

COUNTY OF NAPA
PLANNING, BUILDING AND ENVIRONMENTAL SERVICES DEPARTMENT
1195 THIRD STREET SUITE 210
NAPA, CA 94559
(707) 253-4417

Initial Study Checklist
(form updated January 2019)

1. **Project Title:** Infinite Leisure LLC Grading Permit (ENG23-00020)
2. **Property Owner:** Infinite Leisure LLC Care of: Cynthia Calderon, 1390 N. McDowell Blvd. #G177, Petaluma, CA 94954. Email: cynthia@transcendweathpartners.com
3. **County Contact Person, Phone Number and email:** Wendy Atkins, Planner II, Planning, Building & Environmental Services, 1195 Third Street, Second Floor, CA 94559. Phone: (707) 259-8757 or email: wendy.atkins@countyofnapa.
4. **Project Location and Assessor's Parcel Number (APN):** The project is located on approximately 108 acres within the AW (Agricultural Watershed) zoning district at 1301 Grandview Drive (Proposed Residence and Access Drive), APN 043-061-019 and 1200 Grandview Drive (driveway only), APN 043-061-019, Napa, CA 94558, APNs 043-061-019, 043-061-020.
5. **Project sponsor's name and address:** Infinite Leisure LLC Care of: Cynthia Calderon, 1390 N. McDowell Blvd. #G177, Petaluma, CA 94954. Email: cynthia@transcendweathpartners.com
6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)
7. **Zoning:** AW (Agricultural Watershed)
8. **Background/Project History:** On July 27, 2023, a Lot Line Adjustment was approved, which increased the size of the subject project by 9.62 acres. In April 2023, separate Building Permit applications (BR23-00567-NEW, BR23-00569-NEW, and BR23--00570-NEW) were submitted for a new main dwelling, accessory dwelling unit, and guest house. A Grading Permit Application was submitted on July 6, 2023, for grading associated with a driveway for the new main residence, accessory dwelling unit, guest house, and driveway.
9. **Description of Project:** The proposal would allow a total cut and fill of 5,165 cubic yards of soil to be disturbed, including a 22,782 sq. ft. excess soil dispersal area, to construct building pads and a driveway for a new single-family dwelling, accessory dwelling unit, and a guest house associated with a Grading Permit application. Portions of driveway sections, main residence, and accessory dwelling unit are located on slopes that exceed 10 percent, and results in a driveway over 300 feet in length, which triggers a discretionary grading permit. No trees are proposed to be removed as part of the project.
10. **Describe the environmental setting and surrounding land uses:** The project site encompasses two parcels: 1301 Grandview Drive (APN 043-061-019) and 1200 Grandview Drive (APN 043-061-020), approximately 108-acres. The project site is located in southwestern Napa County, approximately two aerial miles southwest of downtown Napa and eight miles east of downtown Sonoma. The project site is situated in the Howell Mountains of Napa County on the southern flank of the Mayacama Mountains where the hills are low elevation and gradient rolling into the Napa-Sonoma Baylands. The overall topography of the project site is gently- to moderately-sloped, ranging from approximately 80 to 320 feet above sea level. According to the *Soil Survey of Napa County* (USDA 1978), the project site is underlain by four soil mapping units: Clear Lake clay, drained, 0 to 2 percent slopes; Forward silt loam, 5 to 39 percent slopes; Forward-Kidd complex, 11 to 60 percents slopes; and, Haire Loam 2 to 9 percent slopes.

1301 Grandview Drive (APN 043-061-019) is a 33.1 acre property developed with agriculture, two reservoirs, a well, 25.35 acres of vineyard and several stands of mature trees. The trapezium shaped property is between 80 and 265 feet above mean sea level on land with slopes from 0 to over 50 percent. Access to the site is through the adjacent property to the north and west. Portions of the parcel are located in the Significant Stream 1,500' buffer. A well exists on the site, which is not currently used, and located outside of the Stream 1,500' buffer. The existing well and a new optional well will provide water to the new residential structures. This parcel is not served by

City of Napa water.

1200 Grandview Drive (APN 043-061-020) is a 74.38 acre property developed with one reservoir, two residential units, two leachfields, and two seasonal wetland. The uniquely shaped property is between 150 and 315 feet above mean sea level on land with slopes from 0 to over 50 percent. Access to the site is located off of Grandview Drive. Grading to accommodate the new driveway for the new residential uses on 1301 Grandview would occur on this parcel including a 22,782 sq. ft. excess soil dispersal area. No other development is proposed on this parcel. This parcel is served by an existing City of Napa water service.

11. **Other agencies whose approval is required** (e.g., permits, financing approval, or participation agreement).
The project would also require various ministerial approvals by the County, including but not limited to building permits, grading permits, in addition to meeting CalFire standards.

Responsible (R) and Trustee (T) Agencies

Other Agencies Contacted

California Department of Fish and Game

12. **Tribal Cultural Resources.** Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resource, procedures regarding confidentiality, etc.?

Notice of the proposed project was sent to Middletown Rancheria, Mishewal Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation on August 25, 2023. The Yocha Dehe, Middletown Rancheria, and Mishewal Wappo Tribe of Alexander Valley did not request consultation with the 30-day notification period, and because no response to the consultation invitation was received, the consultation time period elapsed.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL IMPACTS AND BASIS OF CONCLUSIONS:

The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, conversations with knowledgeable individuals; the preparer's personal knowledge of the area; and, where necessary, a visit to the site. For further information, see the environmental background information contained in the permanent file on this project.

Other sources of information used in the preparation of this Initial Study include site-specific studies conducted and filed by the applicant in conjunction with ECP #P22-00408-ECPA as listed below, and the environmental background information contained in the permanent file on this project. All documents are incorporated herein by reference and available for review in the Napa County Department of Planning, Building and Environmental Services (PBES) and on the Napa County website at <https://www.pb.es.cloud/index.php/s/yRrQmTpf2G9ccsc>

- Grading Permit Application, Infinite Leisure LLC Care of Cynthia Calderon, 1200 Grandview Drive, Napa, CA 94558 (**Exhibit A**)
- Michael R. Muelrath Civil, June 26, 2023, Dry Creek LLC, Infinite Leisure LLC Site Improvements Plans (**Exhibit B**)
- WRA, Inc., September 2023, Biological Resources Reconnaissance Survey, 1200 Grandview Drive (**Exhibit C**)
- Archaeological Resource Service, May 31, 2022, Archaeological inspection of 1200 Grandview, Napa County, California
- Archaeological Resource Service, 2005, Cultural Resource Evaluation of the Tsiplakos Rolling Hill Vineyard Erosion Control Plan
- RGH Consultants, February 6, 2023, Geotechnical Study Report 1200Grandview Drive 1200 Grandview Drive Napa California (**Exhibit D**)
- Richard C. Slade & Associates, February 15, 2024, Results of the Napa County Tier 1 Water Availability Analysis For a Proposed New Residential Development Project And a Proposed New Water Well Adjacent to 1200 Grandview Drive, Napa, CA 94558 (**Exhibit E**)
- Napa County Geographic Information System (GIS) sensitivity maps/layers

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a (SUBSEQUENT) NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A (SUBSEQUENT) MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Name: _____
Wendy Atkins, Planner II
Napa County
Planning, Building and Environmental Services Department

I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Visual resources are those physical features that make up the environment, including landforms, geological features, water, trees and other plants, and elements of the human cultural landscape. A scenic vista, then, would be a publicly accessible vantage point such as a road, park, trail, or scenic overlook from which distant or landscape-scale views of a beautiful or otherwise important assembly of visual resources can be taken in. As generally described in the Environmental Setting and Surrounding Land Uses section, above, this area is defined by a mix of vineyard and residential uses. The project site would not result in substantial damage to scenic resources or substantially degrade the visual character or quality of the site and its surroundings. The project site is currently developed with two residential units, a barn, 25.35 acres of vineyards, one (1) well, three (3) reservoirs, three (3) seasonal wetlands, as well as several stands of mature native trees. Additional site improvements include a septic leachfield. There is no potential to damage historic buildings, as no modifications to existing buildings are proposed. The proposal includes construction of building pads and a driveway for a new single-family dwelling, accessory dwelling unit, and a guest house. There are no rock outcroppings visible from the road or other designated scenic resources on the property.
- b. The project does not endanger any scenic resources within a state scenic highway, such as trees, rock outcroppings or historic buildings, because the project is not viewable from a designated state scenic highway.
- c. The project also does not substantially degrade the existing visual character or quality or public views of the site from Grandview Drive and is compliant with the County General Plan and typical of land uses in the surrounding area.
- d. The proposed construction of building pads and a driveway for a new single-family dwelling, accessory dwelling unit, and a guest house may result in the installation of additional lighting that may have the potential to impact nighttime views. All lighting permanently attached to the residence or to other buildings on the same lot are subject to the outdoor lighting requirements of the CBC. This includes lighting for patios, entrances, balconies, and porches. As designed and operating subject to the CBC, the project would not have a significant impact resulting from new sources of outside lighting.

Mitigation Measures: None required.

II.	AGRICULTURE AND FOREST RESOURCES. ¹ Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Important (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Conflict with existing zoning for, or cause rezoning of, forest land as defined in Public Resources Code Section 12220(g), timberland as defined in Public Resources Code Section 4526, or timberland zoned Timberland Production as defined in Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Result in the loss of forest land or conversion of forest land to non-forest use in a manner that will significantly affect timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, or other public benefits?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a/b/e. The project site is designated Other Land and not designated Prime Farmland. Therefore, it would not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance as shown on the Napa County Important Farmland Map 2002 prepared by the California Department of Conservation, Division of Land Resource Protection, pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The proposed project would not conflict with existing zoning for agricultural uses. There is no Williamson Act contract associated with the parcel. The project site is zoned Agricultural Watershed (AW) which allows building pads and driveways for single-family dwellings, accessory dwelling units, and guest houses.
- c/d. The project site is zoned AW, which allows single-family dwellings, accessory dwelling units, guest houses, and associated driveway. According to the Napa County Environmental resource maps (based on the following layers – Sensitive Biotic Oak Woodlands, Agriculture, and Riparian Woodland Forest) the project site does contain Oak woodlands. The proposed project does not propose to remove any trees.

Mitigation Measures: None required.

¹ "Forest land" is defined by the State as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits." (Public Resources Code Section 12220(g)) The Napa County General Plan anticipates and does not preclude conversion of some "forest land" to agricultural use, and the program-level EIR for the 2008 General Plan Update analyzed the impacts of up to 12,500 acres of vineyard development between 2005 and 2030, with the assumption that some of this development would occur on "forest land." In that analysis specifically, and in the County's view generally, the conversion of forest land to agricultural use would constitute a potentially significant impact only if there were resulting significant impacts to sensitive species, biodiversity, wildlife movement, sensitive biotic communities listed by the California Department of Fish and Wildlife, water quality, or other environmental resources addressed in this checklist.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

On June 2, 2010, the Bay Area Air Quality Management District's (BAAQMD) Board of Directors unanimously adopted thresholds of significance to assist in the review of projects under the California Environmental Quality Act. These Thresholds are designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and were posted on BAAQMD's website and included in BAAQMD's updated CEQA Guidelines (updated May 2012). The Thresholds are advisory and may be followed by local agencies at their own discretion.

The Thresholds were challenged in court. Following litigation in the trial court, the court of appeal, and the California Supreme Court, all of the Thresholds were upheld. However, in an opinion issued on December 17, 2015, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The Supreme Court also held that public agencies remain free to conduct this analysis regardless of whether it is required by CEQA.

In view of the Supreme Court's opinion, local agencies may rely on Thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the Thresholds are not mandatory, and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. These Guidelines may inform environmental review for development projects in the Bay Area, but do not commit local governments or BAAQMD to any specific course of regulatory action.

The Air District published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's 2015 opinion in Cal. Bldg. Indus. Ass'n vs. Bay Area Air Quality Mgmt. Dist., 62 Ca 4th 369.

a-b. The mountains bordering Napa Valley block much of the prevailing northwesterly winds throughout the year. Sunshine is plentiful in Napa County, and summertime can be very warm in the valley, particularly in the northern end. Winters are usually mild, with cool temperatures overnight and mild-to-moderate temperatures during the day. Wintertime temperatures tend to be slightly cooler in the northern end of the valley. Winds are generally calm throughout the county. Annual precipitation averages range from about 24 inches in low elevations to more than 40 inches in the mountains.

Ozone and fine particle pollution, or PM2.5, are the major regional air pollutants of concern in the San Francisco Bay Area. Ozone is primarily a problem in the summer, and fine particle pollution in the winter. In Napa County, ozone rarely exceeds health standards, but PM2.5 occasionally does reach unhealthy concentrations. There are multiple reasons for PM2.5 exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM2.5 within the Napa Valley. Second, much of the area is well north of the moderating temperatures of San Pablo Bay and, as a result, Napa County experiences some of the coldest nights in the Bay Area. This leads to greater fireplace use and, in turn, higher PM2.5 levels. Finally, in the winter easterly winds often move fine-particle-laden air from the Central Valley to the Carquinez Strait and then into western Solano and southern Napa County (BAAQMD, In Your Community: Napa County, April 2016).

The impacts associated with implementation of the project were evaluated consistent with guidance provided by BAAQMD. Ambient air quality standards have been established by state and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants emitted by development, traffic and other activities anticipated under the proposed development include ozone, ozone precursors oxides of nitrogen and reactive organic gases (NOx and ROG), carbon monoxide (CO), nitrogen dioxide (NO2), and suspended particulate matter (PM10 and PM2.5). Other criteria pollutants, such as lead and sulfur dioxide (SO2), would not be substantially emitted by the proposed development or traffic, and air quality standards for them are being met throughout the Bay Area.

BAAQMD has not officially recommended the use of its thresholds in CEQA analyses and CEQA ultimately allows lead agencies the discretion to determine whether a particular environmental impact would be considered significant, as evidenced by scientific or other factual data. BAAQMD also states that lead agencies need to determine appropriate air quality thresholds to use for each project they review based on substantial evidence that they include in the administrative record of the CEQA document. One resource BAAQMD provides as a reference for determining appropriate thresholds is the California Environmental Quality Act Air Quality Guidelines developed by its staff in 2010 and as updated through May 2017. These guidelines outline substantial evidence supporting a variety of thresholds of significance.

As mentioned above, in 2010, the BAAQMD adopted and later incorporated into its 2011 CEQA Guidelines project screening criteria (Table 3-1 – Operational-Related Criteria Air Pollutant and Precursors Screening Level Sizes) and thresholds of significance for air pollutants, which have now been updated by BAAQMD through May 2017. Given the size of the project, which would disturb 2 acres compared to the BAAQMD's screening criterion of 323 (single-family) for NOX (oxides of nitrogen), the project would contribute an insignificant amount of air pollution and would not result in a conflict or obstruction of an air quality plan. The project falls well below the screening criteria as noted above, and consequently will not significantly affect air quality individually or contribute considerably to any cumulative air quality impacts.

- c-d. In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for project construction. Earthmoving and construction emissions would have a temporary effect; consisting mainly of dust generated during grading and other construction activities, exhaust emissions from construction related equipment and vehicles. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed adheres to these relevant best management practices identified by the Air District and the County's standard conditions of approval, construction-related impacts are considered less than significant:

7.1 SITE IMPROVEMENT

c. AIR QUALITY

During all construction activities the permittee shall comply with the most current version of BAAQMD Basic Construction Best Management Practices including but not limited to the following, as applicable:

- 1. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. The BAAQMD's phone number shall also be visible.*
- 2. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, grading areas, and unpaved access roads) two times per day.*
- 3. Cover all haul trucks transporting soil, sand, or other loose material off-site.*
- 4. Remove all visible mud or dirt tracked onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- 5. All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- 6. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- 7. Idling times shall be minimized either by shutting off equipment when not in use or reducing the maximum idling time to five (5) minutes (as required State Regulations). Clear signage shall be provided for construction workers at all access points.*
- 8. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator. Any portable engines greater than 50 horsepower or associated equipment operated within the BAAQMD's jurisdiction shall have either a California Air Resources Board (ARB) registration Portable Equipment Registration Program (PERP) or a BAAQMD permit. For general information regarding the certified visible emissions evaluator or the registration program, visit the ARB FAQ http://www.arb.ca.gov/portable/perp/perpfaq_04-16-15.pdf or the PERP website <http://www.arb.ca.gov/portable/portable.htm>.*

Furthermore, while earthmoving and construction on the site would generate dust particulates in the short-term, the impact would be less than significant with dust control measures as specific in Napa County's standard condition of approval related to dust:

7.1 SITE IMPROVEMENTS

a. GRADING & SPOILS

All grading and spoils generated by construction of the project facilities shall be managed per Engineering Services direction. Alternative locations for spoils are permitted, subject to review and approval by the PBES Director, when such alternative locations do not change the overall concept, and do not conflict with any environmental mitigation measures or conditions of approval.

b. DUST CONTROL

Water and/or dust palliatives shall be applied in sufficient quantities during grading and other ground disturbing activities on-site to minimize the amount of dust produced. Outdoor construction activities shall not occur when average wind speeds exceed 20 mph.

While the Air District defines public exposure to offensive odors as a potentially significant impact, grading for driveways are not known as operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The closest residence is approximately 57 feet from the closest point of the proposed project site. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard conditions of approval. The project would not create pollutant concentrations or objectionable odors affecting a substantial number of people. Impacts would be less than significant.

Mitigation Measures: Non required.

IV.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, Coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

A Biological Resources Reconnaissance Survey was prepared by WRA, Inc. dated September 2023. The survey included site inspection on June 29, 2022, and April 26, 2023. The study area is comprised of coast live oak woodland, non-native grassland, and developed land covers, with reservoirs and seasonal wetland features also present.

- a. Based upon a review of County of Napa GIS Biological Layers (Vegetation, Biological Site, Biological Survey, CNDDDB and CNDDDB Spotted Owl), Eight special status animal species were noted to have the potential to occur in the vicinity of the project site. Pallid bat (*Antrozous pallidus*), American badger (*Taxidea taxus*), Fringed myotis (*Myotis thysanodes*), Swainson's hawk (*Buteo Swainsoni*), Loggerhead shrike (*Lanius ludovicianus*), Briant's savannah sparrow (*Passerculus sandwichensis alaudinus*), and Western pond turtle (*Emys marmorata*). All of these species have a potential to occur within the project site and are discussed in further detail below.

Pallid bat (*Antrozous pallidus*): CDFW Species of Special Concern, WBWG High Priority. Moderate Potential. The pallid bat occurs in a variety of habitats ranging from rocky arid deserts to grasslands, and coniferous forests. Roosts are typically in rock crevices, tree hollows, mines, caves, and a variety of man-made structures, including vacant and occupied buildings. Tree roosting has been documented within snags and basal hollows of conifers, and within bole cavities in oak trees. Pallid bats are primarily insectivorous, feeding on large prey that is usually taken on the ground but sometimes in flight. Prey items include arthropods such as scorpions, ground crickets, and cicadas (WBWG 2023). Trees within the Study Area (larger, more aged oaks) may contain cavities or snags suitable for roosting by this species, and there are CNDDDB occurrences in the vicinity (CDFW 2023a). A targeted bat habitat assessment was not performed under this biological assessment. No trees are proposed to be removed as part of the project; therefore, no impacts will occur.

American badger (*Taxidea taxus*): CDFW Species of Special Concern. Moderate Potential. The American badger is a large, semi-fossorial member of the Mustelidae (weasel family). It is found uncommonly within the region in drier open stages of most scrub, woodland, and herbaceous habitats where friable soils and prey populations are present. Badgers are typically solitary and nocturnal, digging burrows to provide refuge during daylight hours. Burrow entrances are usually elliptical (rather than round), and each burrow generally has only one entrance. Young are born in the spring and become independent by the end of summer. Badgers are carnivores, preying on a variety of fossorial mammals (especially ground squirrels and pocket gophers) and occasionally other vertebrates including bird eggs. Home ranges for this species tend to be large, depending on the habitat available; population density averages one badger per square mile in prime open country (Long 1973).

The Study Area features woodland open grassland and is contiguous with similar, undeveloped areas to the north and south. As stated in the Biological Resources Reconnaissance Survey, dated September 2023 WRA, Inc. (page 19), there is a historic CNDDDB occurrence for this species approximately 0.8 mile to the south (from 1911; CDFW 2023a), though no more recent observations in the vicinity. Potential badger burrows were looked for during the site visit and not observed anywhere in the Study Area. However, if a local population exists, there is some potential for the species to be present in the future. Implementation of Mitigation Measure BIO-5 would require a pre-construction survey prior to vegetation removal or earth disturbance, and, if occupied burrows are discovered, an appropriate buffer from the burrow. Following implementation of Mitigation Measure BIO-5, less than significant impacts on American badger are anticipated.

Fringed myotis (*Myotis thysanodes*): WBWG High Priority. Moderate Potential. The fringed myotis ranges throughout much of western North America. This species is found in desert scrubland, grassland, sage-grass steppe, old-growth forest, and subalpine coniferous and mixed deciduous forest. Oak and pinyon-juniper woodlands are most commonly used. The fringed myotis roosts in colonies from 10 to 2,000 individuals, although large colonies are rare. Caves, buildings, underground mines, rock crevices in cliff faces, and bridges are used for maternity and night roosts, while hibernation has only been documented in buildings and underground mines. Tree-roosting has also been documented in California (WBWG 2023). Trees within the Study Area (larger, more aged oaks) may contain cavities or exfoliating bark suitable for roosting. A targeted bat habitat assessment was not performed under this biological assessment. No trees are proposed to be removed as part of the project; therefore, no impacts will occur.

Swainson's hawk (*Buteo swainsoni*): State Threatened. Moderate Potential. Swainson's hawk is a summer (breeding) resident and migrant in lowlands of California, primarily occurring in the Central Valley but also other low-lying areas near the coast, including Napa County. Nests are constructed of sticks and placed in trees located in otherwise largely open land covers. Areas typically used for nesting include bands of riparian vegetation, patches of oak woodland, lone trees, as well as planted and natural trees associated with roads, farmyards and sometimes adjacent residential areas. Foraging occurs in open habitats, including grasslands, open woodlands, and some agricultural areas. While breeding, adults feed primarily on rodents (and other vertebrates); for the remainder of the year, large insects (e.g., grasshoppers, dragonflies) comprise most of the diet. In many areas this species has adapted to foraging primarily in and around favorable agricultural plots (particularly alfalfa, wheat and row crops), as prey is both numerous and conspicuous at harvest and/or during flooding or burning (Bechard et al. 2010).

Napa County hosts a population of breeding Swainson's hawks that appears to be increasing. CNDDDB currently includes 15 nesting occurrences in the County, nearly all of which are in bayland areas south and southwest of the City of Napa; the nearest occurrence is

located approximately 1.6 miles southwest of the Study Area (CDFW 2023a). The Study Area provides open grassland areas for foraging and trees suitable for nesting. This species was looked for during site visits and not observed, though it has the potential to be present (including nesting) in future years. Mitigation measure BIO-1 would reduce impacts to these special status species to less than significant.

Other Bird Species: Loggerhead Shrike, Bryant's Savannah Sparrow, White-tailed Kite, and non-special-status species: In addition to the tree special-status bird species discussed above, exclusive of Swainson's hawk (loggerhead shrike, Bryant's savannah sparrow, and white-tailed kite), various non-status bird species with baseline protections under the MBTA and CFGC may use vegetation within the Project Areas for nesting. Pre-construction surveys are recommended to ensure that the implementation of the Project would not impact any nesting birds. Mitigation measure BIO-2 has been proposed which, if implemented, would reduce impacts to these special status bird species to less than significant.

Western pond turtle (*Emys marmorata* (WPT)): CDFW Species of Special Concern. Moderate Potential. The western pond turtle is the only freshwater turtle native to most of California. This species is highly aquatic, typically inhabiting perennial waters including lakes, ponds/reservoirs, rivers, streams, and canals that provide submerged cover and suitable exposed basking structures such as rocks, logs and mats of emergent vegetation. Nesting usually occurs in spring to early summer, with eggs hatching in the fall; nests are excavated in upland areas with friable soil, usually on unshaded slopes within 300 feet of water (Thomson et al. 2016). Hatchlings require shallow water with relatively dense emergent and aquatic vegetation to provide forage, usually aquatic invertebrates (Thomson et al. 2016).

The Study Area's reservoirs provide suitable perennial aquatic habitat for western pond turtles. The feature in the northwestern portion of the site provides the highest quality habitat overall, with aquatic vegetation, basking sites, and relatively shallow banks with surrounding grassland. The eastern reservoir also has some potential to be occupied, though its banks are often steeper. The southwestern reservoir is surrounded by vineyard development and less likely to be occupied. This species was looked for during site visits and not observed, though these results are not considered conclusive. Mitigation measure BIO-6 would reduce impacts to WPT to less than significant.

The Study Area contains three seasonal wetlands and three reservoirs (ponds); with one exception, the Project Area is set back 50 feet or greater from the outward edge of these aquatic features as per Section 18.108.026 of the Napa County Code. Access road improvements will necessarily occur within 50 feet of the Study Area's easternmost reservoir, but the disturbance footprint in this area is restricted to the existing access road that is subject to regular use. For these reasons, no further actions are recommended for aquatic resources.

- b. There are no rivers, streams, or lakes located on the project site. Riparian habitat is limited to three seasonal wetlands that occupy 0.6 acres as seasonal swales; these swales are situated entirely outside of the Project Area. The Biological Resources Reconnaissance Survey prepared by WRA, Inc. dated September 2023, found that no special-status plants were observed with the Study Area during protocol-level botanical surveys in 2022 (summer) and 2023 (spring). Consequently, the project will not impact special status plants; therefore, no impact will occur.
- c. The Project Area is intentionally sited to avoid three seasonal wetlands and three reservoirs (manmade ponds) that are present with the Study Area. A protocol-level botanical survey found that no special-status plant species are present within the Study Area, so no impacts to such special will occur.
- d. The Study Area does not contain any designated Critical Habitat (USFWS 2023c, NMFS 2023) or Essential Fish Habitat (NMFS 2023). The eastern portion of the Study Area provides local connectivity with undeveloped lands to the north and south. However, the Project is sited primarily in the western portion of the site, adjacent to existing on-site vineyard development. Additionally, the Project involves relatively limited land conversions and existing land covers in the undeveloped portions of the Study Area (including the eastern portion) will be largely left intact. For these reasons, the Project is not anticipated to result in any potentially significant impacts to wildlife movement or migration.
- e. Based on the biological resources survey, the development area contains a total of 19.5 acres of oak woodland. The proposed project would not result in the removal of any trees.

Areas adjacent to the development area include forested areas. To ensure that no trees are inadvertently removed as part of the project, and because the project will also be subject to the provisions of County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement), the following provisions will be included as conditions of approval should the proposed project be approved:

7.5. Tree/Woodland Protection – Conditions of Approval

- a. Prior to any earthmoving activities temporary fencing shall be placed at the edge of the dripline of trees to be retained that are located adjacent to the project site (typically within approximately 50-feet of the project site). The precise locations of said fences shall be inspected and approved by the Planning Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated protection areas for the duration of grading plan construction.

- b. The Owner/Permittee shall refrain from severely trimming the trees (typically no more than 1/3rd of the canopy) and vegetation to be retained adjacent to the vineyard conversion area.
- c. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement) trees that are inadvertently removed that are not within the boundary of the project and/or not identified for removal as part of the grading plan shall be replaced on-site with fifteen-gallon trees 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 trees will be planted, success criteria of at least 80%, and monitoring activities for the replacement trees. The replacement plan shall be implemented before vineyard planting activities. Any replaced trees shall be monitored for at least three years to ensure an 80 percent survival rate. Replacement trees shall be installed and documented that they are in good health prior to completion and finalization of the erosion control plan.

As discussed in questions (a) through (c) above, the proposed project is designed to incorporate mitigation measures, and impacts to sensitive natural communities and special-status species would be less than significant. Therefore, the proposed project with incorporation of mitigation measures Mitigation Measures BIO-1 through BIO-6 and conditions of approval is consistent with applicable Napa County General Plan Policies and NCC Chapter 18.108.

- f. The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plans, Natural Community Conservation Plans or other approved local, regional or state habitat conservation plans. There are no plans applicable to the subject parcel.

Mitigation Measures:

Mitigation Measure BIO-1 – Swainson Hawk: 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) survey protocol. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods (March 1 to August 31) immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson’s hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson’s hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, 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 before Project activities may commence.

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

Mitigation Measure BIO-2 – Special Status and Nesting Birds: The owner/permittee shall 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 and the California Endangered Species Act found in Fish and Game Code Section 2050 et seq.:

- a. For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through September 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. Preconstruction surveys are required to ensure that the implementation of the project would not impact any nesting birds, including via incidental impacts (such as construction noise). The preconstruction survey shall be conducted no earlier than 5 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 5 days from the survey date, surveys shall be repeated. A copy of the survey results 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 5 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, a qualified biologist 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 and the USFWS and/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 Conservation Division prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist. Additionally, a qualified biologist shall monitor all active nests each day during construction to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval.
- e. Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) shall be prohibited.

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

Mitigation Measure BIO-3 – Pallid Bat, and other bat species: Prior to any tree trimming (if needed), a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-4 shall be implemented.

Mitigation Measure BIO-4 – Roosting Bat Tree Protections: If the qualified biologist identifies potential bat habitat trees, then tree trimming (if needed) shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15.

Mitigation Measure BIO-5 – American Badger: Prior to project earthwork a qualified biologist shall survey for American badger within the Project site and adjacent habitat within a minimum of 50 feet. If any occupied burrows are discovered the Project shall implement an appropriate buffer from the burrow, as determined by a qualified biologist and approved in writing by CDFW. If the Project cannot avoid impacts to the occupied burrow the Project shall consult with CDFW regarding next steps before proceeding and shall implement CDFW recommendations such as preparing and implementing an American badger relocation plan.

Mitigation Measure BIO-6 – Western Pond Turtle: The Permittee shall comply with the following measures to minimize impacts of the proposed project on western pond turtles:

- a. A targeted preconstruction survey for western pond turtle shall be completed between 7 days and 24 hours of the start of construction. Surveys shall take place between 9 a.m. and 3 p.m. and be conducted in areas that western pond turtle are likely to inhabit and focus on detection of basking and foraging turtles. Surveyors shall station in place for periods of 30 minutes in each area that is suitable for western pond turtle and use binoculars to visually detect and identify western pond turtle.
- b. If a western pond turtle is detected, the following measures shall be implemented:
 - i. A worker environmental awareness program that describes western pond turtle, its habitat affinities and its protections shall be given to project personnel prior to commencement of ground disturbing activities.
 - ii. If any western pond turtle are observed in the work area, the western pond turtle shall be avoided and work shall stop within 50 feet of the western pond turtle and shall not resume until the western pond turtle moves from the work area.
 - iii. An exclusion fence shall be installed during the wet season (prior to April 1) around the northwestern boundary of the disturbance area in such a manner as to preclude turtles from entering ground disturbance areas with suitable nesting habitat, e.g., grassland and other relatively open areas. The fencing shall have a minimum height above ground of 24 inches, the bottom of the fence buried to a minimum depth of 4 inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. Specific location(s) of the fencing shall be approved by a qualified biologist prior to installation, and inspected by the biologist following installation to ensure that it is effective. The fencing shall remain installed until on-site mechanized ground disturbance is completed.
 - iv. If work stoppage occurs for more than five (5) consecutive days, work shall cease and the owner/permittee shall contact a qualified biologist to determine further steps.

V.	CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-b. According to the Napa County Environmental Resource Maps (based on the following layers – Historical sites, Archaeology surveys, no historical sites have been identified on the property; however, archaeology surveys have been identified. According to the Archaeological Inspection, prepared by Archaeological Resource Service dated May 31, 2022. The parcel was previously examined (Flynn 2005) for an erosion control plan associated with a vineyard development. That study resulted in the discovery of two small cultural deposits. Both are located in the northwestern corner of APN 043-061-020, which is not part of the proposed project being considered under this Grading Permit, just south of the pond that was previously not part of the evaluated property, well away from the proposed house and driveway application. The previous study concluded, in part, that:

The majority of the evaluated property did not contain any sign of significance prehistoric materials in the form of lithic flakes or deposits containing organically modified soil or other types of aboriginal cultural remains (shellfish residues, fire-affected rocks etc.). The lithic workshop loci will not be impacted by the proposed vineyard blocks or the ECP, but there could be a potential negative impact from the construction of proposed roads, pipelines, or drainage lines that might enter the Tsiplakos parcel at this location.

The current study has relocated the previously found cultural deposits and determined that they are well away from the proposed house and driveway sites. The entire driveway and both the existing and proposed house sites (043-061-019 and 043-060-020) were examined in an intense cultural resource inventory. The hilltop where the house sites are located was found to contain dense brush covering less than half the area with openings offering opportunities for examination. All open places were closely examined from indications of past human activities.

Evidence of recent activity was seen in the house site vicinity. These include a picnic table and an apparent fire pit with an easter orthodox cross. The area appears to have been used for camping and dirt biking. No artifacts or modified soils indicative of Native American or historic American era use were observed at any location in the building envelopes or the access road. The two observed locates of prehistoric activity are in an isolated corner of the property and will not be impacted in any way by the proposed development. The area was outside of the planned disturbance area of the previous evaluation, as well. The specific recommendation of the previous report is still valid:

One archeological resource, consisting of two small areas of lithic workshop debris, was discovered during the study. Because the site is located in an area that will be completely avoided by the proposed project, it is not anticipated that any adverse impacts will ensue from the currently planned project. Avoidance seems the most effective mitigation measure in this case.

It is still the case that the two small areas are well outside of the proposed building site. So long as this site area in the northwest corner of the property is avoided, no impact to the site will occur. As noted in the original study, a possibility exists to find additional artifacts in other parts of the property. This potential has been minimized for the access road and the two house sites by this intense inspection. However, if resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with the following standard condition of approval:

7.2 Archeological Finding.

“In the event that archeological artifacts or human remains are discovered during any subsequent construction in the project area, work shall cease in a 50-ft. radius surrounding the area of discovery. The permittee shall contact the Planning, Building, and Environmental Services Department for further guidance, which will likely include the requirement for the permittee to hire a qualified professional to analyze the artifacts encountered and to determine if additional measures are required. If human

remains are encountered during the development, all work in the vicinity must be, by law, halted, and the Napa County Coroner informed so that the Coroner can determine if an investigation of the cause of death is required, and if the remains are of Native American origin. If the remains are of Native American origin, the nearest tribal relatives as determined by the State Native American Heritage Commission would be contacted to obtain recommendations for treating or removal of such remains, including grave goods, with appropriate dignity, as required under Public Resources Code Section 5097.98.”

Impacts would be less than significant.

- c. No human remains have been encountered on the property and no information has been encountered that would indicate that this project would encounter human remains. However, if resources are found during grading of the project, construction of the project is required to cease, and a qualified archaeologist will be retained to investigate the site in accordance with standard condition of approval noted above. Impacts would be less than significant.

Mitigation Measures: None require.

VI. ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project would comply with Title 24 energy use requirements and would not result in significant environmental impacts due to wasteful, inefficient or unnecessary consumption of energy resources during project construction or operation. Impacts would be less than significant.
- b. The proposed project would not conflict with the provisions of a state or local plan for renewable energy or energy efficiency because there are no plans applicable to the subject site. No impacts would occur.

Mitigation Measures: None required.

VII. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil creating substantial direct or indirect risks to life or property? Expansive soil is defined as soil having an expansive index greater than 20, as determined in accordance with ASTM (American Society of Testing and Materials) D 4829. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

a.

- i) A Geotechnical Study Report was prepared by RGH Consultants dated February 6, 2023. While the study did not observe landforms within the building area that would indicate the presence of active faults, a portion of the site is within a current Alquist-Priolo (AP) Earthquake Fault Zone (Bryant and Hart, 2007). There is an inferred trace of the West Napa Fault Zone located at the pond embankment trending northwest. The trace extends below the bottom of the pond and through the embankment and is shown to terminate just below the embankment. Additionally, there is a more defined trace of the West Napa Fault zone located approximately 500 feet due west of the westernmost property bounds.

The AP Act states that no structure intended for human occupancy or otherwise defined as a project in the AP Act, shall be permitted to be placed across the trace of an active fault or within 500 feet of the surface of any fault. The AP Act requires studies to locate the active fault traces. However, the Act does not require fault studies for single family residences. The governing jurisdiction for these parcels can impose more stringent guidelines. However, all planned structures are located outside the zones presented by the Statue that would require special fault studies.

The proposed building area is located on a prominent ridge between and approximately equidistant from the two mapped fault traces. The geomorphology of the site in relation to the mapped traces suggests future surface rupture would most likely continue on or very close to the mapped traces and previous rupture lines. Therefore, the risk of fault rupture seismic shaking should be anticipated at the site. It will be necessary to design and construct the proposed improvements in strict adherence with current standards for earthquake-resistant construction.

- ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Construction of the project would be required to comply with the current California Building Code which would reduce any potential impacts to a less than significant level.
- iii.) No subsurface conditions have been identified on the project site that indicated a susceptibility to seismicrelated ground failure or liquefaction. Compliance with the current California Building Code for seismic stability would result in less than significant impacts.
- iv.) Published landslide maps (Dwyer, 1976) indicate the presence of four landslides on the project site. However, none of these areas are within or adjacent to the proposed building areas. No surface fractures indicative of landslides within or adjacent to the proposed

building areas were observed during the study prepared by RGH Consultants.

- b. The proposed improvements would occur on slopes of zero percent to slopes of approximately thirty-five percent. The project would require incorporation of best management practices and would be subject to the Napa County Stormwater Ordinance which addresses sediment and erosion control measures and dust control, as applicable. Impacts would be less than significant.
- c/d. According to the *Soil Survey of Napa County (USDA 1978)*, the following soil type is present at the subject site: Clear Lake clay (drained 0 to 2 percent slopes); Forward silt loam (5 to 39 percent slopes); Forward-Kidd complex (11 to 60 percent slopes); and Haire loam (2 to 9 percent slopes). The building pads for the single family residence, guest house, and accessory dwelling unit and proposed driveway improvements occur within Forward-Kidd complex. Based on the Napa County Environmental Sensitivity Maps (liquefaction layer) the improvements are proposed for an area which has a very low susceptibility for liquefaction. Impacts would be less than significant.
- e. The project consists of grading for a driveway including a 22,782 sq. ft. excess soil dispersal area, single-family home, accessory dwelling unit, guest house, wastewater system, and related infrastructure improvements.
- f. The project will not directly destroy a unique paleontological resource or site or unique geologic feature. If resources are found during any earth disturbing activities associated with the project, construction of the project is required to cease, and a qualified archaeologist would be retained to investigate the site in accordance with standard condition of approval 7.2 identified in Section V above.

Mitigation Measures: None required.

VIII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate a net increase in greenhouse gas emissions in excess of applicable thresholds adopted by the Bay Area Air Quality Management District or the California Air Resources Board which may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with a county-adopted climate action plan or another applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a-b. On April 20, 2022, the BAAQMD adopted updated thresholds of significance for climate impacts (CEQA Thresholds for Evaluating the Significance of Climate Impacts, BAAQMD April 2022).² The updated thresholds to evaluate GHG and climate impacts from land use projects are qualitative and geared toward building and transportation projects. Per the BAAQMD, all other projects should be analyzed against either an adopted local Greenhouse Gas Reduction Strategy (i.e., Climate Action Plan (CAP)) or other threshold determined on a case-by-case basis by the Lead Agency. If a project is consistent with the State’s long-term climate goals of being carbon neutral by 2045, then a project would have a less-than-significant impact as endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal. 4th 204). There is no proposed construction-related climate impact threshold at this time. Greenhouse gas (GHG) emissions from construction represent a very small portion of a project’s lifetime GHG emissions. The proposed thresholds for land use projects are designed to address operational GHG emissions which represent the vast majority of project GHG emissions.

Napa County has been working to develop a Climate Action Plan (CAP) for several years. In 2012, a Draft CAP (March 2012) was recommended using the emissions checklist in the Draft CAP, on a trial basis, to determine potential greenhouse gas (GHG) emissions associated with project development and operation. At the December 11, 2012, Napa County Board of Supervisors (BOS) hearing, the BOS considered adoption of the proposed CAP. In addition to reducing Napa County’s GHG emissions, the proposed plan was intended to address compliance with CEQA for projects reviewed by the County and to lay the foundation for development of a local offset program. While the BOS acknowledged the plan’s objectives, the BOS requested that the CAP be revised to better address transportation-related

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

greenhouse gas, to acknowledge and credit past accomplishments and voluntary efforts, and to allow more time for establishment of a cost-effective local offset program. The BOS also requested that best management practices be applied and considered when reviewing projects until a revised CAP is adopted to ensure that projects address the County's policy goal related to reducing GHG emissions. In addition, the BOS recommended utilizing the emissions checklist and associated carbon stock and sequestration factors in the Draft CAP to assess and disclose potential GHG emissions associated with project development and operation pursuant to CEQA.

In July 2015, the County re-commenced preparation of the CAP to: i) account for present day conditions and modeling assumptions (such as but not limited to methods, emission factors, and data sources), ii) address the concerns with the previous CAP effort as outlined above, iii) meet applicable State requirements, and iv) result in a functional and legally defensible CAP. On April 13, 2016, the County, as the part of the first phase of development and preparation of the CAP, released Final Technical Memorandum #1: 2014 Greenhouse Gas Emissions Inventory and Forecast, April 13, 2016. This initial phase included: i) updating the unincorporated County's community-wide GHG emissions inventory to 2014, and ii) preparing new GHG emissions forecasts for the 2020, 2030, and 2050 horizons. On July 24, 2018, the County prepared a Notice of Preparation of a Draft Focused EIR for the Climate Action Plan. The review period was from July 24, 2018, through August 22, 2018. The Draft Focused EIR for the CAP was published May 9, 2019. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or online at <https://www.countyofnapa.org/589/Planning-Building-Environmental-Services>.

Overall increases in Greenhouse Gas (GHG) emissions in Napa County were assessed in the Environmental Impact Report (EIR) prepared for the Napa County General Plan Update and certified in June 2008. GHG emissions were found to be significant and unavoidable in that document, despite the adoption of mitigation measures incorporating specific policies and action items into the General Plan.

Consistent with these General Plan action items, Napa County participated in the development of a community-wide GHG emissions inventory and "emission reduction framework" for all local jurisdictions in the County in 2008-2009. This planning effort was completed by the Napa County Transportation and Planning Agency in December 2009, and served as the basis for development of a refined inventory and emission reduction plan for unincorporated Napa County.

In 2011, the Bay Area Air Quality Management District (BAAQMD) released California Environmental Quality Act (CEQA) Project Screening Criteria and Significance of Thresholds [1,100 metric tons per year (MT) of carbon dioxide and carbon dioxide equivalents (CO₂e)]. This threshold of significance is appropriate for evaluating projects in Napa County.

During our ongoing planning effort, the County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). (Note: Pursuant to State CEQA Guidelines Section 15183, because this initial study assesses a project that is consistent with an adopted General Plan for which an environmental impact report (EIR) was prepared, it appropriately focuses on impacts which are "peculiar to the project," rather than the cumulative impacts previously assessed.)

The proposed project has been evaluated against the BAAQMD thresholds and it was determined that the project would not exceed the 1,100 MT/yr of CO₂e. Greenhouse Gas Emission reductions from local programs and project level actions, such as application of the Cal Green Building Code and vehicle fuel efficiency standards, would combine to further reduce emissions below BAAQMD thresholds.

The anticipated increase in emissions for the construction of the new paved access roadway and building pads for the single-family residence, accessory dwelling unit and guest house would be minor, and the project is in compliance with the County's efforts to reduce emissions as described above. Accordingly, project impacts would be less than significant.

Mitigation Measures: None required.

IX.	HAZARDS AND HAZARDOUS MATERIALS. Would the project	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wild-land fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a. The proposed project would not involve the transport of hazardous materials other than those small amounts utilized for grading a new driveway, widening of an existing driveway to accommodate turnouts, and grading building pads for a single-family home, guest house, and accessory dwelling unit. Impacts would be less than significant.
- b. Hazardous materials such as diesel, maintenance fluids, and paints would be used onsite during construction. Should they be stored onsite, these materials would be stored in secure locations to reduce the potential for upset or accident conditions. The proposed project consists of the construction a new driveway and road improvements to serve a new single-family home, guest house, and accessory dwelling unit which would not be expected to use any substantial quantities of hazardous materials. Therefore, it would not be reasonably foreseeable for the proposed project to create upset or accident conditions that involve the release of hazardous materials into the environment. Impacts would be less than significant.
- c. There are no schools located within one-quarter mile from the proposed project site. According to Google Earth, the nearest schools, Irene M. Snow Elementary is located 0.44 miles to the northeast, and Harvest Magnet Middle School in located 1-mile to the northeast. No impacts would occur.
- d. Based on a search of the California Department of Toxic Substances Control database, the project site does not contain any known EPA National Priority List sites, State response sites, voluntary cleanup sites, or any school cleanup sites. No impact would occur as the project site is not on any known list of hazardous materials sites.
- e. No impact would occur as the project site is not located within an airport land use plan.
- f. The proposed access road improvements and on-site circulation configuration meets Napa County Road and Street Standards. The project has been reviewed by the County Fire Department and Engineering Services Division and found acceptable, as conditioned. Therefore, the proposed project would not obstruct emergency vehicle access and impacts would be less than significant.
- g. The project would not increase exposure of people and/or structures to a significant loss, injury or death involving wild land fires. The proposed road improvements would provide adequate access to Grandview Drive. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts would be less than significant

Mitigation Measures: None required.

X.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces which would:				
	i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The County requires all discretionary permit application (such as use permits and ECPAs) to complete necessary water analyses in order to document that sufficient water supplies are available for the proposed project and to implement water saving measures to prepare for periods of limited water supply and to conserve limited groundwater resources.

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

On June 7, 2022, the Napa County Board of Supervisors provided direction regarding interim procedures to implement Executive Order N-7-22 for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use during the declared drought emergency. The direction limits a parcel's groundwater allocation to 0.3-acre ft. per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. On May 30, 2023, the Napa County Board of Supervisors terminated the Local Emergency due to the 2021-2022 drought but acknowledged that there are still adverse conditions that will continue to affect the Napa Valley groundwater subbasin and the need to continue groundwater management efforts including the interim actions and procedures still exists. For parcels not located in the GSA Subbasin (i.e., generally located in the hillsides), a parcel-

specific Water Availability Analysis would suffice to assess potential impacts on groundwater supplies. The project is not located in the GSA Subbasin and consists of grading for a driveway to serve residential uses. The on-site existing vineyard relies on surface water collected and stored in the two reservoirs. Groundwater is not proposed to be used for the proposed new single-family dwelling, accessory dwelling unit, and a guest house.

The existing well (Well 1) is located on APN 046-061-019 and a new optional well (Well 2) is proposed that could be used for domestic supply, as needed.

Because the parcel is located outside of the GSA Subbasin, the applicant proposes a new optional well for domestic purposes only and groundwater demand for residential uses is estimated at 1.1 AFY, the County's WAA Guidance exempts domestic wells proposing to use less than two acre feet of groundwater per year from the requirements of a parcel-specific Water Availability Analysis. A Tier 1 WAA is not applicable to the proposed new residential development because all groundwater demand would be strictly for domestic supply and groundwater extractions would total less than 2 acre-feet, thus exempting the residential development from Tier 1 WAA requirements (Napa County, 2024b). The vineyard has and will continue to be irrigated by the reservoirs, however, even if the vineyard were to use groundwater (which is not anticipated or proposed) the WAA conservatively estimated a recharge of 7.8 AFY and the total groundwater demand on the parcel would be below the rate of recharge.

To assess the potential impacts of groundwater pumping on hydrologically connected navigable waterways, the County's WAA guidance requires applicants to perform a Tier 3 analysis for new or replacement wells, or discretionary projects that would result in an increase in groundwater demand on existing wells that are located within 1,500 feet of designated "Significant Streams."³ Neither the existing well (Well 1) or new optional well (Well 2) are located within 1,500 feet of designated "Significant Streams"; therefore, a Tier 3 was not required. While a parcel specific recharge was prepared, the domestic use (not to exceed 2 acre-feet) is less than the parcel-specific WAA recharge of 7.8 AFY.

- a. The residence will be served by a subsurface drip septic system and septic tank. A Sewage System permit has been approved by the Division of Environmental Health. Impacts would be less than significant. Additionally, water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. Impacts would be less than significant.
- b. A Water Availability Analysis WAA was prepared by Richard C. Slade & Associates (RCS), dated February 15, 2024. Estimates of groundwater recharge as a percentage of rainfall were presented for several watersheds that are tributary to the Napa River in LSCE & MBK (2013), which is commonly used to establish recharge rates for the purposes of WAAs prepared for properties within and proximal to the Napa Valley. However, the location of the subject property is in Congress Valley, in an area not covered by the data of LSCE & MBK. Rather than attempting to develop a novel groundwater recharge percentage, another data source was considered to establish a reasonable and conservative groundwater recharge rate for the subject property. That other data source, a WAA prepared for another vineyard property in the Carneros area (LSCE, 2015), considered groundwater recharge to be 10% of precipitation. Multiplication of the 10% groundwater recharge rate in LSCE (2015) with the average volume of rainfall that the subject property receives each water year (78.0 AFY) results in a property-specific average groundwater recharge rate of 7.80 AFY by the County's current 10-year precipitation average methodology. However, this calculation still does not directly consider the possible effect of the ground surface slope on the potential for deep percolation at the property.

Tier 2 WAA – Review of Possible “Well & Spring Interference”

RCS reviewed publicly available records for evidence of offsite wells (PBES, 2024; DWR, 2024) and springs (PBES, 2024; USGS, 2023) near the subject property. This review did not result in discovery of any known or possible offsite wells or offsite springs that are used for water supply purposes within 500 feet or 1,500 feet, respectively, of the location of Well 1 or the proposed location of optional Well 2 (see Figure 2). Therefore, the Tier 2 WAA requirements for the proposed residential development project and the proposed optional well (Well 2) are, presumptively met, and a Tier 2 WAA is not required to gain County approval of a drilling permit for proposed optional Well 2 (Napa County, 2015 & 2024b).

Tier 3 WAA – Review of Possible “Groundwater/Surface Water Interaction”

Napa County has published information defining which rivers, streams, and creeks within the County are considered “significant” for the purposes of Tier 3 WAA review. These “Significant Streams” are defined in GIS data available from a County GIS data source, where they are referred to as “Significant_Streams” and “Significant_Streams_1500ft_Buffer” (PBES & LSCE, 2023a & b). According to the County's updates to WAA requirements (Napa County, 2024a & 2024b), a Tier 3 WAA is required if a project well is located within 1,500 feet of a Significant Stream. Figures 1 and 2 show the spatial relationship between the subject property and the nearby Significant Streams 1,500-foot buffer areas, demonstrating that most of the subject property is within a Significant Streams 1,500-foot buffer area. However, the location of the existing project well (Well 1) and the location for the proposed optional well (Well 2) are both outside of the County's Significant Streams

³ Refer to Figure 1: Significant Streams for Tier 3, located at www.countyofnapa.org/3074/Groundwater-Sustainability. The “Significant_Streams” and “Significant_Streams_1500ft_buffer” GIS layers are published as publicly-available open data through the County's ArcGIS Online Account.

1,500-foot buffer areas. The Tier 3 requirements are therefore presumptively met, and a Tier 3 WAA is not necessary for County-approval of the proposed residential development project, or for County-approval of a drilling permit for the proposed optional well, Well 2 (Napa County, 2015, 2024a, 2024b).

The public trust doctrine requires the state and its legal subdivisions to “consider,” give “due regard,” and “take the public trust into account” when considering actions that may adversely affect a navigable waterway. (Environmental Law Foundation v. State Water Resources Control Bd.; San Francisco Baykeeper, Inc. v. State Lands Com.) There is no “procedural matrix” governing how an agency should consider public trust uses. (Citizens for East Shore Parks v. State Lands Com.) Rather, the level of analysis “begins and ends with whether the challenged activity harms a navigable waterway and thereby violates the public trust.” (Environmental Law Foundation, 26 Cal.App.5th at p. 403.) As demonstrated in the Environmental Law Foundation vs State Water Resources Control Board Third District Appellate Court Case, that arose in the context of a lawsuit over Siskiyou County’s obligation in administering groundwater well permits and management program with respect to Scott River, a navigable waterway (considered a public trust resource), the court affirmed that the public trust doctrine is relevant to extractions of groundwater that adversely impact a navigable waterway and that Counties are obligated to consider the doctrine, irrespective of the enactment of the Sustainable Groundwater Management Act (SGMA). As disclosed and assessed in this Initial Study/Mitigated Negative Declaration and the WAA, the County concludes that no harm to (or less-than significant impacts on) public trust resources would result from the proposed project.

- c./d. While the proposed work would take place on slopes of between 4 to 31 percent, the project would not substantially alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. Improvement plans prepared prior to the issuance of a grading permit would ensure that the proposed project does not increase runoff flow rate or volume as a result of project implementation. General Plan Policy CON-50 requires discretionary projects, including this project, to meet performance standards designed to ensure peak runoff in 2-, 10-, 50-, and 100-year events following development is not greater than predevelopment conditions. The proposed project would implement standard stormwater quality treatment controls to treat runoff prior to discharge from the project site. The incorporation of these features into the project would ensure that the proposed project would not create substantial sources of polluted runoff. In addition, the proposed project does not have any unusual characteristics that create sources of pollution that would degrade water quality. The parcel is not located in an area that is known to be subject to inundation by tsunamis, seiches, or mudflows. Impacts would be less than significant.
- e. As discussed above, the project would not result in an impact to water use and would therefore comply with the GSP. Water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. No impacts would occur.

Mitigation Measures: None are required.

XI.	LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a-b. The project would not occur within an established community, nor would it result in the division of an established community. The project complies with the Napa County Code and all other applicable regulations. The subject parcel is located in the AW (Agricultural Watershed) zoning district which allows single family residences, a guest house, an accessory dwelling unit, and associated access roads. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The property’s General

Plan land use designation is Agriculture, Watershed and Open Space (AWOS) which allows “agriculture, processing of agricultural products, and single-family dwellings.” Impacts would be less than significant.

Mitigation Measures: None required.

XII.	MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a./b. Historically, the two most valuable mineral commodities in Napa County in economic terms have been mercury and mineral water. More recently, building stone and aggregate have become economically valuable. Mines and Mineral Deposits mapping included in the Napa County Baseline Data Report (Mines and Mineral Deposits, BDR Figure 2-2) indicates that there are no known mineral resources nor any locally important mineral resource recovery sites located on the project site. No impacts would occur.

Mitigation Measures: None required.

XIII.	NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a/b. The project would result in a temporary increase in noise levels during construction of the proposed building pads for the single-family

residence, accessory dwelling unit and guest house, and associated driveway improvements. Construction activities would be limited to daylight hours using properly muffled vehicles. Noise generated during this time is not anticipated to be significant. As such, the project would not result in potentially significant temporary construction noise impacts or operational impacts. Because the proposed residence, accessory dwelling unit, and guest house at the project site are located approximately 1,850 feet to the southeast of the nearest neighboring residences, there is a low potential for impacts related to construction noise to result in a significant impact. Further, construction activities would occur during the period of 7am-7pm on weekdays, during normal hours of human activity. All construction activities would be conducted in compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The proposed project would not result in long-term significant construction noise impacts. Conditions of approval identified below would require construction activities to be limited to daylight hours, vehicles to be muffled, and backup alarms adjusted to the lowest allowable levels. The proposed project would not result in long-term significant permanent noise impacts because a residential land use is proposed. Continuing enforcement of Napa County's Noise Ordinance by the Environmental Health Division and the Napa County Sheriff, as needed, would further ensure that the single-family residence does not create a significant noise impact. Impacts would be less than significant. Impacts would be less than significant.

7.3. CONSTRUCTION NOISE

Construction noise shall be minimized to the greatest extent practical and feasible under State and local safety laws, consistent with construction noise levels permitted by the General Plan Community Character Element and the County Noise Ordinance. Construction equipment muffling and hours of operation shall be in compliance with the County Code. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site, if at all practicable. If project terrain or access road conditions require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur daily between the hours of 8 am to 5 pm.

- c. The project site is not located within an airport land use plan or the vicinity of a private airstrip. No impact would occur.

Mitigation Measures: None required.

XIV.	POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The proposed project includes the construction of building pads for one single family residence, guest house, and accessory dwelling unit and proposed driveway improvements. The Association of Bay Area Governments' Projections 2003 figures indicate that the total population of Napa County is projected to increase approximately 23 percent by the year 2030 (Napa County Baseline Data Report, November 30, 2005). Additionally, the County's Baseline Data Report indicates that total housing units currently programmed in county and municipal housing elements exceed ABAG growth projections by approximately 15 percent. The additional housing proposed would result in minor population growth in Napa County but would not rise to a level of environmental significance.

Cumulative impacts related to population and housing balance were identified in the 2008 General Plan EIR. As set forth in Government Code §65580, the County of Napa must facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community. Similarly, CEQA recognizes the importance of balancing the prevention of environment damage with the provision of a "decent home and satisfying living environment for every Californian." (See Public Resources Code §21000(g).) The 2008 General Plan sets forth the County's long-range plan for meeting regional housing needs, during the present and future housing cycles, while balancing environmental, economic, and fiscal factors and

community goals. The policies and programs identified in the General Plan Housing Element function, in combination with the County's housing impact mitigation fee, to ensure adequate cumulative volume and diversity of housing. Cumulative impacts on the local and regional population and housing balance would be less than significant.

- b. The project includes new residential units. Therefore, the project would not displace or and no impact would occur.

Mitigation Measures: None required.

XV. PUBLIC SERVICES. Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. Public services are currently provided to the project area and the additional demand placed on existing services as a result of the proposed project would be minimal. The Fire Department have reviewed the application and recommend approval, as conditioned. School impact fees, which assist local school districts with capacity building measures, would be levied pursuant to building permit submittal. The proposed project would have minimal impact on public parks as two residences are proposed. Impacts to public services would be less than significant.

Mitigation Measures: None required.

XVI.	RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

- a. The project would not significantly increase use of existing park or recreational facilities based on its limited scope. Impacts would be less than significant.
- b. No recreational facilities are proposed as part of the project. No impact would occur.

Mitigation Measures: None required.

XVII.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Substantially increase hazards due to a geometric design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	e) Conflict with General Plan Policy CIR-14, which requires new uses to meet their anticipated parking demand, but to avoid providing excess parking which could stimulate unnecessary vehicle trips or activity exceeding the site's capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

- a. The project site is located west of Grandview Drive, in unincorporated Napa County. The development areas are located on an existing undeveloped hillside parcel approximately 850 feet from the City of Napa. An existing dirt road passes through the parcel and up the potential homesite and accessory dwelling unit site and will be improved as part of this project. The project includes the construction of a new access road and building pads to serve the primary residence, guesthouse, and accessory dwelling unit and a Grading application.

According to Applied Civil Engineering Incorporated, the total soil amount of CUT grading is ± 1,115 cubic yards. Excess soil cut from the project will be hauled offsite, which would result in ±93 truck trips during project construction, or place in the soil dispersal area indicated on Sheet CI.

The proposed single-family residence/ guesthouse, and accessory dwelling unit, including the construction trips are anticipated to generate approximately 20 new daily trips each based upon the ITE Trip Generation Manual, 11th Edition. The daily trips to and from the proposed homesites are not anticipated impact nearby circulation systems. The generated daily trips are not expected to overly burden adjacent public roadways.

- b. As part of the statewide implementation of Senate Bill (SB) 743, the Governor’s Office of Planning and Research (OPR) settled upon automobile vehicle miles of travel (VMT) as the preferred metric for assessing passenger vehicle-related impacts under CEQA and issued revised CEQA Guidelines in December 2018, along with a Technical Advisory on Evaluating Transportation Impacts in CEQA to assist practitioners in implementing the CEQA Guidelines revisions.

The County’s General Plan Circulation Element contains a policy statement (Policy CIR-7) indicating that the County expects development projects to achieve a 15% reduction in project-generated VMT to avoid triggering a significant environmental impact. Specifically, the policy directs project applicants to identify feasible measures that would reduce their project’s VMT and to estimate the amount of VMT reduction that could be expected from each measure. The policy states that “projects for which the specified VMT reduction measures would not reduce unmitigated VMT by 15 or more percent shall be considered to have a significant environmental impact.” That policy is followed by an action item (CIR-7.1) directing the County to update its CEQA procedures to develop screening criteria for projects that “would not be considered to have a significant impact to VMT” and that could therefore be exempted from VMT reduction requirements.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County’s transportation plans and policies. Per the County’s current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips. As noted above, the proposed single-family residence, guest house, including the construction trips, are anticipated to generate approximately 20 new daily trips each, well below the screening criteria.

The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

- c-e. After implementation of the proposed project, the site would be accessed via a driveway from Grandview Drive. The project would result in no significant off-site circulation system operational impacts nor any sight line impacts at the project driveway. Four parking spaces (total) would be required for the proposed single-family dwelling, guest house, and accessory dwelling unit, pursuant to Napa County Code Section 18.110.030. Sufficient parking was approved with the building permits for the single-family dwelling, guest house, and accessory dwelling unit. The proposed project would not be in conflict with General Plan Policy CIR-14 as adequate parking is provided for the primary residence, guesthouse, and accessory dwelling unit.

Mitigation Measures: None required.

XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

subdivision (c) of Public Resources Code section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Discussion:

a-b. According to the Napa County Environmental Resource Maps (based on the following layers – Historical sites, Archaeology surveys, no historical sites have been identified on the property; however, archaeology surveys have been identified. According to the Archaeological Inspection, prepared by Archaeological Resource Service dated May 31, 2022, the parcel was previously examined (Flynn 2005) for an erosion control plan associated with a vineyard development. That study resulted in the discovery of two small cultural deposits. Both are located in the northwestern corner of the previous property, just south of the pond that was previously not part of the evaluated property, well away from the proposed house and driveway application. The previous study concluded, in part, that:

The majority of the evaluated property did not contain any sign of significance prehistoric materials in the form of lithic flakes or deposits containing organically modified soil or other types of aboriginal cultural remains (shellfish residues, fire-affected rocks etc.). The lithic workshop loci will not be impacted by the proposed vineyard blocks or the ECP, but there could be a potential negative impact from the construction of proposed roads, pipelines, or drainage lines that might enter the Tsiplakos parcel at this location.

The current study has relocated the previously found cultural deposits and determined that they are well away from the proposed house and driveway sites. The entire driveway and both proposed house sites were examined in an intense cultural resource inventory. The hilltop where the house sites are located was found to contain dense brush covering less than half the area with openings offering opportunities for examination. All open places were closely examined from indications of past human activities.

Evidence of recent activity was seen in the house site vicinity. These include a picnic table and an apparent fire pit with an easter orthodox cross. The area appears to have been used for camping and dirt biking. No artifacts or modified soils indicative of Native American or historic American era use were observed at any location in the building envelopes or the access road. The two observed locates of prehistoric activity are in an isolated corner of the property and will not be impacted in any way by the proposed development. The area was outside of the planned disturbance area of the previous evaluation, as well. The specific recommendation of the previous report is still valid:

One archeological resource, consisting of two small areas of lithic workshop debris, was discovered during the study. Because the site is located in an area that will be completely avoided by the proposed project, it is not anticipated that any adverse impacts will ensue from the currently planned project. Avoidance this seems the most effective mitigation measure in this case.

It is still the case that the two small areas are well outside of the proposed building site. So long as this site area in the northwest corner of the property is avoided, no impact to the site will occur. As noted in the original study, a possibility exists to find additional artifacts in other parts of the property. This potential has been minimized for the access road and the two house sites by this intense inspection.

Invitation for tribal consultation was completed on August 25, 2023, pursuant to AB52 and no request to initiate consultation was received. No impact would occur.

Mitigation Measures: None required.

XIX.	UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Require or result in the relocation or construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- a. While not required by the grading pads for the sign-family residence, guest house, accessory dwelling unit and associated road improvement, the residential buildings require the construction of a new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas or telecommunications facilities. This project has been evaluated by the Napa County Environmental Health division, who support this project as presented. Environmental impacts are less than significant.
- b. As discussed in Section X., the project would not result in an impact to water use. Water quality would be maintained through standard stormwater quality treatment control measures and compliance with Engineering Division Conditions of Approval. No impacts would occur.
- c. Wastewater would be treated on-site per the approved septic system and would not require a wastewater treatment provider. Impacts would be less than significant.
- d/e. According to the Napa County Baseline Data Report, all of the solid waste landfills where Napa County's waste is disposed have more than sufficient capacity related to the current waste generation. The project would comply with federal, state, and local statutes and regulations related to solid waste. Therefore, impacts would be less than significant.

Mitigation Measures: None required.

XX.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Due to slope, prevailing winds and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

Discussion:

a-d. The proposed project is located within the local responsibility area. There are no project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. Although the project site includes moderate to steep slopes, the Napa County Engineering Division and Napa County Fire Department are in support of the project. The project site possesses slopes ranging from zero percent slope to slopes over fifty percent and is accessed from a private driveway off of Grandview Drive. The project would comply with current California Department of Forestry and California Building Code requirements for fire safety. Impacts would be less than significant.

Mitigation Measure: None required.

XXI.	MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
	a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

a. The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community or substantially reduce the number or restrict the range of a rare or endangered plant or animal species. As discussed in Section IV above, the project site contains vegetation suitable for nesting birds and oak woodlands protected by County regulations. Additionally, the project site contains special status animal species, such as the American badger (*Taxidea taxus*) and Western pond turtle (*Emys marmorata*). Proposed construction, earthmoving, and disturbance activities do have the potential to be impact these sensitive biotic communities and special status animal species. Additionally, these project activities do have the potential to impact cavity-roosting bats, such as the pallid bat and the Fringed myotis. Mitigation measure **BIO-1** Swainson's hawk surveys shall be conducted by a qualified biologist. Mitigation Measure **BIO-2** requires surveys to minimize impacts associated with the potential loss and disturbance of special-status and nesting birds. Mitigation Measure **BIO-3** requires bat pre-construction surveys. Provided bats are observed **BIO-4** shall be implemented to provide for roosting bat tree protections. Mitigation Measure **BIO-5** requires surveys for

American badger within the Project site and adjacent habitat within a minimum of 50 feet. Mitigation Measure **BIO-6** requires a preconstruction survey for Western pond turtle.

- b. The project does not have impacts that are individually limited, but cumulatively considerable. Potential air quality, greenhouse gas emissions, hydrology, and traffic impacts are discussed in the respective sections above. The project would also have a very nominal increase on public services, traffic and air pollution, ground water extraction, and greenhouse gases, none of which rise to the level of being a considerable contribution to a cumulative effect. Impacts would be less than significant.
- c. All impacts identified in this MND are either less than significant after mitigation or less than significant and do not require mitigation. Therefore, the proposed project would not result in environmental effects that cause substantial adverse effects on human being either directly or indirectly. Impacts would be less than significant.

Mitigation Measures: None are required.

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Mitigation Monitoring and Reporting Program

Potential Environmental Impacts	Adopted Mitigation Measure	Monitoring and Reporting Actions and Schedule	Implementation	Monitoring	Reporting & Date of Compliance/Completion
<p>Impact BIO-1 -- Swainson Hawk. Suitable potential nesting habitat for raptors, as well as other migratory nesting birds, is present on or adjacent to the Study Area. These birds are protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their nest, eggs, and young are protected under California CDFG Code §3503, 3503.5, 3800, and 3513. Any project-related impacts on the nesting success of these species would be considered a significant adverse impact. These impacts could be mitigated to a level considered less than significant by Mitigation Measure BIO-1.</p>	<p>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. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, 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 before Project activities may commence.</p>	<p>If construction/earthmoving activity is to occur between March 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permit.</p>	<p>P</p>	<p>PD</p>	<p>PC _/_/_</p>

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<p>Impact BIO-2 -- Special Status and Nesting Birds. Suitable potential nesting habitat for raptors, as well as other migratory nesting birds, is present on or adjacent to the Study Area. These birds are protected under the Migratory Bird Treaty Act (50 CFR 10.13) and their nest, eggs, and young are protected under California CDFG Code §3503, 3503.5, 3800, and 3513. Any project-related impacts on the nesting success of these species would be considered a significant adverse impact. These impacts could be mitigated to a level considered less than significant by Mitigation Measure BIO-1.</p>	<p>The owner/permittee shall 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 and the California Endangered Species Act found in Fish and Game Code Section 2050 et seq.:</p> <p>a. For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through September 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. Preconstruction surveys are required to ensure that the implementation of the project would not impact any nesting birds, including via incidental impacts (such as construction noise). The preconstruction survey shall be conducted no earlier than 5 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 5 days from the survey date, surveys shall be repeated. A copy of the survey results shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.</p> <p>b. After commencement of work, if there is a period of no work activity of 5 days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.</p>				
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Infinite Leisure LLC Grading Permit (ENG23-00020)
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<p>Impact BIO-2 -- Special Status and Nesting Birds. CONTINUED</p>	<p>c. In the event that nesting birds are found, a qualified biologist 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 and the USFWS and/or CDFW.</p> <p>d. Exclusion buffers shall be fenced with temporary construction fencing (or the like), the installation of which shall be verified by Napa County Conservation Division prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist. Additionally, a qualified biologist shall monitor all active nests each day during construction for the first week, and weekly thereafter, to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval.</p> <p>e. Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) shall be prohibited.</p>	<p>If construction/earthmoving activity is to occur between February 1 and August 31 the survey prepared by a qualified biologist shall be submitted to Planning Division staff prior to issuance of the grading/building permit.</p>	<p>P</p>	<p>PD</p>	<p>PC</p> <p style="text-align: center;">_/_/_</p>
<p>Mitigation Measure BIO-3 – Pallid Bat, and other bat species</p>	<p>Prior to any tree trimming (if needed), a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-4 shall be implemented.</p>	<p>Prior to any tree trimming (if needed), a qualified biologist shall conduct a habitat assessment for bats.</p>	<p>P</p>	<p>PD</p>	<p>PC</p> <p style="text-align: center;">_/_/_</p>
<p>Mitigation Measure BIO-4 – Roosting Bat Tree Protections:</p>	<p>If the qualified biologist identifies potential bat habitat trees, then tree trimming (if needed) shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15.</p>	<p>Prior to any tree trimming (if needed), a qualified biologist shall conduct a habitat assessment for bats.</p>	<p>P</p>	<p>PD</p>	<p>PC</p> <p style="text-align: center;">_/_/_</p>

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<p>Impact BIO-5 -- American Badger. There is a historic CNDDDB occurrence for this species approximately 0.8 mile to the south, though no more recent observations in the vicinity. Potential badger burrows were looked for during the site visit and not observed anywhere in the Study Area. However, if a local population exists, there is some potential for the species to be present in the future. These impacts could be mitigated to a level considered less than significant by Mitigation Measure BIO-3.</p>	<p>Prior to project earthwork a qualified biologist shall survey for American badger within the Project site and adjacent habitat within a minimum of 50 feet. If any occupied burrows are discovered the Project shall implement an appropriate buffer from the burrow, as determined by a qualified biologist and approved in writing by CDFW. If the Project cannot avoid impacts to the occupied burrow the Project shall consult with CDFW regarding next steps before proceeding and implement CDFW recommendations such as preparing and implementing an American badger relocation plan.</p>	<p>Prior to project earthwork a qualified biologist shall survey for American badger within the Project site and adjacent habitat within a minimum of 50 feet.</p>	<p>P</p>	<p>PD</p>	<p>PC _/_/_</p>
<p>Impact BIO-6 -- Western Pond Turtle.</p>	<p>The owner/permittee shall include the following measures to minimize impacts of the proposed project on western pond turtles:</p> <ul style="list-style-type: none"> a. A targeted preconstruction survey for western pond turtle shall be completed between 7 days and 24 hours of the start of construction. Surveys shall take place between 9 a.m. and 3 p.m. and be conducted in areas that western pond turtle are likely to inhabit and focus on detection of basking and foraging turtles. Surveyors shall station in place for periods of 30 minutes in each area that is suitable for western pond turtle and use binoculars to visually detect and identify western pond turtle. b. If a western pond turtle is detected, the following measures shall be implemented: <ul style="list-style-type: none"> i. A worker environmental awareness program that describes western pond turtle, its habitat affinities and its protections shall be given to project personnel prior to commencement of ground disturbing activities. ii. If any western pond turtle are observed in the work area, the western pond turtle shall be avoided and work shall stop within 50 feet of the western pond turtle and shall not resume until the western pond turtle moves from the work area. 				

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<p>Impact BIO-6 -- Western Pond Turtle. CONTINUED</p>	<p>iii. An exclusion fencing should be installed during the wet season (prior to April 1) around the northwestern boundary of the disturbance area in such a manner as to preclude turtles from entering ground disturbance areas with suitable nesting habitat, e.g., grassland and other relatively open areas. The fencing should have a minimum height above ground of 24 inches, the bottom of the fence buried to a minimum depth of 4 inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. Specific location(s) of the fencing should be approved by a qualified biologist prior to installation, and inspected by the biologist following installation to ensure that it is effective. The fencing should remain installed until on-site mechanized ground disturbance is completed.</p> <p>iv. If work stoppage occurs for more than five (5) consecutive days, work shall cease and the owner/permittee shall contact a qualified biologist to determine further steps.</p>	<p>Prior to project implementation a qualified biologist shall survey for American badger within the Project site and adjacent habitat within a minimum of 50 feet.</p>	<p>P</p>	<p>PD</p>	<p>PC</p> <p style="text-align: center;">_/_/_</p>
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Infinite Leisure LLC Grading Permit (ENG23-00020)
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Notes: P = Permittee, PD = Planning Division, BD = Building Division, E = Engineering Division, DFW = Dept of Fish & Wildlife, CT = CALTRANS, EH = Environmental Health, PW = Public Works Dept,
PE/G = Project Engineer/Geologist
PC = Prior to Project Commencement CPI = Construction Period Inspections FI = Final Inspection OG = Ongoing

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PROJECT REVISION STATEMENT
Infinite Leisure LLC Grading Permit (ENG23-00020)

I hereby revise the Infinite Leisure LLC Grading Permit (ENG23-00020) to implement a total cut and fill of 5,165 cubic yards of soil to be disturbed to construct building pads and a driveway for a new single-family dwelling, accessory dwelling unit, and a guest cottage associated with a Grading Permit application located on two parcels totaling approximately 108 acres (i.e., project site) (Assessor's Parcel Nos. 043-061-019, 043-061-0201301 Grandview Drive and 1200 Grandview Drive, Napa, California), to include the following three (8) measures specified below:

Mitigation Measure BIO-1 – Swainson Hawk: 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. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, 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 before Project activities may commence.

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

Mitigation Measure BIO-2 – Special Status and Nesting Birds: The owner/permittee shall 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 and the California Endangered Species Act found in Fish and Game Code Section 2050 et seq.:

- a. For earth-disturbing activities occurring between February 1 and August 31, (which coincides with the grading season of April 1 through September 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with potential to occur at the project site) shall conduct preconstruction surveys for nesting birds and raptors within all suitable habitat in the project area, and within a minimum of 500 feet of all project areas. Preconstruction surveys are required to ensure that the implementation of the project would not impact any nesting birds, including via incidental impacts (such as construction noise). The preconstruction survey shall be conducted no earlier than

- 5 days prior to vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than 5 days from the survey date, surveys shall be repeated. A copy of the survey results 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 5 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, a qualified biologist 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 and the USFWS and/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 Conservation Division prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist. Additionally, a qualified biologist shall monitor all active nests each day during construction to ensure that the exclusion buffers are adequate and that construction activities are not causing nest-disturbance. If the qualified biologist observes birds displaying potential nest-disturbance behavior, the qualified biologist shall cease all work in the vicinity of the nest and CDFW shall be consulted about appropriate avoidance and minimization measures for nesting birds prior to construction activities resuming. In this event, construction activities shall not resume without CDFW's written approval.
 - e. Alternative methods aimed at flushing out nesting birds prior to pre-construction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) shall be prohibited.

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

Mitigation Measure BIO-3 – Pallid Bat, and other bat species: Prior to any tree trimming (if needed), a qualified biologist shall conduct a habitat assessment for bats. A qualified bat biologist shall have: 1) at least two years of experience conducting bat surveys that resulted in detections for relevant species, such as pallid bat, with verified project names, dates, and references, and 2) experience with relevant equipment used to conduct bat surveys. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree trimming and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, exfoliating bark, suitable canopy for foliage roosting species). If suitable habitat trees are found, or bats are observed, mitigation measure BIO-4 shall be implemented.

Mitigation Measure BIO-4 – Roosting Bat Tree Protections: If the qualified biologist identifies potential bat habitat trees, then tree trimming (if needed) shall not proceed unless the following occurs: 1) a qualified biologist conducts night emergence surveys or completes visual examination of roost features that establishes absence of roosting bats, or 2) tree trimming occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15.

Mitigation Measure BIO-5 – American Badger: Prior to project implementation a qualified biologist shall survey for American badger within the Project site and adjacent habitat within a minimum of 50 feet. If any occupied burrows are discovered the Project shall implement an appropriate buffer from the burrow, as determined by a qualified biologist and approved in writing by CDFW. If the Project cannot avoid impacts to the occupied burrow the Project shall consult with CDFW regarding next steps before proceeding and implement CDFW recommendations such as preparing and implementing an American badger relocation plan.

Mitigation Measure BIO-6 – Western Pond Turtle: The Permittee shall include the following measures to minimize impacts of the proposed project on western pond turtles:

- a. A targeted preconstruction survey for western pond turtle shall be completed between 7 days and 24 hours of the start of construction. Surveys shall take place between 9 a.m. and 3 p.m. and be conducted in areas that western pond turtle are likely to inhabit and focus on detection of basking and foraging turtles. Surveyors shall station in place for periods of 30 minutes in each area that is suitable for western pond turtle and use binoculars to visually detect and identify western pond turtle.
- b. If a western pond turtle is detected, the following measures shall be implemented:
 - i. A worker environmental awareness program that describes western pond turtle, its habitat affinities and its protections shall be given to project personnel prior to commencement of ground disturbing activities.
 - ii. If any western pond turtles are observed in the work area, the western pond turtle shall be avoided, and work shall stop within 50 feet of the western pond turtle and shall not resume until the western pond turtle moves from the work area.
 - iii. An exclusion fencing should be installed during the wet season (prior to April 1) around the northwestern boundary of the disturbance area in such a manner as to preclude turtles from entering ground disturbance areas with suitable nesting habitat, e.g., grassland and other relatively open areas. The fencing should have a minimum height above ground of 24 inches, the bottom of the fence buried to a minimum depth of 4 inches. Erosion control fencing (silt fencing) may serve as the exclusion fence if it meets the requirements above. Specific location(s) of the fencing should be approved by a qualified biologist prior to installation, and inspected by the biologist following installation to ensure that it is effective. The fencing should remain installed until on-site mechanized ground disturbance is completed.
 - iv. If work stoppage occurs for more than five (5) consecutive days, work shall cease and the owner/permittee shall contact a qualified biologist to determine further steps.

C. Calderon

Cynthia Calderon

5/24/24

Date