



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
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Brian Bordona
Interim Director

To: Erin Chappell c/o Melanie Day, CDFW, 2825 Cordelia Road, Suite 100, Fairfield CA 94534
Gary Margadant, 4092 Mt. Veeder Rd. Napa CA 94558
Yvonne Baginski, 162 S Coombs Street, Napa CA 94559
Brooks Painter, V Sattui Winery Inc., 1111 White Lane, St. Helena CA 94574
PPI Engineering, 2800 Jefferson Street, Napa CA 94558
State Clearinghouse

From: Donald Barrella

Subject: Response to Comments - Initial Study/Mitigated Negative Declaration
V Sattui Winery Inc., Hibbard Ranch Vineyard Conversion
Agricultural Erosion Control Plan File #P19-00069-ECPA
Terminus of Henry Road, Napa, CA 94558: APN 050-380-014
SCH #2023030032

Date: August 3, 2023

Attached is a copy of the Response to Comments for the subject project. The report contains our responses to comments provided on the March 2, 2023, Initial Study/Mitigated Negative Declaration, which can also be accessed at <https://pbes.cloud/index.php/s/zGksXBXjQoxKx9r>

The County could approve the Project on or after **Thursday August 3, 2023**.

Should you have any questions, please call Donald Barrella at 707-299-1338 or via e-mail to donald.barrella@countyofnapa.org

Respectfully,

Donald Barrella
Planner III

cc: Brian Bordona, Interim Director PBES (via email)
Patrick Ryan, Interim Deputy Director PBES (via email)
Dana Morrison, Supervising Planner (via email)
Laura Anderson, Deputy County Counsel (via email)



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Brian Bordona
Interim Director

TO: Application File #P19-00069-ECPA

FROM: Donald Barrella, Planner III

DATE: August 3, 2023

RE: Response to Comments – V. Sattui Winery Inc., Hibbard Ranch Vineyard Conversion
Agricultural Erosion Control Plan (ECPA) #P19-00069-ECPA
Assessor’s Parcel Number 050-380-014
SCH #2023030032

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 V. Sattui Winery Inc., Hibbard Ranch, Vineyard Conversion #P19-00069-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 V. Sattui Winery Inc., Hibbard Ranch, Vineyard Conversion Agricultural Erosion Control Plan #P19-00069-ECPA Proposed IS/MND, presents the name of the persons and organizations commenting on the Proposed IS/MND and responses to the received comments. This memorandum, in combination with the Proposed 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 March 2, 2023. In addition, Napa County circulated a Notice of Intent to Adopt the Proposed IS/MND to interested agencies, individuals, and property owners within 1000 feet of the subject property. The public review period ended on April 1, 2023. During the public review period, Napa County received three (3) comments 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 Attachment	From	Date Received
1	California Department of Fish and Wildlife (CDFW)	March 28, 2023
2	Gary Margadant, 4092 Mt. Veeder Rd. Napa CA 94558	April 1, 2023
3	Yvonne Baginski, Napa CA	April 1, 2023

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 on the project. The CEQA Guidelines do not require the preparation of a response to comments for 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.

To clarify and amplify the analysis and conclusions of the Project’s Biological Resources Reconnaissance Survey Report and Response to Comments (WRA Inc., December 2018 and September 2019 – Exhibits B-1 and B-2, respectively, of the Proposed IS/MND) the owner/Permittee provided a letter prepared by WRA Inc., (May 16, 2023) to address comments 2 and 3 the CDFW comment letter regarding the Swainson’s Hawk and Valley oak woodlands: this letter is attached as **Exhibit A**.

This Response to Comments Memorandum will also be provided to the owner/Permittee as **notice** of potential Local, State and Federal permits or agreements necessary to implement and/or operate this project, or other CEQA requirements including filing fees, as identified within the attached agency comment letter. Furthermore, project approval if granted shall be subject to conditions of approval requiring any and all such permits or agreements be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P19-00069-ECPA, and that #P19-00069-ECPA shall be subject to any conditions and/or specifications of such permits or agreements.

RESPONSE TO COMMENTS

Comment #1 California Department of Fish and Wildlife (CDFW) (Attachment 1)

Response to Comment 1.1:

As stated in the CEQA Process Section above, this this Response to Comments Memorandum and CDFW’s comments will be provided to the owner/Permittee as **notice** of State permits or agreements necessary to implement and/or operate this project, and as conditioned would require any such permits or agreements be obtained prior to the commencement of vegetation removal and earth-disturbing activities associated with #P19-00069-ECPA. In addition to complying with such permit/agreement conditions or specifications, as identified within the attached agency comment letter. Also, see *Response to Comment #1.7 and #1.8* (incorporated herein by reference).

Response to Comment 1.2:

As disclosed in **Section IV(a) (Biological Resources)** of the proposed IS/MND, while special status bird species known in the vicinity of the project site were not observed (grasshopper sparrow, white-tailed kite, and Bryant's savannah sparrow), migratory birds and raptors have the potential to nest within the trees throughout and adjacent to the development areas. It was further disclosed that tree removal and temporary and intermittent increases in noise levels may cause nest abandonment and death of young or loss of reproductive potential at active nests located near project activities, which are considered potentially significant impacts, and that **Mitigation Measure BR-3** would be implemented to minimize potentially significant impacts to migratory birds and raptors to a less than significant level.

While the Proposed IS/MND discloses, analyzes and mitigates for potential indirect impacts to special status birds and raptors, as provide for in **Mitigation Measure BR-3**, which requires pre-construction surveys for nesting birds the measure does not include language specific to Swainson's hawk.

To ensure nesting pre-construction surveys adequately survey for Swainson's hawk, the language identified below shall be added to this measure, as BR-3(a)(i), consistent with CDFW's recommendations, and will also be incorporated into the project's conditions of approval, if granted.

Furthermore, as described in Exhibit A, the Project Biologists will identify all bird species present or nesting in the vicinity of the project as part of their pre-construction surveys, and if nests are found the biologists will provide species-specific buffers sufficient to protect the nesting birds and conduct subsequent surveys to determine when young have fledged. These provisions and the additional language provided in Mitigation Measure BR-3(a)(i), are consistent with the totality of **Mitigation Measures BR-3** as currently written.

Mitigation Measure BR-3(a)(i): Prior to the commencement of vegetation removal and earth disturbing activities, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the *Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk* (2000). Surveys shall be completed for at least the two survey periods no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work. If Swainson's hawks nests are identified, the Project shall implement a 0.5-mile no-disturbance buffer zone around the nest, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

With respect to grasslands, as disclosed in **Section IV (Biological Resources)** the Proposed IS/MND, there will be over 116-acres of grassland remaining on the project site after project implementation for foraging.

Response to Comment 1.3:

As disclosed in the Proposed IS/MND and documented in the Project's Biological Resources Reconnaissance Survey Report (WRA Inc., December 2018 – **Exhibit B-1** of the Proposed IS/MND) the project biologists classified the woodlands on the project site as Coast Live Oak Woodland indicating that the dominant tree species within the woodland as coast live oak. The site surveys conducted by the biologists were performed

in accordance with those outlined by Napa County (2016b), which follow those described by other resource agencies and experts including the California Native Plant Society (CNPS, 2001), the California Department of Fish and Wildlife (CDFW, 2018c), and the US Fish and Wildlife Service (USFWS, 1996), concluding that the sites woodland community is synonymous with the Coast Live Oak Alliance biotic community in the Napa County Land Cover (Thorne et al. 2004).

Additionally, consistent with the Proposed IS/MND disclosures and findings of the Biological Resources Reconnaissance Survey Report (WRA Inc., December 2018), the project biologists have reaffirmed the classification of this biological community in Exhibit A. Indicating that, the subject property hosts an extensive, contiguous stand of woodland that contains a range of native trees, and while valley oak is a component of the stand, the dominant species are coast live oak and California bay, thus meeting the standard of coast live oak-California bay woodland (WRA, May 2023).

Therefore, there are no impacts to valley oak woodland for additional mitigation to be applied.

Response to Comment 1.4:

As disclosed and assessed in the Proposed IS/MND, and identified by the comment, the intent of **Mitigation Measure BR-1** was to include “*the permanent preservation of avoided and re-established PNG Grasslands and populations in an area encompassing no less than one acre (pre-project acreage 0.62 plus the 0.4 PNG establishment acres)*” in the “Preservation Area” identified in **Mitigation Measure BR-6(d)**, which includes the provision that areas being designated for preservation be encumbered via a deed restriction, mitigation easement or other means of permanent protection acceptable to Napa County. To ensure that PNG grassland is permanently protected the following language shall be incorporated into **Mitigation Measure BR-6(d)** consistent with the PNG grassland impact and mitigation analysis disclosed in the Proposed IS/MND (additional text is shown by double underline):

Mitigation Measure BR-6(d): Revise Erosion Control Plan #P19-00069-ECPA prior to approval to identify a Preservation Area, totaling a minimum of 2.7-acres of oak woodland and associated vegetation cover canopy that includes areas removed because of **Mitigation Measure BR-6(a)**: a minimum of 1.35 acres of the Preservation Area shall occur on land with slopes of 30% or less and located outside of required aquatic resource setbacks. The Preservation Area shall also include an area encompassing no less than one acre for the permanent preservation of PNG Grassland that includes avoided and established PNG Grassland as identified in Mitigation Measure BR-1. The area shall be designated for preservation in a deed restriction, mitigation easement with an organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection acceptable to Napa County. Land placed in protection shall be restricted from development and other uses that would degrade the quality of the oak woodland (e.g., conversion to other land uses such as agriculture or urban development, and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The preservation areas shall be determined by the County or a qualified botanist/biologist: determinations by a qualified botanist/biologist shall be submitted to Napa County for review and approval prior to their incorporation into the ECPA. The owner/permittee shall record the deed restriction or mitigation easement within 90 days of the County’s approval of #P19-00069-ECPA. In no case shall the erosion control plan be initiated until said deed restriction or mitigation easement is recorded.

The monitoring period identified in **Mitigation Measure BR-1(d)** shall be increase to a five (5) year minimum, consistent with the five-year minimum monitoring term identified in **Mitigation Measure BR-1(c)**, and as recommended by CDFW.

With respect to a funded PNG long-term management plan for the perpetuity of the Project, the implementation of mitigation measures to avoid and establish PNG Grassland, and permanently preserve these areas effectively reduces potential impacts to PNG to a less than significant level as identified on the Proposed IS/MND. The lack of a permanent funding mechanism for PNG Grassland avoidance and establishment neither results in a potentially significant impact, nor is it necessary to adequately reduce this impact to a less than significant level. The requirement for the owner/Permittee to monitor these areas for a minimum of five years to ensure the success of PNG Grassland establishment is comparable to a long-term management plan, and effectively meets mitigatory obligations.

Response to Comment 1.5:

The commenter is correct that “not” was inadvertently excluded from the statement, which is supported by the preceding statement that concludes “...the project as designed is expected to have a less than significant direct impacts on aquatic resources (ephemeral drainages and wetlands)...” and that the subsequent disclosure and analysis is specific to potential indirect impacts on aquatic resources as a result of inadvertent encroachment into required setbacks and project designed setback buffers as a result of project construction and subsequent vineyard operations. Given the omission does not affect the analysis and conclusions of this impact category ((**Section IV(b-c) – Biological Resources**)) no further response or actions are necessary.

Response to Comment 1.6: The commenter is correct that a typo occurred on Page 47 of the Proposed IS/MND with respect to the Water Rights Permit number. Given the typo does not affect the analysis and conclusions of the subject impact category ((**Section XIX(b) – Utilities and Service Systems**)), and that it is correctly listed throughout the remainder of the Proposed IS/MND, no further response or actions are necessary.

Response to Comment 1.7:

As stated in the CEQA Process Section above, this Response to Comments Memorandum and CDFW’s comments will be provided to the owner/Permittee as **notice** of CEQA requirement pursuant to Public Resources Code, § 21003(e) to report any special-status species and natural communities detected during Project surveys to the CNDDDB. These comments and responses will also be provided to the Project Biologist (WRA Environmental Consultants) as notice of this CEQA requirement.

Response to Comment 1.8: The CDFW Environmental Filing Fee for a Mitigated Negative Declaration will be paid upon posting of the CEQA Notice of Determination for this project when acted on by the County.

Comment #2 Gary Margadant (Attachment 2)

Response to Comment 2.1:

As disclosed in the Project Description of the Proposed IS/MND, the project includes stabilization of four (4) landslides (encompassing approximately 1.5 acres) to accommodate proposed vineyard development, as well as repair of the erosional gully feature located between Blocks 7A-1 and 7A-2. See Response to Comment #2.2, incorporated herein by reference, for additional information on the project’s hydrologic calculations and the erosional gully repair). The slide repairs would be conducted under the observation and recommendations of

the project's Engineering Geologist and Geotechnical Engineer (Lou M. Gilpin Certified Engineering Geologist No. 1518, and Craig S. Shields Certified Geotechnical Engineer No. GE2116, respectively).

Regarding the comment about the trouble and expense of converting land to vineyard, as disclosed in **Section XI (Land Use and Planning)** of the Proposed IS/MND, the property's land use and zoning designations are Agriculture, Watershed and Open Space (AWOS) and Agricultural Watershed (AW), respectively. Under these designations, agriculture which includes the growing and raising vines, is an allowed use consistent with Napa County General Plan Policy AG/LU-1 and AG/LU-20, where agricultural and related activities are the primary land uses in Napa County.

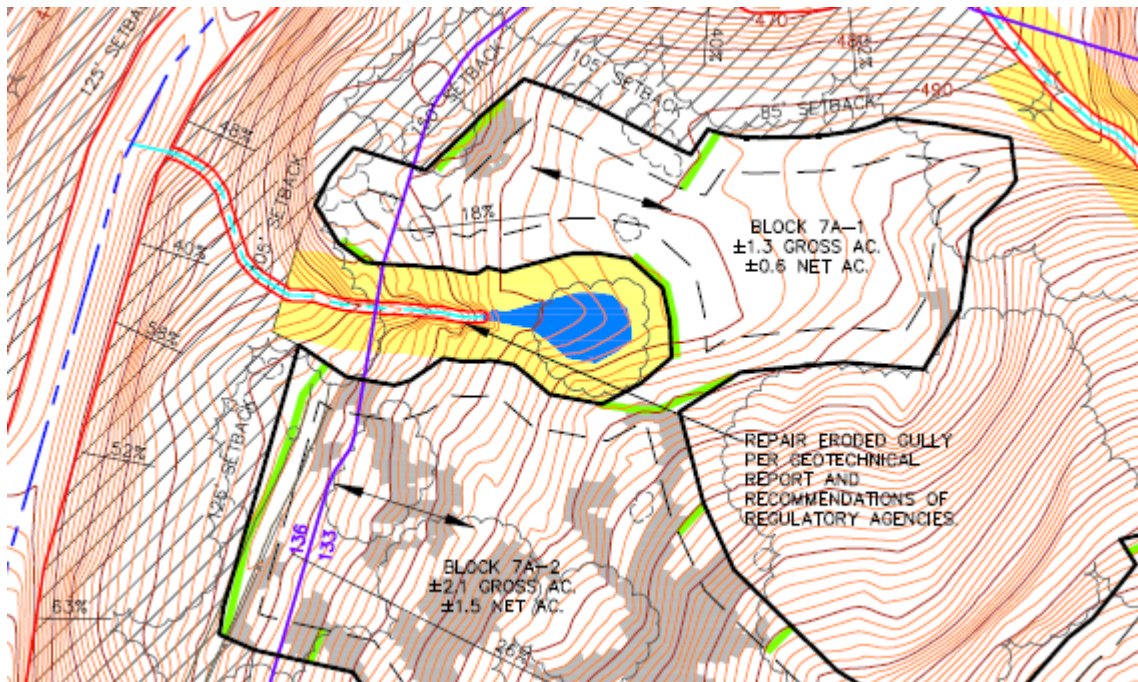
With regard to erosion and runoff characteristics as further disclosed in **Section XI (Land Use and Planning)** the proposed project is consistent with Policies CON-48 and CON-50c, which require post-development sediment erosion conditions and runoff characteristics not be greater than pre-development conditions. As discussed in **Section VII (Geology and Soils)** and **Section X (Hydrology and Water Quality)** the project as proposed would reduce soil loss, sedimentation, and maintain runoff characteristics as compared to existing conditions: also see Response to Comment #2.2, incorporated herein by reference.

Response to Comment 2.2:

As disclosed in **Section Xc (Hydrology and Water Quality)** of the Proposed IS/MND A Hydrologic Analysis for the proposed project was prepared by PPI Engineering (PPI Engineering, October 2019 and April 2020 - **Exhibit E and Exhibit G** of the Proposed IS/MND) that concluded there would either be slight reductions or no increases in peak flows for all drainage subareas in the project area, and that the runoff time of concentration is anticipated to remain the same as existing conditions. As disclosed in **Section VII.b (Geology and Soils)** of the proposed IS/MND, based on USLE modeling calculations prepared by PPI Engineering (October 2019, **Exhibit E** of the Proposed IS/MND), the proposed project is anticipated to reduce soil loss within the project site as compared to existing conditions from annual soil loss is anticipated to average 205.74 tons per year under existing conditions to an average of 159.9 tons per acre per year as compared to existing conditions, resulting in a reduction of approximately 22.3%.

As further disclosed in **Section VII.c (Gology and Soils)** of the Proposed IS/MND, while the project parcel and site contain areas of instability (active and dormant landslides), the project has incorporated the stabilization, setback and land preparation recommendations of the Project Geologist so that the project does not result in increased instability leading to potential landslides or ground failure. And the proposed project identifies the soil types in the project area and addresses potential soil instability. Therefore, the proposed project with incorporation the Project Geologist's recommendations is not anticipated to result in any significant impacts associated with on- or off-site landslides. Also see Response to Comment #2.1, incorporated herein by reference.

Regarding the erosional gully shown in Figure 5A of Exhibit D-2 of the Proposed IS/MND (Gilpin Geosciences, Inc., January 24, 2020, Landslide Investigation), as disclosed in the project description the project includes the repair of this feature located between Blocks 7A-1 and 7A-2 under the observation and recommendations of the project's Engineering Geologist and Geotechnical Engineer (also see Response to Comment #2.1, incorporated herein by reference).



The commenter's correlation between the roads and the ability of the property slopes to manage heavy rains is unclear and does not demonstrate that the potential level of impacts analyzed as a result of the proposed project would occur beyond what is disclosed in the Proposed IS/MND, no further response necessary.

Response to Comment 2.3:

While the specific provisions of the site's Water Rights, and enforcement thereof, are under the jurisdiction of the California Water Resources Control Board, Division of Water Rights, as disclosed in **Section IV (Biological Resources)**, **Section V (Cultural Resources)** and **Section XVIII (Tribal Cultural Resources)** in the Proposed IS/MND the project has been designed to avoid known archeological and cultural sites (Flaherty Cultural Resource Services, August 2018 and February 2019), and avoid any riparian vegetation through the avoidance of the site's blue-line stream and county definitional streams with setbacks consistent with NCC Section 18.108.025 (General provisions – intermittent/perennial streams), which range from a minimum of 65 feet to 150 feet depending on slope as measured from top of bank.

Additionally, no riparian habitat was identified within the vicinity of the project/development areas (WRA, Inc., December 2018: Napa County GIS Vegetation layer), and as disclosed and analyzed in the aforementioned sections, in the Proposed IS/MND the project would be subject to the conditions and mitigation measures below to protect archaeological and aquatic resources (streams, drainages, and wetlands).

Cultural Resources – Conditions of Approval: Discovery of cultural, historical or archaeological resources, or human remains during construction, grading, or other earth moving activities:

- i. In accordance with CEQA Subsection 15064.5(f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable solids, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching or other onsite excavation(s), earth work within 100-feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

- ii. If human remains are encountered the Napa County Coroner shall be informed to determine if an investigation of the cause of death is required and/or if the remains are of Native American origin. Pursuant to Public Resources Code Section 5097.98, if such remains are of Native American origin the nearest tribal relatives as determined by the State Native American Heritage Commission shall be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity.
- iii. All persons working onsite shall be bound by contract and instructed in the field to adhere to these provisions and restrictions.

Mitigation Measure BR-4: The owner/Permittee shall implement the following measures to minimize potential indirect impacts to aquatic resource (streams, drainages, and wetlands) to prevent the inadvertent encroachment into specified setbacks and buffers during construction and subsequent vineyard operations:

- a. The owner/permittee shall, prior to approval, revise #P19-00069-ECPA to identify a permanent means of demarcation and protection (such as permanent fence or rock barrier) so that aquatic resource setbacks and buffers are not encroached upon or disturbed as part of ongoing vineyard operations. These features shall be installed prior to finalization of the ECPA.
- b. Prior to the commencement of any earthmoving activities or vegetation removal the location of aquatic resource setbacks and buffers adjacent to vineyard development areas shall be clearly demarcated in the field with temporary construction fencing (or similar), which shall be placed at the outermost edge of required setbacks shown on the project plans. The precise locations of said fences shall be inspected and approved by the Planning Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion control plan installation and vineyard installation. The protection fencing shall remain in place for the duration of project implementation and shall be replaced with a permanent means of demarcation and protection pursuant to **Mitigation measure BR-4(a)**.
- c. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees and vegetation that is inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of #P19-00069-ECPA shall be replaced on-site at a ratio of 2:1 at locations approved by the planning director. A replacement plan shall be prepared for county review and approval that includes at a minimum, the locations where replacement vegetation will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. Any replaced vegetation shall be monitored for at least five years to ensure an 80% survival rate. Replacement vegetation shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan

With respect to previous agricultural development, as disclosed in the Proposed IS/MND the following erosion control plans have been issued to the subject parcel: Structural Erosion Control Plan #95029 for the construction of a 49.8 acre-foot water storage reservoir including the re-contouring of approximately 10 acres of adjacent eroded hillside (August 19, 1995); Agricultural Erosion Control Plan (ECPA) #95150 for a 95-acre vineyard conversion (October 27, 1995); ECPA #99230 for a 12-acre vineyard conversion (September 19, 2001); Track II ECPA #P05-0368 to replant/redevelop approximately 14.1-acres of vineyard (October 11, 2005); Track II ECPA #P09-00425 to replant/redevelop approximately 77-acres of vineyard (November 4, 2009); and, ECPA #P11-00434 Track I replant plan to legalize and redevelop of approximately 5.7 acres of vineyard (April 20,

2012). These plans have been subject to the stream setbacks pursuant to NCC Section 18.108.025 and protection of cultural resources, as mentioned above.

Of note the #95150 plan was subject to an enforcement action for development occurring outside the approved boundaries of the plan. (July 16, 1998). The remedy included removal of vines located within streams setbacks and revegetation of those areas. In October 1999 the county approved a revegetation plan that was developed in cooperation with CDFW for removal and restoration of disturbed areas located outside the approved plan. In December 2000 the subject plan (#95150) received its final inspection from the Napa County Resource Conservation District (RCD) given that plan and restoration were implemented. Documentation and Records associated with this matter and the other referenced plans can be accessed from the County's document management and retrieval system at: [Public Records Search | Napa County, CA \(countyofnapa.org\)](https://publicrecords.napa.ca.gov/)

Comment #3 Yvonne Baginski (Attachment 1)

Response to Comment 3.1:

These comments and objection to the proposed project have been entered into the record. These comments contain commentary and personal opinion that do not provide new or additional evidence demonstrating the potential level of impacts analyzed as a result of the proposed project would occur beyond what is disclosed in the Proposed IS/MND, or that raise a fair argument that the project as mitigated and conditioned may have a potentially significant effect on the environment.

Response to Comment 3.2

As disclosed in **Section IV (Biological Resources)** of the Proposed IS/MND the project would be subject to the following mitigation measures that would protect special status species that may have occurred since the dates of the original Biological Resources Reconnaissance Survey. Of note, **Mitigation Measure BR-1(c)** requires a floristic survey of the development areas prior to project commencement for any special-status plant species, **Mitigation Measures BR-2 and BR-3** require preconstruction surveys for nesting birds and the American Badger, and that there are a total of seven (7) mitigation measures to protect biological resources and reduce potential biological impacts to a less than significant level. Also See [Response to Comment #1.2 through #1.4](#) (incorporated herein by reference).

Mitigation Measure BR-1: The owner/permittee shall incorporate the following measures into #P19-00069-ECPA prior to approval to minimize potential impacts to Purple Needlegrass Grassland, a Sensitive Biotic Communities and Biotic Community of Limited Distribution:

- a. Revise the eastern boundary of Vineyard Block 6A of Erosion Control Plan #P19-00080-ECPA prior to approval to avoid the Purple Needlegrass (PNG) population and provide it with a minimum 25-foot buffer. Wildlife exclusion fencing shall also be modified in this area to conform to modified boundaries as a result of this measure and be shown in the Vineyard Fencing Plan pursuant to **Mitigation Measure BR-4**.
- b. Revise Erosion Control Plan #P19-00069-ECPA prior to approval to include a cover crop blend utilizing primarily native species, such as the "Native, No-Till Blend" listed in the Napa Resource Conservation District Best Management Practices report, in Vineyard Blocks 4, 5 and 6A, that are in proximity of avoided and established Purple Needlegrass Grasslands.
- c. Prior to commencement of vegetation or earthmoving activities associated with installation of #P19-00069-ECPA, the footprint of the development areas a floristic survey of the development areas shall be conducted by a qualified biologist or botanist, for any special-status plant species. Any special-

status plants or populations found shall be mapped. To the fullest extent practicable, removal of special-status plants shall be avoided through adjustments to development area boundaries to avoid and provide special-status plants/populations and provide them with a minimum 25-foot buffer. In accordance with NCC Section 18.108.100, Vegetation preservation and replacement) any special-status plants/populations that cannot be avoided shall be replaced on-site at a ratio of 2:1 at locations within similar habitat. For such removal, a replacement plan shall be prepared by a qualified botanist, ecologist or the like for review and approval by the Director prior to vineyard planting. The replacement plan shall include i) a site plan showing the locations where replacement plants will be planted, ii) a plant pallet composed of the special-status plant species being removed including sizes and/or application rates: seed mixes shall not contain species known to be noxious weeds and any non-native grasses should be sterile varieties, iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management specifications, v) an implementation schedule, vi) performance standards with a minimum success rate of 80%, and vii) a monitoring schedule for a period of at least five years to ensure the success criteria are met.

- d. Prior to the commencement of vegetation removal or earth-disturbing activities associated with #P19-00069-ECPA, the owner/permittee shall submit to the County for review and approval a Purple Needlegrass Grassland Revegetation and Replacement Plan to replace the 0.2 acres of Purple Needlegrass Grassland removed because of the project. The Revegetation and Replacement Plan area, encompassing no less than 0.4 acres, shall occur in close proximity to the avoided Purple needlegrass populations located west of Vineyard Block 5 or eastern extent of Vineyard Block 6A, or in areas suitable for Purple Needlegrass establishment as determined by a qualified biologist or restoration ecologist. The Plan shall be prepared by a qualified biologist or restoration ecologist and include the following: i) a site plan showing the revegetation/replacement area of at least 0.4 acres, ii) a plant pallet composed primarily of Purple Needle Grassland (*Nassella pulchra*) that can include other compatible native plant species common to the area, and includes planting densities and plant sizes and/or application rates, iii) planting notes and details including any recommended plant protection measures, iv) invasive species removal and management recommendations, specifications and goals, v) an implementation and monitoring schedule with a minimum of three years of monitoring and that continues annually until success criteria is met, and vi) performance standards with a minimum success rate of 80% to ensure the success of Purple Needlegrass Grassland re-vegetation and replacement efforts.
- e. The Purple Needlegrass Grassland Revegetation and Replacement Plan shall be implemented upon initiation of vegetation removal or earth-disturbing activities associated with #P19-00069-ECPA.
- f. Prior to the commencement of vegetation removal or earth-disturbing activities associated with Vineyard Block 6A of #P19-00069-ECPA, the PNG population to be retained and minimum 25 foot buffer flagged in the field by a qualified biologist and protective construction fencing shall be installed along the boundary. Construction fencing shall be inspected and approved by the County prior to the commencement of vegetation removal and earth-disturbing activities. The protective construction fencing shall be maintained and remain in place until Vineyard Block 6A installation is complete, and shall be replaced with a permanent means of demarcation and protection (such as permanent fence or rock barrier) so that the avoided PNG population and buffer is not encroached upon or disturbed as part of ongoing vineyard operations.

Mitigation Measure BR-2: The owner/permittee shall implement the following measures to minimize potential impacts to the American badger:

- a. Prior to the commencement of any vegetation removal or earth-disturbing activities associated with the project, a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local mammal species and habitat) shall conduct a preconstruction survey for the American badger and their burrows within all suitable habitat within the project area and surrounding areas within 50 feet. The preconstruction survey shall be conducted no earlier than 14 days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence more than 14 days from the survey date, surveys shall be repeated.
- b. If badgers or their burrows are identified as a result of preconstruction surveys they shall be avoided, and burrows shall be provided with sufficient buffers as recommended by CDFW. An avoidance and relocation plan shall be also be prepared for review and approval by CDFW and implemented prior to the commencement of any vegetation removal or earth-disturbing activities.

Mitigation Measure BR-3: The owner/permittee shall revise Erosion Control Plan #P19-00069-ECPA prior to approval to include the following measures to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat on the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven (7) days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven (7) days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.
- b. After commencement of work if there is a period of no work activity of seven (7) days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the U.S. Fish and Wildlife Service (USFWS) and/or CDFW prior to initiation of project activities. Exclusion buffers may vary in size, depending on habitat characteristics, project activities/disturbance levels, and species as determined by a qualified biologist in consultation with County Conservation Division, or the USFWS or CDFW.
- d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
- e. Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited.

Response to Comment 3.3:

As disclosed in **Section IV (Biological Resources)** of the Proposed IS/MND and the Biological Resources Reconnaissance Survey Report (WRA 2018 - **Exhibit B-1** of the Proposed IS/MND) the project biologists assessed biological resources on the project site on April 25 and June 8, 2018 to document among other things biological communities, suitable habitat to support special-status plant or wildlife species, aquatic and natural communities, and any special-status species that may be present onsite. The survey dates corresponded to blooming periods sufficient to observe and identify special-status plant species determined to occur in the project site. The field surveys were conducted by biologist/botanists familiar with the wildlife and flora of Napa County and surrounding counties. Also see *Response to Comment #3.2 through #3.11* incorporated herein by reference.

Response to Comment 3.4:

These comments have been noted and entered into the record. The comments contain anecdotal information, personal opinion, and commentary that does not provide evidence that the project may have a significant effect on the environment, or that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is disclosed, assessed and mitigated for in the Proposed IS/MND. Also see *Response to Comments #1.1 through #1.5 and #3.2 through #3.11* incorporated herein by reference.

Response to Comment 3.5:

See *Response to Comments #1.1 through #1.5 and #3.2 through #3.11* incorporated herein by reference.

Response to Comment 3.6:

See *Response to Comments #1.2 through #1.4 and #3.2 through #3.3* incorporated herein by reference.

Response to Comment 3.7:

See *Response to Comments #1.3 and #1.4, #2.3 and #3.2* incorporated herein by reference.

Response to Comment 3.8:

As disclosed and assessed in **Section IV.d (Biological Resources)** of the Proposed IS/MND **Mitigation Measure BR-5** will be implemented to reduce potentially significant indirect and cumulative impacts to wildlife movement and use areas to a less than significant level. **Mitigation Measure BR-5** will require the require modifications to the existing perimeter wildlife exclusion fencing located between Vineyard Development Areas 4 and 6 and north of Vineyard Development Area 6 to allow wildlife passage and movement. Implementation of this measure will also result in consistency with General Plan Conservation Policy CON-18 in addition to General Plan Conservation Goal CON-5.

Further, these comments do not provide evidence that the project may have a significant effect on the environment, or that demonstrate the potential level of impacts to wildlife movement analyzed as a result of the proposed project would occur beyond what is disclosed, assessed and mitigated for in the Proposed IS/MND.

Mitigation Measure BR-5: The owner/applicant shall revise Erosion Control Plan #P19-00069-ECPA prior to approval to include a property Perimeter and Vineyard Fencing Plan to reduce potential indirect and cumulative impacts to wildlife movement and access to wildlife habitat and foraging areas because of the project. The property Perimeter and Vineyard Fencing Plan shall be reviewed and approved by the County prior to its incorporation into #P19-00069-ECPA.

- a. Revise the ECPA to include a property Perimeter and Vineyard Fencing Plan that shows the location and type(s) of existing perimeter fencing to be retained and to be replaced as part of the project, and includes the following:
 - i. The removal of existing wildlife exclusion fencing located between Vineyard Development Areas 4 and 6 and north of Vineyard Development Area 6 in a manner to re-establish and maintain movement corridors in these areas. Any replacement fencing along the property lines in this area shall be of a design that does not present an impediment to wildlife movement (such as 4 foot tall 3-strand wire fencing).
 - ii. Any replacement or new wildlife exclusion fencing shall consist of fencing types such as wire strand fencing or mesh fencing with minimum 6 inch by 6-inch openings. The Perimeter and Vineyard Fencing Plan shall identify the use of this fencing (or similar that is acceptable to the County) and include details of fencing types utilized.
 - iii. 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.
 - iv. The location of any new wildlife exclusion fencing as part of the project shall generally be limited to the perimeter of vineyard development areas as approved by the County.
- b. Installation of wildlife exclusion fencing shall be limited to that specified in approved Erosion Control Plan #P19-00069-ECPA, and as identified in the Perimeter and Vineyard Fencing Plan for this project to ensure adequate wildlife movement and use through the remainder of the property and to adjacent properties is maintained. Any modifications to the location of wildlife exclusion fencing as specified in the ECPA or Fencing Plan shall be prohibited and shall require County review and approval to ensure the modified wildlife exclusion fencing location/plan would not result in potential impacts to wildlife movement.

Response to Comment 3.9:

These comments have been noted and entered into the record. The comments contain anecdotal information, personal opinion, and commentary that does not provide evidence that the project may have a significant effect on the environment, or that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is disclosed, assessed and mitigated for in the Proposed IS/MND. Also see *Response to Comments #1.3 and #3.10* incorporated herein by reference.

Response to Comment 3.10:

As disclosed and assessed in **Section VII.b (Geology and Soils)** and **Section X.c (Hydrology and Water Quality)** of the Proposed IS/MND, overall soil loss is anticipated to be less than pre-development conditions consistent with General Plan Conservation Element Policy CON-48, and that there would not be an increase in peak flows or runoff times of concentration as compared to existing conditions consistent with General Plan Conservation Element Policy CON-50c. It was also disclosed in **Section XXI (Mandatory Finding of Significance)** that because geologic and hydraulic impacts associated with future agricultural projects would receive the same scrutiny under CEQA and these County General Plan Goals and Policies it is not unreasonable to anticipate that those projects would also have a less than significant project-specific and cumulative impact on erosion, sedimentation and water quality.

While it was disclosed in **Section VII (Greenhouse Gas Emissions)** of the Proposed IS/MND that Napa County has been working to develop a Climate Action Plan (CAP) for several years. It was also disclosed that for the purposes of this assessment, the carbon stock and sequestration factors identified within the 2012 Draft

CAP were utilized to calculate and disclose potential construction and ongoing GHG emissions and impacts associated with the project, because these factors provide the most generous estimate of potential emissions. Therefore, the County considers that the anticipated potential emissions resulting from the proposed project that are disclosed in this Proposed IS/MND reasonably reflect proposed conditions and therefore are considered appropriate and adequate for project impact assessment.

As disclosed and assessed in **Section IV.e (Biological Resources)** of the proposed IS/MND **Mitigation Measure BR-6** will require the permanent preservation of a minimum of 2.7 acres of oak woodland and associated vegetation cover canopy on the project site: a minimum of 1.35 acres of which shall occur on land with slopes of 30% or less and that are located outside of required aquatic resource setbacks. Implementation of this measure is also anticipated to reduce the project by approximately 1 acre and reduce tree removal from 36 trees to 21 trees, resulting in approximately 1.35 acres of oak woodland removal. As noted above to further offset mitigated woodland removal, woodland removal shall be subject to permanent protection at a 2:1 ratio, half of which shall be on developable land. This Mitigation Measure would also further reduce and offset potential GHG impacts as disclosed and assessed in Section VIII (Greenhouse Gas Emissions).

These comments have been entered into the record. The comments contain anecdotal information, personal opinion, and commentary that does not provide evidence that the project may have a significant effect on the environment, or that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is disclosed, assessed and mitigated for in the Proposed IS/MND.

Response to Comment 3.11:

Also see *Response to Comments #1.1 through #1.5, #2.1 through #2.3 and #3.2 through #3.10* incorporated herein by reference.

These comments have been entered into the record. The comments contain personal opinion and commentary, and do not provide any additional evidence that the project may have a significant effect on the environment, or that demonstrates the potential level of impacts analyzed as a result of the proposed project would occur beyond what is disclosed, assessed and mitigated for in the Proposed IS/MND

List of Attachments

Attachment 1 – California Department of Fish and Wildlife letter dated March 28, 2023

Attachment 2 – Gary Margadant email and attachments dated April 1, 2023

Attachment 3 – Yvonne Baginski email dated April 1, 2023

List of Exhibits

Exhibit A - WRA Inc., May 16, 2023, Response to CDFW Comments 2 & 3 V. Sattui Hibbard Ranch ECPA



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

Attachment 1

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 28, 2023

Donald Barrella, Planner III
Napa County
1195 Third Street, Suite 210
Napa, CA 94559
Donald.Barrella@countyofnapa.org

Subject: V. Sattui Winery Inc., Hibbard Ranch Vineyard Conversion #P19-00069-
ECPA, Mitigated Negative Declaration, SCH No. 2023030032, Napa County

Dear Mr. Barrella:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from Napa County (County) for the V. Sattui Winery Inc., Hibbard Ranch Vineyard Conversion #P19-00069-ECPA (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

PROJECT DESCRIPTION SUMMARY

Proponent: V. Sattui Winery Inc.

Objective: Develop approximately 33.5-net-planted-acres of vineyard. Primary Project activities include clearing of vegetation, construction of 600 feet of access roads, stabilization of 1.5 acres of landslides and other unstable areas, repair an erosional gully feature, and install erosion and runoff control measures and other associated agricultural infrastructure. The Project would remove 1.35 acres of coast live oak

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

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(*Quercus agrifolia*) woodland, including the removal of 15 valley oaks (*Quercus lobata*). The Project would also remove 51.26 acres of grassland, including 0.2 acres of purple needle-grass (PNG; *Nassella pulchra*) grassland.

Location: 1600 Henry Road, Napa County; 38.298667°N, 122.37477838°W; Assessor's Parcel Number 050-320-014.

Timeframe: Implementation of the Project is proposed from April to October, with annual vineyard operations taking place year-round.

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

Notification, pursuant to Fish and Game Code sections 1600 et. seq. is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The Project has the potential to substantially divert the natural flow of streams and therefore, an LSA notification is warranted.** CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Swainson's hawk (*Buteo swainsoni*), a CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

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COMMENTS AND RECOMMENDATIONS

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

I. Stream Alteration

COMMENT 1: Lake and Streambed Alteration Notification

Issue: The vineyard is currently using approximately 18.7-acre feet per year (AF/yr) of surface water, diverted from unnamed streams that are tributaries to Carneros Creek, thence the Napa River. The Project will require approximately 12.9-AF/yr of additional surface water. While the MND indicates the property has a Water Right for this appropriation of water, CDFW has not received an LSA notification of this water diversion, as required under Fish and Game Code section 1600.

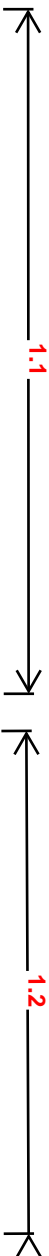
Recommendation: To comply with Fish and Game Code, CDFW recommends incorporating the following language into MM BR-1d:

The Project shall submit an LSA notification to CDFW for the ongoing diversion of surface water and comply with the LSA agreement in order to ensure best practices are implemented to avoid and minimize impacts to downstream fish and wildlife, such as Central California Coast steelhead (*Oncorhynchus mykiss irideus* pop. 8), which is federally listed as threatened and occurs in this watershed.

II. MANDATORY FINDINGS OF SIGNIFICANCE Does the Project have potential to degrade quality of environment, substantially reduce habitat of a fish or wildlife species, cause fish or wildlife population to drop below self-sustaining levels?

COMMENT 2: Swainson’s Hawk – Environmental Setting Shortcoming

Issue: The Project may impact nesting and foraging Swainson’s hawk, which occurs in Napa County. Exhibit B-1 states that Swainson’s hawk in Napa County is restricted to the Napa Valley floor near the Napa River. The California Natural Diversity Database (CNDDDB) documents an occurrence of a Swainson’s hawk breeding pair approximately 3.5 miles southeast of the Project site within Carneros Valley and a nest occurrence approximately 5.5 miles southwest of the Project site in Sonoma County. Carneros



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Valley provides suitable habitat connectivity for Swainson's hawk to the Project site from Sonoma County and the greater Napa area.

Specific impacts and why they may occur and be significant: There are many potentially suitable Swainson's hawk nest trees on and adjacent to the Project site, and open grassland areas potentially suitable for foraging. If active Swainson's hawk nests are not detected by surveys or appropriate buffer zones are not established, Swainson's hawk could be directly impacted by the removal of trees with active nests or experience indirect impacts from noise and visual disturbance from Project activities resulting in nest abandonment and loss of eggs or reduced health and vigor and loss of young, thereby substantially reducing the number of the species. If nesting Swainson's hawk utilize habitat in the vicinity of the Project, the Project may also result in loss of foraging habitat from the removal of 51.26 acres of grassland.

Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. The estimated historical population of Swainson's hawk was nearly 17,000 pairs; however, in the late 20th century, Bloom (1980) estimated a population of only 375 pairs. The decline was primarily a result of habitat loss from development (CDFW 2016). The most recent survey conducted in 2009 estimated the population at 941 breeding pairs. The species is currently threatened by loss of nesting and foraging habitat (e.g., from agricultural shifts to less crops that provide less suitable habitat), urban development, environmental contaminants (e.g., pesticides), and climate change (CDFW 2016).

In 2016, CDFW released a Status Review for Swainson's hawk in California and recommended the species retain its status as threatened under the CESA (CDFW 2016). The review cites the *primary threat to this species continues to be habitat loss, especially the loss of suitable foraging habitat*. One recent study done by CDFW scientists indicated Swainson's hawk populations have been increasing, but also cautioned using this data to inform conservation planning, stating this apparent stability remains largely unclear (Furnas et al. 2022). The study cites concerns regarding impacts to Swainson's hawk from urban development, *reduction in grasslands, and orchard and vineyard cultivation*, all of which are prominent impacts in Napa County, where the Project is proposed.

Therefore, if an active Swainson's hawk nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an accurate environmental setting, to reduce impacts to Swainson's hawk to less-than-significant, and to comply with CESA, CDFW recommends adding the following mitigation measure:

Y
1.2 Cont.
A

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Mitigation Measure (MM) BR-7 Swainson’s Hawk Surveys and Avoidance: If Project activities are scheduled during the nesting season for Swainson’s hawks (March 1 to August 31), prior to beginning work on this Project, Swainson’s hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the *Recommended timing and methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley Swainson’s Hawk* (2000)² survey protocol, within 0.5-mile of the Project site each year that Project activities occur. Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project’s initiation. The Project shall obtain CDFW’s written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 1 and August 31 each year. If the qualified biologist identifies nesting Swainson’s hawks, the Project shall implement a 0.5-mile no-disturbance buffer zone around the nest, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson’s hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

1.2 Cont.

III. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or U.S. Fish and Wildlife Service?

COMMENT 3: Valley Oak Woodland – Environmental Setting and Mitigation Measure Shortcoming

Issue: The MND classified the woodland habitat on the Project site as coast live oak woodland, of which 1.35 acres will be removed. This would require the removal of 21 trees, including 15 valley oaks. Based on the large percentage of valley oaks, the habitat should potentially be classified as a Valley Oak Woodland and Forest Alliance, which is a CDFW-designated Sensitive Natural Community (<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities>) (CDFG 2010; Standiford et al. 1996; CIWTG). The VegCAMP Vegetation Classification and Mapping Program maps Valley Oak Woodland and California Bay - Madrone - Coast Live Oak Woodland (*Quercus agrifolia* – *Arbutus menziesii* – *Umbellularia californica*), also a designated Sensitive Natural Community, within and adjacent to the Project site (Thorne et al. 2004). Mitigation Measure BR-6 is insufficient to mitigate for the permanent loss of these rare oak woodlands.

1.3

Specific impacts and why they may occur and be significant: Sensitive Natural Communities have limited distribution and are often vulnerable to project impacts (CDFW 2009). Based on the foregoing, the Project would have a potentially substantial

² Swainson’s Hawk Technical Advisory Committee, 2000.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>

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adverse effect on Valley Oak Woodland and California Bay - Madrone - Coast Live Oak Woodland, and impacts would be potentially significant.

Recommended Mitigation Measure: To reduce impacts to Valley Oak Woodland and California Bay - Madrone - Coast Live Oak woodland to less-than-significant, CDFW recommends the following mitigation measure:

MM BR-8 Oak Woodland Sensitive Natural Community Restoration and Preservation: A qualified biologist shall further evaluate the types of oak woodland impacted and quantify the areas in acres that are considered a Sensitive Natural Community, such as Valley Oak Woodland and California Bay - Madrone - Coast Live Oak Woodland. Permanently impacted oak woodlands that are considered a Sensitive Natural Community shall be mitigated at a 3:1 mitigation to impact ratio for acreage impacted. Oak woodland preservation and restoration shall occur on-site to the extent feasible. If off-site preservation or restoration is necessary, it shall be as close to the Project site as possible and within the same watershed. Restoration shall occur in the preserved area in the same year as the impacts. The preservation area shall be protected in a conservation easement prior to Project implementation. The Project shall also prepare and implement and fund in perpetuity a long-term management plan for the protected area for the benefit of Sensitive Natural Community oak woodland habitat. The restoration area shall be monitored for a minimum of 5 years until success criteria are met. Trees within the rare oak woodland shall be replaced at the following mitigation to impact ratios:

Oak (*Quercus* sp.) trees:

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

Non-oak trees:

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

1.3 Cont.

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COMMENT 4: Purple Needle-Grass Grassland Habitat – Mitigation Measure Shortcoming

Issue: Page 14 of the MND discusses the permanent preservation of a minimum of one acre of PNG grassland to mitigate for the permanent loss of 0.2 acres of PNG. However, Mitigation Measure BR-1 does not require the Project to permanently preserve PNG habitat through a conservation easement. The measure also does not indicate preservation in the amount of one acre and requires three years of monitoring of the PNG restoration area, which may be an insufficient amount of time to ensure the revegetation is a success.

Specific impacts and why they may occur and be significant: PNG is considered a Sensitive Natural Community, which are endemic communities that have limited distribution and are often vulnerable to Project impacts, and therefore the loss of any sensitive natural community is a potentially significant impact.

Recommend Mitigation Measure: To reduce impacts to PNG to less-than-significant, CDFW recommends incorporating the following language into MM BR-1d.

The Project shall permanently preserve one acre of PNG through a conservation easement that shall be recorded prior to Project implementation. The Project shall also prepare and implement and fund in perpetuity a long-term management plan for the protected area for the benefit of PNG habitat. The restoration area shall be monitored for a minimum of 5 years until success criteria are met.

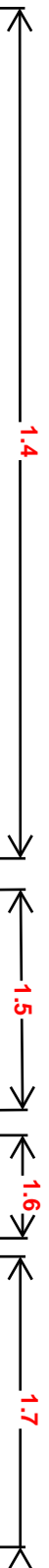
IV. Editorial Comments and/or Suggestions

COMMENT 5: On Page 18 of the MND, the first sentence of the paragraph before Mitigation Measure BR-4 appears to have a typo. It states, “While significant direct impacts to aquatic resources are anticipated...”. Should this state “While significant direct impacts to aquatic resources are *not* anticipated...,”?

COMMENT 6: On Page 47, the Water Rights Permit number is incorrectly listed as #20079, whereas elsewhere in the MND it is listed as #20779.

ENVIRONMENTAL DATA

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



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[Data](https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals). The types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Alicia Bird, Environmental Scientist, at (707) 980-5154 or Alicia.Bird@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

Attachment A: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023030032)

REFERENCES

Bloom, P. H. 1980. The status of the Swainson's hawk in California, 1979. Bureau of Land Management, Sacramento, CA, USA.

California Department of Fish and Game (CDFG). 2010. List of Vegetation Alliances and Associations. Vegetation Classification and Mapping Program, Sacramento, CA.

1.7 Cont.
1.8

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California Department of Fish and Wildlife (CDFW). 2009. Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities.

California Department of Fish and Wildlife (CDFW), 2016. 5-year Status Review: Swainson's hawk (*Buteo swainsoni*). Prepared for the California Fish and Game Commission. Nongame Bird and Mammal Program 1416 Ninth Street, Sacramento, CA.

California Interagency Wildlife Task Group (CIWTG). California Wildlife Habitat Relationship System. California Department of Fish and Game. Valley Oak Woodland.

Furnas, B.J., Wright, D.H., Tennant, E.N., O'Leary, R.M., Kuehn, M.J., Bloom, P.H. and Battistone, C.L., 2022. Rapid growth of the Swainson's Hawk population in California since 2005. *Ornithological Applications*, 124(2), p.duac006.

Standiford, R.B et al. 1996. Sustainability of Sierra Nevada hardwood rangelands. In: Status of the Sierra Nevada: Volume III Sierra Nevada Ecosystem Project Report, UC Div. of Ag. and Nat. Res. Wildland Resources Center Report 38:637-680.

Thorne, J.H., Kennedy, J.A., Quinn, J.F., McCoy, M., Keeler-Wolf, T. and Menke, J., 2004. A vegetation map of Napa County using the manual of California vegetation classification and its comparison to other digital vegetation maps. *Madroño*, pp.343-363.

Donald Barrella
 Napa County
 March 28, 2023
 Page 10

ATTACHMENT A

Draft Mitigation Monitoring and Reporting Program (MMRP)

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

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM BR-4	<p><i>The following text is recommended for incorporation into MM BR-4:</i></p> <p>To comply with Fish and Game Code, the Project shall submit an LSA notification to CDFW for the ongoing diversion of surface water and comply with the LSA agreement in order to ensure best practices are implemented to avoid and minimize impacts to downstream fish and wildlife, such as Central California Coast steelhead (<i>Oncorhynchus mykiss irideus</i> pop. 8), which is federally listed as threatened and occurs in this watershed.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>
MM BR-7	<p>Mitigation Measure (MM) BR-7 Swainson's Hawk Surveys and Avoidance: If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to August 31), prior to beginning work on this Project, Swainson's hawk surveys shall be conducted by a qualified biologist with experience surveying for and detecting the species pursuant to the <i>Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley Swainson's Hawk</i> (2000) survey protocol, within 0.5 mile of the Project site each year that Project activities occur (see https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline). Pursuant to the above survey protocol, surveys shall be completed for at least the two survey periods immediately prior to a Project's initiation. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 1 and</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>

Donald Barrella
 Napa County
 March 28, 2023
 Page 11

	<p>August 31 each year. If the qualified biologist identifies nesting Swainson’s hawks, the Project shall implement a 0.5-mile no-disturbance buffer zone around the nest, unless otherwise approved in writing by CDFW. Project activities shall be prohibited within the buffer zone between March 1 and August 31, unless otherwise approved in writing by CDFW. If take of Swainson’s hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.</p>		
<p>MM BR-8</p>	<p>MM BR-8 Oak Woodland Sensitive Natural Community Restoration and Preservation: A qualified biologist shall further evaluate the types of oak woodland impacted and quantify the areas in acres that are considered a Sensitive Natural Community, such as Valley Oak Woodland and California Bay - Madrone - Coast Live Oak Woodland. Permanently impacted oak woodlands that are considered a Sensitive Natural Community shall be mitigated at a 3:1 mitigation to impact ratio for acreage impacted. Oak woodland preservation and restoration shall occur on-site to the extent feasible. If off-site preservation or restoration is necessary, it shall be as close to the Project site as possible and within the same watershed. Restoration shall occur in the preserved area in the same year as the impacts. The preservation area shall be protected in a conservation easement prior to Project implementation. The Project shall also prepare and implement and fund in perpetuity a long-term management plan for the protected area for the benefit of Sensitive Natural Community oak woodland habitat. The restoration area shall be monitored for a minimum of 5 years until success criteria are met. Trees within the rare oak woodland shall be replaced at the following mitigation to impact ratios:</p> <p>Oak (<i>Quercus</i> sp.) trees:</p> <ul style="list-style-type: none"> • 1:1 replacement for trees up to 3 inches diameter at breast height (DBH); • 4:1 replacement for trees greater than 3 inches to 7 inches DBH; 	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

Donald Barrella
 Napa County
 March 28, 2023
 Page 12

	<ul style="list-style-type: none"> • 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH; and • 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks. <p>Non-oak trees:</p> <ul style="list-style-type: none"> • 1:1 replacement for non-native trees (with native trees); • 1:1 replacement for native trees up to 3 inches DBH; • 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH; and • 6:1 replacement for trees greater than 6 inches DBH. 		
<p>MM BR-1d</p>	<p><i>The following text is recommended for incorporation into MM BR-1d:</i></p> <p>The Project shall permanently preserve one acre of PNG through a conservation easement that shall be recorded prior to Project implementation. The Project shall also prepare and implement and fund in perpetuity a long-term management plan for the protected area for the benefit of PNG habitat. The restoration area shall be monitored for a minimum of 5 years until success criteria are met.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>

Attachment 2

From: [Gary Margadant](#)
To: [Barrella, Donald](#)
Subject: Comment - V. SATTUI WINERY INC., HIBBARD RANCH VINEYARD CONVERSION – ENVIRONMENTAL REVIEW
Date: Saturday, April 1, 2023 5:11:32 PM
Attachments: [H WAA , map,wells Geo Xsec.pdf](#)
[Public Notice Mail MND Sattui Hibbard P19-00069-ECPA.pdf](#)
[Landslide Review 2020.pdf](#)
[D-2 Revised Landslike review.pdf](#)
[ISMND Exhibit J Construction Equipment Access Hibbard Ranch ECPA.pdf](#)
[ISMND Exhibit I Water Rights Permit 20079 \(A030005\).pdf](#)

[External Email - Use Caution]

Hi Donald

Please accept my comment on the proposed MND concerning this matter.

This project is an extension of the original vineyard construction, yet it takes place in the upper reaches of the steep hillside contours, placing new vineyards on the available locations of slopes lesser than 30%. This is a dangerous proposition on land with 11 known (9 active) landslides and reviews completed in 2019, 2020 during the drought years in Napa County. Gilpin Engineering has proposed extensive earthwork and construction to stabilize the proposed vineyard blocks. The proposed vineyard blocks are of small area due to the slopes, especially when compared to the large areas of the existing vineyards.

Why go to all this trouble and expense to convert the hillside into blocks, especially when it is exposed to heavy rains of the recent deluges from Atmospheric Rivers of 2022-23.

Even though a Revision to the MND was proposed and completed by the Sattui owner, Exhibit L, Project Revision, there is no mention of this heavy rainfall and the consequent runoff problems that probably occurred on the steep slopes, especially the active landslides and the vineyard block locations. This missing review puts this whole effort and owner at risk for problems of runoff and erosion. Just an inspection of the roads through these steep locations, Exhibit J, would give an indication of the current ability of the property slopes to manage these heavy rains. Yet no review or photos of these areas were completed for the revisions statements.

Of strong concern is the Erosion gully described in Gilpin drawing 5A of exhibit D-2.

Exhibit I, water rights describes some requirements for the owner. 5 archeological sites and the retention of all riparian vegetation along the banks of the water way. Are these requirements being met in past history and current ownership?

Gary Margadant

4042 Mount Veeder Road

H [707.200.7905](tel:7072007905) primary

C [707.291.0361](tel:707.291.0361)



EXHIBIT H

Water Availability Analysis


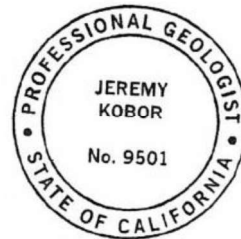
Hibbard Ranch
c/o James Bushey
Henry Road
Napa, CA 94558

James Bushey

Prepared by:



O'Connor Environmental, Inc.
P.O. Box 794, 447 Hudson Street
Healdsburg, CA 95448
www.oe-i.com



Jeremy Kobor, MS, PG #9501
Senior Hydrologist

William Creed, BS
Hydrologist

September 26th, 2019

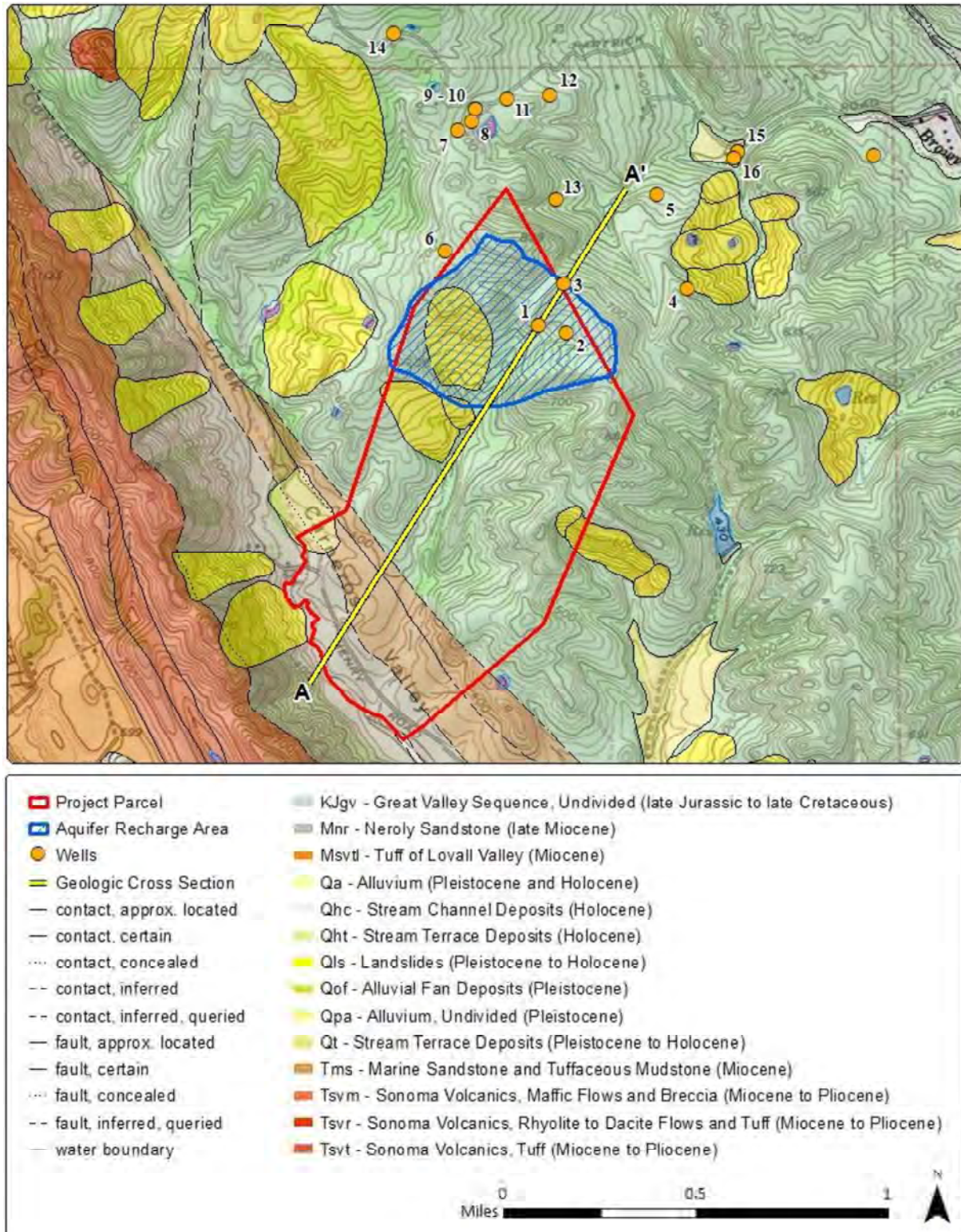


Figure 2: Surficial geology and locations of wells in the vicinity of the project parcel. Surficial geology based on data from the Preliminary Geologic Map of the Napa and Bodega Bay 30' x 60' Quadrangle (Wagner and Gutierrez, 2010). Note that the locations of Wells 3 – 5 have been reported by the applicant but that it could not be determined which Well Completion Report corresponds to which well.

Table 1: Well completion details for wells in the vicinity of the project parcel.

Well ID	1	2	3	4	5	6	7	8
Year Filed	2002	2002	2009	2009	2009	2004	2004	2000
Depth (ft)	270	230	300	240	200	600	360	260
Estimated Yield (gpm)	35	30	15	50	25	0	1	38
Static Water Level (ft)	40	48	60	50	40	N/A	Unk.	4
Top of Casing (ft)	40	70	80	60	40	Test Hole	Test Hole	38
Bottom of Casing (ft)	260	230	300	240	200	Test Hole	Test Hole	158
Geologic Map Unit	KJgv	KJgv	KJgv	KJgv	KJgv	KJgv	KJgv	KJgv

Well ID	9	10	11	12	13	14	15	16
Year Filed	2007	2015	1999	2004	2012	2010	1991	1991
Depth (ft)	360	300	400	400	217	600	300	220
Estimated Yield (gpm)	1 - 2	40	75	15	20	1	0	0
Static Water Level (ft)	Unk.	58	34	40	20	142	N/A	N/A
Top of Casing (ft)	60	70	27	50	37	118	Test Hole	Test Hole
Bottom of Casing (ft)	360	270	367	400	217	558	Test Hole	Test Hole
Geologic Map Unit	KJgv	KJgv	KJgv	KJgv	KJgv	KJgv	KJgv	KJgv

Geologic Cross Section

A geologic cross-section oriented southwest to northeast is shown in Figure 3 (see Figure 2 for location). Elevations along this cross-section range from close to 300 feet near Carneros Creek to more than 700 feet near the project wells. Little information is available about the geology near these wells but the few available Well Completion Reports indicate a relatively homogenous mixture of shale and sandstone. From the limited information available, static water levels suggest that groundwater elevations mimic surface topography.

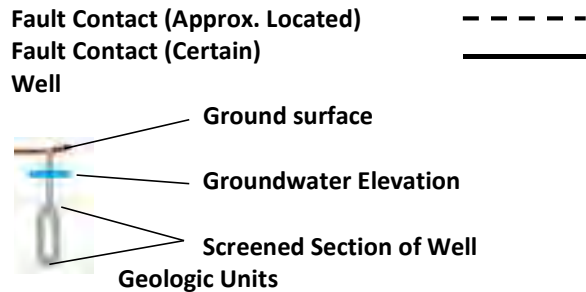
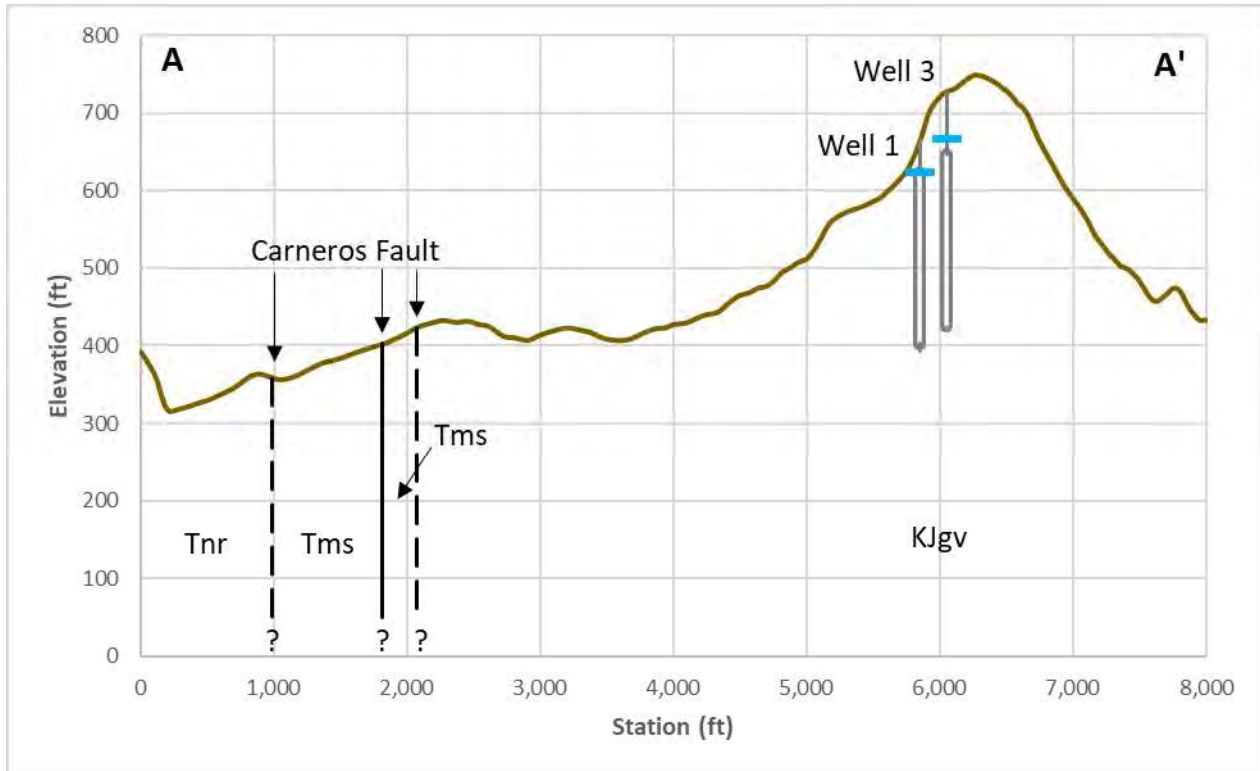


Figure 3: Hydrogeologic cross section A -A' through the project parcel (see Figure 2 for location and geologic map units). Note that the faults are shown as vertical however the actual orientation of the faults is unknown.

Project Recharge Area

The project aquifer is conceptualized to lie entirely within the Great Valley Sequence. Given the relative uniformity of static water levels in the vicinity of the project well, the area recharging this aquifer was defined based on surface topography and drainage patterns. The northern, eastern, and western boundaries of the recharge area are defined by prominent ridgelines which likely function as groundwater divides. The southern boundary is defined by two spur ridges which define the drainage the project well is located in. The total area of the project recharge area is 110 acres, all of which is underlain by the Great Valley Sequence. Given the clay-rich nature of the Great Valley Sequence and the occurrence of pressure heads in wells, the aquifer is likely confined or semi-confined.

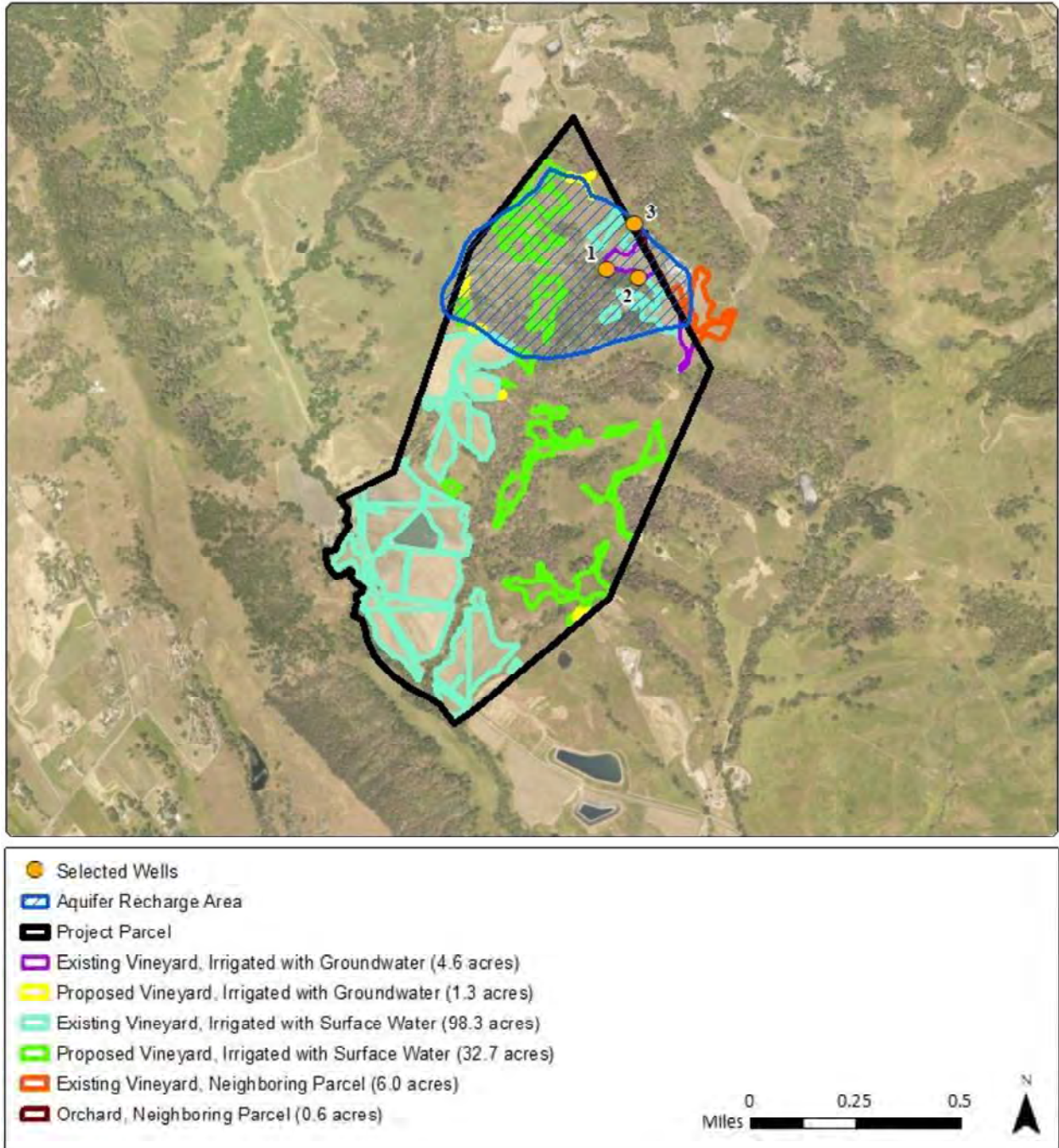


Figure 4: Location of water uses on project parcel and neighboring parcel to the east (APN 050-030-025).



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY PLANNING

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF PLANNING, BUILDING & ENVIRONMENTAL SERVICES OF THE COUNTY OF NAPA is considering adoption of a Mitigated Negative Declaration for the project identified below:

V. SATTUI WINERY INC., HIBBARD RANCH VINEYARD CONVERSION – ENVIRONMENTAL REVIEW of land disturbing activities on slopes greater than 5% associated with Agricultural Erosion Control Plan (ECPA) #P19-00069-ECPA for the clearing of oak woodland and annual grassland within the proposed clearing limits (or project area), earthmoving, and the installation and maintenance of erosion control measures and agricultural infrastructure in connection with the development of 53.6 gross acres of new vineyard (33.5 net planted acres) within an approximate 421-acre parcel.

LOCATION: The terminus of Henry Road approximately 2.5 miles northwest of its intersection with Buhman Avenue (Assessor's Parcel No. 050-380-014), within the Carneros Creek and Browns Valley Creek Drainages, and an Agricultural Watershed (AW) Zoning District.

CEQA STATUS: Mitigated Negative Declaration Prepared. According to the proposed Mitigated Negative Declaration, the proposed project would have potentially significant environmental impacts on Biological Resources and Groundwater if mitigation measures are not included. This project site is not on any of the lists of hazardous waste sites enumerated under CA Government Code Section 65962.5.

The proposed Mitigated Negative Declaration application is available for inspection, along with copies of all documents that relate to the above-described project, between the hours of 8:00 AM. and 4:30 PM Monday through Friday, at the office of the Napa County Planning, Building, & Environmental Services Department, 1195 Third Street, Second Floor, Napa, California. Scheduling appointments to review documents is encouraged. Application materials are also available on the Department's Current Projects Explorer at: <https://pbes.cloud/index.php/s/zGksXBxjQoxKx9r>

Written comments regarding the environmental effects of this project, the adequacy of the measures identified, and the adequacy of the proposed Mitigated Negative Declaration are solicited. All such comments must be presented during the public review period, which runs from **March 2, 2023**, through **April 1, 2023**.

Comments should be directed to Donald Barrella, Napa County Department of Planning, Building and Environmental Services, 1195 Third Street, Suite 210, Napa, California or via email at donald.barrella@countyofnapa.org and must be received before **5:00 p.m. on April 1, 2023**.

The Director of Planning, Building and Environmental Services will not act on the project during the public review period. Thereafter, the Director will consider all written comments received regarding whether or not the proposed project would have a significant effect on the environment, any written responses prepared, and the adequacy of the final environmental document produced prior to taking action on the project.

An appeal to the decisions of the Director of Planning, Building and Environmental Services regarding this project and the related environmental document must be filed in writing with the Clerk of the Board of Supervisors in the manner required by Napa County Code Chapter 2.88.

If you challenge these particular proceedings in court, you may be limited to raising only those issues you or someone else raised during the comment period described in this notice.

DATED: March 2, 2023

BRIAN BORDONA, INTERIM DIRECTOR

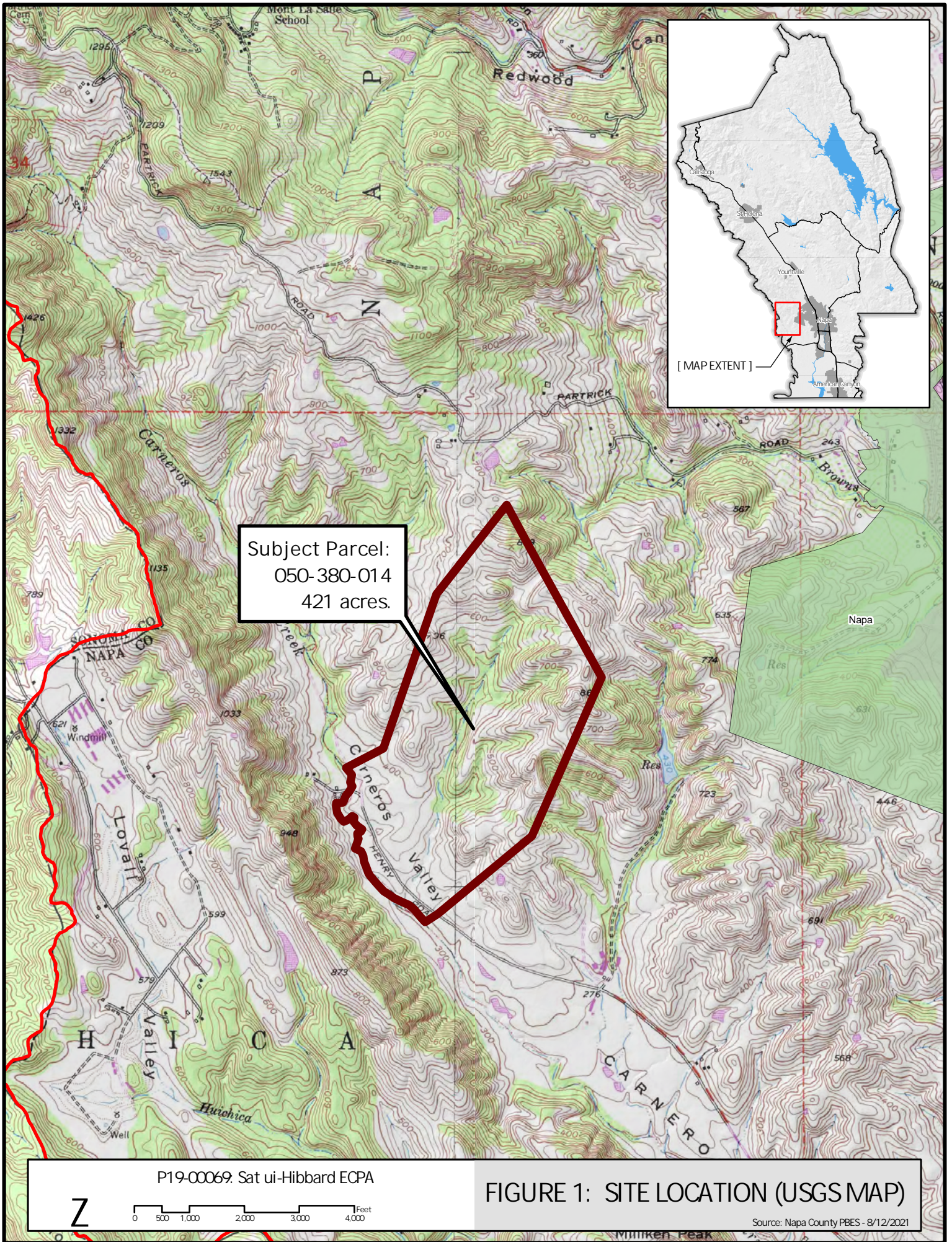


Exhibit D-2

Gilpin Geosciences, Inc
Earthquake & Engineering Geology

January 24, 2020
91650.01

Annalee Sanborn
PPI Engineering, Inc.
2800 Jefferson Street
Napa, California 94558

SUBJECT: REVISED
Landslide Investigation: Response to Comments
V. Sattui Hibbard Ranch Vineyard,
Henry Road
Napa, California

Dear Ms. Sanborn:

We are pleased to present the results of our supplemental Landslide Investigation: Response to Comments. The proposed vineyard development is presented by PPI Engineering Inc. in their "V. Sattui Winery Inc. Hibbard Ranch Erosion Control Plan" dated January 2019.

The County of Napa has provided comments to the proposed vineyard development in two communications:

- Memorandum Re: P19-00069 – V. Sattui Hibbard Ranch Completeness Comments Rev. 1 APN: --5-380-014: County of Napa Planning, Building & Environmental Services, 2 p., dated 5/14/19.
- Application Completeness Determination – V. Sattui Hibbard Ranch Vineyard Conversion Agricultural Erosion Control Plan (ECPA) File # P19-00069-ECPA Terminus of Henry Road: APN 050-380-014; Napa County Planning Building & Environmental Services, 3 p., dated 5/21/19.

The site is located on Henry Road southwest of the incorporated City of Napa, as shown on Figure 1. The proposed development involves installation of 9 vineyard blocks across the upland areas of the ridges overlooking the Carneros Valley. The site consists of approximately 425 acres. Unimproved dirt roads and tracks access the site. Numerous structures are located on the west side of Henry Road that serve as storage and working facilities for the farming operation.




In this letter report we present supplemental subsurface exploration and recommendations for landslide mitigation based on recent field exploration and a geologic reconnaissance, and respond to the County comments.

Vineyard Block	Landslide Designation	Minimum Setback
Block 1A/C	Active earth flow;; 5-10 ft deep	25 ft lateral; 50 ft toe/headscarp
Block 4C	Dormant; debris slide; 15-20 ft deep	35 ft lateral
Block 5	Active; translational; 15-20 ft deep	25 ft lateral; 50 ft toe
Block 6	Active; slump; 20+ ft deep;	25 ft lateral; 50 ft toe
Block 6	Active ; debris slide; 5- 10 ft deep;	25 ft lateral; 50 ft headscarp and toe
Block 6	Dormant; debris slide; 15- 20 ft deep;	25 ft lateral; 50 ft headscarp and toe
Block 7B	Active; earth flow; 10–15 ft deep;	25 ft lateral; 50 ft headscarp and toe
Block 7D	Active; debris slide; 10–15 ft deep;	25 ft lateral; 50 ft headscarp and toe
Block 8	Active; earth flows; 0-5 ft deep	25 ft lateral; 25 ft headscarp and toe
Block 8	Active debris slide; 5-10 ft deep	25 ft lateral; 50 ft headscarp and toe
Block 9	Active; translational; 15-30 ft deep	25 ft lateral; 50 ft headscarp and toe

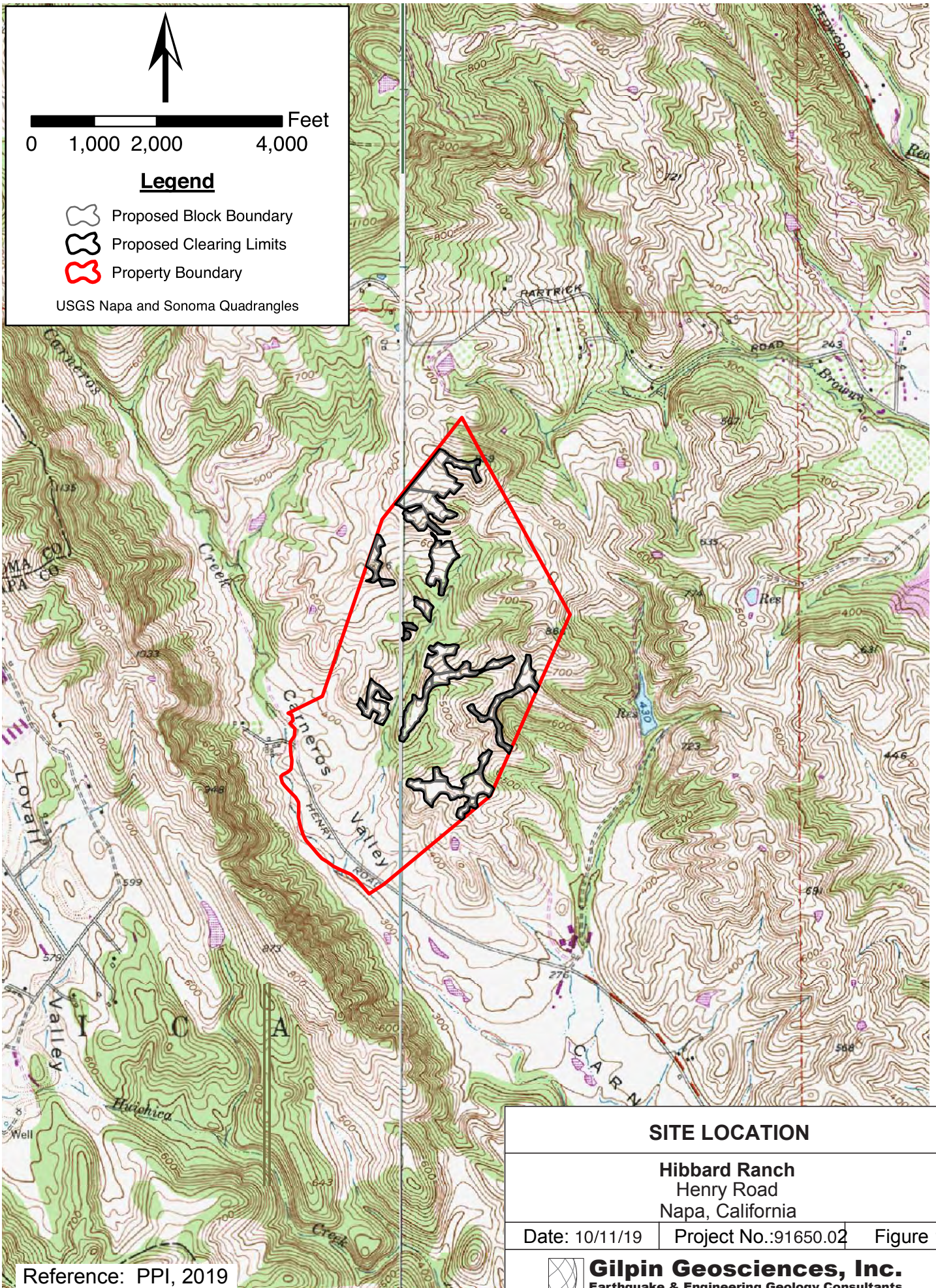


0 1,000 2,000 4,000 Feet

Legend

-  Proposed Block Boundary
-  Proposed Clearing Limits
-  Property Boundary

USGS Napa and Sonoma Quadrangles



SITE LOCATION

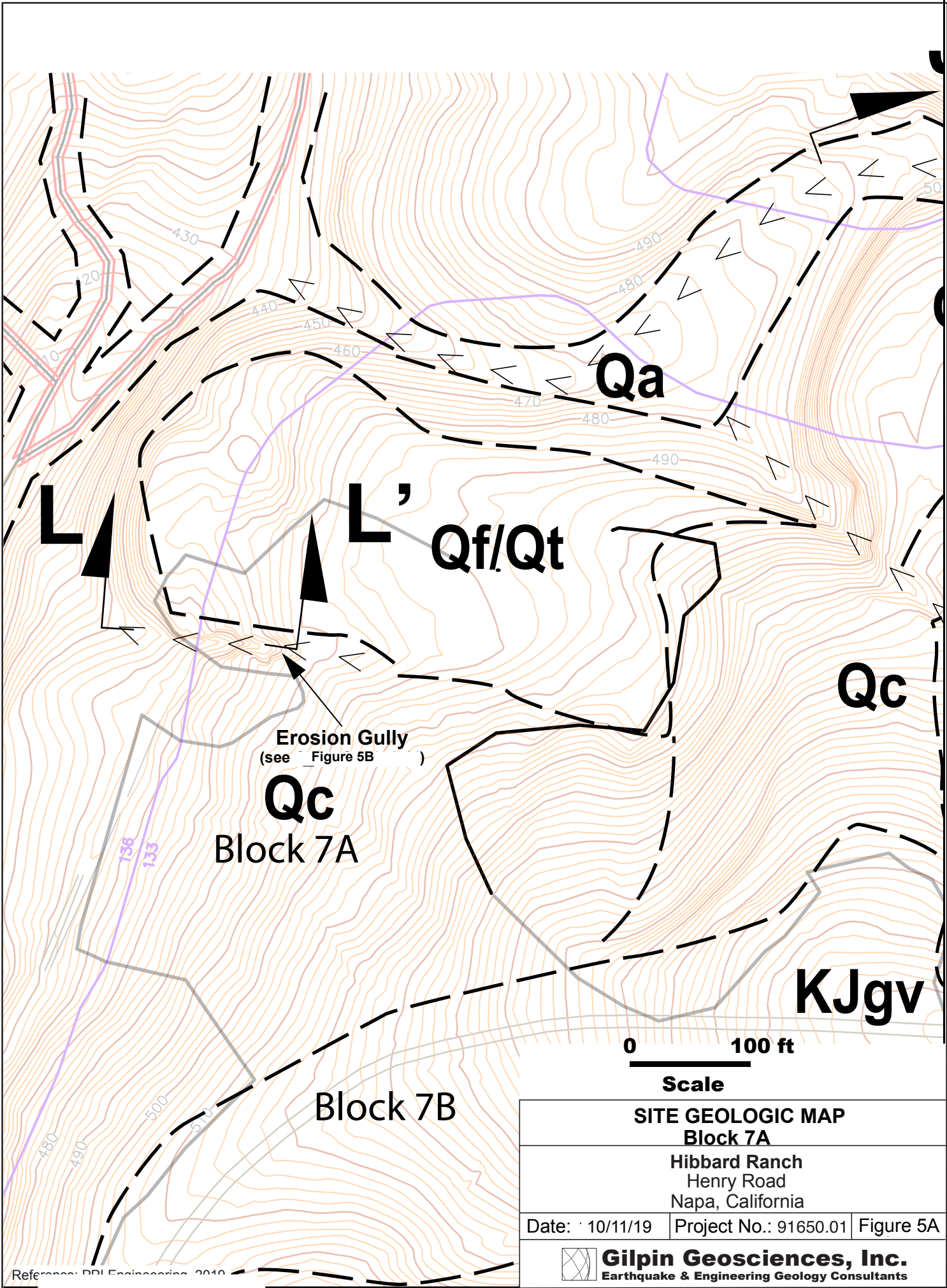
Hibbard Ranch
Henry Road
Napa, California

Date: 10/11/19 | Project No.: 91650.02 | Figure 1

Reference: PPI, 2019



Gilpin Geosciences, Inc.
Earthquake & Engineering Geology Consultants



0 100 ft
Scale

**SITE GEOLOGIC MAP
 Block 7A**

Hibbard Ranch
 Henry Road
 Napa, California

Date: 10/11/19 Project No.: 91650.01 Figure 5A

Reference: DDI Engineering, 2010



VINEYARD DESIGN
EROSION CONTROL
WATER DEVELOPMENT
DRAINAGE
PERMITTING
GPS/GIS


EXHIBIT J

2800 Jefferson Street
Napa, California 94558
707-253-1806
www.ppiengineering.com

MEMORANDUM

Date: October 9, 2020

To: Don Barrella, Napa County Planning, Building and Environmental Services (PBES)

From: Annalee Sanborn, PPI Engineering 

Cc: John McDowell, Napa County PBES
Laura Anderson, Office of Napa County Counsel
Tom Davies, V. Sattui Winery
Rob Anglin, Holman Teague Roche Anglin, LLP
Jim Bushey, PPI Engineering

Re: Construction Equipment Access for Hibbard Ranch Track I ECP
#P19-00069-ECPA

This memo is intended to supplement the Track I Erosion Control Plan (ECP) #P19-00069 dated April 2020 to clarify the route over which construction equipment for initial vineyard development will travel. The road network across the entire ranch shown in Figure 2 of the ECP shows all existing roads but does not delineate which roads will be used for what purpose. Included in this memo is a figure depicting the roads on the Hibbard Ranch property that will be utilized to transport heavy construction equipment to the proposed vineyard blocks. Construction equipment will not be transported on any roads not depicted in this figure dated October 2020.

All existing roads shown on this figure may continue to be used for ongoing vineyard maintenance operations consistent with their current use, which may include small farm tractors, pickup trucks, and/or ATVs.

Attachments:

Construction Equipment Access Figure



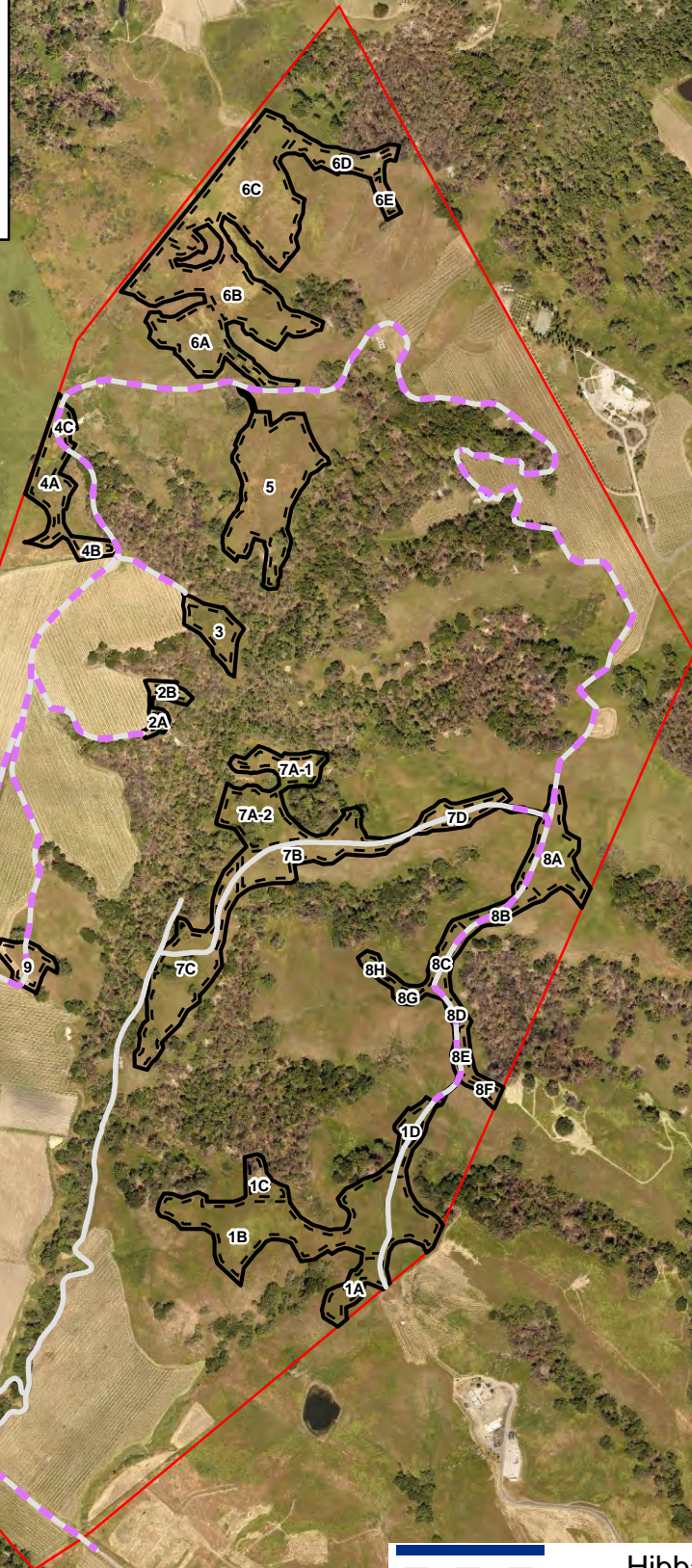
0 450 900 1,800 Feet

Legend

- Construction Equipment Access
- Existing Roads
- Proposed Block Boundaries
- Proposed Clearing Limits
- Property Boundary, Approximate

2018 Napa County Aerial Photo

4:26:07 PM 10/7/2020 R:\VSWHEN\Images\For County\Construction Access.mxd



PPI
ENGINEERING
2800 Jefferson Street
Napa, CA 94558
(707) 253-1806

Hibbard Ranch
Construction Equipment
Access
October 2020

EXHIBIT I

Valid Permit

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20779

(over)

Application 30005 of Daryl Sattui

1111 White Road, St. Helena, CA 94574

filed on September 13, 1991, has been approved by the State Water Resources Control Board SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

- | | |
|------------------------------------|-----------------------|
| 1. Source: | Tributary to: |
| 1), 2), & 3) Three Unnamed Streams | Carneros Creek thence |
| | Napa River thence |
| | San Pablo Bay |

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
By California Coordinate System, Zone 2					
1) DIVERSION TO OFFSTREAM STORAGE North 227,900 feet and East 1,891,550 feet	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	11	5N	5W	MD
OFFSTREAM STORAGE Unnamed Reservoir within	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	11	5N	5W	MD
2) STORAGE AND REDIVERSION, Reservoir No. 2 North 228,850 feet and East 1,890,950 feet	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD
3) STORAGE AND REDIVERSION, Reservoir No. 3 North 229,800 feet and East 1,890,750 feet	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD

County of Napa

*projected

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
Fire Protection						
Recreation						
Stockwatering	Offstream Reservoir within NW $\frac{1}{4}$ of SE $\frac{1}{4}$	11	5N	5W	MD	
	Reservoir No. 2 within SW $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD	
	Reservoir No. 3 within SW $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD	
Frost Protection						
Irrigation	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	2	5N	5W	MD	2
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	2	5N	5W	MD	20
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	2	5N	5W	MD	10
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	2	5N	5W	MD	10
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	1	5N	5W	MD	3
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	1	5N	5W	MD	5
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	12	5N	5W	MD	5
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	12	5N	5W	MD	10
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD	25
	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD	10
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD	10
	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	11	5N	5W	MD	30
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	11	5N	5W	MD	25
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	11	5N	5W	MD	25
	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	11	5N	5W	MD	10
	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	11	5N	5W	MD	15
	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	11	5N	5W	MD	5
					TOTAL =	220

*projected

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 147 acre-feet per annum to be collected from October 1 of each year to May 15 of the succeeding year as follows: 49 acre-feet per annum in Unnamed Offstream Reservoir, 49 acre-feet per annum in Reservoir No. 2, and 49 acre-feet per annum in Reservoir No. 3. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to off stream storage shall not exceed 1 cubic-foot per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1998. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1999. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1)adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2)the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. The State Water Resources Control Board reserves jurisdiction to impose conditions to conform this permit to Board policy on use of water for frost protection. Action by the Board will be taken only after notice to interested parties and opportunity for hearing. (0000020)

15. Permittee shall install and maintain an outlet pipe of adequate capacity in each dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoirs which is not authorized for appropriation under this permit can be released. Before starting construction, permittee shall submit plans and specifications of the outlet pipes to the Chief of the Division of Water Rights for approval. Before storing water in the reservoirs, permittee shall furnish evidence which substantiates that the outlet pipes have been installed in each dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer. (0050043)

16. Permittee shall install and properly maintain in the reservoirs staff gages, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage readings on or about October 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

Permittee shall allow designated representatives of Heublein, Inc. - BV8, W. Andrew Beckstoffer, Rene Di Rosa, Sterling Vineyards, Regency Vineyard, and Chardonnay Vineyards, Ltd., reasonable access to the reservoir and diversion facilities for the purpose of verifying staff gage readings and determining water levels in the reservoirs. (0070047)
(0100047)

17. Whenever the prior storage rights of Heublein, Inc. - BV8 (under License 12582 issued pursuant to Application 24345A), the prior storage rights of W. Andrew Beckstoffer (under Licenses 11580 and 11581 issued pursuant to Applications 24222A and 24222B), the prior storage rights of Rene Di Rosa and Sterling Vineyards (under License 12211 issued pursuant to Application 20357), the

prior storage rights of Regency Vineyard (under Permit 18304A issued pursuant to Application 25294A), and the prior storage rights of Chardonnay Vineyards, Ltd. (under Permit 18303 issued pursuant to Application 25293), are not satisfied by May 15 of any year, water collected to storage under this permit during the current collection season shall be immediately released at the maximum practicable rate to the extent necessary to satisfy said prior downstream storage rights. Permittee shall not be obligated to release water in the reservoir(s) below the previous October 1 staff gage reading unless permittee has withdrawn water from the reservoirs for consumptive purposes since October 1. (0000051)

18. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted under this permit until permittee has entered into a stream or lake alteration agreement with the California Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

19. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 30006, shall not exceed 147 acre-feet per annum. (0000114)

20. This permit is specifically subject to the prior right of Heublein, Inc. - BV8 under appropriation issued pursuant to Application 24345A, W. Andrew Beckstoffer under appropriation issued pursuant to Applications 24222A and 24222B, Rene Di Rosa and Sterling Vineyards under appropriation issued pursuant to Application 20357, Regency Vineyard under appropriation issued pursuant to Application 25294A, and Chardonnay Vineyard, Ltd. under appropriation issued pursuant to Application 25293. (0160800)
(000T001)

21. Permittee shall, prior to any grading, obtain the required Napa County grading permit. Prior to any grading on slopes greater than 5%, permittee shall submit to the Chief of the Division of Water Rights, State Water Resources Control Board, an Erosion Control Plan approved by the County of Napa. (0400500)

22. Permittee shall, for the protection of oak woodland, plant three oak trees for every one oak tree removed. Trees may be planted in groves in order to maximize wildlife benefits and shall be native to Napa County. The tree species and planting scheme shall be approved by the Department of Fish and Game prior to planting. Permittee shall submit to the Chief of the Division of Water Rights a copy of the approved planting scheme. (0400500)

23. For the protection of riparian habitat, permittee shall retain the riparian vegetation. Pursuant to Napa County Ordinance 991, no vegetation shall be removed within the stream zone except that which is necessary to construct diversion structures. All riparian corridors shall be excluded from the area to be developed (i.e. vineyards). (0400500)

24. The five archeological sites identified in the document An Archaeological Survey For The Henry Ranch Property, Carneros Valley, Napa County, California (dated March 24, 1993), and listed individually as; Child's Grave, Ranch Complex, Herb's BRM Site, The Dead Pigeon Site, and the Springside BRM Site; shall be excluded from the project place of use and shall otherwise not be subject to any

impacts related to, or resulting from, the proposed water diversion, storage, or use. If project developments are to occur in the vicinity of the Child's Grave or Herb's BRM Site, these sites shall be protected by fencing (three-strand barbed wire stock fencing with flagging) to prevent inadvertent encroachment during construction activities and/or subsequent vineyard maintenance. Future development at the locations of these five cultural resources may be allowed following a significance determination and the completion of appropriate mitigation measures approved by the Chief of the Division of Water Rights. (0380500)

25. If any previously unrecorded cultural resources are discovered during project activities authorized subsequent to the issuance of this permit, such activities shall cease within 100 feet of the discovery and the Chief of the Division of Water Rights shall be notified as soon as possible. The significance of the find shall be evaluated by a qualified archeologist and any recommended mitigation measures, as approved by the Chief of the Division of Water Rights, shall be implemented prior to the resumption of project activities in the site vicinity. (0380500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

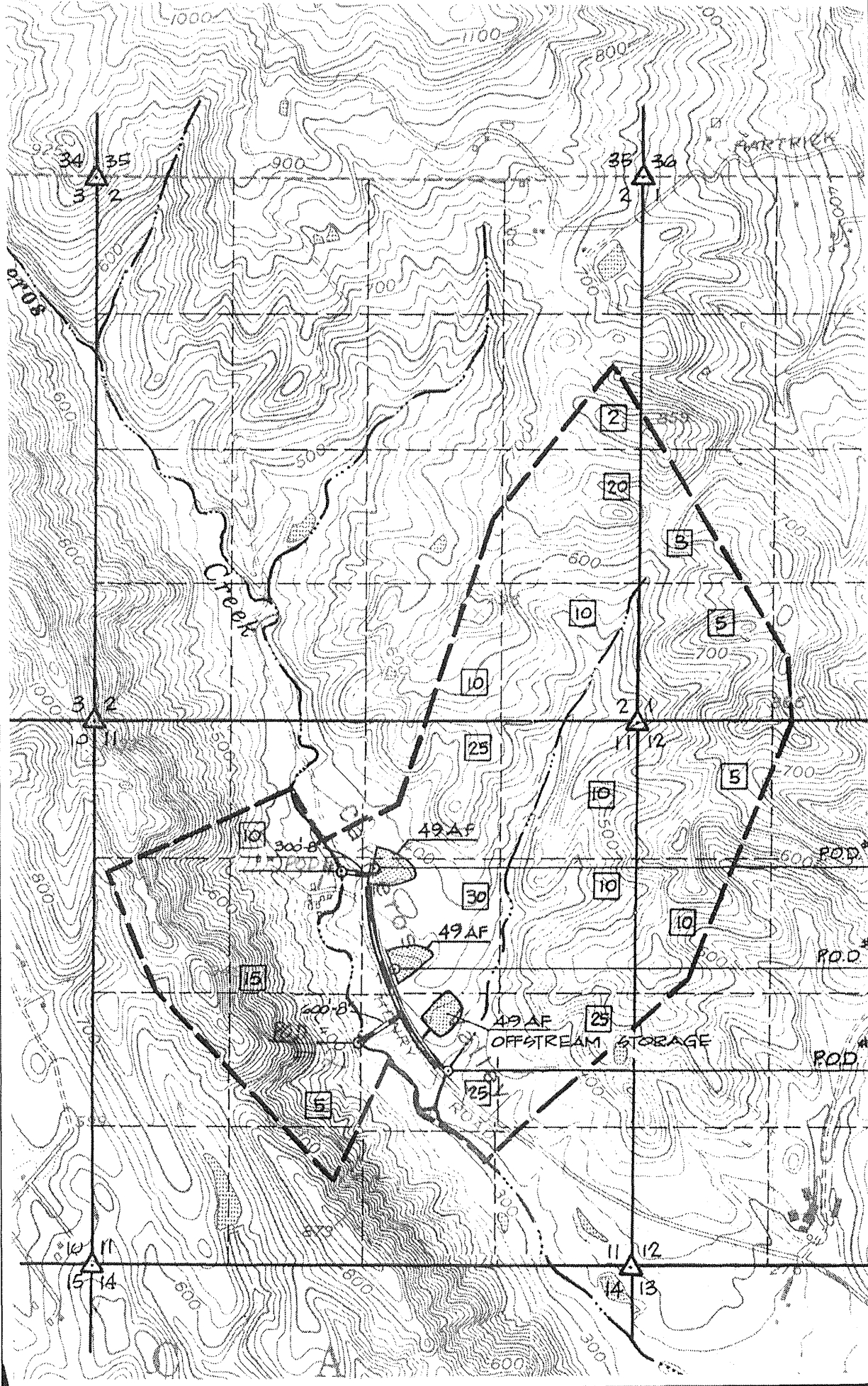
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MARCH 8 1995

STATE WATER RESOURCES CONTROL BOARD

Roger Hummer
Chief, Division of Water Rights



Attachment 3

Yvonne Baginski

Yvonnebaginski@gmail.com

707-694-5486

Response to Initial Study Checklist

Hibbard Ranch Vineyard Conversion, #P19-00069-ECPA

It's business as usual in Napa County. As oak woodland and grasslands are being transformed into vineyards, we are continuing with development and increasing carbon emissions, without making any of the changes we will need to survive the years ahead. Despite last week's United Nations report citing catastrophic consequences if we don't change our ways, it seems Napa County is continuing the path it's always been on: Cutting trees, clearing wildlife habitat, and eroding land into sediment filling the streams.

In reading the Initial Study checklist for the Hibbard Ranch Vineyard Conversion, I'd like to start with an objection to calling it a "vineyard conversion." A more suitable title would be "wood and grassland conversion." Because that's what is really going to happen.

Whether or not this letter of objection and concern bears any weight or initiates considerations is something I can only hope for. I also know that my concerns are reflected by a large number of people living in our community. While they don't often voice, they do feel. (As I sat reading the study in the room of a patient in St. Helena Hospital today, many going in and out of the room asked me what I was doing. When I showed them the study, and outlined the contents, it initiated many conversations on the destruction of our valley environment into a business model that will ultimately take us to another level of despair.)

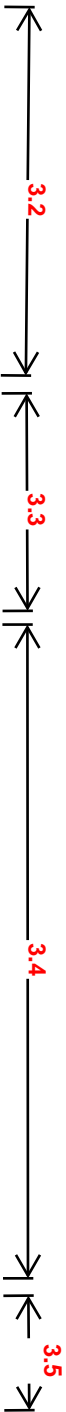
Some residents actually believe that the protests on the Walt Ranch property established some sort of precedent to stop the future of environmental destruction and building more vineyards in Napa County. They saw that a message had been sent, but obviously not received.

Daryl Sattui, the owner of V. Sattui Inc, has a reputation as an "environmentalist." This public persona creates disbelief that more land was going to be destroyed for a vineyard. Especially by the respected Mr. Sattui. I hope that Mr. Sattui realizes our rapidly changing world crisis and takes another look at this plan for a vineyard through the lens of our catastrophic future.



Let's look at some of my concerns:

1. The original wildlife/biological survey on this property was made in December 2018. That was 4.5 years ago. Since then, both Napa and Sonoma Counties have had two major wildfires race through and destroy large areas of grasslands, woodlands, special-status plants, wildlife, and habitat. We have also been in an unprecedented drought. Thousands of acres have been annihilated. And, thousands of animals. A lot of devastation. The impact of which, has never really been studied. Other than anecdotal evidence, I haven't seen a study on what the impact of the fires was on our biological regions, and any numbers of what survived, how it adapted, and where it is located. In other words, what has relocated or adapted to this piece of land since December 2018? What animals have moved in? What plants have sprung up? Is there a new biological profile of the region?
2. December 2018, is also winter. The survey was conducted in winter. Nesting birds aren't found in winter. Some of the native species plants have died back, or are dormant. The grasshopper sparrow, for example, is a "summer resident in California." So, it stands to reason none would be seen on the property in December. There were no observations at the site visit because the visit was made at the wrong time of the year. The same with the Bryant's Savannah Sparrow, which is only observed in the area during breeding season...and, December is not breeding season.
3. In light of the massive kill off of the tree in both counties, we don't know what bats, birds, insects or other animals moved onto this property and started to live in these remaining trees. Again, the second, more limited study, was made in September 2019, and it appears to have been focused on the possible bat trees. The years after this may have changed this reality. Are mountain lions, bears or other large animals now walking across this property? Where have they all gone once their previous habitat was destroyed by fire?
4. I know that in my backyard, so many different species of birds have "suddenly" appeared in the past two years. Their regular food supplies are gone, and we are seeing a migration to other food sources. Unfortunately, I don't know whether anyone is tracking this. We even have deer living in our neighborhood in the past couple of years. Unheard of five years ago.
5. I'm a regular walker in nature. I know that a "one-time" trip to a wildland area does not give me an accurate picture of the wildlife inhabitants. If I walk an area weekly, over many months, I am always surprised at what I find at different times of the day, seasons, etc. I don't understand how a wildlife biologist can go out one or two times and write up a comprehensive report. Many animals are also nocturnal, so how can they be observed on a December afternoon? I believe it would be more effective to put up night cameras for accurate observations of animals using these lands, as well as make ten or more visits to the property.
6. What is most significant is that this is private property, with no access to the public. How is data compiled on what wildlife lives here? Who is recording and tracking the wildlife?



Mitigation Measure BR-3

Vegetation removal and ground disturbing activities will be an ongoing process coinciding with bird breeding. All this noise and disturbance will definitely spook birds to other locations. If by chance, an unlucky bird decides to nest near the project site, and is caught in the act by a “qualified biologist” who then submits the report to CDFW, who will enforce the action? The CDFW has no enforcement authority in this capacity, only “advisement.” There are no fines or other consequences. When it’s said that nesting birds cannot be disturbed by cannons, spraying, sirens, etc....who does the enforcement and reporting? This is private land. Members of the public have no access to it, and this system of reporting is a complaint-driven system. There is no one out there “checking” on the status of the nesting birds, or whether these birds are eliminated from the site. This would have to be voluntarily reported by the contractual laborer working on the project. What do you believe are the chances of this happening? Is it easier to run over a nest in the way of grading a road, or stop working for the day, call in a biologist, build a fence around it, etc. I believe that expediency will take precedence.

3.6

Mitigation Measure BR-4.

This is in regard to replacing vegetation and trees at a ratio of 2:1. Other studies submitted for approval on other projects have ratios as high as 5:1. Can this 5:1 ratio be considered for this property, as well? It’s been often pointed out that the new plantings have about a 20 percent survival rate. A higher ratio could mean a higher rate of survival. Who monitors replacement vegetation? I have experienced replacement vegetation promises that have never been fulfilled. Again, is this going to be complaint driven for enforcement? My experience with the Napa County Planning Dept. investigations occur only when a public complaint is lodged. This means that members of the public would somehow have to have access to the property and know what to look for in the mitigation. It is unrealistic. Perhaps an annual review of the mitigation could be a part of the process?

3.7

Mitigation Measure BR-5

The wildlife exclusion fencing is an environmental travesty. This is a takeover of wildlife environment, which is in significant jeopardy in Napa County due to encroachment, development, drought, wildfires and neglect. Wildlife corridors are not enough. Migrations, foraging, and other aspects of survival are only possible when there is a conducive environment. These animals are facing not only limited resources, but eventual extinction if the ways we currently operate, don’t change. Starving mountain

3.8

lions and bears notwithstanding, we need to be more considerate of all the animals using these lands, as well as what remains for use as land is continuing development without wildlife considerations. The exclusion fencing must be correctly installed. There is a number of properties throughout Napa Valley where the vineyard fencing has been installed upside down so that small critters cannot go through the fencing. This needs to be closely monitored. Also, we are seeing deer guards installed in front of gates. This practice must be monitored. Deer get caught in these guards, legs break, and then are shot or slowly die. Please don't install these guards.

The destruction of the oak trees to build this vineyard lacks the integrity of recognizing that our local environment has already suffered beyond the human ability to repair. These mitigations of replanting at a 2:1 or 3:1 ratio are absolutely ludicrous in this different time of climate disaster. We need to realistically assess the possibility of leaving all trees be, and continuing to plant more wherever possible. It's not only about the carbon sequestration, it's also about weather changes, canopies for animals, etc. These trees support life, and in destroying them for private, economic gain, this property owner is only contributing to a future that is predicted to be unlivable.

Napa County needs time to heal. We've had almost five straight years of environmental disasters. And yet, it's business as usual in the vineyards. Our streams, creeks and waterways are filled with sediment, our salmon are disappearing, and herbicides are sprayed with impunity to run off to polluting our waters and poisoning our air. The GHG levels continue to increase, and our ability to monitor actual impact of construction is limited to paper promises and data that is measured against 2008 standards.

We need an imminent climate action plan in Napa County, with up-to-date standards for current agricultural practices. This vineyard, and the many projects currently in development, could provide leadership in designing the changes we will need to survive in the years to come.

This study spells out the necessity for California to become carbon neutral by 2045. However the California Air Resource Board has set a target of cutting greenhouse gases by 48% below 1990 level by 2030. In reading this study, it is very murky on how it is possible to remove all this vegetation, do all this construction and bring in all this equipment, and still have little or no impact on the environment. All that has to be done is set aside 1.35 acres for preservation, and all this other stuff being done has "no or less than significant impact." It jars my senses to see this justification. A "negligible" change to carbon sequestration in converting a fallow field...but, what about all those trees that are being cut down? Are we to believe that taking down full grown trees and replacing them with saplings planted elsewhere negates the impact of their loss on the environment?

I submit this response with the hope that the following actions will be taken:

1. A new biological resources/wildlife study be conducted, in spring/summer, 2023.
2. The impact of biological loss in surrounding habitat be considered to increase the "land preservation" area.
3. The land erosion, landslide potential and soil loss be weighed heavily as a deterrent to building on the slopes above 20 percent.
4. That all mitigations are closely monitored, approved and checked in on over the five year phase by reliable, trustworthy partners, i.e. the Napa County RCD, or other nonprofit environmental organizations.

3.8 Cont.

3.9

3.10

3.11

5. The wildlife biologist who will be “watching” for nesting birds and other possible disturbances has information in both English/Spanish posted throughout the site for immediate contact in case of wildlife disturbance. Also, for the reporting of any sighting of animals not noted in the biological report.
6. That the wildlife exclusion fence be checked before final approval for placement in the correct position.
7. That this vineyard be deemed “organic” and qualify for a green status.
8. The trees on the property be left alone and the vineyard is built around them.
9. The streams are monitored by RCD for silt/dirt and other harms potential to the fish population.
10. That drainage tiles not be placed in the soil so that rainwater is able to seep naturally into the ground and replenish our acquifers.

Thank you for this consideration.

Yvonne Baginski

Exhibit A - Responses to Comments



May 16, 2023

Annalee Sanborn
PPI Engineering
2800 Jefferson Street
Napa, CA 94558

RE: Response to CDFW Comments 2 & 3 – V. Sattui Winery Inc., Hibbard Ranch Agricultural Erosion Control Plan (ECPA) File #P19-00069-ECPA; 1600 Henry Road: APN 050-380-014 (WRA Project #27406)

Ms. Sanborn,

This letter is intended to address Comments 2 and 3 from the California Department of Fish Wildlife (CDFW) letter dated March 28, 2023 addressed to the County of Napa. CDFW recommends additional mitigation measures for the *V. Sattui Winery Inc., Hibbard Ranch Agricultural Erosion Control Plan (ECPA) File #P19-00069-ECPA*. The following addresses the CDFW's comments.

Response to Comment 2: Swainson's Hawk

Under this comment, CDFW noted that surveys for Swainson's hawk (*Buteo swainsoni*) should be conducted as part of the mitigation measures prior/during project implementation. In the *Biological Resources Reconnaissance Survey (BRRS) Report*, dated December 2018 drafted by WRA, recommended nesting bird surveys if ground disturbance occurs between February 1 and August 15. This recommendation was included as Mitigation Measure BR-2 by Napa County.

WRA will conduct pre-construction nesting bird surveys. These surveys are scheduled to be conducted both within the vineyard blocks and across the subject property. There is a particular focus on raptors (e.g., red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*)), including Swainson's hawk among other birds. The survey will consist of biologists with extensive experience surveying the avian fauna of Napa and Sonoma counties meandering the vineyard blocks and their vicinity from dawn until late morning. All birds in the vicinity will be identified by visual (e.g., naked eye, binoculars, spotting scope) and audio (e.g., calls, songs). The biologists will observe birds and investigate nesting/nurturing cues (e.g., nest material gathering, provisioning/caching food, direct observation of nests/young).

Raptors always form a significant focus of these surveys with biologists using binoculars and spotting scopes to observe such birds soaring and tracing their flights to potential on-site or nearby nests. Potential nests are thoroughly searched for, and if found, the biologists will conduct extended investigation of such. Observation is from a distance sufficient to determine the status of young while not disturbing the nest. Given the size and scope of the proposed project, nesting bird surveys will be conducted by multiple biologists and possibly over the course of two days.

If nests are found, biologists will provide species-specific buffers sufficient to protect the nesting birds. Follow-up surveys may be conducted to determine if/when young have fledged. These

measures are sufficient to account for and protect all birds, including raptors such as Swainson's hawk.

Comment 3: Valley Oak Woodland

Under this comment, CDFW noted that because the project proposes to remove several valley oak trees there may be valley oak woodland situated within the proposed project area/subject parcel. The subject property hosts an extensive, contiguous stand of woodland that contains a range of native trees. While valley oak (*Quercus lobata*) is a component of the stand, the dominant species are coast live oak (*Quercus agrifolia*) and California bay (*Umbellularia californica*), thus meeting the standard of coast live oak-California bay woodland as documented in the BRRS Report (WRA 2018). Likewise, several of the valley oaks slated for removal are stand-alone trees not forming a contiguous canopy. The removal of these trees will be replaced at a 3:1 ratio as included as Mitigation Measure BR-5 by Napa County.

WRA biologists are currently drafting a Habitat Mitigation and Monitoring Plan (HMMP) that details the proposed location of replacement plantings, tree procurement, site treatment, planting and maintenance details, monitoring methods, success criteria, and long-term management. This mitigation, along with preservation of woodland under Napa County Policy CON-24c, should be sufficient compensation for the loss of these trees and the persistence of the on-site woodlands.

Please contact me if you have questions or require additional information. Sincerely,



Aaron Arthur
Associate Biologist
WRA, Inc.
arthur@wra-ca.com