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Initial Study/Mitigated Negative
Declaration

Tesson Winery P22-00309
Planning Commission Hearing Date April 16, 2025

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:** Tesseron Vineyards Winery, Use Permit #P22-00309-UP
2. **Property Owner:** Tesseron Vineyards, c/o Alfred Tesseron, P.O. Box 46, Saint Helena Ca 94574-0046, 707-638-2399, mb@invinoeritasllc.com
3. **County Contact Person, Phone Number and email:** Dana Morrison, Supervising Planner, Planning, Building, and Environmental Services, 1195 Third Street, Second Floor, Napa, CA 94559, 707 253 4437, dana.morrison@countyofnapa.org
4. **Project Location and Assessor's Parcel Number (APN):** 1000 Wall Road, Napa; primary APN 027-060-022-000 (location of proposed winery and tree mitigation area, and location of some of the existing vineyard); holding also contains the following APNs which are under the ownership of the applicant – Tesseron Vineyards: 027-060-020-000 (location of proposed soils disposal areas), 027-060-023-000 (location of existing vineyard), 027-060-024-000 (location of existing vineyard), 051-200-016 (parcel located in Sonoma County and location of proposed water storage tank) and finally and 051-010-079 (parcel also located in Sonoma County no development or disturbance proposed).

Section 23, Township 7 North, Range 6 West, MDM

Acreage: 43.26 acres

5. **Project sponsor's name and address:** Jon Webb, Albion Surveys, 1113 Hunt Avenue, St. Helena, Ca 94574, 707-290-6740, jwebb@albionsurveys.com
6. **General Plan description:** Agriculture, Watershed and Open Space (AWOS)
7. **Zoning:** Agricultural Watershed (AW)
8. **Background/Project History:**

Tesseron Vineyards owns six parcels located at the end of Wall Road, four of the parcels are located in Napa County and two are located in Sonoma County (see Attachment E). On the primary parcel (43.26 acres) where the winery development will occur (APN 027-060-022) various building permits have been approved and the parcel is currently developed with a main residence, a barn, a tennis court, a pool, a well, approximately 2.01 acres of vineyard approved under ECP 90-48 (Erosion Control Plan for 21 acres of vineyard approved in 1991, see Attachment I), the existing spring (currently used to provide water to both residences within the larger holding) and existing roads to access the various structures. There are five other APNs under the ownership of Tesseron Vineyards 027-060-020-000 (224 acres), 027-060-023-000 (42.23 acres), 027-060-024-000 (298.36), 051-200-016-000 (24 acres) and 051-010-079-000 (22 acres). APN 027-060-020-000 (proposed location for soil disposal area) contains a garage, an existing reservoir, a well, solar panels and access roads. APN 027-060-023-000 contains the 2nd primary residence, a garage, a pool and a barn, as well as access roads and portions (approximately 5.74 acres) of the existing vineyard approved under ECP 90-48. APN 027-060-024-000 contains access roads in addition to portions (approximately 6.03 acres) of the existing vineyard approved under ECP 90-48. APN 051-200-016 is located in Sonoma County, and it contains approximately 5.37 acres of vineyard, access roads and is proposed to house the fire suppression water storage tank. The final parcel in the holding is APN 051-010-079 and is also located in Sonoma County, the parcel contains solar panels and no development or disturbance associated with the winery development is proposed to occur on this parcel. Total ECP acreage in holding is 2.01 (APN -022) + 5.74 (APN -023) + 6.03 (APN -024) + 5.37 (APN -016) = 19.15 acres.

9. **Description of Project:**
Request for approval of a Use Permit to allow a new winery with an annual production capacity of 20,000 gallons per year with the following characteristics:

- a. Construction of a new 14,729 square foot (sf) cut and cover Type I cave with a 2,750-sf covered crush pad and a 348-sf covered mechanical equipment area with an enclosed trash/recycling area:
 - i. Included in the cave is a 3,645-sf fermentation dome room with a 32-foot-high ceiling;
 - ii. The caves and domes will be used for winemaking, fermentation, aging, barrel storage, bottling, case good storage; dry good storage, as well as shipping and receiving; the cave will also contain an office, lab and two restrooms.
 - iii. A retaining wall will be constructed uphill of the cave and will be 56 feet 6 inches in height.
- b. Excavation of approximately 20,000 cubic yards of spoils associated with the cave and construction of structure pads, all of the spoils will be distributed within the subject parcel or neighboring parcels under the same ownership, with spoils specifically occurring on APN 027-060-020 at various locations but outside of all required stream and ephemeral setbacks;
- c. Onsite parking for three (3) vehicles; one (1) handicapped, one (1) compact and one (1) standard;
- d. Up to one (1) full-time employee, and three (3) part-time employees;
- e. Installation of a 50,000-75,000-gallon Fire Protection Water Tank located on a parcel under the same ownership but within the jurisdiction of the County of Sonoma (this will require the submittal and approval of building permit from Sonoma);
- f. Upgrades to the existing wastewater system – with winery wastewater being collected, treated, and stored to be reused for irrigation onsite;
- g. Installation of a new onsite Septic System and identification of new reserve area;
- h. Removal of 15 native tree species, with replanting and permanent preservation of 45 trees;
- i. Use of an existing on-site spring, currently used for residential water use, that will become the water source for the winery while the residence will be served by an existing well within the holding;
- j. Improvements to the existing paved driveway from Wall Road to ensure it meets Napa County Road and Street Standards.

No Tours and Tastings, or Visitations are proposed or being requested under this Use Permit; nor are Marketing events proposed. The proposed winery facility is predominantly stepped into the existing hillside and will consist of the cut and cover cave, along with the covered crush pad and mechanical equipment area.

10. **Describe the environmental setting and surrounding land uses.**

The approximately 43.26 acres parcel is located at 1000 Wall Road on the western side of Napa County at the border with Sonoma County. The property abuts the end of Wall Road, a County maintained and viewshed road, but there is a gated driveway at the end of Wall Road, after which access to holding is through a private driveway. The property is located on the west side of the Mayacamas Mountains ridgeline at the border of Sonoma and Napa County. Slopes on the parcel range from 0 percent (%) to over 50%, slopes within the proposed development areas range from 0% to 29%. In addition to this parcel, the property owners also own three (3) neighboring parcels located within Napa County (APNs: 027-060-020, 027-060-023, 027-060-024) and an additional two (2) parcels which are located within the County of Sonoma (APNs: 051-200-016 and 051-010-079). Within the holding there are 19.15 acres of vineyards. All of the grapes from the 19.15 acres of vineyard will be processed at the proposed winery. The proposed winery will utilize the existing 25-kilowatt photovoltaic array located on one of the adjacent properties, under the same ownership.

The surrounding land uses consist primarily of large parcels containing predominantly open space, many of which are under the ownership of the State of California, in addition some parcels contain vineyards and some residential uses. There are no County designated Significant Streams located on the main project parcel (027-060-022-000) on which the future winery is proposed, however, there are a number of ephemeral drainages located on the parcel and there is an identified blue line stream, as well as ephemerals, on the adjacent parcels under the same ownership (027-060-020 and -023). The County GIS layers shows an ephemeral stream as running through the proposed location of the new winery; however, staff was able to confirm during the November 2022 site visit that there was no channelization or riparian vegetation associated with this “identified” ephemeral and therefore did not meet the definition. The Tesson holding contains two main residences, two pools, a barn, three garages, a tennis court, two solar panel arrays, two wells, a developed spring, one water tank, a private driveway, ranch roads, and approximately 19.15 acres of vineyard. The specific project parcel contains a residence, pool, garage, barn, well, developed spring, private driveway, landscaping and approximately 2.01 acres of vineyard.

According to the County of Napa GIS system the parcel contains a mix of grassland, mixed oak woodland, agricultural land and developed/disturbed area. The Biological Assessment analyzed 11 acres of the parcel, the Study Area - areas that will be impacted by the proposed winery development. Within the 11 acre Study Area there are 7.3 acres of grassland, 1.3 acres of mixed oak woodland, 2.4 acres of disturbed/developed land, and 0.1 acres of agricultural land. The project would remove 1.3 acres of mixed oak woodland (to widen the road to Napa County Road and Street Standards (NCRSS)), install the proposed cut and cover cave that will serve as the winery, and installation of the new water tanks. The project includes the replanting of 1.3 acres of mixed oak woodland to replace the trees that will need to be removed. The proposed project will result in temporary impacts to the existing grassland, but there is no permanent conversion of grassland occurring, however, three potential spoils disposal areas have been identified where soils excavated from the cave location will be spread in low stockpiles; stockpiles will avoid any identified sensitive species, however, there are mitigations proposed in the instance where avoidance is not feasible and areas for said mitigation and preservation have been identified in Biological Assessment. The stockpile dispersal areas will be reseeded with a native seed mix and allowed to return to annual

grassland.

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, waste disposal permits, and an encroachment permit, in addition to meeting CalFire standards. Permits may also be required by the Department of Alcoholic Beverage Control and Bureau of Alcohol, Tobacco, & Firearms.

Responsible (R) and Trustee (T) Agencies

California Department of Fish and Wildlife (CDFW) (T)
Air Resources Board (R)
Regional Water Quality Control Board (Regional Water Board) (R)
California Department of Forestry and Fire Protection (T)
State Water Resources Control Board (R)
County of Sonoma

Other Agencies Contacted

Middletown Rancheria
Mishewal Wappo Tribe of Alexander Valley
Yocha Dehe Wintun Nation

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.?

AB52 letters were sent to the local Tribes (Mishewal Wapp, Yocha Dehe Wintun Nation, and Middletown Rancheria) on February 16, 2023. As of the preparation of this Initial Study no responses from the tribes have been received and, as such, the comment period is considered closed.

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:

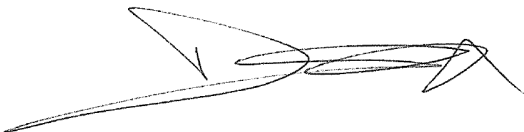
The conclusions and recommendations contained herein are professional opinions derived in accordance with current standards of professional practice. They are based on a review of the Napa County Environmental Resource Maps, the other sources of information listed in the file, and the comments received, 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 Use Permit #P22-00309-NEW as listed below, and the environmental background information contained in the permanent file on this project. These documents and information sources are incorporated herein by reference and available for review at the Napa County Department of Planning, Building and Environmental Services located at 1195 Third Street, Suite 210, Napa, CA 94559, or <https://pbes.cloud/index.php/s/r3JKozkwqa6cjzX>.

- Recommended Findings (**Attachment A – not included** – to be provided upon release of the staff report and agenda packet)
- Recommended Conditions of Approval (**Attachment B – not included** – to be provided upon release of the staff report and agenda packet)
- Mitigated Negative Declaration (**Attachment C – this document**)
- Project Narrative and Application Submittal Materials (**Attachment D**).
- Civil and Architectural Plan Sets (**Attachment E**)
- Water Availability Analysis WAA and Addenda (**Attachment F**)
- Wastewater Feasibility Study (**Attachment G**)
- Biological Resources Assessment (**Attachment H**).
- Northern Spotted Owl Assessment (**Attachment H.1**)
- Vegetation Retention Analysis (**Attachment H.2**)
- Approval Letter Erosion Control Plan #90-48 (**Attachment I**)
- Graphics (**Attachment J**)
- Winery Comparison Table (**Attachment K**)
- Archaeological Resource Service (**contents confidential – not included**)
- Site inspection conducted by Napa County Engineering and Conservation Division staff on November 15, 2022.
- 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

3/12/2025

Date

Name: Dana Morrison

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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/b.
 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, the project site is defined by a mix of vineyard, miscellaneous structures, residential uses and open space. The project would not result in a substantial damage to scenic resources, including trees and rock outcroppings, or substantially degrade the visual character or quality of the site and its surroundings. Wall Road is identified as a Viewshed Road. However, as confirmed by the site visit conducted by staff on November 15, 2022, based on existing topography and vegetation the proposed winery is not visible from the publicly accessible portions of Wall Road or any other designated viewshed road. Additionally, once constructed the majority of the winery facility will not be visible as it will be located in a cave which, other than the skylight, will have a roof that will be reseeded and return to a naturally revegetated state. The project is the development of a new winery facility and associated winery infrastructure, compliant with the County General Plan and typical of land uses in the Napa Valley area. Due to this, there will be no impact to a scenic vista if the project is approved.

c.
 The proposed new winery consists of a new cut and cover cave winery which will consist of a 14,729 sf, a 2,750-sf covered crush pad, a 348-sf covered mechanical equipment area as well as an enclosed refuse/recycling area and onsite parking for 3 (three) vehicles. The new winery will be subterranean, as such once cover has been placed and area has been replanted the winery will not be visible. The winery is further screened by exiting vegetation and the existing barn which will remain. Due to this, there will be no impact to public views if the project is approved.

d.
 Although the site is currently developed with an existing residence and outbuildings, the proposed new winery building may result in the installation of additional lighting that may have the potential to impact nighttime views. The closest off-site residences, not under the same ownership, are approximately 1,175 feet to the south and 1,300 feet to the southeast of the proposed winery cave. Pursuant to standard Napa County conditions of approval for wineries, outdoor lighting will be required to be shielded and directed downward, with only low-level lighting allowed in parking areas. As designed, and as subject to the standard conditions of approval, below, the project will not have a significant impact resulting from new sources of outside lighting.

6.3 **LIGHTING – PLAN SUBMITTAL**

- a. *Two (2) copies of a detailed lighting plan showing the location and specifications for all lighting fixtures to be installed on the property shall be submitted for Planning Division review and approval. All lighting shall comply with the CBC.*
- b. *All exterior lighting, including landscape lighting, shall be shielded and directed downward, shall be located as low to the ground as possible, shall be the minimum necessary for security, safety, or operations; on timers; and shall*

incorporate the use of motion detection sensors to the greatest extent practical. All lighting shall be shielded or placed such that it does not shine directly on adjacent properties or impact vehicles on adjacent streets. No floodlighting or sodium lighting of the building is permitted, including architectural highlighting and spotting. Low-level lighting shall be utilized in parking areas as opposed to elevated high-intensity light standards.

4.16 GENERAL PROPERTY MAINTENANCE – LIGHTING, LANDSCAPING, PAINTING, OUTDOOR EQUIPMENT STORAGE, AND TRASH ENCLOSURE AREAS

All lighting shall be permanently maintained in accordance with the lighting and building plans approved by the County. Lighting utilized during harvest activities is exempt from this requirement.

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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a/e.
The California Department of Conservation District map designates the property as “Other Land”. The proposed project would not conflict with existing zoning for agricultural uses. General Plan Agricultural Preservation and Land Use policies AG/LU-2 and AG/LU-13 recognize wineries, and any use consistent with the Winery Definition Ordinance and clearly accessory to a winery, as agriculture. Thus, the proposed project would not result in a significant impact with respect to conversion of farmland. No vines will be removed to facilitate construction of the proposed winery. There are no other changes included in this proposal that would result in the conversion of Farmland.

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.

b. The County's zoning of the property is AW (Agricultural Watershed), and the General Plan land use designation of the property is Agriculture, Watershed and Open Space (AWOS). The proposed winery is consistent with the property's zoning, as Napa County Code Section and 18.20.030 lists wineries and related, accessory uses as conditionally permitted in the AW Districts. General Plan Policy AG/LU-20 also identify processing of agricultural products (grape crushing/winemaking) as a use that is consistent with the AWOS land use designation. There is no Williamson Act contract applicable to this property. As such, there would be no impact as a result of the proposed project.

c/d. The project site is zoned AW (Agricultural Watershed) which allows wineries upon grant of a use permit. According to the Napa County Environmental resource maps (based on the following layers – Agriculture, Annual Grassland, Chamise Alliance, Oak Woodland, and Mixed Oak) the project site does not contain lands classified as forest or timberland. Therefore, the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. As such, there would be no impact as a result of the proposed project.

Mitigation Measures:

None required.

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.

BAAQMD published a new version of the Guidelines dated May 2017, which includes revisions made to address the Supreme Court's opinion. The May 2017 Guidelines update does not address outdated references, links, analytical methodologies or other technical information that may be in the Guidelines or Thresholds Justification Report. The Air District is currently working to revise any outdated information in the Guidelines as part of its update to the CEQA Guidelines and thresholds of significance.

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 PM_{2.5}, 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 PM_{2.5} occasionally does reach unhealthy concentrations. There are multiple reasons for PM_{2.5} exceedances in Napa County. First, much of the county is wind-sheltered, which tends to trap PM_{2.5} 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 PM_{2.5} 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 (NO_x and ROG), carbon monoxide (CO), nitrogen dioxide (NO₂), and suspended particulate matter (PM₁₀ and PM_{2.5}). 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 entire project, which is approximately ~17,800 sf of enclosed floor area [~0.40 acres] (cut and cover cave with offices, manufacturing, productions and storage, as well as restrooms) compared to the BAAQMD's screening criterion of 47,000 sf (high quality restaurant) and 541,000 sf (general light industry) for NO_x (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. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.) 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.

Because there is approximately 844.01 sf of proposed floor area dedicated to administrative uses, approximately 16,633.09 sf of floor area dedicated to production (which includes a 2,750 sf outdoor crush pad area) when compared to the BAAQMD's screening criteria of 541,000 sf for general industrial, and compared to the BAAQMD's screening criterion of 47,000 sf for high quality restaurants, the project would not significantly impact air quality and does not require further study (BAAQMD CEQA Guidelines, May 2017 Pages 3-2 & 3-3.) Given the size of the proposed project (~17,800) compared to the BAAQMD's screening criterion of 47,000 (high quality restaurant) and 541,000 sf (general light industry) for NO_x (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. (Please note: a high-quality restaurant is considered comparable to a winery tasting room for purposes of evaluating air pollutant emissions, but grossly overstates emissions associated with other portions of a winery, such as office, barrel storage and production, which

generate fewer vehicle trips. Therefore, a general light industry comparison has also been used for other such uses.)

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.

d.

In the short term, potential air quality impacts are most likely to result from earthmoving and construction activities required for the proposed winery buildings, parking areas, cave tunnels and associated site improvements. 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, and relatively minor emissions from paints and other architectural coatings. The Air District recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to these relevant best management practices identified by the Air District and the County's standard conditions of project approval, construction-related impacts are considered less than significant:

7.1 SITE IMPROVEMENTS

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 traced 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 by 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/perpfact_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 specified in Napa County's standard condition of approval relating to dust:

7.1 SITE IMPROVEMENTS

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, wineries are not known operational producers of pollutants capable of causing substantial negative impacts to sensitive receptors. The closest residence is approximately 1,175 feet to the south with another nearby residence located approximately 1,300 feet to the southeast of the proposed winery buildings. Construction-phase pollutants would be reduced to a less than significant level by the above-noted standard condition 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:

None 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

The following were utilized in this analysis and are incorporated herein by reference and available in the project file for review.

1. Biological Resources Assessment for Tesseron Vineyards Winery. Madrone Ecological Consulting, LLC (Madrone). 2023, updated 2024.
2. NSO survey 2022

Additionally, the following Napa County Geographic Information System (GIS) Sensitivity Maps/layers were utilized in this biological resources assessment: Sensitive biotic vegetation groups, U.S. Fish and Wildlife (USFWS) Critical Habitat, California Natural Diversity Database (CNDDB), Owl Habitat, Wetlands and Vernal Pools, Vegetation, Soil types, U.S. Geological Survey Quadrangle (DRG), and Aerial Photos.

A list of special-status plant and animal species that have the potential to occur within the vicinity of the project site was compiled based on data in the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants (CNPS, 2023) for Rutherford and the eight surrounding quadrangles USGS 7.5- minute topographic quadrangles, as well as personal communication with CDFW personnel, citizen science databases such as ebird and inaturalist, VegCamp maps, and the Napa County *Baseline Data Report* (Napa County, 2005). The U.S. Fish and Wildlife Service (USFWS) list of

endangered and threatened species and Critical Habitat record was also searched for the project site (USFWS, 2023) The CNDDDB Spotted Owl Observations Database (CNDDDB 2023) and Western Bat Working Group (WBWG) Species Matrix (WBWG 2023).

The Project Area contains 7.2 acres of annual grassland, 1.3 acres of mixed oak woodland, 2.4 acres of disturbed or developed lands, and 0.1 acres of agricultural lands. There are no wetlands or drainages within the footprint of the proposed development area and potential waters are limited to an ephemeral drainage that crosses under the access road. The Project will not substantially interfere with native wildlife species, wildlife corridors, and or native wildlife nursery sites. The Project will not significantly contribute to habitat loss or habitat fragmentation. No special-status species were observed during the reconnaissance level survey. The Project will result in temporary impacts to suitable habitat for special-status plants (bend-flowered fiddleneck, narrow-anthered brodiaea, congested-head hayfield tarweed, Jepson's leptosiphon and Cobb Mountain lupine), as well as Swainson's hawk, common nesting birds, Pallid bat, Crotch bumble bee, and native trees. The Project has been designed to minimize permanent land conversion, and the Project will not significantly reduce habitat for local or regional special-status plants or animals.

a/b.

Special Status Plants:

Based upon a review of the resource databases, 54 special-status plant species have the potential to occur in the vicinity of the project site. However, the vast majority of these have a low occurrence potential or not habitat present. However, five (5) of these plants have a moderate to high potential to occur within the project site. The Project Area contained suitable habitat for the following special status plant species; 1) bend-flowered fiddleneck, 2) narrow-anthered brodiaea, 3) congested-head tarweed, 4) Jepson's leptosiphon, and 5) Cobb Mountain lupine.

Bend-flowered fiddleneck: This annual herb is found in valley and foothill grasslands, cismontane woodlands, and coastal bluff scrub. This plant occurs at elevations between 10 and 1,640 feet, and blooms from March through June. The annual grasslands within the Study Area represent suitable habitat for this species.

Narrow-anthered brodiaea: It is a perennial herbaceous species that occurs in broad-leafed upland forest, chaparral, cismontane woodland, lower montane coniferous forests, and valley and foothill grassland between 360 and 3,000 feet. Narrow-anthered brodiaea blooms from May through July and has been found on volcanic soils. The disturbed annual grassland and Valley oak woodland throughout the Study Area provide suitable habitat for this species.

Congested-head hayfield tarweed: This annual herb is found in valley and foothill grassland and sometimes occurs on roadsides. This plant occurs at elevations between 65 feet and 1,835 feet, and blooms from April through November (CNPS 2023). The Annual California annual grasslands throughout the Study Area represent suitable habitat for this species. This species was not observed during the 2023 reconnaissance level survey of the site, which was conducted during the blooming season. The closely related Woodrush tarweed (*Hemizonia congesta* ssp. *luzulifolia*) was in bloom and identified during this survey.

Jepson's leptosiphon: This annual herb is found in chaparral, cismontane woodland, and valley and foothill grassland within occasional volcanic microhabitats. Jepson's leptosiphon occurs at elevations between 930 and 1,640 feet, and blooms from March through May. The annual grasslands within the Study Area represent suitable habitat for this species.

Cobb Mountain lupine: This perennial herb is found in various habitats including broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest and is known to colonize disturbed sites. Cobb Mountain lupine is found between approximately 900 and 5,050 feet in elevation and blooms from March through June. Mixed oak woodlands and annual grasslands within the Study Area represent suitable habitat for this species.

The vegetation communities proposed for impact represent suitable habitat for a bend-flowered fiddleneck, narrow-anthered brodiaea, congested-head hayfield tarweed, Jepson's leptosiphon and Cobb Mountain lupine. If present, direct impacts to these species would result from ground disturbance associated within construction. As permanent conversion of habitats will be minimal, effects are expected to be temporal. While these species have not been documented in the Study Area, protocol-level special status plant surveys have not yet been conducted.

To ensure there is no significant impacts to the 5 above noted plants, mitigation measures are being included to require special-status plant surveys to be conducted during the blooming period for the target species in areas proposed for impact prior to commencement of construction or earth disturbance. Areas proposed for impact shall include all areas of temporary and permanent ground disturbance as well as any proposed spoils locations. The special-status plant surveys shall be conducted in accordance with the Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants (USFWS 1996), the Botanical Survey Guidelines of the California Native Plant Society (CNPS 2001), and Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018). These protocols require conducting surveys at the appropriate time of year, when plants are identifiable and in bloom and/or in

fruit (which often includes multiple visits to capture blooming and/or fruiting periods for all target plants), and includes ensuring that habitats are not disturbed prior to the survey so that any plants that are present may be documented. If no special-status plant species are found, no further mitigation would be required.

Multiple potential spoils sites have been identified for potential use, so the final location can be adjusted based on the findings of the protocol level surveys. If special-status species are identified during the surveys then that area would be avoided, and an avoidance zone developed in consultation with USFWS or CDFW, as applicable. This is the preferred method (avoidance). If, after the necessary surveys are conducted, it is determined that any impacts (direct or indirect) would occur to special-status plants, the applicant shall develop a Special-Status Plant Mitigation Plan (SSPMS). This Plan shall be approved by the County, as well as USFWS or CDFW (as appropriate based on listing status) prior to the issuance of a grading permit. The plan will include information relocation or translocation (via seed collection or direct plant translocation as detailed in the mitigation measures below.

The project shall include the following Mitigation Measures to ensure less than significant impacts to potential special status plants:

Mitigation Measure BIO-1: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to bent-flowered fiddleneck, congested-head hayfield tarweed and jepson's leptosiphon:

- a. Special-status plant surveys shall be conducted for bent-flowered fiddleneck (bloom March-June), congested-head tarweed (bloom April-October) and Jepson's leptosiphon (bloom April-May), during the blooming period for the target species in areas proposed for impact prior to commencement of construction. If no special-status plant species are found, no further mitigation shall be required. If special-status plants are found and will be impacted, then a Special-Status Plant Mitigation Plan shall be prepared and approved by the County and CDFW and/or USFWS (as applicable based on listing status). These three species have been identified as being viable for mitigation via seed collection. Mitigation options are preservation/avoidance (preferred) and relocation/translocation (only if preservation/avoidance is not feasible or is unavoidable) via seed collection and the specific requirements for each option are detailed below:

1. **Preservation:**

- i. The applicant shall identify one or more existing, unprotected populations of the special-status plant that will be impacted by the Project in the Project vicinity and protect this population in perpetuity by establishing a preserve on the land that supports those populations. As this option would preserve an existing, established population, there would be no temporal loss, and low risk of failure. As a result, the required mitigation ratio for this option would be 1:1.
- ii. The applicant shall submit prepare and submit a Special Status Plant Mitigation Plan (SSPMS) for approval by the County and/or USFWS/CDFW (as appropriate based on listing status, if any).
- iii. The mitigation area(s) shall be protected by a recorded mitigation easement or deed restriction and managed in accordance with the long-term management detailed in the SSPMS that maintains the habitats the mitigation easement was established to protect (including the special-status plants).
- iv. A preserve management endowment or sufficient annual management funding as approved by the County or regulating agency shall be established to fund the long-term management outlined in the long-term management plan. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the Special-Status Plant Mitigation Plan. This option may be implemented at a mitigation/conservation bank if the target plant species is present at the bank, and the Special- Status Plant Mitigation Plan shall describe how the purchase of bank credits translates into appropriate 1:1 preservation.

2. **Relocation or Translocation via seed collection:**

- i. The applicant shall mitigate impacts by establishment of a new special-status plant population or expansion of an existing special-status plant population. The proposed mitigation area may be on-site or off-site (on adjacent parcels located in the same holding with appropriate habitat, translocation options are identified in the Bio Report, see page 99).
- ii. The establishment area shall be permanently protected by the recordation of a mitigation easement or deed restriction, and a long-term management plan that maintains the habitats that the mitigation easement was established to protect, and include the establishment of a preserve management endowment, or sufficient annual management funding shall be detailed in the SSPMS prepared and approved by the County or other applicable regulating agency.
- iii. The applicant shall locate and protect the mitigation area(s), translocate seeds to the

mitigation area(s), monitor the translocated/relocated seeds for a minimum of five years, and meet established success criteria as detailed in the SSPMS. If the conditions are suitable, this could occur in the native tree planting area or California grassland areas that will be revegetated post construction.

- iv. The minimum success criterion for this option shall be **3:1 [updated per CDFW comments]** replacement of directly impacted plants and **3:1 [updated per CDFW comments]** replacement for indirectly impacted plants with year five of monitoring. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the Special-Status Plant Mitigation Plan.
- v. If the success criteria are not met, then additional habitat shall be set aside as set forth under the Preservation Mitigation Option (above) or as agreed upon by the County and/or USFWS/CDFW, as appropriate. Because population sizes for annual plants can vary widely from year to year, for the Relocation or Translocation Option, population counts or acreage mapping shall be conducted in the last two years of monitoring, and the highest count or acreage shall be at least equivalent to the number of required replacement plants.

Mitigation Measure BIO-2: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to narrow-anthered brodiaea and cobb mountain lupine:

- a. Special-status plant surveys shall be conducted for narrow-anthered brodiaea (bloom May-July), and Cobb Mountain lupine (March-June) during the blooming period for the target species in areas proposed for impact prior to commencement of construction. If no special-status plant species are found, no further mitigation would be required. If special-status plants are found and will be impacted, then a Special-Status Plant Mitigation Plan shall be prepared and approved by the County and CDFW and/or USFWS (as applicable based on listing status). These two species have been identified as being viable for mitigation via translocation/relocation. Mitigation options are preservation/avoidance (preferred) and relocation/translocation (only if preservation/avoidance is not feasible or is unavoidable) via seed collection and the specific requirements for each option are detailed below:

1. Preservation:

- i. The applicant shall identify one or more existing, unprotected populations of the special-status plant that will be impacted by the Project in the Project vicinity and protect this population in perpetuity by establishing a preserve on the land that supports those populations. As this option would preserve an existing, established population, there would be no temporal loss, and low risk of failure. As a result, the required mitigation ratio for this option would be 1:1.
- ii. The applicant shall submit prepare and submit a Special Status Plant Mitigation Plan (SSPMS) for approval by the County and/or USFWS/CDFW (as appropriate based on listing status, if any).
- iii. The mitigation area(s) shall be protected by a recorded conservation easement or deed restriction and managed in accordance with the long-term management detailed in the SSPMS that maintains the habitats the conservation easement was established to protect (including the special-status plants).
- iv. A preserve management endowment or sufficient annual management funding as approved by the County or regulating agency shall be established to fund the long-term management outlined in the long-term management plan. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the Special-Status Plant Mitigation Plan. This option may be implemented at a mitigation/conservation bank if the target plant species is present at the bank, and the Special- Status Plant Mitigation Plan shall describe how the purchase of bank credits translates into appropriate 1:1 preservation.

2. Relocation or Translocation:

- i. The applicant shall mitigate impacts by establishment of a new special-status plant population or expansion of an existing special-status plant population. The proposed mitigation area may be on-site or off-site.
- ii. The establishment area shall be permanently protected by the recordation of a conservation easement or deed restriction, and a long-term management plan that maintains the habitats that the conservation easement was established to protect, and include the establishment of a preserve management endowment, or sufficient annual management funding shall be detailed in the SSPMS prepared and approved by the County or other applicable regulating agency.

- iii. The applicant shall locate and protect the mitigation area(s), translocate/relocate plants to the mitigation area(s), monitor the translocated/relocated plants for a minimum of five years, and meet established success criteria as detailed in the SSPMS. If the conditions are suitable, this could occur in the native tree planting area or California grassland areas that will be revegetated post construction.
- iv. The minimum success criterion for this option shall be **3:1 [updated per CDFW comments]** replacement of directly impacted plants and **3:1 [updated per CDFW comments]** replacement for indirectly impacted plants with year five of monitoring. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the SSPMS.
- v. If the success criteria are not met, then additional habitat shall be set aside as set forth under the Preservation Mitigation Option (above) or as agreed upon by the County and/or USFWS/CDFW, as appropriate. Because population sizes for annual plants can vary widely from year to year, for the Relocation or Translocation Option, population counts or acreage mapping shall be conducted in the last two years of monitoring, and the highest count or acreage shall be at least equivalent to the number of required replacement plants.

As mitigated the proposed project would not result in the removal of special-status plant species or their habitat, and would be consistent with the following Napa County General Plan Conservation Element Goals and Policies and Zoning Ordinance: General Plan Goal CON-2² because it would assist in maintaining the existing level of biodiversity in the County, as well as contribute to minimization of potential cumulative impacts associated with the loss of special-status plant species and associated habitat due to development; Goal CON-3³ as it would protect the continued presence of special-status plant species or habitat; Policy CON-13⁴ in that impacts to special-status habitat would be avoided or mitigated through transplantation or reseeding; Policy CON-17⁵ because the removal and disturbance of a sensitive natural plant community that contains special-status plant species would be prevented; and, the purpose and intent of the Conservation Regulations (NCC Chapter 18.108) in that it would preserve natural habitat or existing vegetation, and would not adversely affects sensitive, rare, threatened or endangered plants.

Special-Status Animals:

Based upon a review of the resource databases listed, 17 special-status animal species have the potential to occur in the vicinity of the project site. Three of these species; crotch bumble bee (*bombus crotchii*), swainson's hawk (*buteo swainsoni*) and pallid bat (*Antrozous pallidus*) have a potential to occur within the project site and are discussed in further detail below. Additionally, according to the Napa County GIS database the parcel is located within identified potential Northern Spotted Owl habitat.

Crotch Bumble Bee: Crotch bumble bee has a limited distribution in southwestern North America. This species occurs primarily in California, including the Mediterranean region, Pacific Coast, West Desert, Great Valley, and adjacent foothills through most of southwestern California. It also occurs in Mexico (Baja California and Baja California Sur) and has been documented in southwest Nevada, near the California border. In California, *B. crochii* inhabits open grasslands and scrub habitats. This species occurs primarily in California including the Mediterranean region, Pacific Coast, Western Desert, Great Valley, and adjacent foothills through most of southwestern California. This species was historically common in the Central Valley of California, but now appears to be absent from most of it, especially in the center of its historic range. While this species does not appear within the vicinity on the records search, little documentation is available for bumble bees and the Study Area is within the current range of the species.

Swainson's Hawk: Swainson's hawk is a raptor species that is not federally listed, but is listed as threatened by CDFW. Breeding pairs typically nest in tall trees associated with riparian corridors, and forage in grassland, irrigated pasture, and cropland with a high density of rodents. The Central Valley populations breed and nest in the late spring through early summer before migrating to Central and

² Goal CON-2: Maintain and enhance the existing level of biodiversity.

³ Goal CON-3: Protect the continued presence of special-status species, including special-status plants, special-status wildlife, and their habitats, and comply with all applicable state, federal, or local laws or regulations.

⁴ Policy CON-13: The County shall require that all discretionary residential, commercial, industrial, recreational, agricultural, and water development projects consider and address impacts to wildlife habitat and avoid impacts to fisheries and habitat supporting special-status species to the extent feasible. Where impacts to wildlife and special-status species cannot be avoided, projects shall include effective mitigation measures and management plans including provisions to: Provide protection for habitat supporting special-status species through buffering or other means.

⁵ Policy CON 17: Preserve and protect native grasslands, serpentine grasslands, mixed serpentine chaparral, and other sensitive biotic communities and habitats of limited distribution. The County, in its discretion, shall require mitigation that results in the following standards: Prevent removal or disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species.

South America for the winter. The annual grasslands throughout the Study Area represent suitable foraging habitat for Swainson's hawk, and the trees within the Study Area provide suitable nesting habitat. The nearest documented Swainson's hawk nest is known from CNDDDB occurrence 2268, documented in 2013 approximately 4.5 miles east of the Study Area in an oak tree along the Napa River.

Pallid Bat: Pallid bat is not federally or state listed, but is considered a CDFW species of special concern, and is classified by the WBWG as a High priority species. It favors roosting sites in crevices in rock outcrops, caves, abandoned mines, hollow trees, and human-made structures such as barns, attics, and sheds. Though pallid bats are gregarious, they tend to group in smaller colonies of 10 to 100 individuals. It is a nocturnal hunter and captures prey in flight, but unlike most American bats, the species has been observed foraging for flightless insects, which it seizes after landing (WBWG 2023). Tree hollows and exfoliating bark on trees, barns, and sheds throughout the Study Area represent suitable roosting habitat for pallid bat. Pallid bat has not been documented in the CNDDDB within 5 miles of the Study Area.

Soil distribution in California grasslands associated with the disposal of spoils would result in the temporary disturbance of 7.3 acres of potential crotch bumble bee foraging habitat. As no permanent conversion of California grasslands are proposed, these effects are expected to be temporal. However, as Crotch bumble bee is a candidate for listing under the CESA, impacts to individual bumble bees may be considered a significant impact. To reduce potentially direct and indirect significant impacts to crotch bumble bees to a less-than-significant level, **Mitigation Measure BIO-3** would be implemented. However, to further reduce long-term impacts the applicant proposes to reseed the top of the cave with a native wildflower seed mix thereby creating additional foraging habitat for pollinators post project. This area will be maintained (removal of noxious weeds and invasives) and reseeded as required to maintain the area as pollinator habitat. This has been included as a Condition of Approval and is detailed further below.

Mitigation Measure BIO-3: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to crotch bumble bees:

- a. Initial ground-disturbing work (e.g., grading, vegetation removal, staging) shall take place between September 1st and March 31st (i.e., outside the colony active period), if feasible, to avoid impacts on nesting special status bumble bees.
- b. If completing all initial ground-disturbing work between September 1st and March 31st is not feasible, then a senior level biologist with 10 or more years of experience conducting biological resource surveys within California will conduct a pre-construction survey for bumble bees in the area proposed for impact no more than 14 days prior to the commencement of construction activities. The survey will occur during the period from one hour after sunrise (> 65F and < 90F with low wind and no rain) to two hours before sunset. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast, and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present at or within the area proposed for impact and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources. Suitable floral resources for Crotch's bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae. Suitable floral resources for western bumble bee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera *Eriogonum* and *Penstemon*.
- c. At a minimum, pre-construction survey methods should include the following:
 - Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present.
 - If bumble bees are observed, attempt to identify the species by taking a picture.
 - If special-status bumble bees are observed, watch any special-status bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest.
 - Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat.
 - If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of no less than 4 inches to assist with locating the nest.
 - Look for concentrated special-status bumble bee activity.
 - Listen for the humming of a nest colony.
- d. The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumble bee activity, a description of any

vegetation removed to facilitate the survey, and their determination of if the survey observations suggest a special status bumble bee nest(s) may be present or if construction activities could otherwise harm the species. The report shall be submitted to the County prior to the commencement of construction activities. If no special status bumble bees are located during the pre-construction survey or the bumble bees located are definitively determined not to be special status, then no further mitigation or coordination with CDFW is required.

- e. If any sign(s) of a bumble bee nest is observed, and if it cannot be established the species present is not a special-status bumble bee, then construction will not commence until either 1) the positive identification of the bumble bees present as common (i.e., not special status) is completed by an experienced bumble bee taxonomist or 2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include but not be limited to: waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit from CDFW.
- f. It is recommended that project applicant also survey their project impact areas the year before construction begins in order to avoid potential last-minute delays associated with identifying special status bumble bees on-site immediately prior to construction activities. To be most effective, this optional survey should follow the protocol outlined above.
- g. If, after coordination with CDFW, impacts to special status bees cannot be avoided, the applicant shall obtain an Incidental Take Permit (ITP) from CDFW prior to County approval of permits authorizing construction, and the applicant shall implement all avoidance measures included in the ITP. Mitigation required by the ITP may include but will not be limited to, the Project Applicant translocating nesting substrate in accordance with the latest scientific research to another suitable location (i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the Project site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.

A Condition of Approval is also proposed to require that post project the cave fill be reseeded with native wildflower seed mix and maintained (through removal of noxious weeds and non-native species).

Pollinator Habitat – Condition of Approval: Post project the owner/permittee shall reseed the cave fill (cave roof) with a native wildflower seed mix to create pollinator habitat for various pollinator species, including bumble bees and butterflies. This area shall be actively maintained. Noxious weeds and non-native being shall be removed as necessary, to ensure the establishment of native wildflowers, and reseeded of native wildlife mix shall occur as needed to ensure the area remains as viable pollinator habitat.

Construction activities and removal of trees within the Project area could destroy nest or disturb nesting Swainson's hawk, if present. As Swainson's hawk is listed under CESA, take of the species may be considered a significant impact. No permanent loss of Swainson's hawk foraging habitat is anticipated as impacts to California grassland will be temporal. However, to ensure there are no significant impacts to nesting Swainson's hawks the following nesting survey mitigation measure, **Mitigation Measure BIO-4**, would be implemented.

Mitigation Measure BIO-4: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance Swainson's Hawks:

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

Construction activities and removal of trees within the Project Area could also potentially impact other nesting bird species. To reduce potentially direct and indirect significant impacts on nesting birds to a less-than-significant level, **Mitigation Measure BIO-5** would be implemented.

Mitigation Measure BIO-5: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as

knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds within all suitable habitat in the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.

- b. After commencement of work if there is a period of no work activity of seven days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the 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 the 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 prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
- e. Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Construction activities and removal of trees within the Project Area could also potentially impact roosting bats. To reduce potentially direct and indirect significant impacts on roosting bats to a less-than-significant level, **Mitigation Measure BIO-6** would be implemented.

Mitigation Measure BIO-6: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of roosting bats consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. **Roosting Bat Habitat Assessment and Surveys:** Prior to any tree removal, 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 removal 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-6.b, below, shall be implemented.
- b. **Roosting Bat Tree Protections:** If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal 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 and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.

Northern Spotted Owl

According to the Napa County GIS Sensitivity Maps (Owl Habitat layer) the project site is located within potential Northern spotted owl (NSO) habitat. The Project Area is currently developed with the existing residence, pool, barn, garage, landscaping, vineyards, driveway and ranch roads. Physical improvements include driveway widening, a new process waste treatment system, a new fire protection water tank, and a cut and cover cave. The physical improvements are proposed to occur between the existing residence and barn which are already developed areas of the site. No development is proposed within the more natural undisturbed areas of the larger holding. According to the Napa County Environmental Resource Maps (based on the following layers – Natural Diversity Database (CNDDDB) and US Fish and Wildlife Critical Habitat) and the Biological Resource Assessment prepared by Madrone Ecological Consulting (January 2024) no known candidate, sensitive, or special status species have been identified as occurring within the project boundaries: except, as noted above, that the existing project is located at the edge of identified northern spotted owl habitat (NSO). A NSO Assessment was prepared for the project and determined that there were no known or confirmed surveys of owls in the surrounding area (see **Attachment H.2**). However, there was suitable habitat identified within ¼ mile of the proposed project and as such a Mitigation Measure is proposed to require disturbance-only NSO surveys prior to project implementation

or seasonal restrictions for removing trees between Feb 1st and July 9th. With mitigations, the project would not have a substantial adverse effect on any special status species, or species of particular concern, as there are none identified in the project area.

Based on other surveys, NSO nest, roost, and feed in a variety of habitat types and forest stand conditions. Tree species used for these activities include western hemlock, Douglas-fir, redwood, ponderosa pine, and western red cedar; while habitat types used include mixed evergreen forests, mixed coniferous forests, Douglas-fir/hardwood mixed forests, evergreen hardwood forests, pine-oak mixed forests, and riparian corridors. Steep, rocky canyons are occasionally used for nesting, roosting, and feeding in different parts of the NSO range. The project site is mapped as primarily mixed oak and oak woodland, as well as some grassland and agriculture. There are no steep, rocky canyons or riparian corridors on the project site (there are riparian areas on other portions of the holding but not on the parcel proposed for winery development).

Most observations of habitat use by NSOs are in areas having some elements of old-growth or mature forest; the area proposed for development does not consist of old growth or mature forest. NSOs generally use forests with the utmost complexity and structure. There are portion within the holding where woodland occurs, but as noted earlier this is dominated by oak and mixed oak woodland. Roost sites selected by NSOs generally consist of dense vegetation characterized by high canopy closure, large-DBH (diameter at breast height) trees, and multiple canopy layers. These conditions do not exist on the parcel proposed for the winery development. To reduce potentially direct and indirect significant impacts to NSOs to a less-than-significant level, **Mitigation Measure BIO-7** would be implemented.

Mitigation Measure BIO-7: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to NSO:

1. If project implementation occurs between February 1 and July 9 then no mitigation is required.
2. If project implementation occurs outside of February 1-July 9 then a qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.
3. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.
4. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.

A Condition of Approval is also proposed to require that trees located in the immediate vicinity (100 feet) of the proposed development that are not identified for removal have construction fencing placed around the drip lines to reduce any damage or inadvertent removal during the construction process. If any trees not slated for removal are lost, then the applicant shall replace said trees at a 2:1 ratio as detailed in the Condition of Approval below.

Tree Protection – Condition of Approval:

1. The owner/permittee shall ensure that trees located within 100 feet of the proposed winery cave development are protected during construction using barricades or other appropriate means, such as the placement of construction fencing, placed at the outboard drip lines of applicable trees. No earth moving shall occur within the protected areas.
2. 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 #P22-00309 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. 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 project.

The project is preserving more than 70% of the existing tree canopy on site and within the holding, and as such the project is consistent with 18.108.020.C. A Condition of Approval has also been included to require the permanent preservation of the 45 trees proposed for planting to mitigated for the removal of vegetation at the cave site, consistent with 18.108.020 D + E.

Preservation of Tree Replanting Area– Condition of Approval:

1. The owner/permittee shall record a permanent preservation deed restriction for area of the tree replant area as detailed in **Attachment E**. Land placed in protected tree replant area shall be restricted from development and other uses that would degrade the quality of the habitat (including, but not limited to conversion to other land uses such as agriculture or urban development and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. The Owner/Permittee shall record the deed restriction or permanent protective easement prior to construction or within 90 days of project approval, whichever comes first.
2. 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 #P22-00309 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. 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 project.

Based on the limited location of site improvements and proposed mitigation measures it is unlikely that the proposed project would have a substantial adverse effect on any candidate, sensitive or special status species, or that it would have a substantial adverse effect on sensitive natural communities. The historic use of the area, absence of serpentine or serpentinite soils, lack of vernal pools, or wetlands, and vegetation associated with sensitive species reasonably precludes the presence of special-status species within the project site.

The Napa County Baseline Data Report defines Biotic communities as the characteristic assemblages of plants and animals that are found in a given range of soil, climate, and topographic conditions across a region. Riparian vegetation is recognized as a sensitive habitat type. The sensitive habitat types identified by the CNDDDB for the quadrangle and surrounding quadrangles are the following; Coastal and Valley Freshwater Marsh, Northern Hardpan Vernal Pool Northern Vernal Pool and Valley Needle Grass Grassland. The above referenced habitat types are not present within the vicinity of the proposed project development area and no work, staging or debris are proposed to be located within any of these above identified habitat types. Impacts would be less than significant with mitigations incorporated.

C.

According to the Napa County Environmental Resource Maps (based on the following layers – wetlands & vernal pools) there are no wetlands on or near the property that would be affected by this project. The cave will be developed in an area which is not near any ephemeral, stream, wetland or reservoir. No development is proposed within the County stream setbacks for creeks or ephemerals located on the subject parcel or within the larger holding. While the winery would utilize water sourced from an existing spring – this spring is already utilized for residential water use so there are no changes in spring water use compared to existing conditions. The proposed project includes stormwater and sediment control measures to deter sediment from entering the creek. The project will not 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, as such impacts will be less than significant.

The proposed project has been designed to include minimum 35-foot stream setbacks from the ephemeral/intermittent streams and drainage swales/channels on the subject property, in conformance with County Code Section 18.108.025 (General provisions – Intermittent/perennial streams). Therefore, the project has been designed to provide setbacks from aquatic features (i.e. ephemeral streams and ponds) creek setbacks consistent with code requirements. Furthermore, project approval, if granted, would be subject to the following standard conditions to prevent the potential encroachment into stream and wetland setbacks required pursuant to Section 18.108.025 and Section 18.108.026, further protecting these aquatic resources during project implementation and operation resulting in a less than significant impact.

Stream Protection – Standard Conditions: The applicant/owner shall implement the following measures to prevent the inadvertent encroachment into specified stream setbacks during construction and implementation of the proposed project:

1. The location of ephemeral stream and pond setbacks shall be clearly demarcated in the field with temporary construction fencing, which shall be placed at the outermost edge of required setbacks shown on the project plans. Prior to any earthmoving activities, temporary fencing shall be installed: the precise locations of said fences shall be inspected and approved by the Planning Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion

The California Department of Fish and Wildlife had an opportunity to review the proposed mitigation measures for the project and requested the following Condition of Approval be included to ensure any project activities do not impact the bed, bank, channel, or riparian areas of the streams located within the Tesson holding:

Impacts to Streams and Riparian Areas – CDFW Condition of Approval. Prior to the commencement of Project activities, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat including but not limited to impacts resulting trail clearing, earth moving, and vegetation removal. If impacts to the bed, bank, channel, or riparian area of the streams cannot be avoided, the Project shall notify CDFW for potential Project impacts to the streams. More information for the Notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the Streambed Alteration Agreement (SAA), if issued, and shall not commence activities with potential to impact the stream until the SAA process has been completed. Impacts to the streams and riparian habitat shall be mitigated by restoring riparian habitat at a minimum 3:1 mitigation to impact ratio in area and linear feet for permanent impacts, all temporary impact areas shall be restored, and trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An SAA, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources.

Inclusion of this additional Condition of Approval will ensure any impacts to streams is less than significant.

d.

All proposed improvements would occur on, or adjacent to, previously disturbed areas of the property. Therefore, project activities would not interfere with the movement of any native resident or migratory fish or wildlife species or with their corridors or nursery sites, because no sensitive natural communities have been identified on the property. As mentioned above, the proposed winery area is located between existing development and exhibits low quality habitat; however various Mitigation Measures have been proposed to ensure any potential impacts as a result of the construction of the cut and cover cave will be less than significant.

e-f.

This project would not interfere with any ordinances protecting biological resources. There are no tree preservation ordinances in effect in the County. 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. The project does not conflict with any County ordinance or requirement to preserve existing trees, and therefore is considered as not having potential for a significant impact.

Mitigation Measures:

Mitigation Measure BIO-1: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to bent-flowered fiddleneck, congested-head hayfield tarweed and jepson's leptosiphon:

- b. Special-status plant surveys shall be conducted for bent-flowered fiddleneck (bloom March-June), congested-head tarweed (bloom April-October) and Jepson's leptosiphon (bloom April-May), during the blooming period for the target species in areas proposed for impact prior to commencement of construction. If no special-status plant species are found, no further mitigation shall be required. If special-status plants are found and will be impacted, then a Special-Status Plant Mitigation Plan shall be prepared and approved by the County and CDFW and/or USFWS (as applicable based on listing status). These three species have been identified as being viable for mitigation via seed collection. Mitigation options are preservation/avoidance (preferred) and relocation/translocation (only if preservation/avoidance is not feasible or is unavoidable) via seed collection and the specific requirements for each option are detailed below:
 1. **Preservation:**
 - i. The applicant shall Identify one or more existing, unprotected populations of the special-status plant that will be impacted by the Project in the Project vicinity and protect this population in perpetuity by establishing a preserve on the land that supports those populations. As this option would preserve an existing, established population, there would be no temporal loss, and low risk of failure. As a result, the required mitigation ratio for this option would be 1:1.
 - ii. The applicant shall submit prepare and submit a Special Status Plant Mitigation Plan (SSPMS) for approval by the County and/or USFWS/CDFW (as appropriate based on listing status, if any).
 - iii. The mitigation area(s) shall be protected by a recorded mitigation easement or deed restriction and managed in accordance with the long-term management detailed in the SSPMS that maintains the habitats the mitigation easement was established to protect (including the special-status plants).
 - iv. A preserve management endowment or sufficient annual management funding as approved by the County or regulating agency shall be established to fund the long-term management outlined in the long-term management plan. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the Special-Status

Plant Mitigation Plan. This option may be implemented at a mitigation/conservation bank if the target plant species is present at the bank, and the Special- Status Plant Mitigation Plan shall describe how the purchase of bank credits translates into appropriate 1:1 preservation.

2. Relocation or Translocation via seed collection:

- i. The applicant shall mitigate impacts by establishment of a new special-status plant population or expansion of an existing special-status plant population. The proposed mitigation area may be on-site or off-site (on adjacent parcels located in the same holding with appropriate habitat, translocation options are identified in the Bio Report, see page 99).
- ii. The establishment area shall be permanently protected by the recordation of a mitigation easement or deed restriction, and a long-term management plan that maintains the habitats that the mitigation easement was established to protect, and include the establishment of a preserve management endowment, or sufficient annual management funding shall be detailed in the SSPMS prepared and approved by the County or other applicable regulating agency.
- iii. The applicant shall locate and protect the mitigation area(s), translocate seeds to the mitigation area(s), monitor the translocated/relocated seeds for a minimum of five years, and meet established success criteria as detailed in the SSPMS. If the conditions are suitable, this could occur in the native tree planting area or California grassland areas that will be revegetated post construction.
- iv. The minimum success criterion for this option shall be **3:1 [updated per CDFW comments]** replacement of directly impacted plants and **3:1 [updated per CDFW comments]** replacement for indirectly impacted plants with year five of monitoring. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the Special-Status Plant Mitigation Plan.
- v. If the success criteria are not met, then additional habitat shall be set aside as set forth under the Preservation Mitigation Option (above) or as agreed upon by the County and/or USFWS/CDFW, as appropriate. Because population sizes for annual plants can vary widely from year to year, for the Relocation or Translocation Option, population counts or acreage mapping shall be conducted in the last two years of monitoring, and the highest count or acreage shall be at least equivalent to the number of required replacement plants.

Mitigation Measure BIO-2: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to narrow-anthered brodiaea and cobb mountain lupine:

- b. Special-status plant surveys shall be conducted for narrow-anthered brodiaea (bloom May-July), and Cobb Mountain lupine (March-June) during the blooming period for the target species in areas proposed for impact prior to commencement of construction. If no special-status plant species are found, no further mitigation would be required. If special-status plants are found and will be impacted, then a Special-Status Plant Mitigation Plan shall be prepared and approved by the County and CDFW and/or USFWS (as applicable based on listing status). These two species have been identified as being viable for mitigation via transplantation/relocation. Mitigation options are preservation/avoidance (preferred) and relocation/translocation (only if preservation/avoidance is not feasible or is unavoidable) via seed collection and the specific requirements for each option are detailed below:

1. Preservation:

- i. The applicant shall identify one or more existing, unprotected populations of the special-status plant that will be impacted by the Project in the Project vicinity and protect this population in perpetuity by establishing a preserve on the land that supports those populations. As this option would preserve an existing, established population, there would be no temporal loss, and low risk of failure. As a result, the required mitigation ratio for this option would be 1:1.
- ii. The applicant shall submit prepare and submit a Special Status Plant Mitigation Plan (SSPMS) for approval by the County and/or USFWS/CDFW (as appropriate based on listing status, if any).
- iii. The mitigation area(s) shall be protected by a recorded conservation easement or deed restriction and managed in accordance with the long-term management detailed in the SSPMS that maintains the habitats the conservation easement was established to protect (including the special-status plants).
- iv. A preserve management endowment or sufficient annual management funding as approved by the County or regulating agency shall be established to fund the long-term management

outlined in the long-term management plan. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the Special-Status Plant Mitigation Plan. This option may be implemented at a mitigation/conservation bank if the target plant species is present at the bank, and the Special- Status Plant Mitigation Plan shall describe how the purchase of bank credits translates into appropriate 1:1 preservation.

2. Relocation or Translocation:

- i. The applicant shall mitigate impacts by establishment of a new special-status plant population or expansion of an existing special-status plant population. The proposed mitigation area may be on-site or off-site.
- ii. The establishment area shall be permanently protected by the recordation of a conservation easement or deed restriction, and a long-term management plan that maintains the habitats that the conservation easement was established to protect, and include the establishment of a preserve management endowment, or sufficient annual management funding shall be detailed in the SSPMS prepared and approved by the County or other applicable regulating agency.
- iii. The applicant shall locate and protect the mitigation area(s), translocate/relocate plants to the mitigation area(s), monitor the translocated/relocated plants for a minimum of five years, and meet established success criteria as detailed in the SSPMS. If the conditions are suitable, this could occur in the native tree planting area or California grassland areas that will be revegetated post construction.
- iv. The minimum success criterion for this option shall be **3:1 [updated per CDFW comments]** replacement of directly impacted plants and **3:1 [updated per CDFW comments]** replacement for indirectly impacted plants with year five of monitoring. This ratio may be based on the acreage of occupied habitat or number of plants; this metric will be clearly defined in the SSPMS.
- v. If the success criteria are not met, then additional habitat shall be set aside as set forth under the Preservation Mitigation Option (above) or as agreed upon by the County and/or USFWS/CDFW, as appropriate. Because population sizes for annual plants can vary widely from year to year, for the Relocation or Translocation Option, population counts or acreage mapping shall be conducted in the last two years of monitoring, and the highest count or acreage shall be at least equivalent to the number of required replacement plants.

Mitigation Measure BIO-3: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to crotch bumble bees:

- a. Initial ground-disturbing work (e.g., grading, vegetation removal, staging) shall take place between September 1st and March 31st (i.e., outside the colony active period), if feasible, to avoid impacts on nesting special status bumble bees.
- b. If completing all initial ground-disturbing work between September 1st and March 31st is not feasible, then a senior level biologist with 10 or more years of experience conducting biological resource surveys within California will conduct a pre-construction survey for bumble bees in the area proposed for impact no more than 14 days prior to the commencement of construction activities. The survey will occur during the period from one hour after sunrise (> 65F and < 90F with low wind and no rain) to two hours before sunset. If the timing of the start of construction makes the survey infeasible due to the temperature requirements, the surveying biologist shall select the most appropriate days based on the National Weather Service seven-day forecast, and shall survey at a time of day that is closest to the temperature range stated above. The survey duration shall be commensurate with the extent of suitable floral resources (which represent foraging habitat) present at within the area proposed for impact and the level of effort shall be based on the metric of a minimum of one person-hour of searching per three acres of suitable floral resources/foraging habitat. A meandering pedestrian survey shall be conducted throughout the area proposed for impact in order to identify patches of suitable floral resources. Suitable floral resources for Crotch's bumble bee include species in the following families: Apocynaceae, Asteraceae, Boraginaceae, Fabaceae, and Lamiaceae. Suitable floral resources for western bumble bee include species in the following families: Asteraceae, Fabaceae, Rhamnaceae, and Rosaceae, as well as plants in the genera Eriogonum and Penstemon.
- c. At a minimum, pre-construction survey methods should include the following:
 - i. Search areas with floral resources for foraging bumble bees. Observed foraging activity may indicate a nest is nearby, and therefore, the survey duration shall be increased when foraging bumble bees are present.

- ii. If bumble bees are observed, attempt to identify the species by taking a picture.
 - iii. If special-status bumble bees are observed, watch any special-status bumble bees present and observe their flight patterns. Attempt to track their movements between foraging areas and the nest.
 - iv. Visually look for nest entrances. Observe burrows, any other underground cavities, logs, or other possible nesting habitat.
 - v. If floral resources or other vegetation preclude observance of the nest, small areas of vegetation may be removed via hand removal, line trimming, or mowing to a height of no less than 4 inches to assist with locating the nest.
 - vi. Look for concentrated special-status bumble bee activity.
 - vii. Listen for the humming of a nest colony.
- d. The biologist conducting the survey shall record when the survey was conducted, a general description of any suitable foraging habitat/floral resources present, a description of observed bumble bee activity, a description of any vegetation removed to facilitate the survey, and their determination of if the survey observations suggest a special status bumble bee nest(s) may be present or if construction activities could otherwise harm the species. The report shall be submitted to the County prior to the commencement of construction activities. If no special status bumble bees are located during the pre-construction survey or the bumble bees located are definitively determined not to be special status, then no further mitigation or coordination with CDFW is required.
- e. If any sign(s) of a bumble bee nest is observed, and if it cannot be established the species present is not a special-status bumble bee, then construction will not commence until either 1) the positive identification of the bumble bees present as common (i.e., not special status) is completed by an experienced bumble bee taxonomist or 2) the completion of coordination with CDFW to identify appropriate mitigation measures, which may include but not be limited to: waiting until the colony active season ends, establishment of nest buffers, or obtaining an Incidental Take Permit from CDFW.
- f. It is recommended that project applicant also survey their project impact areas the year before construction begins in order to avoid potential last-minute delays associated with identifying special status bumble bees on-site immediately prior to construction activities. To be most effective, this optional survey should follow the protocol outlined above.
- g. If, after coordination with CDFW, impacts to special status bees cannot be avoided, the applicant shall obtain an Incidental Take Permit (ITP) from CDFW prior to County approval of permits authorizing construction, and the applicant shall implement all avoidance measures included in the ITP. Mitigation required by the ITP may include but will not be limited to, the Project Applicant translocating nesting substrate in accordance with the latest scientific research to another suitable location (i.e., a location that supports similar or better floral resources as the impact area), enhancing floral resources on areas of the Project site that will remain appropriate habitat, worker awareness training, and/or other measures specified by CDFW.

Mitigation Measure BIO-4: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance Swainson's Hawks:

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

Mitigation Measure BIO-5: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance nesting birds and raptors consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. For earth-disturbing activities occurring between February 1 and August 31 (which coincides with the grading season of April 1 through October 15 – NCC Section 18.108.070.L, and bird breeding and nesting seasons), a qualified biologist (defined as knowledgeable and experienced in the biology and natural history of local avian resources with the potential to occur at the project site) shall conduct a preconstruction surveys for nesting birds

within all suitable habitat in the project site, and where there is potential for impacts adjacent to the project areas (typically within 500 feet of project activities). The preconstruction survey shall be conducted no earlier than seven days prior to when vegetation removal and ground disturbing activities are to commence. Should ground disturbance commence later than seven days from the survey date, surveys shall be repeated. A copy of the survey shall be provided to the Napa County Conservation Division and the CDFW prior to commencement of work.

- b. After commencement of work if there is a period of no work activity of seven days or longer during the bird breeding season, surveys shall be repeated to ensure birds have not established nests during inactivity.
- c. In the event that nesting birds are found, the owner/permittee shall identify appropriate avoidance methods and exclusion buffers in consultation with the County Conservation Division and the 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 the 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 prior to the commencement of any earthmoving and/or development activities. Exclusion buffers shall remain in effect until the young have fledged or nest(s) are otherwise determined inactive by a qualified biologist.
- e. Alternative methods aimed at flushing out nesting birds prior to preconstruction surveys, whether physical (i.e., removing or disturbing nests by physically disturbing trees with construction equipment), audible (i.e., utilizing sirens or bird cannons), or chemical (i.e., spraying nesting birds or their habitats) would be considered an impact to nesting birds and is prohibited. Any act associated with flushing birds from project areas should undergo consultation with the USFWS/CDFW prior to any activity that could disturb nesting birds.

Mitigation Measure BIO-6: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance of roosting bats consistent with and pursuant to California Fish and Game Code Sections 3503 and 3503.5:

- a. **Roosting Bat Habitat Assessment and Surveys:** Prior to any tree removal, 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 removal 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-6.b, below, shall be implemented.
- b. **Roosting Bat Tree Protections:** If the qualified biologist identifies potential bat habitat trees, then tree trimming and tree removal 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 and tree removal occurs only during seasonal periods of bat activity, from approximately March 1 through April 15 and September 1 through October 15, and tree removal occurs using the two-step removal process. Two-step tree removal shall be conducted over two consecutive days. The first day (in the afternoon), under the direct supervision and instruction by a qualified biologist with experience conducting two-step tree removal, limbs and branches shall be removed by a tree cutter using chainsaws only; limbs with cavities, crevices or deep bark fissures shall be avoided. The second day the entire tree shall be removed.

Mitigation Measure BIO-7: The owner/permittee shall implement the following measures to minimize impacts associated with the potential loss and disturbance to NSO:

- a. If project implementation occurs between February 1 and July 9 then no mitigation is required.
- b. If project implementation occurs outside of February 1-July 9 then a qualified biologist shall provide an assessment of potential NSO nesting habitat within the Project area and a 0.25 mile radius and obtain CDFW's written acceptance of the assessment. Alternatively, if the assessment is not completed, or if it concludes that NSO nesting habitat is present, then no Project activities within 0.25 miles of potential NSO nesting habitat shall occur between March 15 and July 31 unless a qualified biologist approved in writing by CDFW conducts NSO surveys following the U.S. Fish and Wildlife Service (USFWS) Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls, dated (revised) January 9, 2012. Surveys shall be conducted in accordance with Section 9 of the survey protocol, Surveys for Disturbance-Only Projects. If breeding NSO are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no

longer active, unless otherwise approved in writing by CDFW. The Project shall obtain CDFW's written acceptance of the qualified biologist and survey report prior to Project construction occurring between March 15 and July 31 each year.

- c. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.
- d. If take of NSO cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP, and also consult with USFWS pursuant to the federal Endangered Species Act.

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 – Cultural Resources: Arch sensitive areas, Arch sites, Arch surveys, Historical sites, & Historic sites – lines) there is an identified historic site (a small hunting camp) on one of the parcels within the overall holding. A Cultural Resource evaluation was prepared back in 1980 by Archaeological Resource Service which identified this resource. The identified resource is approximately 0.6 miles from the proposed winery development area and no work, staging or spoils will be located near the identified site. The report notes that “protection of the resources essentially consists of leaving in their present condition, not advertising their locations, and preventing disturbance in the future”.

It is unlikely that cultural resources would be present at the proposed site for winery development as it is located between the existing residence and barn in a section of the property that has been developed since 1993. The project includes a standard Conditions of Approval to provide direction in the instance that new resources are found during project implementation, see below.

Invitation for tribal consultation was completed pursuant to AB 52 in February 2023 with certified mail sent to Middletown Rancheria, Mishewal Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation. As of the preparation of this Initial Study no responses have been received from the Tribes and as such the consultation period has since been deemed closed.

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 and a tribal representative would be contacted as applicable 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 construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES 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 shall be contacted by the permittee 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.

c. No human remains have been encountered on the property during previous construction activities and no information has been encountered that would indicate that this project would encounter human remains. All construction activities would occur in an area located between previously disturbed portions of the site (existing barn and existing house). However, if resources are found during project grading, 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 noted above. Impacts would be less than significant.

Mitigation Measures:
None required.

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:

Consistent with Public Resources Code Section 21100(b)(3), this impact analysis evaluates the potential for the proposed project to result in a substantial increase in energy demand and wasteful use of energy during project construction, operation and maintenance. The impact analysis is informed by Appendix G of the CEQA Guidelines. The potential impacts are analyzed based on an evaluation of whether construction and operation energy use estimates for the proposed project would be considered excessive, wasteful, or inefficient.

a. During construction of the proposed project, the use of construction equipment, truck trips for hauling materials, and construction workers' commutes to and from the project site would consume fuel. Project construction is anticipated to occur over nine (9) to twelve (12) months. Construction activities and corresponding fuel energy consumption would be temporary and localized. In addition, there are no unusual project characteristics that would cause the use of construction equipment or haul vehicles that would be less energy efficient compared with other similar construction sites within Napa County.

Once construction is complete, equipment and energy use would be slightly higher than existing levels and the proposed project would not include any unusual maintenance activities that would cause a significant difference in energy efficiency compared to the surrounding developed land uses. Furthermore, 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 transportation sector is a major end-user of energy in California, accounting for approximately 39 percent of total statewide energy consumption in 2014 (U.S. Energy Information Administration 2016). In addition, energy is consumed in connection with construction and maintenance of transportation infrastructure, such as streets, highways, freeways, rail lines, and airport runways. California's 30 million vehicles consume more than 16 billion gallons of gasoline and more than 3 billion gallons of diesel each year, making California the second largest

consumer of gasoline in the world (CEC 2016). In Napa County, farm equipment (not including irrigation pumps) accounted for approximately 60% of agricultural emissions in Napa County in 2014, with the percentage anticipated to increase through 2050 (Napa County 2018 - <https://www.countyofnapa.org/DocumentCenter/View/9247/Revised-Draft-Climate-Action-Plan>).

With respect to transportation energy, existing energy standards are promulgated through the regulation of fuel refineries and products such as the Low Carbon Fuel Standard (LCFS), which mandates a 10% reduction in the non-biogenic carbon content of vehicle fuels by 2020. Additionally, there are other regulatory programs with emissions and fuel efficiency standards established by USEPA and the California ARB such as Pavley II/LEV III from California’s Advanced Clean Cars Program and the Heavy-Duty (Tractor-Trailer) GHG Regulation. Further, construction sites will need to comply with State requirements designed to minimize idling and associated emissions, which also minimizes use of fuel. Specifically, idling of commercial vehicles and off-road equipment would be limited to five (5) minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation¹³. The proposed project would comply with these State requirements; see the **Air Quality** conditions of approval. Napa County has not implemented an energy action plan. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency or impede progress towards achieving goals and targets, and impacts would be less than significant.

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 Mines and Geology Special Publication 42.	<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Discussion:

a.

The project site could experience potentially strong ground shaking and other seismic related hazards based on the number of active faults in the San Francisco Bay region. The proposed project consists of earthmoving activities associated with the construction of a new winery development.

- i.) There are no known faults that run beneath the project site on the most recent Alquist-Priolo Earthquake Fault Zoning Map. There is an identified low angle thrust fault located on the neighboring parcel (approximately 830 north of the proposed winery development). As such, the proposed project would result in a less than significant impact with regards to rupturing of a known fault. Impacts would be less than significant.
- ii.) All areas of the Bay Area are subject to strong seismic ground shaking. Code and standards related to the construction of building improvements reduce the potential impacts to a less than significant level in relation to seismic ground shaking.
- iii.) According to Napa County Environmental Resource maps (based on the following GIS layer – Liquefaction) the proposed area for winery development is noted as having a very low potential for liquefaction. No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. The new winery building will be constructed in compliance with the latest edition of the California Building Code for seismic stability. Impacts would be less than significant.
- iv.) According to the Napa County Environmental Resource Maps (Landslides line, polygon) there is no evidence of landslides on the parcel proposed for the new winery development; furthermore, the proposed development is located between the existing residence and the existing barn in an area which has remained stable since those structures were developed. Impacts are expected to be less than significant.

b.

Site improvements are primarily located in areas already developed by the existing residential structures, driveway and parking area, and vineyards. All on site civil improvements shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by the County Engineering Division prior to the commencement of any on site land preparation or construction. Grading and drainage improvements shall be constructed according to the current Napa County Road and Street Standards, Chapter 16.28 of the Napa County Code, and Appendix J of the California Building Code. Prior to issuance of a building or grading permit the owner shall submit the necessary documents for Erosion Control as determined by the area of disturbance of the proposed development in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. Engineering Division Conditions of Approval have been included to ensure compliance with the requirements. Impacts would be less than significant.

c/d.

According to the Napa County Environmental Resource Maps (based on the following layers - Geology, Surficial deposits, Soil Types, Geologic Units), the proposed development area contains the Boomer-Forward-Felta complex (30-50% slopes); the subject parcel also contains Boomer-Forward-Felta complex (5-30% slopes), Goulding clay loam (30-50% slopes), Hambright rock-outcrop complex (30-75% slopes), Forward silt loam (12-57% slopes), Maymen-Lost Gatos complex (50-75% slopes), and Bressa-Dibble complex (30-50% slopes). No subsurface conditions have been identified on the project site that indicated a susceptibility to seismic-related ground failure or liquefaction. Building improvements will be constructed in compliance with the latest edition of the California Building Code. The project is not proposed on an unstable geologic unit or soil that would become unstable or would create direct or indirect risks to life or property. Impacts are expected to be less than significant.

e.

A Wastewater Feasibility Study, dated August 11, 2022, was prepared by Applied Civil Engineering, detailing the proposed system. The study evaluated the process and sanitary wastewater flows associated with the proposed winery Use Permit and analyzed the capacity of the existing sanitary wastewater system serving the existing residence to determine if it is adequate to serve the newly proposed winery. The parcel is currently serviced by a pressure distribution type septic system. According to permit records on file with Napa County the system was designed for a peak flow of 1,200 gallons per day (gpd) for a residence with 10 potential bedrooms. It appears that the leach lines were designed based on a soil application rate of 0.35 gpd/sf of trench sidewall for clay loam soil.

The study used the generally accepted standard that six gallons of winery process wastewater are generated for each gallon of wine that is produced each year and that 1.5 gallons of wastewater are generated during the crush period for each gallon of wine that is produced. Based on the 20,000-gallon production capacity and the expectation that both white and red wine will be produced at the winery, the study assumed a

conservative 30-day crush period. Using these assumptions, the annual, average daily and peak winery process wastewater flows are calculated to be 180,000 gallons per year of annual winery process wastewater, 493 gallons per day of winery process wastewater, and a peak winery wastewater flow of 1,000 gallons per day. The project proposes to collect, treat, store and use the winery process wastewater to water existing pastures onsite and/or on adjacent parcels under the same ownership.

Typically, the peak sanitary wastewater flow for a proposed winery is calculated based on the number of winery employees, the number of daily visitors for tastings and the number of guests attending scheduled marketing events. However, since the winery does not propose any visitors or marketing events in this case the peak flow will be based solely on the number of employees. In accordance with Table 4 of the Napa County "Regulations for Design, Construction, and Installation of Alternative Sewage Treatment Systems" the study used a design flow rate of 15 gallons per day per employee. Based on these assumptions, the peak winery sanitary wastewater flows are calculated as follows:

- Employees - Peak Sanitary Wastewater Flow = 60 gpd
- Existing Residence Peak Sanitary Wastewater Flow = 1,200 gpd
- Total Combined Peak Sanitary Wastewater Flow = 1,260 gpd

The predicted Combined Peak Sanitary Wastewater Flow for the proposed winery operational characteristics and existing residence (1,260 gpd) is more than the design capacity of the existing wastewater disposal system (1,200 gpd). As such, the study recommends augmenting the existing system by adding 5 feet to each of the existing 12 lines; which would result in an increased capacity by 1,272 gpd. The project was reviewed by both the Engineering and Environmental Health Divisions and no concerns were raised regarding the system as designed, additionally as noted earlier, the existing soils on site have a very low liquification classification and as such impacts to soils would be less than significant.

f.

No paleontological resources or unique geological features have been identified on the property in the project area. Structural and site development is primarily in the developed areas. The project is unlikely to recover paleontological or unique geological features, though standard conditions of approval are included to ensure any features are discovered during project construction. Impacts would be less than significant.

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:

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 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 Board 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 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. Additional information on the County CAP can be obtained at the Napa County Department of Planning, Building and Environmental Services or <https://www.countyofnapa.org/2876/Current-Projects-Explorer>.

a/b.

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 the 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.

The County requires project applicants to consider methods to reduce GHG emissions consistent with Napa County General Plan Policy CON-65(e). Pursuant to State CEQA Guidelines Section 15183, this assessment focuses on impacts that are "peculiar to the project," rather than the cumulative impacts previously assessed, because this Initial Study assesses a project that is consistent with an adopted General Plan for which an EIR was prepared. GHGs are the atmospheric gases whose absorption of solar radiation is responsible for the greenhouse effect, including carbon dioxide (CO₂), methane, ozone, and the fluorocarbons, which contribute to climate change. CO₂ is the principal GHG emitted by human activities, and its concentration in the atmosphere is most affected by human activity. It also serves as the reference gas to which to compare other GHGs. For the purposes of this analysis potential GHG emissions associated with winery 'construction' and 'development' and with 'ongoing' winery operations have been discussed.

GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The BAAQMD recommended thresholds do not include a construction-related climate impact threshold at this time. One time "Construction Emissions" associated with the project include: emissions associated with the energy used to develop and prepare the project area, construction, and construction equipment, and worker vehicle trips (hereinafter referred to as Equipment Emissions). The physical improvements associated with this project include the construction of approximately 17,800 sf winery production space, a water tank, driveway improvement, landscaping and other winery related improvements. As discussed in Section III. Air Quality, construction emissions would have a temporary effect and BAAQMD recommends incorporating feasible control measures as a means of addressing construction impacts. If the proposed project adheres to relevant best management practices identified by the BAAQMD and the County's standard conditions of project approval, construction-related impacts are considered less than significant. See Section III. Air Quality for additional information.

The BAAQMD proposed thresholds for land use projects are designed to address "Operational" GHG emissions which represent the vast majority of project GHG emissions. Operational emissions associated with a winery generally include: i) any reduction in the amount of carbon sequestered by existing vegetation that is removed as part of the project compared to a "no project" scenario (hereinafter referred to as Operational Sequestration Emissions); and ii) ongoing emissions from the energy used to maintain and operate the winery, including vehicle trips associated with employee and visitor trips (hereinafter referred to as Operational Emissions).

As noted above, Napa County has not adopted a qualified GHG reduction strategy or an air quality plan, therefore projects will be evaluated per the BAAQMD recommended minimum design elements.

Specifically for buildings, the project must not:

Include natural gas appliances or natural gas plumbing (in both residential and nonresidential development); and

Result in any wasteful, inefficient, or unnecessary electrical usage as determined by the analysis required under CEQA section 21100(b)(3) and CEQA Guidelines section 15126.2(b).

The project will be required, through conditions of project approval, to prohibit the use of natural gas appliances or plumbing. Additionally, at the time of construction the project will be required to comply with the California Building Code, which is currently being updated to include regulations to assist in the reduction of air quality impacts associated with construction, such as prohibiting natural gas appliance and plumbing. The new

construction will be required to install energy efficient fixtures complying with CA Building Code Title 24 standards. See **Section VI. Energy** for additional information on energy usage.

Specifically for transportation, the project must:

Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, and

The project will be required to comply with the recently adopted version of CALGreen Tier 2. Project approval will include a condition of approval to ensure this is reviewed and implemented at the time of construction through adherence to the California Building Code.

As discussed above and in **Section XVII. Transportation**, the County maintains TIS Guidelines that include VMT analysis requirements for projects based on trip generation. The project trip generation numbers determined that no traffic study or VMT analysis were required for the project as proposed. See **Section XVII. Transportation** for additional detail.

New development resulting from this project will utilize energy conserving lighting and water efficient fixtures. The applicant did not propose any Voluntary Best Management Practices Measures submitted as part of the project application. If the proposed project adheres to these relevant design standards identified by BAAQMD, the requirements of the California Building Code, and the County's conditions of project approval, impacts are considered less than significant.

Mitigation Measures:

None.

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 checked="" 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 in typical winery operations.

A Business Plan will be filed with the Environmental Health Division should the amount of hazardous materials reach reportable levels. However, in the event that the proposed use or a future use involves the use, storage or transportation of greater than 55 gallons or 500 pounds of hazardous materials, a use permit and subsequent environmental assessment would be required in accordance with the Napa County Zoning Ordinance prior to the establishment of the use. During construction of the project some hazardous materials, such as building coatings/ adhesives/ etc., will be utilized. However, given the quantities of hazardous materials and the limited duration, they will result in a less than significant impact.

b.

Hazardous materials such as diesel and maintenance fluids would potentially 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 an existing winery that would not be expected to use any substantial quantities of hazardous materials. The operation changes are not anticipated to significantly increase the quantities. 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 environments. Impacts would be less than significant.

c.

There are no schools located within one-quarter mile from the proposed winery buildings. The nearest school is within the City of St. Helena, over 4 ¼ miles northeast of the proposed winery. 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 Napa County Emergency Operations Plan (EOP) outlines procedures, including establishing leadership roles and responsibilities of various agency staff, that guide local preparedness, response, recovery and resource management efforts associated with occurrence of a natural disaster, significant emergency, or other threat to public safety. The project would not result in closure or permanent obstruction of adjacent public rights-of-way. No component of the implementation of the EOP would otherwise be impaired by the proposed modifications to the use permit. The proposed access driveway 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.

According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the winery is designated as an area of moderate fire risk. The proposed project does not propose any visitation or events and as such there is a lower potential for significant loss, injury or death due to wild-land fires. See **Section XX. Wildfire** for additional detail. Impacts of the project 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 applications (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.

On June 7, 2022, the Napa County Board of Supervisors provided interim procedures to implement provisions of the Napa County Groundwater Sustainability Plan (GSP) for issuance of new, altered or replacement well permits and discretionary projects that would increase groundwater use. The direction limits a parcel’s groundwater allocation to 0.3- acre feet per acre per year, or no net increase in groundwater use if that threshold is exceeded already for parcels located in the GSA Subbasin. 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 well is located outside the GSA Subbasin and is located in the hillsides.

To assess potential impacts resulting from project well(s) interference with neighboring wells within 500 feet and/or springs within 1,500 feet, the County’s WAA guidance⁶ requires applicants to perform a Tier 2 analysis where the proposed project would result in an increase in groundwater extraction from project well(s) compared to existing levels.

To assess the potential impacts of groundwater pumping on hydrologically connected navigable waterways and those non-navigable tributaries connected to navigable waters, the County’s WAA guidance requires applicants to perform a Tier 3 or equivalent analysis for new or replacement wells, or discretionary projects that would rely on groundwater from existing or proposed wells that are located within 1,500 feet of designated “Significant Streams.”⁷

Public Trust: 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

⁶ The County’s Water Availability Guidelines (adopted May 2015)

⁷ 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.

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).

On January 10, 2024, Napa County released the Interim Napa County Well Permit Standards and WAA Requirements - January 2024, providing guidance to complying with the Public Trust.

a.

As discussed in **Section VII. Geology and Soils** a Wastewater Feasibility Study was prepared by Applied Civil Engineering (August 2022) and details the proposed wastewater system to accommodate the proposed wine production, and number of employees. The facility will have to enroll for coverage under the General Waste Discharge Requirements for Winery Process Water and meet discharge standards and monitoring requirements specific to the amount of waste discharged. The Division of Environmental Health reviewed this report and concurred with its findings, conditions that the plans shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and approved by the Division of Environmental Health. Ongoing water quality monitoring will be required. 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, dated August 2022 (see **Attachment F**) with Addenda dated April 25 and July 5, 2024 was prepared by Provost & Pritchard Consulting Group and Applied Civil Engineering, to determine the estimated water use of the existing development, the proposed project and water availability, and to assess potential drawdown impacts to neighboring wells and springs. There are approximately 19.5 acres of vineyard located within the holding which are dry farmed. The proposed project will utilize an existing spring to supply water to the winery. Currently the spring provides water to the two residences, pools, accessory structures, and landscaping for the entire holding. If approved, the winery will be served by the spring while the residential water use will be swapped to be served by the existing well located on parcel 027-060-020-000 where the soils dispersal area is proposed.. The WAA notes that either of two wells within the holding will be utilized to serve the existing residential water demands. However, the applicant has identified and a Condition of Approval is being included to specifically require the residential water demands utilize the well located on parcel 027-060-020-000. This is due to the fact that the well located on this parcel is not within 500 feet of any neighboring wells, nor within 1500 feet of a significant stream, nor within 1500 feet of a neighboring spring being utilized for domestic or agricultural use. The well has a pumping rate of 20 gallons per minute which would be able to handle the domestic water demands for the parcel. This Domestic Well Use Condition of Approval will ensure that the well that will be used for domestic water use within the holding does not negatively impact off-site wells or springs.

Condition of Approval- Domestic Well:

The residential water uses for the holding shall be met by utilizing the existing well located on APN 027-060-020-000, and not the well located 027-060-022-000. The applicant/property owner shall prepare an amendment to the WAA to clearly identify the well located on APN 027-060-020-000 as the primary domestic well for the residential uses within the Tesson holding and clearly demonstrate that the proposed water use can be met by the wells current design.

Additionally, a Condition of Approval has been included to specifically state that no well water shall be used for winery operations. Only the identified spring has been assessed and said spring shall be utilized for winery water.

Condition of Approval – Winery Water:

No well water or surface water rights shall be used for winery operations. The only approved water source for the winery is the spring as identified and discussed in the Staff Report and in the Mitigated Negative Declaration. If any other source of water is proposed or used for winery production or operations, it may trigger a Use Permit Modification or additional CEQA review.

There are two neighboring parcels, under separate ownership, one at APN 027-550-011 which is served by an existing spring, and APN 027-550-005 which served by an existing well. However, the off-site well and spring are more than 2,800 feet from the identified project well located on 027-060-020-000 which has been conditioned to serve as the water use for Tesson holding residential uses.

According to the WAA the existing vineyards within the holding are watered via rainfall (dry farmed), Staff has reviewed the existing water rights permit for the existing reservoir located on 027-060-020-000, and it notes that the parcel is permitted to divert 4.5 af/yr of water for stock watering, recreation, and fire protection, as well as domestic uses; with not more than 2.5 af/yr of the 4.5 af/yr allocation withdrawn for domestic use. The approved ECP is from the 1991, and, as such is not as detailed as more recently approved ECPs, and the water source is not clearly identified. Report(s) of Licensee from 2016-2024, yearly reports submitted by the water rights license holder to the Water Board, demonstrate that no surface water has been utilized for vineyard irrigation; supporting the applicant's representations and the WAA statement that the vineyard is dry farmed., The 2010 Report of Licensee does indicate that surface water rights were utilized for vineyard irrigation when the vineyard was replanted; however.

besides this one instance there is no indication or evidence that surface water rights have been utilized for vineyard irrigation for the past 14 years. The applicant/property owner is aware that replants are subject to Track II or Track I ECP replant process and that the source of water used for the vineyard will be evaluated at the time the applicant/property owner seeks to replant the vineyard. The determination of whether use of surface water pursuant to a water rights permit is appropriate or allowed falls under the jurisdiction of the Water Board not the County. The property owner and applicant are aware that future replants are subject to the ECP replant process.

The project spring, located at the southwestern end of the property, is currently used to provide domestic water supply to the on-site residences, and has been the primary water source for the residences for many years. The current and historical residential demands for the holding have been estimated to be 1.35 acre-feet/year. With project development, the residential water use will be shifted to one of existing on-site domestic wells located on APN 027-060-020-000, and the spring will be used solely for winery demands. The winery demands from the spring are estimated to be 0.5 acre-feet/year. Hence, future use will result in lower demands on the spring. No efforts will be made to modify or enhance the spring to increase yield. Using water that naturally flows out of the spring cannot contribute to the additional depletion of the spring, reduce the spring yield, or have a significant impact on the aquifer. The spring has not been observed by Tesson vineyard staff or property owners to flow off the estate parcels, or flow to any creek, river, wetland or other water body. The flow from the spring is relatively small and has only been observed to create a saturated wet spot in the vicinity of the spring outlet. As use of the spring (at a high demand) is the existing baseline condition, the proposed project with a more than 50% reduction in spring water demand should not have a significant impact on ground or surface water resource in the vicinity.

As noted above, the total water use for the winery includes employee uses, process water, and water for wine production, and is estimated to be 0.5 AF/yr. All of the water will come from the spring located at the southern end of the property (see **Attachment E** and **F**). The WAA, prepared before the 10-year PRISM data became the standard used a Normal Year and Dry Year Rainfall of 33.1 inches and 8.7 inches, respectively. The 10-year prism data was provided at a later date from Applied Civil Engineering; the 10-year PRISM data varies across the entire holdings but averages approximately 35.5 inches per year. According to the addendum from Applied Civil, the Normal Year estimate used in the WAA was conservative compared to the 10-year PRISM data. For the 607.85 acre holding, using the PRISM 35.5 inches per year the recharge, assuming 5% recharge per the WAA, the recharge is 89.9 AF/yr (compared to 84 AF/yr in the WAA for Normal Year and 22 AF/yr for Dry Year). For the 43.26 acre winery parcel, using the PRISM 35.5 inches per year the recharge, assuming 5% recharge per the WAA, the recharge is 6.4 AF/yr (compared to 6.0 AF/yr in the WAA for Normal Year and 1.6 AF/yr for Dry Year). This demonstrates that just the recharge on the winery parcel (6.4) is more than 3 times the estimated demand for all of the existing and proposed uses on all parcels (1.85) and that the recharge on the entire holding (89.9 is nearly 50 times the estimated demand]. The recharge for the holdings within Napa County is 89.9 AF/yr (wet), while the recharge for the individual parcel is 6.4 AF/yr. The estimated total water demand of 1.85 AF/yr (0.50 AF/yr for the winery and 1.35 AF/yr for the residence) is less than both the individual parcel recharge and the overall holdings recharge. As such, there should be adequate water on-site to provide for both the existing and proposed water uses and impacts would be less than significant.

c.

There are no water courses identified within the vicinity of the proposed project development area. The project would not alter the drainage pattern on site or cause a significant increase in erosion or siltation on or off the project site. These improvements would require permitting through the County, and prior to the issuance of permits, the improvement plans 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. Impacts would be less than significant.

d.

The site lies outside the boundaries of the 100- and 500-year flood hazard boundaries. The parcel is not located in an area that is subject to inundation by tsunamis, seiches, or mudflows. No impacts would occur.

e.

In January 2022, the Groundwater Sustainability Plan (GSP) was approved by the Department of Water Resources (DWR), however, the site is not located within the identified Groundwater Sustainability Area (GSA). The proposed project will utilize an existing spring to supply water to the winery. Currently the spring provides water to the two residences, pools, accessory structures, and landscaping for the entire holding. If approved, the winery will be served by the spring while the residential water use will be served by the existing well located on APN 027-060-020-000. The well located on APN -020 that will serve the residences within the holding (due to the winery utilizing the former spring source) are not located within 1,500 feet of a County identified significant stream and as such a Tier III WAA was not prepared or required; nor is the well within 1500 feet of an off-site spring or 500 feet of an off-site well, as the project is not located within the Ground Water Sustainability Area (GSA) and as there is no significant stream within 1500' no public trust analysis is required. 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 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 checked="" type="checkbox"/>	<input 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 wineries and uses accessory to wineries subject to use permit approval. The proposed project is compliant with the physical limitations of the Napa County Zoning Ordinance. The County has adopted the Winery Definition Ordinance (WDO) to protect agriculture and open space and to regulate winery development and expansion in a manner that avoids potential negative environmental effects.

Agricultural Preservation and Land Use Policy AG/LU-1 of the 2008 General Plan states that the County shall, “preserve existing agricultural land uses and plan for agriculture and related activities as the primary land uses in Napa County.” The property’s General Plan land use designation is AWOS (Agriculture, Watershed, and Open Space), which allows “agriculture, processing of agricultural products, and single-family dwellings.” More specifically, General Plan Agricultural Preservation and Land Use Policy AG/LU-2 recognizes wineries and other agricultural processing facilities, and any use clearly accessory to those facilities, as agriculture. The project would allow for the continuation of agriculture as a dominant land use within the county and is fully consistent with the Napa County General Plan.

The proposed use of the property for the “fermenting and processing of grape juice into wine” (NCC §18.08.640) supports the economic viability of agriculture within the county consistent with General Plan Agricultural Preservation and Land Use Policy AG/LU-4 (“The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/ open space...”) and General Plan Economic Development Policy E-1 (The County’s economic development will focus on ensuring the continued viability of agriculture...).

The General Plan includes two complimentary policies requiring wineries to be designed generally of a high architectural quality for the site and its surroundings. There are no applicable habitat conservation plans or natural community conservation plans applicable to the property.

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?

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 cave and winery infrastructure. Impacts due to a temporary increase in ambient noise generated from construction activities, or from groundborne vibration, would remain below a level of significance through compliance with the Napa County Noise Ordinance (Napa County Code Chapter 8.16). The County Noise Ordinance limits construction activities to daylight hours (7:00 a.m. to 7:00 p.m.) using properly muffled vehicles. In addition to the County Noise Ordinance, the project applicant will be required to comply with project Conditions of Approval (outlined below) related to construction noise, which will limit activities further by requiring construction vehicles to be muffled and backup alarms adjusted to the lowest allowable levels. Due to the distance, natural terrain of the area, and ambient noise levels from the highway there is a low potential for impacts related to construction noise to result in substantial temporary or long-term construction noise impacts. 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.

The project does not propose any visitation, tours and tastings, or marketing events.

Additional regulations contained within County Code Chapter 8.16 establish exterior noise criteria for various land uses in the County. As described in the Project Setting, above, land uses in the area are rural residential properties, vineyards, and undeveloped hillsides. Of those land uses, the residential land use is considered the most sensitive to noise. Based on the standards in County Code section 8.16.070, noise levels, measured at the exterior of a residential structure or residential use on a portion of a larger property, may not exceed 50 decibels for more than half of any hour in the window of daytime hours (7:00 a.m. to 10:00 p.m.). Noise impacts of the proposed project would be considered bothersome and potentially significant if sound generated by it had the effect of exceeding the standards in County Code more than 50 percent of the time (i.e., more than 50 decibels for more than 30 minutes in an hour for a residential use). The nearest off-site residence is located approximately 1,200 feet away from the winery cave development area, based on the Noise Contours below the noise associated with project construction would be approximately 50-55 dBA. However construction noise will be temporary impact and noise impacts would not be on-going.

Table 1 – Estimated Distance to dBA Contours from Construction Activities ¹

Distance from Construction Source	Calculated Noise Level
50 feet	90 dBA
180 feet	75 dBA
300 feet	70 dBA
450 feet	65 dBA
700 feet	60 dBA
1,100 feet	55 dBA
1,700 feet	50 dBA

¹ Based on a source noise level of 90 dBA

Source: Napa County Baseline Date Report, Noise Section Table 6-13, Version 1, November 2005

Noise from winery operations is generally limited and intermittent, meaning the sound level can vary during the day and over the course of the year, depending on the activities at the winery. The primary noise-generating activities are equipment associated with wineries including refrigeration equipment, bottling equipment, barrel washing, de-stemmers and press activities occurring during the harvest crush season, delivery trucks, and other vehicles. The Napa County General Plan EIR indicates the average, or equivalent, sound level (Leq) for winery activities is 51dBA in the morning and 41dBA in the afternoon. Audibility of a new noise source and/or increase in noise levels within recognized acceptable limits are not usually considered to be significant noise impacts, but these concerns should be addressed and considered in the planning and environmental review processes. Typical winery operations would occur between 7:00 a.m. and 6:00 p.m. (excluding harvest). Production activities would occur inside the proposed cave, limiting some noise sources related to the production of the requested 20,000 gallons of wine annually.

Continuing enforcement of Napa County's Noise Ordinance by the Division of Environmental Health and the Napa County Sheriff, including the prohibition against amplified music, should further ensure that marketing events and other winery activities do not create a significant noise impact. Temporary events would be subject to County Code Chapter 5.36 which regulates proposed temporary events. The proposed project would not result in long-term, significant, permanent noise impacts. Impacts would be less than significant.

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.

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 State of California’s Department of Finance projects the total population of Napa County to increase 4% between the year 2020 and 2060 (State of California Department of Finance Projections, July 19, 2021, <https://dof.ca.gov/forecasting/demographics/projections/>). Unincorporated Napa County, and the five incorporated jurisdictions, all have existing state compliant Fifth Cycle (2014-2022) Housing Elements and are working on developing compliant Sixth Cycle (2023-2031) Housing Elements, as required by state law. Complaint Housing Elements indicates that the jurisdictions have enough dwelling units programed over the cycle to meet or exceed state growth projections.

The requested use permit would facilitate the construction of a new winery on the project site, with one (1) full-time employee and three (3) part-time and is not anticipated to generate a substantial need for additional housing.

The proposed project does not require installation of any additional, new infrastructure, including that which might induce growth by extending services outside of the boundaries of the subject site or increasing the capacity of any existing roadway. Napa County collects fees from developers of nonresidential projects to help fund local affordable housing (see Napa County Code Section 18.107.060 – Nonresidential developments – Housing fee requirement). The fees are assessed with new construction and are collected at time of building permit issuance for new construction of winery buildings or conversion of utility space to occupied space as is proposed with the project. New visitors to the winery could increase demand for group transportation services to the winery, though the potential for employment changes of other businesses supporting the winery’s requested operations is uncertain, unquantifiable, and speculative.

The policies and programs identified in the General Plan Housing Element function, in combination with the County’s housing impact mitigation fee, ensure adequate cumulative volume and diversity of housing. With small staffing increases proposed and no off-site expansion of utilities or facilities to serve other developments, the project would have a less than significant impact on population growth.

b.

There is an existing residential development on the subject property and also one located on a contiguous parcel under the same ownership. However, no residential buildings on or off of the property would be demolished as a result of the project. Thus, no residents would be displaced, and there would be no impact.

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?
- iii) Schools?
- iv) Parks?
- v) Other public facilities?

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. Fire protection measures, such as winery access that meets Napa County Road and Street Standards (RSS), defensible space, and sprinklers in the new cave will be required as part of the development. The Fire Department and Engineering Services Division have reviewed the application and recommend approval, as conditioned. There would be no foreseeable impact to fire or police emergency response times with compliance with these conditions of approval. The proposed project scope does not include construction of any new residential units nor accompanying introduction of new residents that would utilize existing parks or potentially increase student enrollment in schools located in the cities west and south of the winery. No new parks or other public recreational amenities or facilities (such as police or fire stations) are proposed to be built with or as a result of the requested use permit major modification. School impact fees, which assist local school districts with capacity building measures, would be levied for any required building permits for the project, however as demonstrated in **Section XIV(a), Population and Housing**, the project is expected to create a minimal increase in the county's population and its need for housing such that local schools would not be strained by the proposed project and the one (1) full-time and three (3) part-time employees. The proposed project would have minimal impact on public parks as no residences are proposed, and as previously noted the increase in regional population from the proposed project is expected to be minimal. 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 requested use permit new winery request does not include any residential component and is not likely to lead to the accompanying introduction of new residents to the site or area. The use permit would include four (4) winery employees and but there are no visitation or events proposed as part of the winery, so there would not be an increase in visitation to regional recreational facilities on the way to or from the winery. However, given that the purpose of employees' trips are to and from the winery as the primary destination, and as such visits to area recreational facilities are anticipated to be infrequent and would not drastically accelerate the deterioration of nearby park amenities. This impact would be less than significant.

b.

No new public recreational amenities are proposed to be built with, or as a result of, the requested use permit new winery application. The proposed project would have no impact.

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. - e.

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 new CEQA Guidelines and the OPR Technical Advisory note that CEQA provides a categorical exemption (Section 15303) for additions to existing structures of up to 10,000 sf, so long as the project is in an area that is not environmentally sensitive and where public infrastructure is available. OPR determined that "typical project types for which trip generation increases relatively linearly with building footprint (i.e., general office building, single tenant office building, office park, and business park) generate or attract 110-124 trips per 10,000 sf". They concluded that, absent substantial evidence otherwise, the addition of 110 or fewer daily trips could be presumed to have a less than significant VMT impact.

The County maintains a set of Transportation Impact Study Guidelines (TIS Guidelines) that define situations and project characteristics that trigger the need to prepare a TIS. The purpose of a TIS is to identify whether the project is likely to cause adverse physical or operational changes on a County roadway, bridge, bikeway or other transportation facility, to determine whether the project should be required to implement or contribute to improvement measures to address those changes, and to ensure that the project is developed consistent with the County's

transportation plans and policies. Per the County's current TIS Guidelines, a project is required to prepare a TIS if it generates 110 or more net new daily vehicle trips.

The TIS Guidelines also include VMT analysis requirements for projects based on trip generation, which includes a screening approach that provides a structure to determine what level of VMT analysis may be required for a given project. For a new project that would generate less than 110 net new daily vehicle and truck trips, not only is the project not required to prepare a TIS, it is also presumed to have a less than significant impact for VMT. However, applicants are encouraged to describe the measures they are taking and/or plan to take that would reduce the project's trip generation and/or VMT.

Projects that generate more than 110 net new passenger vehicle trips must conduct a VMT analysis and identify feasible strategies to reduce the project's vehicular travel; if the feasible strategies would not reduce the project's VMT by at least 15%, the conclusion would be that the project would cause a significant environmental impact.

The applicant submitted a Trip Generation analysis as part of the application which determined that no Traffic Impact Study was required. Based on maximum employee and delivery data for the harvest/crush season, the proposed project would be expected to generate 11 daily trips on a weekday and 11 daily trips on a Saturday, which is below the 110-trip threshold in the Office of Planning and Research guidelines and the County's TIS Guidelines and VMT screening criteria. The Department of Public Works has reviewed the project and approved it as conditioned. The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts would be less than significant.

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 checked="" type="checkbox"/>	<input 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 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.	<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 – Cultural Resources: Arch sensitive areas, Arch sites, Arch surveys, Historical sites, & Historic sites – lines) there is an identified historic site (a small hunting camp) on one of the parcels within the overall holding. A Cultural Resource evaluation was prepared back in 1980 by Archaeological Resource Service which identified this resource. The identified resource is approximately 0.6 miles from the proposed winery development area and no work, staging or spoils will be located near the identified site. The report notes that “protection of the resources essentially consists of leaving in their present condition, not advertising their locations, and preventing disturbance in the future”.

It is unlikely that cultural resources would be present at the proposed site for winery development as it is located between the existing residence and barn in a section of the property that has been developed since 1993. The project includes a standard Conditions of Approval to provide direction in the instance that new resources are found during project implementation, see below.

Invitation for tribal consultation was completed pursuant to AB 52 in February 2023 with certified mail sent to Middletown Rancheria, Mishewal Wappo Tribe of Alexander Valley, and Yocha Dehe Wintun Nation. As of the preparation of this Initial Study no responses have been received from the Tribes and as such the consultation period has since been deemed closed.

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 and a tribal representative would be contacted as applicable 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 construction, work shall cease in a 50-foot radius surrounding the area of discovery. The permittee shall contact the PBES 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 shall be contacted by the permittee 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.

No tribal cultural resources have been encountered on the property during previous construction activities and no information has been encountered that would indicate that this project would encounter tribal cultural resources. All construction activities would occur near previously disturbed portions of the site. However, if resources are found during project grading, 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 noted above. Impacts would be less than significant.

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 type="checkbox"/>	<input checked="" 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.

As discussed in **Section VII. Geology and Soils**, the Wastewater Feasibility Study, prepared by the project engineer Applied Civil Engineering, concludes that upon implementation of the proposed improvements to the existing on-site wastewater system and installation of associated infrastructure, the system will be able to handle the wastewater flow produced by the proposed and existing use. The Division of Environmental Health reviewed the proposed project, the study and concurred with its findings.

Prior to issuance of a building or grading permit the owner shall submit the necessary documents for Erosion Control, in accordance with the Napa Countywide Stormwater Pollution Prevention Program Erosion and Sediment Control Plan Guidance. The project does not require the construction of new or expanded electric power, natural gas, or telecommunications facilities. Impacts are expected to be less than significant.

b.

As discussed in **Section X - Hydrology**, according to the Water Availability Analysis (WAA) prepared by Provost & Pritchard Consulting Group and Addendum prepared by Applied Civil Engineering, the proposed use of 1.85 AF/yr is less than the recharge potential of the holding, estimated at 89.9 AF/yr, demonstrating that the subject holding has enough capacity to serve the proposed use. Impacts would be less than significant.

c.

The project is not served by a wastewater treatment provider; therefore, no impact would occur. See **Section X. - Hydrology** for detail on the on-site wastewater system.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.

There are no proposed project features that would substantially impair an adopted emergency response plan or emergency evacuation plan. The existing driveway meets commercial standards as defined in the RSS. The new cave would be equipped with sprinklers and fire suppression equipment. Impacts will be less than significant.

b.

According to the Napa County Environmental resource maps (based on the following GIS layer – Fire Hazard Severity Zones) the winery is designated as an area of high fire risk. The proposed physical improvements are proposed to occur between the existing residence and the existing barn. The physical improvements to the property would not result in a physical modification to the slope of the site (as the cave is cut and cover), change prevailing winds, or alter other factors that would likely exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts would be less than significant.

c.

The project proposes to reconstruct portions of the exiting driveway to conform to Napa County Road and Street Standards. The Fire Marshal's office has reviewed the plans, which demonstrate that the project would have adequate emergency access to the existing development and proposed additions once improvements are made. The new cave would be equipped with sprinklers and fire suppression equipment and was including in the Fire Memorandum as part of the Conditions of Approval. These developments are not considered the types of improvements that exacerbate wildfire risk or significant environmental risk. Impacts will be less than significant.

d.

The physical improvements are in an area of the site, which is located between the existing residence and barn. The project will involve constructing a cut and fill cave. The proposed project would result in minor physical alterations which will be required to meet building safety standards, and which would not expose people or structures to risks such as downstream or downslope flooding or landslides resulting from runoff, post-fire instability or drainage changes. Impacts would be less than significant.

Mitigation Measures:

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 checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

a.

As discussed in **Section IV. Biological Resources**, a number of mitigation measures are proposed to ensure there is no impact to sensitive species as a result of the proposed winery development. With the implementation of these mitigation measures the project should result in no significant impact to special status plants or animals. All work will remain outside setbacks from streams and ephemerals existing on the holding and a minimal amount of tree removal is required as part of the project, additional tree replanting and the creation of pollinator habitat have also been included as Conditions of Approval which will further reduce any impacts to existing tree removed and will result in improved pollinator habitat on site post-project. Based on site conditions the proposed 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, substantially reduce the number or restrict the range of a rare or endangered plant or animal. With mitigation impacts would be less than significant.

As identified in **Section V. Cultural Resources**, according to the Napa County Environmental Resource Maps there is an identified cultural site within the larger holding, however, no work, staging or spoils is proposed on or near the identified site. The project would not result in significant impacts or eliminate important examples of the major periods of California history or prehistory. Impacts would be less than significant.

b.

The project does not have impacts that are individually limited, but cumulatively considerable. Potential impacts to air quality, greenhouse gas emissions, hydrology, and traffic are discussed in the respective sections above and were determined to have a less than significant impact. As discussed in **Section VIII. Green House Gas** and **Section XVII. Transportation**, potential impacts to air pollution and GHG emissions are being addressed through meeting BAAQMD recommended design elements, and the addition of Greenhouse Gas Voluntary Best Management Practices. New development resulting from this project will utilize energy conserving lighting and water efficient fixtures. **Section X. Hydrology** includes detail on the Water Availability Analysis which demonstrates that the proposed groundwater use is less than the estimated groundwater recharge. Consequently, the project would not interfere with groundwater recharge or lowering of the local groundwater level. The project did not reach the County thresholds for preparation of a VMT analysis, assuming a less than significant impact. Potential cumulative impacts would be less than significant.

c.

All impacts identified in this negative declaration are 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 required.