemented. No new or additional evidence has been provided that demonstrates the potential level of impact would occur beyond what is identified in the Proposed IS/MND, or that the

analysis would need to be revised or otherwise updated to appropriately or adequately disclose and analyze; therefore, no further responses is necessary. Additionally, the comment is personal opinion and commentary, general and speculative in nature, and is not directly related to the proposed project or project specific impacts and mitigation, therefore no further response is necessary.

Response to Comment 3.9: No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary. Additionally, the comment is personal opinion and commentary, general and speculative in nature, and is not directly related to the proposed project or project specific impacts and mitigation, therefore no further response is necessary.

Comment #4 Kellie Anderson (Attachment 4)

Response to Comment 4.1: Refer to **Response to Comments 3.3 and 4.2 – 4.8** regarding groundwater, **Response to Comment 4.15** regarding noise, **Response to Comment 3.6** regarding pesticides, **Response to Comment 4.13** regarding project site access, and **Response to Comment 4.14** regarding fire risks. Greenhouse gas emissions are discussed further in **Response to Comment 3.5**.

Designating a vineyard management company is not required for an environmental analysis as any mitigation measures required by the IS/MND would be enforceable via the MMRP and approval of the ECP, if granted, would be conditioned upon adherence to the MMRP. The ECP designates minimum percentage cover requirements that must be met and limits the location of chemical mixing and storage area as discussed further in **Response to Comment 3.6** above. Any future vineyard manager or property owner (if the property were to change hands) must abide by the MMRP and ECP.

Refer to **Response to Comment 3.8** regarding County oversight of mitigation and monitoring. Potential impacts to recreation are discussed in **Response to Comment 3.7**. The Measure A Flood Control Tax funds are discussed further in **Response to Comment 4.7** below.

Response to Comment 4.2: As discussed in **Response to Comment 3.3** above, an analysis of a multi-year drought was presented in the WAA prepared for the project and analyzed further in **Section X, Hydrology**, of the IS/MND. As stated therein, “the project is estimated to have an annual onsite future groundwater demand of 18 AF/year, which is below the estimated average annual recharge volume of 70.4 AF/year identified in the WAA” for an average water year. For a “theoretical six-year drought period during which only 32% of the average annual rainfall might occur, a conservative estimate of the total drought-period recharge at the subject property (135 AF) would be greater than the estimated total onsite groundwater demand (108 AF) that may occur over the same six-year period.” The theoretical drought considered in the WAA is more severe than other droughts on record. The commenter also states that the drought analysis shows that drought period recharge less the estimated demand “leaves 20% of groundwater available”. In actuality, that calculation shows that the theoretical drought year recharge exceeds by 20% the demands of the project and does not account for groundwater already in storage in the aquifer. Therefore, impacts were appropriately considered and found to be less than significant, as CEQA defines a significant impact as one that could “substantially decrease groundwater supplies or interfere substantially with groundwater recharge.” Also note that the WAA did rely on rainfall data from the Angwin gage, contrary to the commenter’s assertion. From page 11 of the WAA

“RCS will consider the long-term average annual rainfall at the subject property to be 38.8 inches (3.23 ft), as derived from the Angwin PUC rain gauge data set” (RCS, 2020).

The commenter refers to Conclusion 7 of the WAA in which the 21% recharge estimate is attributed to “others”, and asks to whom “others” refers. Earlier in the report, on page 11 (RCS, 2020), the 21% recharge estimate is attributed as follows: “As shown on Table 8-9 on page 97 of the referenced report (LSCE&MBK, 2013), 21% of the average annual rainfall that occurs within this watershed was estimated to be able to deep percolate as groundwater recharge.” As shown in the references section of the WAA (RCS, 2020), the reference “LSCE&MBK 2013” is “Luhdorff & Scalmanini Consulting Engineers and MBK Engineers, January 2013. Updated Hydrogeologic Conceptualization and Characterization of Conditions Prepared for Napa County.

No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary. Refer to **Response to Comment 4.8** for additional discussion of the water system that serves the greater Angwin area.

Response to Comment 4.3: This comment claims that the groundwater analysis did not account for the cumulative impacts of other vineyard developments and that “every parcel of land in the immediate area of the campus (other than permanently conserved lands) will be converted to vineyard.” This is conjecture; the PUC campus includes multiple parcels totaling 1,600 acres, but only 42.2 gross acres are proposed for conversion, leaving over 1,500 acres on the same property that will not be converted to vineyards. The comment notes there are real estate marketing materials for parcels advertising that they may have vineyard potential; although the purpose of the CEQA process is not to speculate on future development based on assumptions, this has been analyzed to the extent practical in the IS/MND.

Section XXI, Mandatory Findings of Significance, utilizes the County’s Potentially Productive Soils (PPS) layer to quantify past, present, and reasonably foreseeable future vineyard development for the cumulative impacts analysis, as well as approved and pending vineyard and winery projects within the watershed. Therefore, in accordance with CEQA, **Section XXI** of the IS/MND provides analysis of potential cumulative impacts based on actual approved and pending projects, projects under consideration, and existing Napa County policies and other site selection factors that limit the amount of land that can be converted to vineyard. Potential impacts to groundwater were found to be less than significant on a project site specific basis because estimates of recharge exceed estimates of project groundwater demand, and on a cumulative basis the project would not have a considerable contribution to any potential groundwater impacts.

Response to Comment 4.4: Pumping rates may vary throughout the irrigation season (depending on how the well is operated), but this does not change the volume of groundwater required for the project. The pumping rate derived in the WAA assumes an irrigation pumping schedule of 12 hours/day, 7 days/week at 60 gpm during the irrigation season. However, should the operators choose to do so, the same volume of water could be produced by pumping 6 hours/day, 7 days/week at 120 gpm during the irrigation season. The entire quote from the WAA (page 9) reads:

“To determine an appropriate pumping rate necessary from Well 8 to meet the future proposed groundwater demands of 18.0 AF/yr required for vineyard irrigation, it was conservatively estimated that groundwater from the project well will be pumped during a 20-week irrigation

season each year (roughly May through September). Based on these assumptions, and in order for the project well to meet the groundwater demands for the proposed project, the project well would need to pump at a rate of about 60 gpm. This pumping rate assumes that the project well would be pumped on a 50% operational basis (12 hours/day, 7 days/week) during the 20-week irrigation season; the necessary pumping rate would be significantly lower during the non-irrigation season each year because groundwater will not be needed for irrigation purposes during the remainder of each year. Actual operational rates during the irrigation season may be higher than 60 gpm, due to different possible operational configurations for the irrigation water system.”

In summary, Well #8 may be pumped at a higher rate if the same amount of water is extracted over a shortened timeframe, or the well could be pumped at a lower rate if the irrigation season is longer. However, the average annual volume of groundwater that would be required would not change with the pumping rate, and different pumping rates do not change the calculation or analyses used in the WAA. Therefore, the analysis of proposed demand versus anticipated recharge presented in the WAA and IS/MND is valid.

Response to Comment 4.5: No reservoirs are proposed in this project so groundwater will not be used to fill any reservoirs. As stated in the IS/MND on page 27, “Water use for frost protection is not proposed.” No further response is required.

Response to Comment 4.6: As stated in **Response to Comment 3.3**, project approval, if granted, would be conditioned upon the Applicant adhering to the Groundwater Management, Wells Condition of Approval. The monitoring and reporting required therein would begin upon project approval, if granted, and data would be submitted by the Applicant to the County upon request by the PBES Director. The PBES Director would determine if pumping is causing negative impacts. The Condition of Approval is not mitigation because no significant impact was identified; pursuant to CEQA *Guidelines* Section 15126.4(a)(3), “mitigation measures are not required for effects which are not found to be significant.” No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary.

Response to Comment 4.7: Water tanks located elsewhere on the property that were funded by Napa County Measure A Flood Control Tax funds are not proposed to be used for irrigation of the proposed project. Should a water tank be required in the future for the proposed vineyards, a new tank would be constructed and necessary permits would be obtained. The existing Measure A Flood Control Tax funded tanks would not be used. As discussed further in **Response to Comment 4.8** below, the project well is separate from the current PUC water supply system and is not currently equipped with a permanent pump, and therefore is not providing water to the storage tanks noted in this comment letter.

Response to Comment 4.8: As stated in **Response to Comment 2.1** above, PUC owns 1,600 acres in and around the town of Angwin. Other facilities on the PUC campus include an airport, campus housing, facilities buildings, lecture halls, horse stables, hayfields, and a water and wastewater system. The proposed project, which would convert 42.2 acres of hayfields to a different agricultural crop, would utilize one groundwater well designated as Well #8 in the WAA and IS/MND. Well #8 “is not equipped with a permanent pump, or a totalizer flowmeter device, and it is inactive at this time” (WAA, page 2).

Well #8 is not a part of the PUC water supply system that serves potable water to the PUC campus or the town of Angwin; it cannot be a part of the project's water supply system as it is not equipped with a pump. This well was chosen as the project well because it is separate and apart from other water supply resources on the PUC campus.

Other nearby wells were identified in the WAA, but none occur within 500 feet of the project Well #8. "Figures 1 and 2 [of the WAA] show the approximate locations of the known offsite wells owned by PUC near the subject property, as provided by PUC, PPI, and the well log research. It is noteworthy that none of these offsite wells are shown to be located with 500 ft of Well 8 (i.e. the project well)." The nearest offsite well is over 1,000 feet away; per the County's WAA Guidance document (2015), "the Tier 2 well interference criterion is presumptively met if there are no non-project wells located within 500 feet of the existing or proposed project well(s)."

The project well has never been a part of the PUC water supply system and is not located within 500 feet of any other well, which is the County promulgated threshold for well interference analyses. The potential rainfall recharge on the project parcel exceeds proposed project demand for vineyard irrigation so there will be no impact to the underlying groundwater in storage, as discussed further in **Response to Comment 3.3**. The IS/MND appropriately limited its focus to the proposed project and potential project impacts, in accordance with CEQA *Guidelines* Article 6 (Sections 15070 to 15075). Therefore, there is no significant impact to the PUC or town of Angwin water supply and no new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary.

Response to Comment 4.9: As stated in **Response to Comment 3.3**, the headwaters of Conn Creek are located over 3,215 feet from the proposed project site and Linda Falls is located over 8,770 feet (1.6 miles) from the project site. Moore Creek is located over 12,600 feet (2.4 miles) from the project site. The WAA (RCS, 2020 - Exhibit D of the IS/MND) was prepared in accordance with the County's WAA Guidance Document which requires a Tier 3 Surface Water Interaction Analysis if a well is between 500 and 1,500 feet from a surface water and when there is substantial evidence in the record that determines the need for such analysis.⁴ As stated above, the project well is not located within 500 or 1,500 feet of the surface waters noted in this comment, and the commenter provides no new or additional evidence that flows to Conn Creek or Moore Creek would be affected by this project.

Response to Comment 4.10: As discussed in **Response to Comments 3.3** and **4.9**, the WAA was prepared in accordance with County guidance and no evidence has been provided indicating the proposed project will impact stream flows.

Response to Comment 4.11: The WAA included as Exhibit D is noted as "draft" at the request of the County, and is submitted as such in the event that the County requests updates or amendments as a result of the public or agency comments on the IS/MND. To date, no updates or amendments have been requested and therefore the "draft" report is actually the final report. RCS supports the data, analyses and opinions expressed in the draft report as shown, and without change. The analyses presented in the

⁴ Napa County, 2015. Water Availability Analysis. Available online at: <https://www.countyofnapa.org/DocumentCenter/View/8496/Attachment-D---Water-Availability-Analysis-Guidelines-5-12-15-PDF>

WAA are sufficient for inclusion in the IS/MND and were found to be technically complete by County staff and in conformance with the County WAA Guidance Document.

Response to Comment 4.12: Refer to **Response to Comment 3.6** regarding the chemical mixing and storage location and analysis and **Response to Comment 4.1** regarding identification of a vineyard manager.

Response to Comment 4.13: Refer to **Response to Comment 3.2** regarding the identification and analysis of the existing access road from Howell Mountain Road. The access road is an existing paved and graveled entrance and would require no tree removal, Timber Harvest Permits, or additional authorization to utilize. As stated on page 1 of the IS/MND, “No trees are proposed for removal as part of this project.” No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary.

Response to Comment 4.14: Wildfire is analyzed in **Section XX, Wildfire**, of the IS/MND. As analyzed therein, while project construction would require the use of vehicles and heavy equipment that could spark, the “risk of igniting a fire would be low because vegetation would be cleared prior to developing the vineyard, and the risk would be temporary due to the short duration of construction (approximately six months). Operation and maintenance activities would be similar to activities already occurring on the project site with the existing hay field. The proposed project does not include any infrastructure that would exacerbate fire risk and this impact would be less than significant.” No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary. Additionally, the comment is personal opinion and speculative in nature, and is not directly related to the proposed project or project specific impacts and mitigation, therefore no further response is necessary.

Response to Comment 4.15: The project proposes to use wind machines and late pruning as needed for frost protection, as stated in the Application Submittal Materials incorporated by reference into the IS/MND and included as Exhibit G of the IS/MND. As stated in those same materials, bird cannons will not be used. Potential noise impacts were analyzed in **Section XIII** in accordance with CEQA and the CEQA *Guidelines*. Construction noise is below the allowable noise thresholds under County Noise Ordinance Section 8.16.080, and therefore this is a less-than-significant impact. Noise from typical operational activities was also analyzed in the IS/MND and found to be less than significant. According to Napa County General Plan Policy CC-35 and Napa County Noise Ordinance Section 8.16.090, noises resulting from agricultural operations are considered a necessary part of the community character of Napa County and are exempt from standard non-agricultural noise regulation. Therefore, the proposed project’s agricultural operations would be exempt under the County code.

Response to Comment 4.16: As discussed in **Response to Comment 3.5** above, the analysis presented in **Section VIII, Greenhouse Gas Emissions**, was conducted in accordance with CEQA *Guidelines* Section 15064.4 for determining the significance of impacts. While the commenter is correct that the County has not yet adopted a Climate Action Plan, this does not preclude analysis of a project’s potential greenhouse gas impacts and the utilization of adopted significance thresholds by the BAAQMD, which was done here in accordance with CEQA.

Response to Comment 4.17: It is unclear which report the commenter is referencing, as there is no “Geologic Report” prepared by PPI Engineering. PPI Engineering prepared the project ECP (Exhibit A of the Proposed IS/MND), a Hydrologic Analysis (Exhibit E of the Proposed IS/MND), and a Soil Loss Report (Exhibit C of the Proposed IS/MND), and Gilpin Geosciences, Inc. prepared an Engineering Geological and Geotechnical Evaluation (Exhibit F of the Proposed IS/MND). In addition, qualified biologists mapped the waters occurring in the vicinity of the development areas which is presented in Exhibit B of the Proposed IS/MND. There is only one ephemeral stream in the vicinity of the project and none of the project reports claim that it is not a natural stream that meets the definition of waters of the U.S. A 35-foot setback has been applied to this drainage in accordance with County Code Section 18.108.025, as shown in the ECP (Exhibit A of the Proposed IS/MND). Potential impacts to this drainage were analyzed in the IS/MND in **Section IV, Biological Resources** and **Section IX, Hazards and Hazardous Materials**, and impacts were found to be less than significant. Furthermore, as stated in the IS/MND on page 4, the County conducted two site visits for this project during the environmental review process on January 8, 2021 and February 16, 2021, both during the winter period.

Response to Comment 4.18: Refer to **Response to Comment 3.1** regarding the qualifications of the biologists.

Response to Comment 4.19: Comment noted. Responses to specific comments and issues raised by the commenter are provided in **Response to Comment 4.1 through 4.18**, above.

Comment #5 Water Audit California (Attachment 5)

Response to Comment 5.1: Refer to **Responses to Comment 4.1 through 4.19**, incorporated herein by reference.

Response to Comment 5.2: Comment noted. No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the IS/MND or that additional mitigation is necessary.

Comment #6 California Department of Fish and Wildlife (Attachment 6)

Response to Comment 6.1: No work is proposed within the ephemeral stream that was mapped near the project site. As analyzed in **Section IV, Biological Resources**, “an ephemeral stream (as defined in NCC 18.108.025) is located immediately adjacent to proposed Block 2, and is considered a sensitive natural resource. The proposed project has been designed to avoid the ephemeral stream with a minimum 35-foot setback in accordance with NCC Section 18.108.025.” Therefore, with implementation of appropriate setbacks the project is not anticipated to disturb, divert or obstruct the natural flow of a stream or associated riparian or wetland resources, and is not anticipated to be subject to notification requirements.

Response to Comment 6.2: Comment noted. As further discussed in **Response to Comment 1.2** above, an IS/MND is the appropriate CEQA document for the proposed project.

Response to Comment 6.3: The reservoir adjacent to proposed Block 3 is part of the onsite wastewater treatment system and is a pond used to store treated wastewater, as noted in the Proposed IS/MND (page 42). The water levels fluctuate greatly as the treated water is stored and then applied to hayfields as part of the treatment process, and per State Water Resources Control Board regulation of the wastewater treatment system the pond is kept hydrologically disconnected from receiving waters. The nearest California red-legged frog (CRLF; *Rana draytonii*) occurrence is over 6 miles away in a different

watershed than the proposed project. As the commenter notes, the surrounding upland habitat, which includes proposed Block 3, is unlikely to contain refugia habitat as it is disked regularly as part of ongoing agricultural operations. In light of the lack of onsite habitat, distance from known occurrences, and the active farming operations currently occurring in the area, the BRRS Report (Exhibit B of the Proposed IS/MND) and the IS/MND appropriately concluded the proposed project would have no impacts to this species. Refer to **Response to Comment 6.4** below for additional details on exclusionary fencing as it relates to small animals near the wastewater pond.

Response to Comment 6.4: The proposed project involves the conversion of one type of agricultural crop (hay) that requires regular disking to a vineyard crop that will be farmed with permanent vegetative cover. As a result, with implementation of the proposed project the disturbance of soils in the project area will be minimized over time under the ECP. Although western pond turtle (WPT; *Emys marmorata*) is unlikely to utilize the pond or existing hayfield for the same reasons that CRLF are not likely to utilize these habitat features (refer to **Response to Comment 6.3** above), WPT is more likely to occur in the vicinity of the project site as disclosed in the BRRS Report (Exhibit B of the Proposed IS/MND). There were no WPT observed on the site during the site surveys performed by the biologists (Exhibit B); additionally, WPT home ranges average 0.7 acres to 2.5 acres⁵, and the nearest documented individuals to the proposed project site occurred approximate 1.4 miles to the southeast, with other documented populations occurring from 4 to 6 miles away (Napa County GIS CNDDDB layer). While the impacts related to WPT remain less than significant as identified in the IS/MND, to ensure that no WPT migrate into the project area, a modification will be made to the Fencing Condition of Approval as noted below, as recommended by CDFW (added language in ***bold italics***, deleted language in ~~strikethrough~~):

Fencing – Condition of Approval: The owner/permittee shall revise Erosion Control Plan #P20-00304-ECPA prior to its approval to include an updated Deer Fencing Plan (Exhibit A, Appendix F, Figure 4). The Wildlife Exclusion Fencing Plan shall be submitted to the Planning Department for review and approval prior to its incorporation into #P20-00304-ECPA. Deer fencing (i.e. Wildlife Exclusion Fencing) shall include the following components:

- New fencing ***that is not adjacent to the existing wastewater pond*** shall use a design that has 6-inch square gaps at the base (instead of the typical 3-inch by 6-inch rectangular openings) to allow small mammals to move through the fence.
- ***New fencing located within 100 feet of the wastewater pond north of Block 3 shall use a design that prevents WPT and other small animals from migrating into the proposed vineyard block. Recommended fencing for exclusion of small animals consists of silt fencing with a minimum height of 18 inches, trenched and backfilled to a depth of 6 inches. The silt fencing may be installed directly adjacent to the proposed deer fence.***
- Exit gates shall be installed at the corners of wildlife exclusion fencing to allow trapped wildlife to escape. Smooth wire instead of barbed wire shall be utilized to top wildlife exclusion fencing to prevent entanglement.
- Any modifications to the location of wildlife exclusion fencing as specified in Erosion Control Plan #P20-00304-ECPA pursuant to the Vineyard Fencing Plan required by this condition shall be strictly prohibited, and would require County review and approval to ensure the modified wildlife exclusion fencing location/plan would not result in potential impacts to wildlife movement.

⁵ www.animaldiversity.org/accounts/Emys_marmorata

Response to Comment 6.5: As further discussed in **Response to Comment 3.1**, the BRRS Report was conducted in accordance with Napa County guidelines, and as detailed in Section 3.1 of the BRRS Report (Exhibit B), “vegetation surveys of all plots were conducted following California Native Plant Society (CNPS) and California Department of Fish and Wildlife (CDFW) protocols and as dictated by the Napa County Planning, Building, and Environmental Services guidelines.” The protocols requested by this comment have been followed, and no further response or additional surveys are necessary as a result of this comment.

Response to Comment 6.6: Refer to **Response to Comment 6.1** above. The project footprint is limited to the existing hayfield and maintains a 35-foot setback from the ephemeral drainage in accordance with NCC Section 18.108.025. The habitat has been mapped as agricultural – cropland, and no riparian habitat occurs within the proposed vineyard footprint. No impacts to the drainage are anticipated, no riparian habitat has been identified, and it is not anticipated to be subject to notification requirements.

Response to Comment 6.7: Comment noted. No special status plants or animals have been identified on the project site as discussed in **Section IV, Biological Resources**, of the IS/MND. The CDFW recommendation to submit to the California Natural Diversity Database reports of any special-status species and natural communities detected during project pre-construction surveys shall be included as a condition of approval, should the project be approved:

Wildlife Survey Reporting Condition – The permittee shall use its best efforts to submit any reports of special-status species and natural communities detected during project pre-construction surveys to the California Natural Diversity Database.

Response to Comment 6.8: The CDFW Environmental Filing Fee for a Mitigated Negative Declaration will be paid upon filing of the CEQA Notice of Determination for this project, if approved.

Comment #7 City of Napa Utilities Department (Attachment 7)

Response to Comment 7.1: As analyzed in **Section IX, Hazards and Hazardous Materials**, the risk of potentially hazardous materials reaching or affecting adjacent water courses or other aquatic resources is significantly reduced because: “i) there are no wetlands located within the development area and therefore, the proposed project would maintain buffers of at least 50 feet from potential wetlands; ii) the proposed project would provide setbacks buffers of 35 feet to ephemeral streams in conformance with code provisions; and iii) only federal and/or California approved chemicals would be applied to the vineyard in strict compliance with applicable state and federal law.” The Condition of Approval below will minimize the use of hazardous chemicals and will be adopted as part of project approval, if granted, pursuant to California Public Resources Code Section 21081.6, which will further avoid or minimize impacts due to the use of hazardous materials:

Hazardous Materials – Conditions of Approval: The owner/operator shall implement the following BMPs during construction activities and vineyard maintenance and operations:

- Workers shall follow manufacturer’s recommendations on use, storage and disposal of chemical products.
- Workers shall avoid overtopping fuel gas tanks and use automatic shutoff nozzles where available.
- During routine maintenance of equipment, properly contain and remove grease and oils.

- Discarded containers of fuel and other chemicals shall be properly disposed of.
- Spill containment features shall be installed at the project site wherever chemicals are stored overnight.
- All refueling, maintenance of vehicles and other equipment, handling of hazardous materials, and staging areas shall occur at least 100 feet from watercourses, existing groundwater well(s), and any other water resource to avoid the potential for risk of surface and groundwater contamination.
- To prevent the accidental discharge of fuel or other fluids associated with vehicles and other equipment, all workers shall be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

The Condition of Approval noted above, compliance with all U.S. Environmental Protection Agency (USEPA), California Department of Pesticide Regulation (CDPR), and Napa County regulations, and Napa County Office of the Agricultural Commissioner oversight of pesticide application will ensure that pesticides are used appropriately and in accordance with all Best Management Practices and safety procedures to minimize potential impacts to water quality.

Response to Comment 7.2: The commenter provides data indicating that failure of erosion control measures or best management practices (BMPs) could result in a significant water quality impact. To ensure that there are no BMP failures and that the erosion and runoff control measures are installed and operated according to plan specifications and modeling parameters, including the minimum cover percentages noted in the comment letter, the following conditions of approval as detailed in the Proposed IS/MND would be implemented, should the project be approved (added language in *bold italics*, deleted language in strikethrough):

Erosion and Runoff Control (i.e., Hydromodification) Installation and Operation – Conditions of Approval: The following conditions shall be incorporated by referenced into Erosion Control Plan #P20-00304-ECPA pursuant to NCC Chapter 18.108 (Conservation Regulations):

- Permanent Erosion and Runoff Control Measures: Pursuant to NCC Section 18.108.070(L) installation of runoff and sediment attenuation devices and hydromodification facilities including, but not limited to rock filed avenues, rolling dips, and permanent no-till cover crop (or adequate mulch cover applied annually), shall be installed no later than *September 15* ~~October 15~~ during the same year that initial vineyard development occurs. This requirement shall be clearly stated on the final Erosion Control Plan. Additionally, pursuant to NCC Section 18.108.135 “Oversight and Operation” the qualified professional that has prepared this erosion control plan (#P20-00304-ECPA) shall oversee its implementation throughout the duration of the proposed project, and that installation of erosion control measures, sediment retention devices, and hydromodification facilities specified for the vineyard have be installed and are functioning correctly. Prior to the first winter rains after construction begins, and each year thereafter until the proposed project has received a final inspection from the county or its agent and been found complete, the qualified professional shall inspect the site and certify in writing to the planning director, through an inspection report or formal letter of completion verifying that all of the erosion control measures, sediment retention devices, and hydromodification facilities

required at that stage of development have been installed in conformance with the plan and related specifications, and are functioning correctly.

- **Cover Crop Management/Practice:** The permanent vineyard cover crop shall not be tilled (i.e., shall be managed as a no till cover crop) for the life of the vineyard and the owner/permittee shall maintain a plant residue density of 75% within proposed Blocks 1 and 3 and 80% within proposed Blocks 2A, 2B, 2C, and 2D and the associated vineyard avenues. The cover crop may be strip sprayed, with a strip no wider than 17 inches wide at the base of vines in proposed Blocks 1 and 3 and 12 inches wide at the base of vines in proposed Blocks 2A, 2B, 2C, and 2D, with post-emergent herbicides: no pre-emergent sprays shall be used. Contact or systemic herbicides in proposed Blocks 1, 2A, 2B, 2C, 2D, and 3 may occur in the spring (no earlier than February 15) if the 75% or 80% vegetative is achieved. Should the permanent no till cover crop need to be replanted/renewed during the life of the vineyard, cover crop renewal efforts shall follow the County "Protocol for Replanting/Renewal of Approved Non-Tilled Vineyard Cover Crops" July 19, 2004, or as amended.

Water Quality – Condition of Approval: The owner/permittee shall refrain from disposing of debris, storage of materials, or constructing/operating the vineyard, including vineyard avenues, outside the boundaries of the approved plan, or within required setbacks pursuant to Napa County Code Section 18.108.025 (General Provisions – Intermittent/perennial streams). Furthermore, consistent with the standard conditions identified in the Hazards and Hazardous Materials Section (Section IX), all operational activities that include the use or handling of hazardous materials, such as but not limited to agricultural chemical storage and washing, portable restrooms, vehicular and equipment refueling/maintenance and storage areas, soil amendment storage and the like, shall occur at least 100 feet from groundwater wells, watercourses, streams and any other water resource to avoid the potential risk of surface and groundwater contamination, whether or not such activities have occurred within these areas prior to this ECPA approval.

Comment # Yvonne Baginski (Attachment 8)

Response to Comment 8.1: The Proposed IS/MND provides an analysis of potential impacts to wildlife and habitat in **Section IV, Biological Resources**. As analyzed in **Section IV(d)**, the project site is located over 5 miles from a mapped "Essential Connectivity Area," and the project area provides connectivity between a patchwork of undeveloped lands consisting primarily of woodland and grassland, low-density residential and agricultural developments. The Proposed IS/MND concluded that the proposed wildlife exclusion fencing, which would enclose the vineyard blocks exclusively, would not interfere substantially with wildlife movement, due to the preservation/avoidance of the ephemeral stream and the surrounding land. Implementation of the Fencing Condition of Approval would ensure that fencing is installed in a manner that minimizes impacts to wildlife movement. Additionally, refer to **Responses to Comments 6.3 and 6.4**, above.

Response to Comment 8.2: Potential impacts due to the use of pesticides and herbicides were analyzed in **Section IX, Hazards and Hazardous Materials**. The project proposes to use wind machines and late pruning as needed for frost protection, as stated in the Application Submittal Materials incorporated by reference into the IS/MND and included as Exhibit G of the IS/MND. As stated in those same materials, bird cannons will not be used. Refer to **Responses to Comments 3.6, 4.15 and 7.1**, above.

Response to Comment 8.3: Comment noted. As discussed in **Responses to Comments 3.3 and 4.2** above, an analysis of a multi-year drought was presented in the WAA prepared for the project and analyzed further in **Section X, Hydrology**, of the IS/MND. No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary. Additionally, the comment is personal opinion and commentary, general and speculative in nature, and is not directly related to the proposed project or project specific impacts and mitigation, therefore no further response is necessary.

Response to Comment 8.4: Comment noted. No new or additional evidence has been provided that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is identified in the Proposed IS/MND or that additional mitigation is necessary. Additionally, the comment is personal opinion and commentary, general and speculative in nature, and is not directly related to the proposed project or project specific impacts and mitigation, therefore no further response is necessary.

List of Attachments

Attachment 1 – Briana Marie letter dated February 10, 2022.

Attachment 2 – Department of Toxic Substance Control letter dated March 2, 2022.

Attachment 3 – Lisa Hirayama letter dated March 6, 2022.

Attachment 4 – Kellie Anderson letter dated March 6, 2022.

Attachment 5 – Water Audit California letter dated March 7, 2022.

Attachment 6 – California Department of Fish and Wildlife letter dated March 7, 2022.

Attachment 7 – City of Napa Utilities Department letter, dated March 10, 2022.

Attachment 8 – Yvonne Baginski letter, dated February 28, 2022.

Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 1: Briana Marie

From: [Briana Marie Photography](#)
To: [Arifian, Pamela](#)
Subject: PUC Project
Date: Thursday, February 10, 2022 12:10:16 PM

[External Email - Use Caution]

Hello Pamela,

I'm an Angwin resident and am troubled by the PUC Project proposal but I wanted to be completely informed before I raised my concerns.

https://www.countyofnapa.org/2876/Current-Projects-Explorer?fbclid=IwAR1Vj8xLZj-_x-16SSxIqZ8RlOi12IsnQVwFS8TphAQ-Wh_9hZWO4dY1ndE

Is it possible to view which lots exactly they are proposing? Is this only along old Farm Road or other areas as well? Is Mill Valley or the meadow below the airport one of the areas?

1.1

Is there a reason that they went straight to an MND without first doing a full EIR? It seems a full EIR is appropriate given that these grazing areas are surrounded by forests, open space, riparian habitats, watersheds etc. I can only imagine that the environment would be radically affected by a development project.

1.2

Unfortunately the address of #1 Angwin Avenue that is listed on the MND is a bit confusing as that points to the the center of Angwin along the entrance to PUC which is a complete different area that is depicted on the linked project map.

1.3

I appreciate your time educating me. I do wish that Pacific Union College educated the public prior to the mailing of the MND as to alleviate our concerns if they are in fact unwarranted. Many thanks!

1.4

Sincerely,
Briana

briana@brianamari photography.com

Commercial. www.brianamarie.com
Weddings + Events . www.brianamari photography.com
Philanthropy + Travel. www.brianamarie.org

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Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 2: DTSC

From: Roman_Isabella@DTSC
To: [Arifian, Pamela](#)
Subject: Project Pioneer Vineyard Agricultural ECPA Initial Study comment
Date: Wednesday, March 2, 2022 5:09:17 PM

[External Email - Use Caution]

Hello,

I represent the Department of Toxic Substances Control reviewing the Initial Study (IS) for the Project Pioneer Vineyard Agricultural Erosion Control Plan Application.

The IS provides limited information regarding the history of the project site. The site boundaries currently include buildings and an airstrip; however, these uses are not acknowledged in historical discussions. Past land uses could have resulted in hazardous materials releases in the project area that should be investigated for public health protection. Past land uses could indicate the need for conducting a Phase 1 Environmental Site Assessment (ESA), Phase 2 ESA or other environmental sampling activities. Portions of the project site have also had agricultural uses. The history of this agricultural use pertaining to hazards and hazardous materials (historical pesticide use, equipment fueling procedures) is not discussed. Additionally, proposed uses should be discussed further in order to understand potential pathways during project construction and/or operation. For example, the project boundaries currently include buildings, but the IS is silent as to whether these buildings are planned for demolition.

2.1

Please conduct a review of the Cortese List (list of sites under Government Code 65962.5) for question IX)d). The IS states that the project site contains no Cortese List sites; however, it appears that the project site includes at least two Cortese List sites (leaking underground storage tank sites Pacific Union College Physical Sci and PUC Flight Center). Here is a link to a webpage for Cortese List data resources: <https://calepa.ca.gov/sitecleanup/cortese/list/>.

2.2

Please feel free to reach out if you have any questions or concerns.

Sincerely,



Isabella Roman (she/her/hers)
Environmental Scientist
Site Mitigation and Restoration Program
(510)-540-3879
Isabella.Roman@dtsc.ca.gov
Department of Toxic Substances Control
700 Heinz Avenue, Berkeley, California 94710
California Environmental Protection Agency

Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 3: Lisa Hirayama

March 6, 2022

Pamela Arifian
Napa County Dept of Planning, Building and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559
RE: Pioneer Vineyard #P20-00304 ECPA

Dear Ms. Arifian,

I am truly concerned by the adoption of the mitigated negative declaration for the above project. From what I read, there are numerous issues with this project and it needs a much more detailed analysis. I have listed my concerns below:

Biological surveys were conducted by Pacific Union College (PUC) employees, not by independent, objective biologists.

3.1

The project fails to indicate where access to the project from Howell Mountain Road will be located. This access should be via College Avenue thru the PUC campus and the school farm. Traffic impacts have been minimized and speculative, given that there is no knowledge of the actual location of access to the project site.

3.2

The use of outdated groundwater availability analysis is irrelevant in today's extreme climate change. The precipitation estimates are unreliable and unsupported given the droughts that keep occurring. This area has only been farmed for hay using recycled water and has never relied on groundwater. The claims of groundwater adequacy are unsupported by facts, and the impacts to the Linda Falls Land Trust Preserve/Conn Creek surface flows are not protected. There are no mitigations provided for this.

3.3

There is no analysis of the impacts to Moore Creek which is a Napa County Regional Park District area.

3.4

Greenhouse gas emissions for this project are not mitigated at all. | 3.5

This project fails to document where the pesticide mix/load/washout stations will be located. The PUC campus relies entirely on ground water and the failure to identify the pesticide mix load areas can impact the water security for the PUC campus, students and any affiliated housing. | 3.6

The project fails to analyze the impacts to recreational users of the area. It is currently grasslands and open hay fields being changed to fenced vineyards. | 3.7

In actuality, the County's failure to monitor, in any manner, the mitigations proposed for this project are literally nonexistent. | 3.8

It is unbelievable that in the middle of a mega drought, mega fires and unprecedented groundwater overdraft that the developers are poaching water from the upper watersheds that the entire sub-basin depends on. Napa County desperately needs to look at the entire picture and not just the individual projects that cumulatively affect every resident, the stressed environment and the limited water supplies. Please do a more thorough evaluation of this project before approving it. | 3.9

Sincerely,

Lisa Hirayama
16 Dogwood Court
Napa, CA 94558

Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 4: Kellie Anderson

MARCH 6, 2022

Pioneer Vineyard Conversion

Agricultural Erosion Control Plan # P20-00304-ECPA

Intent to Adopt Mitigated Negative Declaration

Dear Ms. Arifian,

Please accept my comments on the proposed PUC Pioneer Vineyard Conversion. The MND for this project attempts to minimize the projects myriad unmitigable impacts by noting that the project site is in an area currently occupied by hay fields. This project however, has the potential to impact ground water and surface water resources, introduce new sources of noise and dust permanently, expose neighbors, wildlife and water resources to pesticide residues, impact traffic patterns on public roads, increase fire risks and has Green House Gas emissions impacts that are in no way mitigated for in the plan. In addition, this MND offers no actual farming company or individual responsible for farming practices, and as per usual the monitoring of mitigation measures proposed to be conducted by County Staff is improbable with only complaints from residents driving any visitation or follow up monitoring of project. This project will greatly impact recreational uses occurring on the property and also has inadequate project details to ensure no well water and irrigation water for vineyard use is stored in new water tanks which were built with Measure A Flood Control Tax funds.

4.1

The project impacts to ground water include the entire PUC Campus water delivery system including campus buildings, dormitories, school farm facilities, the adjacent housing on and off campus plus the commercial development west of the campus on Howell Mountain Rd. The Water Availability Analyses reports that adequate precipitation can be expected to provide adequate ground water to irrigate the planted acreage but relies on unsupported facts and assumptions. 1) That the rain gauge utilized on the PUC Campus is lower in elevation than the project, and therefor concludes higher levels of rain can be expected at the project site: 2) That the past rain fall quantities observed will reliably continue.

Obviously the current mega drought impacting the entire western United States and the Napa County Board of Supervisors proposed declaration of a drought emergency are ignored in this analysis. In fact the GAA implausibly concluded that given a six year drought cycle the ground water recharge is estimated to be 135.0 Acre foot over this same period with 108.0 acre feet being utilized by vineyard irrigation. That would leave just % 20 of ground water remaining. This is not an assurance of ground water sufficiency as concluded by the MND but the **flaming red flag warning you this project over burdens the ground water estimated to be available**. In a six year drought cycle as envisioned in the MND this only leaves 20 % of ground water available. Given the climate regime we are currently experiencing, the GAA is flawed in its assumptions of precipitation, lengths for droughts and reliance on old models of precipitation. Yet the GAA also states that these assumptions are “theoretical” and furthers reports without substantiation “estimates by others of rainfall (21%) that could be available to deep percolate into the pore spaces and/or fractures and joints in the Sonoma Volcanics that underlie the subject property.”

4.2

Who are the **others** and were is their data?

Completely ignored in The GAA is the reality that every parcel of land in the immediate area of the campus (other than permanently conserved lands) will be converted to vineyard) review of local MLS reveals multiple parcels on Las Posadas Rd., Ink Grade Rd., Howell Mountain Rd. are currently wooded parcels advertised as vineyard potential. In addition this MND completely ignore the propose Le Colling Vineyard project, the Mondovi Aloft and Rocky Ridge winery projects and their cumulative impacts of surface water and ground water. This lack of reasonable evaluation of well pumping impacts cumulative with other known projects warrants this project be evaluated in an Environmental Impact Report.

4.3

Further the WAA states “Actual operational rates during the irrigation season may be higher than 60 gpm, due to different possible operational configurations for the irrigation water system.” What does that mean? How do possible operational configurations change calculations used in this report.

4.4

Additionally the plan is silent on the need for irrigation for frost protection or groundwater pumping to fill reservoirs.

4.5

Lastly the proposed GAA has not provided and detail about proposed monitoring of well #8. When does monitoring begin? Who conducts the monitoring? Where are monitoring results available for review? What are triggers established for modification of well pumping? Who determines if pumping is causing negative impacts? This is a paper mitigation that the shared user of the water resource are unwilling to accept!

4.6

The project lacks detail to understand the needed separation of well water for vineyard from the new water tanks installed at the airport site which we funded by Napa County Measure A Flood Control Tax funds. The public has the expectation that Measure A funds were to provide for flood control and water stability for smaller water companies. **NOT to be used in support of a private vineyard development.**

4.7

Groundwater is the sole source of drinking water for the central Angwin commercial area, all of which is controlled by PUC but serves a much wider population of Angwin, Deer Park and Pope Valley. Additionally PUC provides drinking water to onsite campus housing as well as off campus housing owned by college and provides drinking water to dozens of privately owned homes in the Angwin area. This MND fails to address the critical ground water dependency of all of the residential and commercial users that have no other source of ground water but PUC as the source. We understand there are multiple wells on campus but the MND has failed to investigate meaningfully the interactions of pumping of Well #8 for vineyard use other on campus wells.

4.8

Moreover, the MND is silent on project impacts to multiple private wells adjacent to project site which support residential and vineyard uses. Relying on the rain fall estimates for one single parcel in this analysis is disingenuous and blindly fails to address the inter-connectivity of aquifers. At minimum this MND needs to reasonably reach out to neighboring well owners to establish post vineyard well depth and capacity. A random statement that wells private wells are beyond 500 feet of project is inadequate to negate reasonable foreseeable ground water impacts to private wells. No evidence that 500 foot is an appropriate distance for well to well impact evaluation is provided. This mitigation is unsupported by evidence and is inadequate to protect neighboring wells.

Impacts to surface water and flows to both Conn Creek and Moore Creek are shamefully ignored in the MND. The MND fails to investigate the physical connection of the PUC Pioneer Vineyard project to both of these critical streams. Both Conn Creek and Moore Creek are crucial streams providing surface water

4.9

and ground water recharge to the City of Napa's Lake Hennessey. Removing an estimate 18.0 Acre Foot per year (recall it could be more) has not been analyzed for its impacts to Conn and More Creeks. The analysis of this impact is not adequately analyses in the MND.

4.9
cont'd

Additionally the impacts to recreational users of the proposed vineyard groundwater extraction and its potential to impact surface waters in the Napa County Land Trust/Napa County Regional Parks and Open Space District Linda Falls Preserve have not been addressed. What is the percent reduction in ground water flow from project site that feeds Conn Creek and the riparian resources of Linda Falls Preserve? What analysis was conducted on the visual impacts of a seasonally dryer Conn Creek upon resources users? Upon the volume of Water Flowing over Linda Falls? To water dependent species the Conn Creek Canyon?

4.10

How will vineyard well extraction similarly impact Moore Creek aesthetically and what will the impacts be of a seasonally dryer water flows into both the creek and the deep pools of Moore Creek? Again the MND is inadequate as it fails to address the known interconnectivity of upland watersheds supporting the lower slopes of the Conn Creek and Napa River Watershed and project impacts to recreational users.

The Water Availability Analysis included in this Notice of Intent to adopt Mitigated Negative Declaration includes prepared by Richard C. Slade and Associates is noted on red at the top of every page of the report as a DRAFT. Please explain why the Groundwater Availability Analysis Final is not included for review. Richard Slade in his report, noted he never visited the project site leaving the reader to conclude that it is conceivable that an onsite survey would have noted the collapsing forest canopy on and off the campus where up to 80% of the Ponderosa Pines and Douglas Fir trees are dying and dead. Mr. Slade's GAA is inadequate to evaluate the impacts of well pumping on the surrounding natural vegetation. This portion of the MND is flawed and requires an onsite **visit**.

4.11

The potential to impact groundwater and surface water through normal farming practices if greatly overlooked by planner and regulators. This MND is silent on location of pesticide mix and load stations, tractor and sprayer wash out and service locations, storage of pesticide and fertilizers on site and fails to identify location of outhouse wash out area. Please note the vineyard and associated farming activities are uniquely proposed in the center of a college campus with community garden, horse stable facilities and multi recreational users in immediate proximity to the vineyard. With no actual farmer or operator identified to manage this vineyard, the project must in advance identify site for all pesticide fertilizer, fuel, solvent and out house needs and follow up with in person inspections that all best management practices and California Department of Food and Agriculture regulations on pesticide use are followed.

4.12

Notably one of the foundational flaws of this MND is that nowhere in the document is the actual access to the four vineyard blocks from a public road identified! The MND noted access from Howell Mountain Rd., but between College Ave. and several miles north to The Helmer construction yard in unbroken forested land with a few private driveways. There is no current access to project site. The MND offers no map, no APN, no address nor written description of project access. Any easements that might exist are fully grown over with forest vegetation and would require removal of trees possibly triggering the need for Timber Harvest Conversion Plan to be issued by Cal Fire. Removal of any coniferous species would also likely necessitate a Federal Spotted Owl Survey. For this reason alone, the project description is completely inadequate to evaluate impacts to the community, traffic safety, noise, and potential erosion onto Howell Mountain Rd. It is highly recommended that the College as beneficiary of this

4.13

vineyard development route all vineyard development and ongoing farming traffic from Howell Mountain Rd. to College Ave. up to the Old School Farm Rd. This would provide the needed public safety for workers, commuters and residents using Howell Mountain rd. One would like to assume this lack of project detail is an innocent omission, but surely Planning Staff should have caught the lack of the basic project impact: how will project be accessed. This impact should be identified and fully evaluated in an Environmental Impact Report.

4.13
cont'd

Wildland fires have ravaged Napa County. 90% of fires are manmade and introduction of earth moving equipment, ripping, rock moving, trenching and normal farming practices such as mowing can cause a spark. The collapse of the forest canopy (not analyzed in this MND) is a disaster waiting for a spark. One delivery truck or worker vehicle parking on dry grass is a chance too great to take. This MND does not appropriately analyze wild fire impacts from vineyard development or routine farming. The MND offers no mitigation to protect Angwin from wild fires from farming equipment and puts no limits on time of year to preclude development from high wild fire season. The MND is inadequate.

4.14

The MND is silent on the use of wind machines, frost fans, irrigation pumping for frost protection, all significant sources of nighttime noise to wildlife and residents. Will bird cannons be used? How will the use of bird cannons be managed to minimize impacts to less than significant?

4.15

The County of Napa has not adapted a Green House Gas Plan. And this is noted in the MND Checklist page 20/24 that the **County has not formally adopted Green House Gas Plan**. While offering the perspective that this interim strategy is legally defensible, the GHG impacts of this project cannot be fully analyzed in light of that County lacks any clearly formalized GHG plan. The GHG impacts must be identified and analyzed in order for the adequacy of proposed mitigations to be evaluated by other agencies, stake holders and public.

4.16

The PPI geologic Report refers to many a recognized ephemeral stream as un- named swales. Reliance upon ignorance as has been the case in past geo technical reports. Claiming that ephemeral stream are ditches, drains, and swales does NOT in fact prove that these riparian features are not functioning natural watercourses that meet the definition of streams. PPI Engineering is relying on the fact that County staff will NOT make site visits when streams and creeks are actually flowing to document their real hydrological existence. PPI engineering is confident that Staff will not make site visits and will have no baseline knowledge of important riparian systems that are proposed to be turned into agricultural drains by this project. The conclusions of PPI engineering that there is only one seasonal stream to be avoided is factually incorrect. I urge Patrick Ryan to contact me directly to visit the site and evaluate firsthand the riparian resources this project will destroy. The hydrological surveys are misleading.

4.17

Lastly and quite troubling is the use of Pacific Union College paid staff members to conduct the required biological evaluations. Both Floyd Hayes, Ph.D. and Aimee Wyrick-Bronworth, M.Sc. are paid employees of Pacific Union College and are not adequacy independent from the goal of project applicant to conduct a fair and independent, transparent biological evaluation of project impacts. The Biological survey must be repeated by a qualified and independent Biological Consulting firm with anonymity from project applicant.

4.18

The MND as written and its accompanying reports is inadequate and flawed. It lacks required detail to evaluate impacts to groundwater, fire, noise, wetland and riparian, traffic and biological resources. The project is unique in its potential to negatively and permanently impact recreational users of Linda Falls

4.19

Preserve and Moore Creek Parks by its potential to de-water streams and harm aquatic organisms, and impact water flows to Lake Hennessey. The scope of this projects potential impacts warrants and Environmental Impact Report be conducted.

4.19
cont'd

Kellie Anderson

Angwin

Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 5: Water Audit CA



WATER AUDIT CALIFORNIA

A PUBLIC BENEFIT CORPORATION

Water Audit
California
Page 1 of 1

952 SCHOOL STREET #316 NAPA CA 94559
VOICE: (707) 681-5111
EMAIL: GENERAL@WATERAUDITCA.ORG

March 7, 2022

RE: Intent to Adopt Mitigated Negative Declaration
Agricultural Erosion Control Plan #P20-00304-ECPA

Dear Ms. Arifian and whoever else it may concern.

Water Audit California does hereby adopt and incorporate in whole as if set forth verbatim here the comment letter submitted March 6, 2022, by Kelli Anderson.

5.1

Further, as a separate matter, Water Audit California objects the assignment of the discretionary determination of this matter to staff person David Morrison.

5.2

Respectfully submitted

William McKinnon

William McKinnon
General Counsel

Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 6: CDFW



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



California Department
of Fish and Wildlife
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March 7, 2022

Ms. Pamela Arifian
County of Napa
1195 Third Street Second Floor
Napa, CA 94559
Pamela.Arifian@countyofnapa.org

Subject: Project Pioneer Vineyard Agricultural Erosion Control Plan Application
#P30-00304-ECPA, Mitigated Negative Declaration, SCH No. 2022020126,
Napa County

Dear Ms. Arifian:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the County of Napa (County) for the Project Pioneer Vineyard Agricultural Erosion Control Plan Application #P30-00304-ECPA (project) pursuant the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the 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 with responsibility under CEQA for commenting on projects that could impact fish, plant, and wildlife resources. (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Native Plant Protection Act, Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state’s fish and wildlife trust resources.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a

6.1

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subsurface flow, and floodplains are subject to notification requirements. **Activities conducted within or adjacent to the ephemeral stream within the project site may be subject to LSA Notification requirements as further described below.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or Incidental Take Permit) until it has complied with CEQA as a Responsible Agency.

6.1
cont'd

PROJECT DESCRIPTION SUMMARY

Proponent: Pacific Union College

Objective: Develop approximately 42.2 acres of vineyard with approximately 35.9 planted acres within three vineyard blocks. The project would include clearing of existing hay fields and associated vegetation, earthmoving, and installation and maintenance of erosion control measures. No trees will be removed.

Location: The project is located at 1 Angwin Avenue in Angwin, a census-designated place in Napa County, California. It is located on Assessor's Parcel Numbers 024-080-040, 024-080-044, 024-080-048, and 024-080-049, and centered at approximate coordinates 38.58231°, -122.43676°.

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 fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's below recommendations, CDFW concludes that an MND is appropriate for the project.

6.2

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

Environmental Setting and Mitigation Measures

Comment 1: MND (page 12) and Exhibit B, Biological Resource Survey (page 31)

Issue: Exhibit B identifies that California red-legged frog (CRLF; *Rana draytonii*) may occur in permanent aquatic features, but it does not identify whether the pond adjacent to Stump Field or other ponds within the species' dispersal distance may be suitable aquatic habitat, which may also include seasonal ponds. The MND indicates that there is no habitat on the project site for CRLF; however, CRLF may use upland habitat within

6.3

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dispersal distance of aquatic habitat, and it is unclear why the project site would not be suitable upland habitat.

Specific impacts and why they may occur and be potentially significant: The project may result in injury or mortality to dispersing CRLF, which is a California Species of Special Concern (SSC) and is listed as threatened under the federal Endangered Species Act. Therefore, if CRLF occur on the project site, project impacts to CRLF would be potentially significant.

Recommendation: For an adequate environmental setting and impact analysis, and to reduce impacts to less-than-significant, CDFW recommends that the MND: (1) further analyze the potential for CRLF to occur within uplands on the project site based on the presence of the above-described ponds adjacent to and within dispersal distance, and (2) require consultation with USFWS for potential impacts to CRLF if the species may occur on-site based on the above analysis. If it is unlikely CRLF would remain on the site based on lack of suitable refugia such as small mammal burrows or other factors, mitigation measures may include a qualified biologist surveying for the species onsite and within adjacent habitat prior to construction to ensure no CRLF are on the site or likely to move onto it; installing temporary exclusionary fencing around the project site, once it determined no CRLF may be present, to ensure CRLF do not disperse onto it; and implementing avoidance buffers around the pond adjacent to Stump Field. The exclusionary fence should be installed under the guidance of a qualified biologist and regularly inspected and maintained.

6.3 cont'd

Comment 2: MND (page 12) and Exhibit B, Biological Resource Survey (page 31)

Issue: Exhibit B identifies that western pond turtle (*Emys marmorata*) may occur in the pond adjacent to Stump Field and be vulnerable to project activities conducted in Stump Field. The proposed 35-foot setback from the pond is identified in Exhibit B as sufficient to avoid impacts to western pond turtles; however, western pond turtles typically nest within 100 meters of aquatic habitat and can travel up to 500 meters to find suitable sites for egg-laying (Thompson et al. 2016).

Specific impacts and why they may occur and be potentially significant: The project may result in injury or mortality to adult or young western pond turtles or impacts to western pond turtle nests. Western pond turtle is an SSC. Therefore, if western pond turtles or their nests occur on the project site, project impacts to western pond turtle would be potentially significant.

6.4

Recommendation: For an adequate environmental setting and impact analysis, and to reduce impacts to less-than-significant, CDFW recommends that the MND: (1) further analyze the potential for western pond turtle to occur on and adjacent to the project site, and (2) require a qualified biologist to survey for western pond turtle on-site and within

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adjacent habitat prior to project construction, avoiding impacts to western pond turtles or their nests by allowing turtles to move off the site under their own volition, and implementing avoidance buffers around any nests and the pond adjacent to Stump Field.

6.4
cont'd

Comment 3: MND (pages 11-12) and Exhibit B, Biological Resource Survey (pages 18-20, 23)

Issue: According to the MND, the project is located within agricultural cropland adjacent to chaparral/scrub habitat that may support California Rare Plant Rank species including Napa false indigo (*Amorpha californica* var. *napensis*) and green jewelflower (*Streptanthus hesperidis*), which are both Rank 1B.2 (for Rank descriptions see: https://map.dfg.ca.gov/rarefind/view/RF_FieldDescriptions.htm#CA_RARE_PLANT_RANK). Floristic surveys were conducted between April and June 2019 by walking transects within each field of the project site, as well as intermittent transects within 500 feet of each field. The Biological Resource Survey notes that no special-status plant species were identified; however, it is unclear from the MND and Biological Resource Survey if reference sites were visited and if surveys were conducted during the appropriate bloom periods for each species with potential to occur on-site. CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* specifies that reference sites should be observed "to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities."

6.5

Recommendation: To adequately describe the environmental setting and reduce impacts to less-than-significant, CDFW recommends that the MND be revised to identify if reference sites were visited and include all reporting information identified by CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (Protocols; see: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>).

If any information required by the Protocols was not collected during the 2019 field efforts, CDFW recommends the MND require: (1) an additional year of floristic surveys at the project site and adjacent habitats that may be indirectly impacted by project activities in conformance with the above Protocols, and obtaining CDFW's written acceptance of the survey report; and (2) for any impacts to California Rare Plant Rank species, off-site compensatory mitigation at a 3:1 mitigation to impact ratio, unless an alternative mitigation plan is approved in writing by CDFW. Mitigation lands shall be occupied by the impacted species, protected in perpetuity under a conservation easement prior to project commencement, and managed in perpetuity through an endowment with an appointed land manager.

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Please be advised that for CDFW to accept the results of the botanical surveys, they must be completed in conformance with the above Protocols, including but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts. Surveys conducted during drought conditions may not be acceptable.

6.5
cont'd

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

Environmental Setting and Mitigation Measures

Comment 4: MND Page 13

Issue: The MND identifies an ephemeral stream immediately adjacent to Block 2, but notes that impacts will be avoided through implementation of a minimum 35-foot setback. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. Depending on site-specific characteristics—such as slope of bank and adjacent lands, location and extent of riparian vegetation, and hydrological profile—a 35-foot setback may not be sufficient to prevent permanent or temporary impacts to the stream and its associated ecological communities. The characteristics of the stream, extent of project activities adjacent to it, and thresholds for determining setbacks should be explicitly described in the MND. If permanent or temporary impacts to ephemeral drainages may be substantial the impacts would be subject to an LSA Notification.

Recommendation: To reduce impacts to less-than-significant, CDFW recommends that the MND further characterize the stream, activities proposed to occur adjacent to the stream, and thresholds for determining stream setbacks. If substantial impacts to bed, bank, channel, riparian vegetation, or floodplain are anticipated, CDFW recommends that the MND require the project to submit an LSA Notification and comply with the LSA Agreement if issued, prior to the initiation of project activities. Additionally, CDFW recommends including the following mitigation measure.

6.6

Permanent impacts to stream and riparian habitat shall be mitigated at the below minimum mitigation to impact ratios.

- 1:1 restoration based on area and linear feet for temporary impacts
- 3:1 restoration based on area and linear feet for permanent impacts

Habitat restoration shall occur on-site or as close to the site as possible within the same stream or watershed and may consist of restoration or enhancement of riparian habitat. If mitigation is not possible within the same stream or watershed,

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mitigation ratios may increase at the discretion of CDFW. Temporary impacts to stream and riparian habitat shall be restored on-site.

6.6
cont'd

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, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

6.7

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

6.8

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions into the final CEQA document for the project. CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jennifer Rippert, Senior Environmental Scientist (Specialist), at Jennifer.Rippert@wildlife.ca.gov or (707) 799-4210; or Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:
Erin Chappell
Erin Chappell
Regional Manager
Bay Delta Region

Ms. Pamela Arifian
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Page 7

ec: State Clearinghouse (SCH No. 2022020126)

REFERENCES

Thomson, R. C., Wright, A. N., and Shaffer, H. B. (2016). *California amphibian and reptile species of special concern*. University of California Press.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=190377&inline>

Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 7: City of Napa Utilities Dept



UTILITIES DEPARTMENT
WATER | ENGINEERING | SOLID WASTE

City of Napa Utilities
Department
Water Division
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March 10, 2022

County of Napa
Planning, Building & Environmental Services
ATTN: Ms. Pamela Arifian
1195 Third Street, Room 210
Napa, CA 94559-3092

Subject: PUC Project Pioneer (#P20-00304-ECP)
1 Angwin Avenue: APN: 024-080-040,044,048,049

Dear Pamela Arifian:

The City of Napa Utilities Water Division has reviewed the above-mentioned project and determined that the erosion control plan is sufficient to address our requirements. These include safeguarding against an increase (by no more than one percent individually or ten percent cumulatively) of sediment and other pollutants (e.g., glyphosate, nitrogen, magnesium, and sulfate) into the tributaries that feed Lake Hennessey Reservoir. As State water quality compliance policies stiffen, the City continues to monitor the lake's water quality and consider the ten percent cumulative impacts amidst continual data collection, analysis, and reporting.

We appreciate the standard of care by the owner, as indicated in the proposed Erosion Control Plan Application to use best management practices (BMP's) and cover crops to ensure that erosion measures remain intact and minimize sediment/nutrient transport going forward. The runoff from winter storm events recharges Conn Creek and Lake Hennessey contributing to the local surface water drinking water supply that serves over 86,000 persons in Napa Valley.

The BMP's and requirements of the implementation schedule, including annual maintenance and winterization, is required to ensure the special provisions outlined in the erosion control plan provide necessary mitigation of erosion and pollutants during peak runoff as modeled by the hydrologic analysis memorandum.

Herbicide use, specifically glyphosate, poses regulated contaminant concerns as the state continues to review and require various contaminants to be included in regulatory frameworks adding this constituent in 2017 with a drinking water limit of 0.7 mg/L. This chemical is highly concerning and should be reviewed and assessed for its necessity in managing crops. A detectable amount would exceed the 1% limit, and the information should be clarified. 48 ounces per acre amounts to approx. 1700 ounces over the 35.9 acres (13.5 gallons). The application

7.1

includes 96 in an unspecified unit per acre for a total of 21.3 gallons per annum. This does not allow for a proper analysis of the potential water quality impacts.

7.1
con'td

The fertilizer and mildew applications of Magnesium (at 8,680 pounds per annum.), Calcium Nitrate (at 11,360 pounds per annum.), and Sulfur (at 454 pounds per annum) are of significant concern to the water quality impacts for the watershed and accumulations in the source water. The current baseline exceedance for the arterial stream of Conn Creek south of the perspective project is summarized below.

The 1% increase is a violation and can be exceeded without proper BMP's as well as application in proximity to rain events given the proposed application rates, frequencies, and time of year.

Constituent	Baseline (mg/l)	Exceedance (mg/l)
Calcium	12	12.12
Nitrate + Nitrite as N	2.6	2.626
Sulfate	10	10.1
Glyphosate	0	Detectable

7.2

*mean 3-year locational running annual average at station H101 "Angwin #1"

Based on the City's analysis using STEPL and WARMF models, improper BMP maintenance (below the 80% required cover crops for Blocks 2A-D and 75% for Blocks 1 & 3) or BMP failure (at the watershed outlets 35' proposed filter strips) will likely result in sediment and nutrient loading in exceedance of the 1%. This confirms the engineer's assessment of a required minimum % cover crop and BMP's to be maintained continually throughout the year.

The City and County continue to implement further water quality monitoring sites in the Upper Angwin subbasin of the Lake Hennessey Watershed to identify if there is a need to mitigate excess nutrient loading. Any lack of maintenance at this Project would result in an exceedance and notification of projects to comply with water quality protection programs.

Please contact me at (707) 257-9918 if you have any questions or require additional information.

Respectfully,



Addison LeBlanc
Assistant Engineer

cc: Joy Eldredge, P.E. Deputy Utilities Director

Project Pioneer P20-00304-ECPA
Responses to Comments on Initial Study/Mitigated Negative
Declaration
Attachment 8: Yvonne Baginski

From: [Yvonne Baginski](#)
To: [Arifian, Pamela](#)
Subject: Fwd: Letter of protest for Vineyard Conversion, PUC
Date: Monday, February 28, 2022 1:51:52 PM

[External Email - Use Caution]

To: Napa County Planning Dept.

Re: Project Pioneer Vineyard Conversion, #P20-00304-ECPA

I am responding as public comment on the conversion of existing hayfields, on 42 acres of property belonging to Pacific Union College in Angwin, to vineyards that will be leased to a highest bidding winery.

Less than two years ago, this area (Angwin/Deer Park) experienced considerable wildfire activity resulting in a significant loss and damage to local wildlife, trees and homes. It was a tragic disaster and recovery will continue for many years.

I am concerned about the development of this property as yet another winery expansion in an area that so desperately needs to recover wildlife habitat. Surrounding the field with deer fencing will impact natural wildlife corridors and cutting them off from such a significant swath of land could prove detrimental as depletion of numbers, but also food sources, continue to plague the local wildlife. Deer fencing keeps out many animals, not just deer.

8.1

There is also the issue of use of pesticides, herbicides and bird cannons in order to preserve the integrity of the grapes. Using these chemicals and cannons will significantly impact the local wildlife. Frankly, it kills them. Residents will also be exposed to the poisons of the chemicals, and the noise of the cannons.

8.2

This is also a vineyard development within a watershed, and we are concerned the significant watering of vineyards will impact the water supply of neighboring wells in upcoming years. We are in an unrelenting drought. California's worst in 1200 years. The climate is also hotter and drier. We need to stop drawing water out of the ground, we are going to be relying on this groundwater almost entirely if our streams, rivers and reservoirs continue turning to dust.

8.3

This is a time when we should place a moratorium on development and instead, focus on tending our current forests, and replacing them wherever possible.

8.4

These considerations, we believe, are significant and should be the guiding principles reviewing proposals for vineyard development throughout Napa Valley. The preservation of our water, wildlife and forests need to be our number one priority. We are in a climate crisis and what's ahead will be much more significant than what we are preparing for now. We need to do it better.

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