

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency): Napa County Flood Control and Water Conservation District
804 First St
Napa, CA 94559

County Clerk
County of: Napa
1195 Third Street
Napa, CA 94559

(Address)

Project Title: Napa River/Napa Creek Flood Protection Project Geotechnical Explorations

Project Applicant: Napa County Flood Control and Water Conservation District

Project Location - Specific:
In the parking lot just west of the Napa River Pet Hospital building, and at the northern terminus of Wall St. in Napa, CA.

Project Location - City: Napa Project Location - County: Napa

Description of Nature, Purpose and Beneficiaries of Project:

The District is proposing geotechnical explorations in Napa near the west bank of the Napa River. The geotechnical explorations are a preparatory action that is necessary to obtain data in order to inform the design of flood walls in the area.

Name of Public Agency Approving Project: Napa County Flood Control and Water Conservation District

Name of Person or Agency Carrying Out Project: Napa County Flood Control and Water Conservation District

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); 15304 - Minor Alterations to Land and
- Categorical Exemption. State type and section number: 15306 - Information Collection
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The District finds that the Project activities fall within the Section 15304, Minor Alterations to Land, Class 4 and Section 15306, Information Collection, Class 6 exemptions. The Project involves a limited number of minor, temporary, and localized alterations in the condition of land and vegetation for the purposes of data collection, with no removal of any healthy, mature, scenic trees and no serious or major disturbance to any environmental resource. None of the exceptions set forth in Section 15300.2 of the CEQA Guidelines apply. As a result, the proposed Project is categorically exempt from CEQA.

Lead Agency
Contact Person: Richard Thomasser Area Code/Telephone/Extension: 707-259-8600

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: August 1, 2023 Title: District Manager

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____



CEQA Exemption Supplemental Information
Proposed Napa River/Napa Creek Flood
Protection Project Geotechnical Explorations

Napa County Flood Control and Water Conservation District
August 2023

1 Introduction

The Napa County Flood Control and Water Conservation District (District) is proposing geotechnical explorations or investigations on the west bank of the Napa River in Napa, CA to investigate subsurface conditions (Project). The geotechnical explorations are a preparatory action that is necessary to obtain data to inform the design of the proposed flood walls in the area.

The District has determined that the Project is categorically exempt under CEQA State Guidelines Section 15304, Class 4 (Minor Alterations to Land) and Section 15306, Class 6 (Information Collection) and would not result in any significant effects to environmental resources, due to the short-term and localized nature of the geotechnical investigations.

2 Project Location

The proposed geotechnical investigations include 2 or more borings in areas adjacent to the proposed flood wall site. The locations of the proposed geotechnical investigations are in or near APN 044220004000 (Napa River Pet Hospital), APN 044220008000 (Ace and Vine), and APN 044220024000 (Paris). The borings are located approximately 325 feet apart on the east and west side of the Ace and Vine parking lot near the Napa River Pet Hospital and the Paris property. The access route for the investigations would be from Lincoln Avenue and Wall Street.

3 Description of Proposed Investigations

The proposed Project includes subsurface geotechnical borings to evaluate and document site characteristics. As stated above, the geotechnical investigations would include 2 or more borings. The boring near the Pet Hospital Site would be drilled to a depth of approximately 50 feet below existing grade. The boring near the Paris Site would be drilled to a depth of approximately 30 feet. Truck-mounted drilling equipment using rotary wash and/or hollow stem augers would be used. Soil samples would be collected typically using split-spoon samplers and select soil samples would be submitted for laboratory testing. Actual depths would depend on subsurface soil conditions encountered.

A field engineer would log the borings and obtain soil samples for further visual classification and laboratory testing. Sampling intervals would typically every 2.5 to 5 feet. After drilling is complete, the borings would be backfilled with grout in accordance with Napa County boring permit requirements. Generated waste would be disposed of off-site.

The proposed geotechnical investigations would require up to seven personnel. Each geotechnical investigation site would be active for less than one day between 7am and 6pm. The proposed geotechnical investigations are anticipated to take place in the August/September 2023 timeframe. Exact timing of the investigations would depend on coordination with the local landowners, drilling contractors, and weather.

Investigations would be temporary and short term. Due to the proximity of the investigations to sensitive environmental resources, the District has developed and incorporated project commitments into the proposed Project, as appropriate such as the use of pre-construction surveys, monitoring, and inadvertent discovery protocols to avoid potential environmental impacts. Although proposed investigation locations have been identified, slight adjustments in exact location may be required: 1) to avoid sensitive environmental resources; 2) if specific site conditions are different than anticipated; or 3) if additional locations are needed. If identified locations must be adjusted or additional locations are needed, coordination with resource experts to avoid sensitive resources, consistent with the District's project commitments, would be completed. If sensitive biological resources cannot be avoided, coordination with resource agencies would be initiated in compliance with federal, state, and local laws, as applicable. Equipment, vehicles, and materials would be temporarily staged at each investigation area. Staging would be located within approved access/previously disturbed areas. Crews and pickup trucks would access the investigation areas daily for the investigations. Landowners would be notified verbally prior to commencement of investigations as necessary. Vegetation pruning/removal is not anticipated to conduct the investigations.

Environmental Commitments

The District has developed and incorporated project commitments into the proposed Project to avoid potential environmental impacts. Project commitments are described below.

Clearance Surveys

Clearance surveys for special-status wildlife and nesting birds will be conducted by a qualified biologist within 24 hours prior to the start of Project investigations. The qualified biologist would be

retained as a biological monitor when deemed necessary. The biologist will be responsible for monitoring for the presence of wildlife in and adjacent to investigation areas and will set up no disturbance buffers around sensitive biological resources, should they be located. The biological monitor will have the power to stop investigations should special-status wildlife enter the investigation area and will monitor individuals until they leave the investigation areas of their own volition.

Inadvertent Discovery Protocol

Because not all cultural resources are visible on the ground surface, protocols for addressing the accidental discovery of archaeological resources or human remains during Project implementation are outlined below.

- If important (potentially eligible) cultural resources, such as structural features, unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains are encountered during any Project activity, investigations shall be suspended in coordination with the appropriate contractor supervisor immediately at the location of the find and within an appropriate radius, with a minimum of 50 feet.
- The SOI-qualified archaeologist shall conduct a field investigation of the find and recommend avoidance measures deemed necessary for the protection of any cultural resource concluded by the archaeologist to represent a historical resource or unique archaeological resource.
- If necessary, the archaeologist shall recommend additional measures in consultation with the District and, as appropriate, interested parties such as Native American tribes. The District shall determine when/if ground-disturbing activities at the geotechnical locations may resume.
- In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the potentially damaging excavation must halt in the area of the remains and the Napa County Coroner must be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5(b)). If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050(c)). Pursuant to the provisions of Public Resources Code Section 5097.98, the Native American Heritage Commission will identify a Most Likely Descendant. The Most Likely Descendant designated by the Native American Heritage Commission will have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.
- If human remains that are not of Native American origin are discovered, disposition of the remains shall be determined in consultation with the County Coroner or possible descendants, if they can be identified.

Tribal Cultural Resources

No tribal cultural resources are anticipated within or in the vicinity of the proposed geotechnical investigations. However, depending on the nature of the find, an archaeological resource inadvertently discovered during implementation may also meet the criteria for a tribal cultural resource. If the District determines that the Project may cause a substantial adverse change to a tribal cultural resource, the District may employ one or more of the following standard measures identified in Public Resources Code 21084.3(b).

- Avoidance and preservation of the resources in place, including, but not limited to, planning and implementation to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the Tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - Protecting the cultural character and integrity of the resource
 - Protecting the traditional use of the resource
 - Protecting the confidentiality of the resource
 - Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

4 CEQA Exemption Determination

Approval of the Project is a discretionary action pursuant to CEQA (Pub. Resources Code Section 21000 et seq.). Section 21084 of the Public Resources Code requires the CEQA Guidelines include a list of classes of projects which have been determined not to have a significant effect on the environment and “which shall, therefore, be exempt from the provisions of CEQA.” These exemptions are referred to as categorical exemptions. The District has determined that the proposed geotechnical investigations are exempt from CEQA, pursuant to the CEQA Guidelines, Section 15304. Minor Alterations to Land and Section 15306. Information Collection:

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.

Class 6 consists of basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

The District’s CEQA exemption finding is based on:

1. The proposed Project consists of geotechnical investigations that will result in minor alterations to public and private land with limited to no removal of vegetation, and no removal of healthy, mature or scenic trees. (Class 4)
2. The proposed Project consists of data collection to investigate the Napa River/Napa Creek Flood Protection Project, with only discrete, temporary and localized effects, and no serious, long-term or major disturbance to any environmental resource. (Class 6)

The CEQA Guidelines Section 15300.2., limit the use of categorical exemptions in six circumstances:

- a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
- c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

None of these exceptions apply to the proposed Project, as outlined below.

No environmental resources would be impacted by the proposed Project. Environmental commitments of the proposed Project would prevent impacts from site access or drilling operations on environmental resources.

The proposed Project would comply with federal and state water discharge requirements, which would include best management practices (BMPs) to reduce pollutants in stormwater and non-stormwater discharges during proposed Project investigations. In addition, the District would coordinate with private well owners to avoid localized effects on groundwater availability, if needed.

Because the proposed Project would be short term and temporary, impacts of the proposed Project would be localized and limited to the temporary installation and use of investigation equipment and carrying out the associated investigations. Localized removal of vegetative ground cover may occur within vegetated investigation areas but would be limited and would be restored after proposed Project investigations are complete. The proposed Project would completely avoid any wetlands and waters of the U.S. or State in and adjacent to the proposed sites. The proposed Project would not result in any significant effects on riparian habitat or other sensitive natural terrestrial communities identified in local or regional plans, policies, regulations, or by California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

The proposed Project would incorporate environmental commitments to avoid and/or minimize potential effects on biological resources and cultural resources as described above in Section 3. The proposed Project may occur during nesting bird season; however, no tree or shrub removal is

anticipated, and pre-construction clearance surveys for special-status species and nesting birds would be conducted. All areas would be cleared by a qualified biologist prior to the start of investigations. Therefore, proposed Project would not result in any significant or adverse effects on special-status fish, wildlife, or plant species.

There are no officially designated scenic highways in the vicinity of the proposed Project. The proposed Project would not be located in, or visible from, an officially designated scenic highway or remove or damage scenic resources within an officially designated scenic highway.

The proposed investigations would not occur on listed hazardous materials sites. In the unlikely event that any hazardous wastes are discovered during proposed Project implementation, such wastes would be handled and disposed of pursuant to applicable regulatory requirements.

Actions would be taken to avoid potential public hazard or health effects including site-specific health and safety plans and wildfire prevention measures. Equipment required for implementation of the proposed investigations would require the use of some materials (e.g., gasoline and lubricants) designated as hazardous; however, appropriate transport, use, and/or disposal of hazardous materials would be followed.

The District would avoid any potential effects to cultural resources, including prehistoric and historic-era archaeological sites, buildings, structures, Tribal Cultural Resources, Traditional Cultural Properties, Native American sacred sites, and human remains. The proposed geotechnical investigations have been sited to avoid all known archeological resources. The proposed Project also includes standard protocols to avoid any effects to any unknown resources that might be discovered during construction. Proposed Project ground-disturbing activities would be immediately halted if cultural resources or human remains are discovered, and such geotechnical investigations would be relocated, if necessary, to avoid effects.

Lastly, the proposed Project would not contribute to any significant cumulative impact. Impacts from the proposed Project would be discrete, temporary, and localized and would not aggregate with potential impacts from other projects, such that no significant cumulative impacts would occur.

As a result, the District has determined that the proposed geotechnical investigations fall within the Class 4 and Class 6 exemptions described above. None of the exceptions set forth in Section 15300.2 of the CEQA Guidelines apply. For all the reasons stated above, the proposed Project is categorically exempt from CEQA.