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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

August 1, 2016

Hall Brambletree Associates, LP
c/o Mike Reynolds
401 St. Helena Hwy. So
St. Helena, CA 94574

RE: Walt Ranch Vineyard Conversion
File No. P11-00205-ECPA
APNs: 032-120-028, 032-480-007 - 008, 011 - 024, 027 - 028, 032-490-004 - 006, 008 - 020

Dear Mr. Reynolds:

The above-referenced erosion control plan for the earthmoving associated with the development of approximately 209 net acres of vineyard (± 316 gross acres) has been reviewed by Napa County in order to assure its conformance with the goals and standards contained in Napa County's Conservation Regulations (Chapter 18.108 of the County Code). Furthermore, the underlying project (i.e. the removal of the vegetation, re-contouring of the site, the installation and maintenance of erosion control measures, the planting of vines, and subsequent operation), has been reviewed in compliance with the California Environmental Quality Act (CEQA). A Draft Environmental Impact Report (DEIR) was prepared and circulated from July 11, 2014 to November 21, 2014 and the Final EIR was prepared in March 2016. In addition, Responses to the Final EIR Comments, dated July 2016 were prepared, which includes an Updated Mitigation Monitoring and Reporting Program (MMRP).

The revised subject erosion control plan generally conforms to the Reduced Intensity Alternative as contained in the Draft EIR and Final EIR with additional modifications to reflect the requirements of the Updated Mitigation Monitoring and Reporting Program and is subsequently **approved** as of the date of this letter. The approved plan, P11-00205-ECPA and narrative, consists of 37 plan sheets dated July 5, 2016, prepared by James Bushey (Registered Professional Engineer No. 49931) of PPI Engineering. The approved plans are stamped '**APPROVED**'. Please be advised that this approval becomes effective after the expiration of the appeal period in accordance with Chapter 2.88 (Appeals) of the County Code. Under no circumstances may you begin work before such time. You will be notified if a timely appeal is filed.

This approval is contingent upon the owner and the owner's agents adhering to all of the following Conditions of Approval:

Conditions of Approval

1. The permittee shall strictly conform to all provisions of the approved revised Agricultural Erosion Control Plan #P11-00205-ECPA (dated July 5, 2016). It is the responsibility of the permittee to communicate the requirements of all conditions and mitigation measures to all designers, contractors, and professionals related to the implementation and maintenance of the ECP to ensure compliance is achieved.
2. The permittee shall fully comply with the Mitigation Measures contained in the Updated Mitigation Monitoring and Reporting Program (attached).
3. Adhering throughout the duration of the project to the Oversight and Operation regulations specified in County Code Section 18.108.135 enclosed, which deal with among other things installation oversight, erosion control measure maintenance, monitoring, failure response, and non-compliance. Prior to the first winter rains after construction begins and each year thereafter until the project has received a final inspection from the county or its agent and been found complete, a qualified professional shall inspect the site and certify in writing to the director that all of the erosion control measures required at that stage of development have been installed in conformance with the plan and related specifications. The report shall be provided to the Director of Planning, Building, and Environmental Services ("Director") within 7 days from the inspection.
4. Pursuant to County Code Section 18.108.140(A)(2), a financial security shall be submitted to the Director within ten days of approval (or prior to earthmoving) of the erosion control plan for the portions of the project within the Milliken watershed. The financial security shall be in a form approved by County Counsel and shall be in an amount as determined by the Director, sufficient to guarantee restoration of any site disturbance, should the County be required to do so in case of default by the permittee.
5. The permittee shall implement the following measures to avoid encroachment into specified creek setbacks and associated riparian features:
 - i. The location of creek 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. Temporary fencing shall be installed prior to any earthmoving activities. The precise locations of said fences shall be inspected and approved by the Engineering and Conservation Division prior to any earthmoving and/or development activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated areas for the duration of erosion control plan installation and vineyard installation. The protection fencing shall remain in place during the duration of project implementation and until wildlife exclusion fencing is installed as shown on the approved plans.
 - ii. All construction and related traffic shall remain on the inside (vineyard block side) of the protective fencing to ensure that the creek, buffer zones, and associated riparian habitat and/or woodland remain undisturbed.

- iii. In accordance with County Code Section 18.108.100 (Erosion hazard areas – Vegetation preservation and replacement), trees that are inadvertently removed which are not within the boundary of the project and/or not identified for removal as part of P11-00205-ECPA shall be replaced on-site with fifteen-gallon trees at a ratio of 2:1 at locations approved by the PBES Director.
6. The following measures shall be implemented to protect trees/woodlands:
 - i. Prior to any earthmoving activities, temporary fencing shall be placed at the edge of the dripline of all trees to be retained that are located within 50-feet of the project area. The precise locations of said fences shall be inspected and approved by the Engineering and Conservation Division prior to the commencement of any earthmoving activities. No disturbance, including grading, placement of fill material, storage of equipment, etc. shall occur within the designated area for the duration of erosion control plan installation and vineyard installation.
 - ii. The permittee shall refrain from trimming the trees and vegetation to be retained adjacent to the vineyard conversion areas.
7. As described in the Updated Mitigation, Monitoring and Report Program and the Biological Resources Management Plan, the areas required for permanent protection shall be identified as such in a conservation easement with an organization accredited by the Land Trust Accreditation Commission as the grantee, or other equivalent means of permanent protection as approved by the Director of PBES. Areas placed in protection 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 residential development, and excessive off-road vehicle use that increases erosion) and should be otherwise restricted by the existing goals and policies of Napa County. Upon County Counsel's review and approval as to the form of the conservation easement, the applicant shall record the conservation easement prior to any ground disturbing activities, grading, or vegetation removal or within 12 months of project approval, whichever occurs first.
8. The Walt Ranch Long Term Vineyard and Road Maintenance Plan, prepared by the Napa County Resource Conservation District, dated February 11, 2013 shall be fully implemented (including all watercourse crossings) prior to the construction of any vineyard blocks, and maintained throughout the life of the vineyard. Upon completion, all road treatments and watercourse crossings shall be inspected by the Napa County RCD and approved by Napa County. In addition, a Letter of Completion shall be submitted to the Engineering and Conservation Division prepared by a licensed design professional, prior to the construction of any vineyard blocks.
9. Prior to any ground disturbing activities, grading, or vegetation removal, the draft Biological Resources Management Plan (BRMP) shall be revised to be consistent with and to reflect changes resulting from approval of the Reduced Intensity Alternative, the Updated MMRP and voluntary reductions in the scope of the project. The BRMP shall be reviewed and approved by the Planning Director prior to any ground disturbing activities, grading, or vegetation removal or within 12 months of project approval, whichever occurs first.
10. The Walt Ranch Water Quality Monitoring Program prepared by Analytical Environmental Services, dated July 2016 shall be implemented by the permittee and any subsequent property owners.

11. No blasting shall occur within 775 feet of any offsite residence.
12. The disposal of debris, storage of materials, or construction/operation of vineyard avenues outside the boundaries of the approved plan is prohibited.
13. Wildlife exclusion fencing shall be maintained and installed as specified in approved Erosion Control Plan #P11-00205-ECPA.
14. All persons working on-site shall be bound by contract and instructed in the field to adhere to all provisions and restrictions specified above.
15. All staff costs associated with monitoring compliance with the above conditions shall be borne by the permittee and/or property owner. The permittee shall make an initial deposit of \$5,000 within 30 days of this letter to fund staff monitoring. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged at the rate in effect at the time monitoring occurs. Violations of conditions of approval or mitigations measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The owner and/or the owner's contractor shall keep the approved plans, or a copy thereof, available on-site at all times while site improvement and vineyard installation work is taking place. Said work includes, but is not limited to, ground clearing, grading, vine planting, and installation and maintenance of erosion control measures. Furthermore, prior to commencement of work you must acquire any/all other required Local, State and Federal permits necessary to implement this project.

Finally, no grading, earthmoving activities, or soil disturbance of any kind can take place between September 15th (within the Milliken Reservoir Watershed) and October 15th (in the Capell Creek Watershed) of each year and April 1st of the following year pursuant to Sections 18.108.027(c) and 18.108.070(L) of the Napa County Conservation Regulations. The property owner may submit a request to extend this deadline by filing a written request and applicable fee total to the Planning, Building, and Environmental Services Department a minimum of ten days prior to the required winterization deadline. Such a request is subject to review and approval by the Director.

A Notice of Determination (NOD) has been filed with the County Recorder's Office on the date of this letter. The filing of the NOD commences a 30-day legal challenge period of the determination that this project would not have a significant effect on the environment. As a reminder, no disturbance may occur until the expiration of the legal challenge period on August 31, 2016. Please note that this conclusion is based on the vineyard being installed and operated in strict conformance with the approved plan. **Any changes or modifications to the approved plan will necessitate that you file a plan revision with the Engineering and Conservation Division prior to implementing the desired changes. Depending on the extent of the proposed change and its consistency with the approved project, further environmental review may need to be undertaken.**

Please notify the Engineering and Conservation Division, and Soil Conservationist Charles Schembre of the Napa County Resource Conservation District at (707) 252-4188 prior to the commencement of any vegetation clearing or earthwork so that necessary and required inspections can be scheduled.

Thank you for doing business in Napa County. Staff looks forward to working with your team to ensure the compliance of all approved conditions and measures, and the successful completion of your project. If you have any questions or require additional assistance, please contact me at (707) 253-4805 or by email at david.morrison@countyofnapa.org.

Respectfully,

A handwritten signature in black ink, appearing to read 'David Morrison', with a large, stylized initial 'D'.

David Morrison
Planning Director

Enclosures: Approved Agricultural Erosion Control Plan #P11-00205-ECPA
Responses to Final EIR Comments Memorandum, dated July, 2016 (includes Updated MMRP)
FEIR Certification and CEQA Findings
County Code Sections 18.108.135 & 140

cc: Brian Bordona, Supervising Planner (w/o enclosures)
Laura Anderson, Deputy County Counsel (w/o enclosures)
Napa County Resource Conservation District, 1303 Jefferson Street, Suite 500B, Napa CA 94559
Jim Bushey, PPI Engineering, 2931 Solano Avenue, Napa, CA 94558
Project/Chronological files (w/o enclosures)



RESPONSES TO FINAL EIR COMMENTS

WALT RANCH EROSION CONTROL PLAN APPLICATION NO. P11-00205-ECPA

JULY 2016

LEAD AGENCY:

Napa County
Planning, Building and Environmental Services
1195 Third Street, Suite 210
Napa, CA 94559



RESPONSES TO FINAL EIR COMMENTS

WALT RANCH EROSION CONTROL PLAN APPLICATION NO. P11-00205-ECPA

JULY 2016

LEAD AGENCY:

Napa County
Planning, Building and Environmental Services
1195 Third Street, Suite 210
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RESPONSES TO FINAL EIR COMMENTS

WALT RANCH #P11-00205-ECPA

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Attachment B	Alternative Access Proposed by Applicant
Attachment C	Groundwater Memorandum
Attachment D	Surface Water Memorandum
Attachment E	Water Use Memorandum

1.0 INTRODUCTION

This Responses to Final EIR Comments document has been prepared to address comments received by the Lead Agency, the Napa County Planning, Building, and Environmental Services Department (Napa County PBES) on the Final Environmental Impact Report (Final EIR) for the Walt Ranch Agricultural Erosion Control Plan Application (ECPA) #P11-00205-ECPA (Proposed Project). The Final EIR (SCH# 2012102046) was placed online for public review beginning on February 26, 2016, and was released to the State Clearinghouse on March 1, 2016. This provided a 38-day review period before the public hearing, which the Planning Director held for the Proposed Project on April 4, 2016. This exceeds the minimum requirements of California Environmental Quality Act (CEQA), which mandates a minimum 10-day review period for public agencies prior to certifying an EIR (CEQA *Guidelines* § 15088).

There is no provision within CEQA, the CEQA *Guidelines*, or the Napa County Local Procedures for Implementing CEQA (Local Procedures) to provide written responses to comments received on a Final EIR. However, Napa County has prepared this document to evaluate the full range of comments and ensure that all comments within the administrative record are considered equally. This document will respond to general topics that were received by the County in written format (hand-delivered, mailed, and e-mailed documents) and verbal comments from the public hearing.

No comments were received that brought up any new significant environmental impacts or substantially increased the severity of an environmental impact. As such, there is no legal requirement to recirculate the EIR pursuant to CEQA *Guidelines* § 15088.5. This same section of the CEQA *Guidelines* allows for modifications to a Draft EIR, similar to what has occurred for the Proposed Project, stating that: “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR” [§ 15088.5 (c)]. This document will clarify subjects that were unclear to commenters, will adjust mitigation measures to provide more clarity or assurances to the public, and will recommend additional conditions of approval (if necessary).

2.0 COMMENTS AND RESPONSES

2.1 SUPPORT FOR PROJECT

Several commenters provided written letters and verbal support at the public hearing held for the Proposed Project. Topics that were addressed in support of the Proposed Project include:

- The reduction in sediment to the Napa River watershed;
- The environmental protections incorporated into the project design and mitigation measures, including avoidance of wetlands and specimen trees;
- The value placed on agriculture in Napa County;
- The project’s location within an agriculturally-zoned area;
- The thorough and unprecedented environmental review the Proposed Project has undergone; and
- The fire break the Proposed Project would provide to the neighboring Circle Oaks community.

In regards to the ability of the Proposed Project to provide a fire break and reduce risk of fire, comments were also received with the opposite claim, stating that the Proposed Project would increase fire risk. These comments are addressed in **Section 2.15** below.

Although support for the Proposed Project is an expression of opinion that does not require direct response pursuant to CEQA, the County will consider these comments along with all other comments when making a decision on the Proposed Project.

2.2 CEQA VIOLATIONS AND OPPOSITION TO PROJECT

Many of the comments received were expressions of opinion either for or against the development of vineyards on the Walt Ranch property. Many of the comments received were repetitions of comments that were received on the Draft EIR. Others claimed that the Final EIR violated CEQA by updating the Draft EIR, and requested that the EIR be recirculated. Finally, several commenters stated that the preparation of the Groundwater Mitigation and Monitoring Plan (GMMP) and the Biological Resources Management Plan (BRMP) improperly deferred mitigation under CEQA.

Repetitive Comments from Draft EIR

It is apparent that commenters who repeated the same comment on the Final EIR did not feel their comments were adequately responded to, or did not like the response that was given in the Final EIR. To the extent that a new subject or different comments within an environmental topic were brought up, it will be addressed by environmental issue area below. However, the responses to comments in the Final EIR were prepared in accordance with the CEQA *Guidelines* (see § 15088), which requires:

“(c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.”

Although it is impossible to satisfy all commenters, particularly given that some support and some oppose the project, a detailed analysis that acknowledges each comment and informs the public has been prepared. The Final EIR included comments received on the Draft EIR, responses to those comments, and appropriate revisions to the Draft EIR as a result of comments in accordance with CEQA *Guidelines* § 15132. The Draft EIR and Final EIR informed the Lead Agency and public of the potential significant environmental effects of the Proposed Project and identified measures, methods, and/or practices that can be employed to avoid or significantly reduce environmental impacts, pursuant to the General Concepts of CEQA *Guidelines* (§ 15002).

Recirculation

Pursuant to CEQA *Guidelines* § 15088.5, a Draft EIR should be recirculated only if “significant new information is added to the EIR” after the public review period for the Draft EIR. CEQA defines “significant new information” as a disclosure showing that

- “(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.”

It then specifically acknowledges that “recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

No significant new information has been added to the EIR after public notice and review and, pursuant to CEQA *Guidelines* § 15088.5, Napa County will not recirculate the EIR.

Mitigation Deferral

CEQA *Guidelines* § 15126.4 (a) (1) (B) states that mitigation measures should not be deferred indefinitely:

Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

This was specifically addressed in General Response 8 of the Final EIR (see page 4-14):

“An EIR may rely on a resource management plan as an element of mitigation as long as the agency has committed to reducing impacts to less-than-significant levels. In accordance with CEQA *Guidelines*, significant impact determinations and formulation of mitigation measures must occur before project approval. The details of exactly how mitigation will be achieved under the BRMP can properly be determined at a later date within the confines of the plan. In *Friends of Oroville v. City of Oroville* (Sept. 18, 2013) 219 Cal.App.4th 832, the courts found that an “EIR may defer the formulation of mitigation details when the lead agency commits itself to mitigation and the measures include specific performance standards or criteria that must be met for the project to proceed.” In keeping with this principle, courts uphold mitigation measures that require preservation or restoration of sensitive habitat at specified ratios as adequate mitigation under CEQA. (See, e.g., *Save Panoche Valley v. San Benito County* (2013) 217 Cal.App.4th 503, 526 [mitigation for impacts to special status species upheld]; *Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th

1209, 1233 [upholding mitigation requiring preservation and restoration of sensitive habitat at identified ratios]; *Mira Mar Mobile Community v. City of Oceanside* (2004) 119 Cal.App.4th 477 [upholding mitigation for impacts to sensitive species requiring restoration and enhancement of habitat at specified ratios].) The mitigation measures identified in the Draft EIR are directly analogous to those that have been upheld by the courts.”

The response in the Final EIR quoted above specifically mentions the BRMP, as commenters only claimed the BRMP was improperly deferred at that time. Now, commenters have stated that both the BRMP and the GMMP were improperly deferred because they were not provided in their entirety within the Draft EIR. However, the response above applies to both of these plans. The Draft EIR found both of these to be significant impacts and provided mitigation measures that required the development of those plans, which were provided for public review with the Final EIR. The Lead Agency has not improperly deferred any mitigation as defined by CEQA *Guidelines* § 15126.4.

Claims of a Flawed Final EIR

Many commenters expressed displeasure with the organization of the Final EIR, stating that: placing the bracketed comment letters in separate volumes was confusing; that the comment letters should not have been logged chronologically using codes other than the commenters’ names; and that the use of general responses was unlawful.

Placing the Final EIR in multiple volumes was required because over 3,800 pages of comment letters and testimony were provided on the Draft EIR; in order to include all of these comments and ensure they received equal weight, they were placed in separate printed volumes and in separate PDFs on the electronic CD copy. Every effort was made to ensure that each comment was included and easy to find; the full list of commenters was provided in Section 3.0 of the Final EIR: Volume I. Each letter was logged by category upon receipt, which included agency letters, organization letters, individual comments, petitions and form letters, and extension requests. Those were then cross-referenced to the name of the commenter and the date it was received. This is standard practice in Napa County and in CEQA documents throughout the state.

The contents of the Final EIR match CEQA *Guidelines* § 15132, which states that a “Final EIR shall consist of:

- (a) The draft EIR or a revision of the draft.
- (b) Comments and recommendations received on the draft EIR either verbatim or in summary.
- (c) A list of persons, organizations, and public agencies commenting on the draft EIR.
- (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- (e) Any other information added by the Lead Agency.”

Although general or master responses were provided to the topics that were mentioned most frequently, each comment was responded to individually. Where appropriate, the commenter was directed to the general response or another individual response that addressed the same concern. This kept the Final EIR from becoming too lengthy and repetitive. This is supported by CEQA *Guidelines*, which requires

that the Lead Agency respond to significant environmental points but do not require repeating the same comment each time it is received.

2.3 TRAFFIC ISSUES: ROADS, ALTERNATIVE ENTRANCES, AND SAFETY

Many commenters provided written and verbal comments regarding various traffic issues, including requesting the use of alternative access points to the project site, the poor condition of Circle Oaks Drive, and that project-related traffic was too high. Because these subjects are closely related and the analysis of one topic impacts all others, traffic issues that could be caused by the Proposed Project are discussed together under this heading.

First, it should be noted that there was apparent confusion regarding the level of traffic that would be caused by the Proposed Project, with some commenters stating numbers that were two or even three times larger than the anticipated number of trips. The correct number of trips can be found in Section 4.7 of the Revised Draft EIR (Final EIR: Volume II) or General Response 16 (Final EIR: Volume I). During the construction period, 38 trips entering the project site in the morning and 38 construction trips leaving the site in the evening are anticipated. Four of these trips would be large trucks; the rest would be passenger vehicles carrying workers. The EIR notes that the construction equipment would be delivered in 15 trips once at the start of construction (between April 1 and April 15) and removed again at the end of construction (see page 4.7-4). This total number of truck trips (4 daily and 15 twice per season) during construction is substantially lower than the “hundreds of daily truck trips” claimed by many commenters.

Operational traffic levels were similarly overstated by commenters. Only a few workers would be needed onsite during the majority of the year. During the pruning season (between December and March), approximately 45 vineyard workers are expected onsite. During the harvest/crush season (between August and October), approximately 60 vineyard workers would be needed onsite and 4 grape trucks each day. The EIR analyzes the peak traffic scenario during harvest/crush to provide a conservative analysis; however, this is only for three months out of the year and the remainder of the months will have significantly fewer trips.

Although the construction traffic was analyzed separately from operational traffic in the EIR, the conclusions of each analysis found that project-related traffic would not exceed local roadway capacities in all of the different construction and operational scenarios. In order to further minimize any potential impacts to the Circle Oaks community, mitigation measures were provided to ensure that worker trips are scheduled outside of the AM and PM peak hours to avoid disrupting any existing commuter traffic. The AM peak hours correspond to approximately 6 am to 10 am, and the PM peak hours correspond to approximately 4 pm to 8 pm. Because construction traffic is a concern to the Circle Oaks community, an alternative access plan has been proposed by the Applicant.

Following the release of the Final EIR, the County received additional comments regarding traffic, road and infrastructure conditions, and pedestrian safety. Based on these comments, the Applicant has proposed an alternative access route to address the concerns among neighbors within the Circle Oaks community regarding the use of Circle Oaks Drive for construction equipment. The Applicant is proposing the use of an existing access road directly off of State Route 121 (SR-121) for the delivery of construction equipment; this road may also be utilized for materials deliveries. As discussed in **Attachment B**, this

existing driveway is the northern-most driveway located on the eastern property boundary, directly adjacent to SR 121 and approximately 1.5 miles southwest of the intersection of SR 121 and SR 128. The existing road network would then be utilized to provide access to the remainder of the Walt Ranch property. The EIR has already reviewed the existing and proposed road network and provided mitigation measures to substantially lessen impacts caused by the use of roads on the Walt Ranch property.

The Final EIR correctly identified that developing a new access point may cause new environmental impacts not previously disclosed (see General Response 17 at page 4-32); fortunately, use of the existing access road would not require significant improvements or cause safety hazards. As discussed in **Attachment B**, the alternative access route would be upgraded consistent with the Long-Term Road Management Plan provided in Appendix C of the Draft EIR (AES, 2014). Commenters pointed out that the EIR was vague in its discussion of why this access point was eliminated; this is because cultural resources locations are not allowed to be disclosed in public CEQA documentation in accordance with Section 304 of the National Historic Preservation Act (16 USC 470w-3) and the Archaeological Resources Protection Act (16 U.S.C. Section 470h). However, the County is able to acknowledge that the resources present in the vicinity of that existing access point would be protected by mitigation measures that are already in place within the EIR (see Mitigation Measures 4.2-1, 4.2-2, 4.2-9, 4.2-10, 4.3-1, and 4.6-2). As such, there are no new significant environmental impacts that would require revision or recirculation of the Draft EIR consistent with CEQA *Guidelines* § 15088.5. Conditions of approval requiring the use of this alternative access for construction equipment delivery and the specific recommendations discussed in **Attachment B** have been added to the Updated MMRP (**Attachment A**).

The alternative access point for materials and heavy equipment deliveries further reduces the level of traffic impacts disclosed in the Final EIR. As such, the number of trips and the noise levels will be lower than what was evaluated in the EIR. It also significantly reduces the safety concerns mentioned by the commenters regarding large trucks traveling on the narrow streets within the Circle Oaks neighborhood. Many commenters were concerned regarding the potential conflicts of pedestrians walking in the streets and the project-related truck traffic. Although the trucks will now be routed away from Circle Oaks Drive, Mitigation Measure 4.7-3 which requires safety signage will still be required.

This alternative access route also eliminates some of the commenters' concerns regarding the stability of the portion of Circle Oaks Drive as it enters the Walt Ranch property. The paved roadway terminates in this location and turns into a gravel road. It then crosses a stream (designated as waters of the U.S.) via an existing culvert. The potential impact to waters of the U.S. in this location, although mitigated to less-than-significant levels via Mitigation Measure 4.2-4, would be further minimized as large construction equipment deliveries would be routed to the northern access point.

The existing roadway surface of Circle Oaks Drive is in a deteriorated condition as discussed in Impact 4.7-4, and the EIR identified that the Proposed Project could have a significant impacts to this roadway. The Final EIR provided Mitigation Measure 4.7-4 to minimize impacts to the roadway surface and to subsurface infrastructure (e.g. water lines and sewer pipelines) below the roadway, which reduced the Proposed Project's impacts to a less-than-significant level. However, routing all construction equipment deliveries away from this roadway will avoid the impact altogether.

Several commenters stated that the Final EIR did not discuss the potential impacts to subsurface infrastructure (e.g. water lines and sewer pipelines) underneath Circle Oaks Drive. However, Mitigation Measure 4.7-4 was updated between the Draft EIR and the Final EIR to specifically address potential deterioration of infrastructure located underneath Circle Oaks Drive and require the Applicant to be responsible for future repairs, should any project traffic cause an impact. However, the likelihood of roadway deterioration has now significantly decreased that the heavy truck deliveries have been routed away from Circle Oaks Drive (see **Attachment B**).

2.4 GROUNDWATER

Comments were received on several groundwater topics that the analyses provided in the Draft EIR and Final EIR were inadequate. Specifically, that: there are unmitigated impacts to the Milliken Reservoir watershed due to groundwater pumping; the EIR mischaracterizes the rate of groundwater recharge on the project site; the project site is connected to the Milliken-Sarco-Tulocay (MST) groundwater deficient area; and that a prolonged drought was not analyzed. As a result of these comments, Richard Slade and Associates (RCS), the project's groundwater technical expert, provided a direct response that is included as **Attachment C** to this memorandum.

2.5 SURFACE WATER HYDROLOGY

A few commenters questioned the methodology of the surface water hydrology calculations presented in the EIR and supporting technical analyses, including time of concentration calculations, runoff curve number (CN), and the overall erosion and sedimentation calculations.

Time of Concentration Computations

As discussed in **Attachment D**, only project drainage modifications that were along the longest hydrologic path were considered in the computation of time of concentration. Modifications to drainage paths that are off the longest path will not change the time of concentration and therefore are not considered in the computation.

In the cases where there is an improved drain off the longest hydrologic path, there can be a change in the shape of the hydrograph by bringing in some of the runoff sooner than in the pre-project condition, but it will not increase the peak runoff; this only occurs when the entire watershed is contributing from the most hydraulically distant point. An improved drainage in itself does not create more water, and if it is off the longest hydrologic path, it cannot increase the peak flow.

The adjustments in drainages WS2 and WS12 to the time of concentration and the lag are because the drainage modifications were along the longest hydrologic path and those changes did shorten the time of concentration. The proposed drains in the other drainages were not along the longest hydrologic path, and as a result did not affect the time of concentration for post-project conditions.

Runoff Curve Number (CN) Adjustments for Ripping Stony Soils

CN adjustments for ripping were only made in stony soils where a relatively shallow rock layer was impeding rainfall percolation into the substrate. Surplus surface rocks will be removed. The adjustment to the CN is only made to be commensurate with the predominant soil type that is within that soil series

and based on site specific soil mapping where available. No adjustment was made when ripping was performed as a purely agricultural practice and the model did not take credit for the lower density of the ripped soils in their post-ripped state. Documentation for this change in hydrologic soil group and correspondingly lower curve number is included in a Natural Resources Conservation Service reference provided with the Draft EIR (**Attachment D**).

Off-Site Erosion and Sedimentation

As discussed in Impact 4.6-1 of the EIR, impacts can be caused to off-site receiving waters by significant changes in hydrology and sediment yields. Increases in the volume and rate of runoff as well as changes in sediment yields can potentially affect the stability of the receiving swales, drainages, creeks and possibly the rivers depending on the relative quantities of each. As such, Impact and Mitigation Measure 4.6-1 provides a quantitative analysis of potential impacts and specific mitigation measures to reduce identified impacts.

Within the Milliken Creek watershed, there is a modest change over the existing runoff conditions to the receiving drainages and Milliken Creek; however, this change is a reduction, not an increase. Minor decreases in runoff conditions are not known to cause stability issues (only increases). It is also worth mentioning that most of the receiving streams in the Milliken drainage are bedrock control, so coupled with no increase in runoff peak or duration, no changes or adjustments in stream morphology are expected in any of the drainages and streams downstream of the project.

The Capell Creek subwatersheds are more alluvial-based drainages and small streams, and there is some evidence of streambank erosion and downcutting in the existing condition that has resulted from previous land use practices. The hydrologic modeling identified minor increases (0.4 percent) in the Capell Creek watershed portion of the property, and as such there may be a significant impact where there are increases in runoff. Therefore, Mitigation Measure 4.6-4 is proposed to reduce the post-project runoff to pre-project levels.

2.6 WATER USE ESTIMATE

Several commenters asserted that the Applicant's estimated water use was too low, citing a UC Davis study entitled *2012 Sample Costs to Establish a Vineyard and Produce Winegrapes, Cabernet Sauvignon, North Coast Region, Napa County* (UC Davis, 2012; hereinafter referred to as "UC Davis Study").

As a result of these comments, the Applicant's vineyard management firm (Premiere Viticultural Services) provided further information that is included here as **Attachment E**. A summary of their discussion is provided herein:

"The UC Davis Department of Agricultural & Resource Economics and the UC Cooperative Extension, through the collaboration of local farm advisors and independent growers has been producing cost studies for winegrapes and various crops since the 1940's to help businesses understand the risk and most current costs/returns associated with farming specific crops in specific areas. These cost studies have most recently involved the Napa Valley Grapegrowers

[NVG] and members of the NVG that farm many properties in various locations with various conditions throughout Napa County. This volunteer group provides actual budget analysis from each one of their vineyards for every activity listed in the study and the median prices of those activities are represented in the final data set. The cost study makes assumptions about spacing, infrastructure, property size, frost protection, pest management, irrigation, cover crop, trellis system, harvest, fertility, etc. All of these assumptions do not actually represent one vineyard, but rather “the hypothetical farm operation” that is described in the assumptions. The Walt Ranch may have some similarities to the costs put forth in this study, but due to the site specific nature of any vineyard project, *many items in this cost study should not be applied to our specific farming operation, especially broad assumptions about water use.*” (emphasis added; Premiere Viticultural Services, 2016)

The Premiere Viticultural Services memorandum describes various site-specific factors as they apply to the Walt Ranch project, including: drought tolerance of various rootstocks, site-specific soil chemical and water hold capacity analyses that have been conducted for each vineyard block, and solar radiation and evapotranspiration calculations as they relate to water use. The memorandum discusses how the trellising system the Applicant has chosen reduces the specific crop coefficient (K_c), which is a measure of how much water the crop uses when compared to the reference point. The Proposed Project will utilize a “vertical shoot positioning system which has the lowest K_c compared to other trellis/training styles. For example a vertical shoot positioned vineyard may have a K_c of .45 during the peak of summer, while a California sprawl or Lyre system would have a K_c of .8 to .9” (**Attachment E**). This means that the same crop using a different trellising system could require 40 to 50 percent more water for the same vine spacing.

Over the years, the Applicant has used numerous scientific techniques and farming methods on its other vineyards to reduce the total amount of water that is required to irrigate its vines. These methods include:

- ET modeling for irrigation scheduling
- Weather stations located onsite running full evapotranspiration models
- Pressure chamber measurements for Leaf Water Potential
- Neutron probes/soil moisture probes
- Vineyard Heat mapping with FLIR (forward looking infra-red) tools
- Tule Technologies real-time ET stations
- Dendrometers/Phytogram
- Porometers
- NVDI imagery
- Monitor root growth and uptake efficiency

As a result of these numerous measures that have promoted water use efficiency, along with trellis system, rootstock choice, and vine density, the Applicant has reduced its irrigation from a weekly schedule to one that waters the vines between 4 to 6 times per year (**Attachment E**). As a result, the Applicant has been successfully deficit irrigating its existing vineyards to below 0.5 acre-feet of water per acre (the assumption provided in the EIR), and will do so on the Proposed Project. The UC Davis Study provides a thorough analysis of a “hypothetical farm” as opposed to site-specific data for an average

vineyard operation. Please refer to **Attachment E** for additional discussion regarding the Applicant's existing vineyard irrigation practices.

2.7 WATER QUALITY

Some commenters requested that all agrichemicals (pesticides, herbicides, and fertilizers) be banned from the Milliken Creek watershed. In addition, the City of Napa (City) provided a written and verbal comment letter requesting that monitoring of surface water quality in Milliken Creek and its tributaries be conducted on the Walt Ranch property.

As disclosed by the Applicant during the April 4 public hearing, all four of the other vineyards owned and operated by Hall Wines in Napa Valley are certified organic by the U.S. Department of Agriculture (USDA). As stated on April 4, once the proposed vineyard is established and growing, the Applicant intends to use organic agricultural practices and obtain a USDA certification. However, the EIR analyzed the use of agrichemicals on the proposed vineyards in order to analyze and disclose the full level of potential impacts, as required by CEQA.

Currently, there is no legal basis for requiring organic operations or banning normal agricultural practices, including the use of legal pesticides and fertilizers, from sensitive domestic water supply drainages including the Milliken Creek watershed. The additional provisions included in the General Plan and in Napa County Code Chapter 18.108 ("Conservation Regulations") addressing sensitive domestic water supply drainages are designed to "protect drinking water supply reservoirs in sensitive domestic water supply drainages from sediment, turbidity, and pollution" [Napa County Code 18.108.010(B)(6)]. The Proposed Project was designed to comply with all of these additional restrictions, including the early winter-period shut-down and the 60/40 rule for vegetation clearing.

Furthermore, organic operations still allow for some use of pesticides, herbicides, and fertilizers. Natural chemicals may be utilized on crops and, pursuant to CFR Title 7 §205.601, certain synthetic substances may be allowed in organic crop production. These include, but are not limited to, elemental sulfur, lime sulfur, and other sulfates. Merely requiring that a vineyard be operated using organic methods is not a foolproof solution to ensuring environmental health. Other sustainable practices, including stream setbacks and appropriate chemical application (discussed in **Section 2.8** below), are important components in addition to limiting agrichemical use.

The City of Napa (which operates Milliken Reservoir) expressed concerns regarding potential impacts to the drinking water supply provided by Milliken Reservoir. The Applicant has been working with the City, independently of the EIR process, to voluntarily develop a surface water monitoring plan to address the City's concerns regarding potential water quality impacts. A Condition of Approval requiring the implementation of the Water Quality Monitoring Plan has been added to the Updated MMRP (**Attachment A**).

2.8 PESTICIDE USE AND WIND DRIFT

Commenters expressed concerns regarding the use of pesticides as it relates to human health, wildlife health, and water quality. Water quality has been addressed in **Section 2.7** above. Several other commenters erroneously stated that the EIR did not consider wind drift.

Airborne drift is discussed as a potentially significant impact under Impact 4.5-3 of the Draft EIR. Mitigation measures provided in the EIR, as well as compliance with all U.S. Environmental Protection Agency (USEPA), California Department of Pesticide Regulation (CDPR), and Napa County regulations, will ensure that pesticides are used appropriately and in accordance with all Best Management Practices and safety procedures to minimize wind drift. In addition, the owner shall apply for a private applicator certificate and a restricted materials permit from the Napa County Agricultural Commissioner pursuant to Mitigation Measure 4.5-4. Limitations to pesticide and fertilizer use will minimize the risk for wind drift occurrences. In addition, setbacks and buffers provided in Mitigation Measure 4.2-4 will act as a filter/barrier to reduce the potential for petroleum products, pesticides, or fertilizers to cause a significant impact.

Furthermore, pesticide applicators are restricted by California Code of Regulations (CCR) Title 3, Section 6614 called “Protection of Persons, Animals, and Property.” This mandates that pesticide applicators must consider meteorological conditions (wind and precipitation events) and the potential risk to the environment and nearby persons prior to application. Section 6614 states that no pesticide application shall be made or continued when there is a “reasonable possibility of contamination of nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.”

The USEPA routinely evaluates the potential for drift as part of the pesticide risk assessments in order to estimate drift impacts on: communities living near fields where crops are grown; farmworkers; water sources; and the environment. The potential for pesticide drift is considered by the USEPA during the labeling of pesticides, and is a factor in the strength of the toxicity label applied to an agrichemical. The Walt Ranch Integrated Pest Management (IPM) Plan (Appendix N of the Draft EIR) has already committed to only using chemicals classified by the USEPA as Class 3 or Class 4 (Low Toxicity or Very Low Toxicity, respectively). As such, there is negligible potential for impacts from wind drift for the chemicals that may be applied on the Walt Ranch property.

The Napa County Agricultural Commissioner’s Office does random inspections of pesticide application to ensure that CCR Title 3, Section 6614 is being followed (Gleeson, 2016). The existing mitigation measures in place within the EIR, compliance with CDPR and Napa County Agricultural Commissioner’s rules and regulations, and the Applicant’s commitment to the IPM Plan (also required by Mitigation Measure 4.5-4), would adequately minimize any risk of pesticide drift.

The EIR analysis of pesticide use relied on a combination of site-specific analysis and conditions, compliance with applicable laws and regulations, and mitigation measures designed to ensure the proper and safe handling and application of agricultural chemicals. This type of analysis has been upheld by the courts in *Ebbetts Pass Forest Watch v. CDF* (2008) 43 Cal. 4th 936, where the Court considered whether

a Timber Harvest Plan (THP) and the California Department of Forestry and Fire Protection's (CAL FIRE) responses to comments on herbicide use were deficient based on the statement that compliance with CDPR label restrictions would not necessarily have a significant effect on the environment. The Court found that "if the THP and [CAL FIRE's] response to public comments on the use of herbicides had relied entirely on the Department of Pesticide Regulation's regulatory program and had not themselves analyzed the significant environmental effects, mitigation measures, and alternatives to herbicide use on the harvested sites," then CAL FIRE would have failed in its duty to consider and disclose information relevant to its decision. However, since CAL FIRE's responses included more analysis at that point, including an extensive discussion of potential impacts, mitigation measures, and alternatives to herbicide use, CAL FIRE did not erroneously rely on CDPR's regulatory program and fail to conduct its own environmental impacts assessment. Similarly in the Walt Ranch EIR, extensive analysis of pesticide and herbicide use was provided in Section 4.5, and Mitigation Measures 4.5-1 through 4.5-4 were provided to reduce the risk to the environment.

2.9 GREENHOUSE GAS ANALYSIS AND CLIMATE CHANGE

Several commenters felt that the greenhouse gas (GHG) analysis was inadequate, saying that it 1) improperly used the Bay Area Air Quality Management District (BAAQMD) significance thresholds; 2) did not account for the recent California Supreme Court case *Center for Biological Diversity v. California Department of Fish and Wildlife and the Newhall Land Farming Company* (2015) (Newhall Ranch Decision); 3) underestimates the level of traffic caused by the Proposed Project; 4) did not use the carbon dioxide equivalent (CO₂e) method appropriately; 5) did not account for "indirect forest conversion biogenic emissions"; and 6) improperly utilized existing onsite woodland for mitigation. These concerns have been grouped into similar topics and responded to below.

Improper Use of Significance Thresholds and Newhall Ranch Decision

A technical memorandum was prepared by Analytical Environmental Services (AES) on March 28, 2016. The 2016 AES memorandum discusses the applicability of the recent Newhall Ranch Decision to the Walt Ranch Project and the appropriate significance thresholds to use in light of that decision (AES, 2016). The air quality and GHG analyses provided in the Draft and Final EIR used the best available and most up-to-date analytical methodologies, including the air quality modeling software CalEEMod recommended by both the California Air Resources Board (CARB) and BAAQMD. The analytical methodologies were valid and relied upon the most recent agency guidance and case law. The GHG analysis significance thresholds selected were consistent with the CEQA *Guidelines* § 15064.4. The use of the adopted Solano County Climate Action Plan for the construction significance threshold was supported by substantial evidence (refer to AES April 22, 2015 memorandum); the BAAQMD's adopted operational GHG significance threshold was used for the evaluation of operation of the Proposed Project.

On November 30, 2015, the California Supreme Court filed a decision in the case *Center for Biological Diversity v. California Department of Fish and Wildlife and the Newhall Land and Farming Company* (2015) (Newhall Ranch Decision). The Newhall Ranch Decision upheld the use of a "Business as Usual" (BAU) scenario as a significance threshold to analyze a project's GHG emissions. The Court also held, however, that the EIR in that instance did not contain substantial evidence supporting the application of that threshold to the project at issue. As discussed in the 2016 AES memorandum:

“The Newhall Ranch EIR determined whether the project would impede achievement of AB 32’s goals by relying on CARB’s Scoping Plan and comparing the project’s emissions to a BAU projection as a measure of GHG emission reductions needed to meet the AB 32’s 2020 goal (determined to be a reduction of 29 percent from BAU). Although the Court determined that the EIR employed a legally permissible threshold of significance, it maintained that the EIR’s finding that the project’s emissions would not be significant under that threshold was “not supported by a reasoned explanation based on substantial evidence.” The Court explained that the lead agency erred in assuming that because the Scoping Plan concluded that the State of California, as a whole, had to reduce its GHG emissions by 29 percent compared with the hypothetical BAU scenario, the project would not have significant GHG-related impacts if the project itself also reduced its own GHG emissions by 29 percent compared with what would have occurred under a BAU scenario (RMM, 2015). The Court held there was no substantial evidence to support that assumption. Therefore, the EIR’s reliance on the project-specific reduction in GHG emissions compared to the BAU scenario was not sufficient to support the conclusion that GHG impacts would be less than significant.”

The Supreme Court upheld the use of either adopted numerical significance thresholds or a BAU calculation, provided that substantial evidence is presented showing that the BAU reduction is consistent with the Scoping Plan and AB 32.

In regards to the Walt Ranch EIR, the operational GHG analysis utilized an established GHG emissions significance threshold adopted by the BAAQMD. In the Newhall Ranch Decision, the Court stated that reliance on such a threshold was permissible. For this reason, no further analysis of operational GHG emissions was necessary as a result of the Newhall Ranch Decision.

Construction emissions were compared to the Solano County Climate Action Plan and relied on the Solano County BAU reduction of 26 percent. This approach is potentially implicated by the Newhall Ranch Decision. The 2016 AES memorandum therefore provided additional information on construction emissions, in light of the guidance provided by the Supreme Court. That analysis, which was made publically available online, and in the project file for review and was discussed at the April 4 public hearing, utilized both a BAU reduction with the Solano County Climate Action Plan and a nearby adopted significance threshold to provide two methodologies to determine the Proposed Project’s significance level in accordance with the Newhall Ranch Decision. As discussed in the 2016 AES memorandum:

“The nearest jurisdiction with an adopted GHG significance threshold for construction is Sacramento Metropolitan Air Quality Management District (SMAQMD), which covers the entirety of Sacramento County. The SMAQMD adopted the following GHG significance thresholds on October 23, 2014:

- Construction phase – 1,100 MT/CO₂e per year
- Operational phase – 1,100 MT/CO₂e per year
- Stationary source projects – 10,00 MT/CO₂e per year

In order to use this significance threshold for the Proposed Project, the annual construction emissions were calculated by determining the greatest construction year emissions from CalEEMod, the loss of sequestration from tree removal, and carbon reductions produced by placing 524.8 acres of forest land in to permanent preservation, as shown in Table 4. This value was then compared to the SMAQMD significance threshold of 1,100 MT of CO₂e per year. With the inclusion of the permanent preservation of 524.8 acres of woodland as required by biological mitigation measures in the Final EIR, the construction GHG emissions do not exceed the significance threshold.”

Flawed GHG Analysis Methodology

The GHG analysis used the BAAQMD- and CARB-approved CalEEMod to estimate emissions of air pollutants and GHGs. As discussed in the EIR, components of the project description are entered into CalEEMod, including: total amount of land to be graded; acres of forest that will be removed; number and types of construction equipment; duration (hours) of construction equipment use; number of worker trips generated by the project; and season and duration of construction. The levels of traffic for both the construction and operation phases were entered into the model appropriately; refer to **Section 2.3** regarding apparent confusion regarding the level of traffic that would be caused by the Proposed Project.

The CalEEMod outputs provide GHG emissions in CO₂e, which provides a common measurement of all GHGs such as methane, nitrous oxide, and carbon dioxide, using the global warming potential (GWP) of each molecule. The use of CO₂e is specifically required in the 2012 BAAQMD Guidelines (see page 4-4; BAAQMD, 2012). As discussed in Response to Comment I33-2, “CO₂e is a method by which GHGs other than CO₂ are converted to a CO₂-like emission value based on the global warming potential. CO₂ is used as the base and is given a value of one. Methane (CH₄) has the ability to capture 21 times more heat than CO₂; therefore, CH₄ is given a CO₂e value of 21.” Refer to the CalEEMod output files (Appendix H to the Draft EIR and the 2016 AES memorandum) for the CO₂e calculations.

Finally, several commenters claimed that the EIR ignored the “indirect forest conversion biogenic emissions.” To respond to this, it is important to first understand the different types of GHG emissions and the terminology that has been utilized in this analysis. For this discussion, direct GHG emissions are those that are released from the tailpipe of a vehicle or piece of machinery; biogenic emissions are those relating to the natural carbon cycle, as well as combustion, decomposition, or fermentation of plant or animal materials; and forest conversion GHG emissions are actually the loss of sequestration when a forest is converted to other uses.

As discussed on page 6-12 through 6-20 of the Final EIR (Volume II) and within the 2016 AES memorandum, direct GHG emissions were quantified through the CalEEMod air quality model and the loss of sequestration caused by tree removal was quantified through emissions factors provided by the USEPA. The USEPA emissions factors for carbon sequestered in one acre of forest for one year was multiplied by the number of forest acres removed over 100 years, the average life expectancy of typical trees within that forest (USEPA, 2016; AES, 2016). The potential carbon offset of the forests that would be placed in permanent conservation was similarly estimated using the USEPA emissions factor multiplied by the acreage that would be preserved (USEPA, 2016; AES, 2016). These emissions factors were determined by the USEPA after rigorous study of long-term forest and carbon scientific studies.

The long-term loss of sequestration is a projection of what future sequestration will be unavailable once trees are harvested due to project-related activities. The combustion or natural decomposition of those trees (which would be the biogenic emissions) are a one-time emission; in contrast, the methodology presented for the Proposed Project analyzed the future loss of sequestration of those same trees over the next 100 years. This ensures that the long-term consequences of tree removal are incorporated into the model and mitigated via viable, long-term solutions (discussed further below).

The 2012 BAAQMD CEQA Guidelines specifically state that “biogenic CO₂ emissions should not be included in the quantification of GHG emissions for a project. Biogenic CO₂ emissions result from materials that are derived from living cells, as opposed to CO₂ emissions derived from fossil fuels, limestone and other materials that have been transformed by geological processes” (BAAQMD, 2012). Because the BAAQMD is the regulatory authority for air quality in the San Francisco Bay Area Air Basin (SFBAAB), of which Napa County is a part of, Napa County has chosen to utilize the BAAQMD CEQA Guidelines for this project-level analysis. After receipt of comments on the EIR stating that the BAAQMD CEQA Guidelines are inappropriate, Napa County reached out to one of the principal contributors to the Guidelines and a Senior Environmental Planner at the BAAQMD. The BAAQMD’s approach in developing its guidance was to both address the gap between the State’s goals and legislation and existing GHG conditions, and to provide the most up-to-date and accurate tools within a constantly moving legislative and scientific field (Kirk, 2016). Biogenic emissions encompass a huge range of types of materials and processes, and as such the estimate of biogenic emissions are not accurate enough or reliable enough to recommend their inclusion; furthermore, they are often only a small portion of overall emissions.

Each agency has discretion in whether or not to adopt the BAAQMD Guidelines. Commenters are correct that biogenic emissions are not included in the BAAQMD’s guidance, however that is not sufficient reason to discount the thorough scientific approach taken by the BAAQMD in developing its CEQA Guidelines. Napa County assessed guidance provided by other nearby jurisdictions, including Solano County and SMAQMD. The SMAQMD, the nearest jurisdiction with an adopted methodology for quantification of GHGs, does not state that biogenics should be included in the quantification of GHG emissions, and in fact only requires the quantification of “tail-pipe” emissions that are calculated by CalEEMod (Sacramento Metropolitan AQMD, 2016). Therefore, the analysis conducted for the Walt Ranch project is in compliance with CEQA *Guidelines* § 15064.4 which requires “a careful judgment by the lead agency” in determining significance of GHG emissions, and a “good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” The County has made a good-faith effort and has complied with CEQA.

Inappropriate Mitigation Measures for Carbon Offset

Comments that were received on the Draft EIR stating that onsite preservation is not an acceptable form of mitigation were also received on the Final EIR. As discussed in **Section 2.2**, in-depth responses will not be provided to comments that merely reiterate the same topics submitted on the Draft EIR. This was addressed in Response to Comment O10-15 (Final EIR: Volume I), which discussed the requirements provided in CEQA *Guidelines* § 15126.4(c) to mitigate the significant effects of GHG emissions, including by sequestering GHGs. It also provided the full definition of mitigation, which pursuant to § 15370

includes “rectifying the impact by repairing, rehabilitating, or restoring the impacted environment... [and] compensating for the impact by replacing or providing substitute resources or environments.” The woodland acreage designated for permanent preservation will have a positive, long-term effect of sequestering carbon on the Walt Ranch property to offset construction emissions.

Case law states that a resource need not be actually created in order to constitute adequate mitigation. An excerpt from Response to Comment O10-15 discussing this concept is provided below:

“Although, given the relatively recent adoption of CEQA Guidelines § 15126.4, subdivision (c), there is no case law directly interpreting subdivision (c)(4) (measures that sequester greenhouse gases), case law addressing mitigation for biological and agricultural resources holds that a resource need not be created in order to constitute adequate mitigation. In *Mira Mar*, for example, the city required a development project to preserve habitat onsite and offsite to address the project’s impacts on coastal sage scrub habitat. (Id. at p. 495.) The court held that preservation of “undisturbed habitat,” in particular, qualified as mitigation because it both reduced and compensated for the loss of onsite wildlife under CEQA Guidelines §15370. (Ibid.; see also, e.g., *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230 [agricultural easements may appropriately mitigate for the direct loss of farmland caused by a project, even though the easement does not replace the lost resources]; *Save Panoche Valley v. San Benito County* (2013) 218 Cal.App.4th 503, 529 [upholding conservation as mitigation and noting that “[t]he goal of mitigation measures is not to net out the impact of a proposed project, but to reduce the impact to insignificant levels”] see also Pub. Resources Code, § 21083.4, subd. (b)(1) [conservation easements identified as acceptable mitigation for the direct loss of oak woodlands].)”

2.10 AMPHIBIANS AND REPTILES

Many of the same comments were received regarding amphibians [California red-legged frog (CRLF) and foothill yellow-legged frog (FYLF)] and reptiles [western pond turtle (WPT)]. Some unique topics were provided on CRLF and WPT, which have been grouped together by species below. To the extent that comments were repeated for each species, they have been responded to in one comment encompassing all species rather than repeating the same response.

Topics Specific to California Red-Legged Frog (CRLF)

Possibility of Take and Appropriate Avoidance Measures

One commenter believed that the EIR failed to recognize the possibility for take of CRLF as a result of the Proposed Project because the EIR assumed presence of CRLF in the entire Capell Creek watershed, and therefore the project must address the possibility of take and should obtain an incidental take permit (ITP) for both the construction and operational phases of the Proposed Project.

While the commenter is correct that CRLF presence is assumed in the Capell Creek watershed portion of the property, this does not mean that CRLF are present everywhere within the watershed; CRLF have specific habitat requirements that restrict them to only using portions of the watershed immediately adjacent to drainages. The Final EIR analyzed these habitat requirements (see pages 4.2-58 through 60

of the Final EIR: Volume II) and determined that several aquatic features within the project site have the potential to support CRLF. These features include: Capell Creek and some of its tributaries, a reservoir in the northwestern corner of the project site, two ponds (one near the main project site access road and the other east of Atlas Peak Road), two emergent wetlands, and a seasonal wetland. Based on the possibility for these areas to support CRLF, appropriate mitigation measures (Mitigation Measures 4.2-11 and the related Mitigation Measure 4.2-4) were proposed to reduce impacts to CRLF to less than significant. As the Proposed Project has been designed to avoid impacts to waters of the U.S. and take of CRLF, no ITP is required at this time. Additionally, Mitigation 4.2-4 requires a U.S. Army Corps of Engineers nationwide permit (Section 404 permit) be obtained prior to the discharge of any dredged or fill material within jurisdictional wetlands and other waters of the U.S. This permit will require consultation with the U.S. Fish and Wildlife Service (USFWS) for all potentially occurring special-status species, including CRLF. The USFWS may require additional measures for the protection of the species during that consultation; however, the Proposed Project has “avoid[ed] or *substantially lessen[ed]*” the project’s significant impacts to CRLF (Pub. Resources Code, § 21002.).

Adequacy of Surveys within the Milliken Creek Watershed

Similar to the comments provided on the Draft EIR, a commenter claimed that the CRLF surveys completed within the Milliken Creek watershed were inadequate and inaccurate, that the individuals conducting the surveys were unqualified, the surveys are invalid due to time lapsed, and that they were conducted outside the season [refer to Response to Comment O22-083 through Response to Comment O22-095 of the Final EIR (Volume I)]. As stated therein, “the surveyors’ qualifications were presented in Appendix A of the CRLF Survey Report (Appendix K of the Draft EIR), and they meet the established thresholds in the USFWS CRLF Guidance” (Response to Comment O22-095). Contrary to the commenter’s assertion, the USFWS does not require that a surveyor hold a CRLF permit: “the site assessment and survey methods recommended in this Guidance do NOT require the surveyor to have a permit.” As stated below, the surveyor must be otherwise qualified to conduct the surveys” (USFWS, 2005). In regards to timing of the surveys, Response to Comments O22-085 and O22-086 state:

“Although breeding season surveys were not conducted between January 1 and February 28 during the 2012 surveys, the survey timing and methodology are acceptable under the USFWS CRLF Guidance (USFWS, 2005):

‘Surveys may begin anytime during January and should be completed by the end of September. Multiple survey visits conducted throughout the survey-year (January through September) increases the likelihood of detecting the various life stages of the CRLF. For example, adult frogs are most likely to be detected at night between January 1 and June 30, somewhere in the vicinity of a breeding location, whereas, sub-adults are most easily detected during the day from July 1 through September 30. Due to the geographic and yearly variation in egg laying dates, it is not possible to specify a range of dates that is appropriate for egg surveys throughout the range of the CRLF.’

The Guidance does recommend that the best period for detecting CRLF egg masses in Northern California along the coast and interior to the Coast Range (north of Santa Cruz County) is between January 1 and February 28. However, this does not invalidate the surveys, as they were

conducted following the recommendations of the protocol and within the timing to locate adult CRLF.”

Because the commenter believes that the surveys were inaccurate, the commenter contends that the EIR’s conclusion that CRLF will not be present in the Milliken Creek watershed is not accurate. The commenter stated, “CRLF is documented to occur up to 6,500 feet in elevation and the populations had to get to those elevations by traversing more than ridgelines.” Although the commenter focuses on elevation change and believes it is the sole reason that CRLF were eliminated from consideration in the Milliken Creek watershed, this is incorrect. As discussed in Response to Comment 022-095, it was after three years of CRLF surveys that biologists determined that CRLF do not climb the ridge to access the Milliken Creek watershed.

Potential Loss of CRLF Upland Habitat

A commenter stated that the “loss of significant upland foraging habitat for CRLF is never mentioned, addressed or mitigated for.” This is incorrect. The setbacks required by Mitigation Measure 4.2-4 (discussed further below) protect a minimum setback of 55 feet on all CRLF aquatic stream habitat, which means that a minimum of 55 feet of CRLF upland foraging habitat is protected on either side of the streams. This results in protected upland corridors surrounding CRLF stream habitat of at least 110 feet. Many other streams have larger setbacks up to 150 feet, resulting in up to 300 foot setbacks from aquatic drainages that would provide protection for potential CRLF upland habitat. It should be noted that not all aquatic drainages provide CRLF habitat, as they require a particular set of low-gradient freshwater bodies with dense shoreline vegetation, but the setbacks are provided regardless of whether or not the drainage may support CRLF.

Topics Specific to Western Pond Turtle (WPT)

Complaints Regarding WPT Survey Methodology

Site-specific surveys and analyses were conducted to identify potential WPT nesting and upland habitat on the Walt Ranch property (see *Western Pond Turtle Habitat on Walt Ranch*; AES, 2009). This report, on file with Napa County PBES Department, discusses the methodology used to determine WPT nesting and upland habitat on the property, which included a desktop review of potential overwintering buffers utilizing topographic, habitat, soil, and wetland delineation data. In addition, several peer-reviewed scientific studies were reviewed to determine the overwintering distance:

“Two long term studies on the movements of the western pond turtle calculated two separate overwintering averages. Rathbun et al. (2002) calculated an average distance from water of 164 feet (50 meters). In contrast, Reese and Welsh (1997) calculated an overwintering average of 643 feet (196 meters) from water. By using the relative sample size of each study, a weighted average from the two studies was calculated; this cumulative average overwintering distance from water is about 275 feet” (AES, 2009).

Onsite field surveys were then conducted on February 11 and March 2, 2009 to appropriately assess onsite drainages, as needed. Selected drainages and surrounding upland habitat were assessed for potential use by WPT. Data, including approximate drainage width, depth, cover, and upland habitat, slope, and soil, was recorded at representative locations along the drainages. This data, in conjunction

with the wetland delineation prepared by WRA (WRA, 2007), was used to determine which drainages required nesting and overwintering buffers to protect WPT upland habitat. Within these buffered areas lie habitats that range from satisfactory to exceptional. As discussed in the report:

“Given the species’ nesting and overwintering habitat requirements, identified drainages surrounded largely by grassland and open habitats with little overstory were provided with a 100 foot buffer on either side to protect prime nesting habitat for the western pond turtle. Those drainages surrounded by chaparral and mixed oak woodland were supplied with a 275 foot buffer to protect overwintering habitat for the western pond turtle. These overwintering areas also contained scattered openings in the canopy where the western pond turtle could nest. These buffers were mapped and acreages of turtle habitat within and outside of proposed vineyard blocks were calculated” (AES, 2009).

This analysis was used as the basis for the mapping and impact analysis provided in Figure 4.2-10, Impact 4.2-10, and Mitigation Measure 4.2-10 in the EIR.

Impacts to Amphibians and Reptiles due to Wind Drift

Some commenters believe that the Final EIR failed to appropriately analyze the potential for wind-borne pesticides or herbicides to impact amphibians and reptiles, that none of the mitigation measures address wind drift, the Applicant has not listed chemicals they intend to use, and the IPM strategies were too vague or were not adequately disclosed.

A detailed discussion of the analysis of pesticide use and potential for wind drift is provided in **Section 2.8**, above. As discussed therein, airborne drift is analyzed as a potentially significant impact in Impact 4.5-3 of the Draft EIR; although this discussion was provided in the Hazardous Materials section of the EIR and not within the amphibian impact (Impact 4.2-11), the mitigation measures provided therein protect amphibian and reptile species. Numerous protective measures are in place to ensure that wind drift does not significantly impact human or wildlife health. These protections include CCR Title 3, Section 6614 for the protection of persons, animals, and property; the USEPA evaluation of chemical toxicity, for which the IPM Plan commits to only using chemicals with low potential for wind drift; and the existing enforcement mechanism of the Napa County Agricultural Commissioner’s Office.

The IPM Plan was provided within Appendix N to the Draft EIR; although the Applicant has not provided a full list of potential pesticides and fertilizers that may be used on the project site, as there are hundreds of legal and low-toxicity agrichemicals, the IPM Plan limits the chemical use onsite to those classified by the USEPA as Class 3 or Class 4 (Low Toxicity or Very Low Toxicity, respectively). As discussed in **Section 2.7** above, the Applicant intends to farm organic after the vineyard is established.

Overall Complaints Regarding Mitigation Measures for All Amphibians and Reptiles

Inappropriate Bullfrog Removal Processes

One commenter stated that Mitigation Measure 4.2-11, which requires the management of the invasive species bullfrog (*Lithobates catesbeianus*), would result in harm to CRLF or FYLF. Mitigation Measure 4.2-11 was expanded to include invasive species management at the request of California Department of

Fish and Wildlife (CDFW; refer to Response to Comment A7-13 of the Final EIR: Volume I). The invasive species removal techniques are mentioned in the CDFW comment letter and have been utilized in other vineyard projects in northern California without causing detrimental impacts to native species. However, the commenter is correct that it is difficult for untrained persons to identify amphibians in earlier life stages such as egg, larva, or sub-adult life forms; adult bullfrogs are easily distinguishable from CRLF and FYLF. However, it is important that there is a quick response to the presence of any possible bullfrogs to prevent them from becoming established in any of the proposed reservoirs; once this invasive species becomes established, it is more difficult to remove them. As such, Mitigation Measure 4.2-11 has been revised to restrict egg, larva, and sub-adult removal to qualified biologists only, and continues to allow persons knowledgeable in the identification of the species (i.e. a worker who has been trained by a qualified biologist and has obtained the appropriate fishing license) to capture and remove adult bullfrogs. The revised language of Mitigation Measure 4.2-11 is provided in its entirety in **Attachment A**.

Insufficient Setbacks for Amphibian and Reptile Species

Commenters repeatedly stated that the stream setbacks provided were insufficient for CRLF, FYLF, and WPT. As stated in the Final EIR, the following setbacks will be employed:

- For all watercourses that meet the Napa County definition of a stream, setbacks will be determined based on the stream slope according to Napa County Conservation Regulations and Cod 18.108.025. These setback sizes are listed in Table 4.2-7 (see page 4.2-96 of the Revised Draft EIR) and range from 35 to 150 feet. However, as the property does not contain any streams with slopes less than 5 percent, every definitional stream present on the property will be protected by at least a 55-foot setback.
- For drainages that do not meet the Napa County definition of a stream, 50-foot setbacks have been proposed which includes a 24' turnaround avenue and a 26' undisturbed filter strip.
- For all wetlands on the property, setbacks a minimum of 50 feet are proposed.

Napa County Code 18.108.030 defines a stream as any of the following: 1) a watercourse designated by a solid line or dash and three dots symbol on the largest scale of the USGS maps most recently published, or any replacement to that symbol; 2) any watercourse which has a well-defined channel with a depth greater than four feet and banks steeper than 3:1 and contains hydrophilic vegetation, riparian vegetation, or woody-vegetation including tree species greater than ten feet in height; and 3) those watercourses listed in Resolution No. 94-19 and incorporated herein by reference. Response to Comment A7-15 in the Final EIR states that drainages that do not meet the Napa County definition of a stream are ephemeral drainages that only hold water for short periods of time. These ephemeral drainages do not support aquatic habitat or aquatic organisms, and only hold water immediately after precipitation events. As the ephemeral drainages as defined for the property do not support aquatic organisms, these drainages cannot be considered habitat for CRLF or FYLF. As a result, all potential amphibian habitat is protected, at a minimum, by a 55-foot setback (but in most cases, a much larger setback).

The minimum 55-foot setbacks, combined with the restriction of work to the dry season, will significantly reduce potential impacts to amphibians. However, Mitigation Measure 4.2-11 has been expanded with additional protective measures to even further reduce potential impacts. These expanded measures

include environmental awareness training for construction workers, limiting pile burning to no closer than 300 feet from suitable habitat, and installing frog exclusionary fencing around all construction activities within or bordering CRLF habitat. These measures are consistent with, and in some cases surpass, the recommendations within the USFWS Take Avoidance Scenarios for Timber Harvest Plans, Take Avoidance Scenario IV (USFWS, 2008); although this guidance is not directly applicable to the Proposed Project since it does not include a timber harvest, there are many consistent elements that bear relevance. The USFWS Take Avoidance Scenario IV includes the following measures: avoiding suitable habitat by a 30-foot buffer; not using herbicides for stump removal within 300 feet of suitable habitat; not burning piles within 300 feet of suitable habitat; not building new logging roads within 300 feet of suitable habitat; and limiting water drafting from suitable habitat to screened hoses. To the extent that these measures are applicable to the Proposed Project (e.g. habitat avoidance and pile burning), they have been added to the expanded text of Mitigation Measure 4.2-11. The revised language of Mitigation Measure 4.2-11 is provided in its entirety in **Attachment A**.

It is important to also note that these setbacks represent a minimum distance that activities may occur from drainages; for WPT, Mitigation Measure 4.2-10 required that vineyard be removed from the project footprint where it overlapped with WPT upland or nesting habitat. Many of those upland and nesting areas also overlap with CRLF habitat (on the Capell Creek portion) and FYLF habitat (in both Milliken and Capell Creek drainages), which provides additional protection to amphibian species. Although commenters contended that the stream setbacks were insufficient for WPT because they are known to occur in upland habitat an average of 100 feet away from drainages, the use of the stream setbacks in Mitigation Measure 4.2-4 was not the only, or even primary, method of avoidance for this species. Rather, Mitigation Measure 4.2-10 provided avoidance areas specific to WPT and required avoidance of 20.27 acres (97.93 percent) of the nesting habitat and 486.56 acres (95.44 percent) of the upland habitat on the property. These areas were designated based on focused WPT surveys and analysis conducted on the Walt Ranch property in both the Milliken Creek and Capell Creek drainages.

Potential for Project to Alter Streams and Impact Amphibians and Reptiles

Two commenters stated that the Final EIR failed to analyze potential impacts on streams, including the potential impacts associated with groundwater pumping and with stream crossings. Groundwater wells for project-related irrigation would draw water from the Sonoma Volcanics, which underlie the Milliken Creek portion of the property. Potential impacts to Milliken Creek due to groundwater pumping and fracturing due to blasting are addressed in Response to Comments A5-10, A7-9, and A7-10 (Final EIR: Volume I). Due to the deep wells and lack of subsurface channels along Milliken Creek, there will be no significant impact to surface water due to groundwater pumping or blasting, and therefore no significant impacts to FYLF or WPT. Blasting and groundwater extraction would only occur on the Milliken Creek portion of the property; CRLF do not occur in the Milliken Creek portion, and as such there is no impact to this species due to this activity. As discussed in **Section 2.5** above, potential increases in peak flow that could occur on the Capell Creek portion of the property have been mitigated to ensure there is a no-net-increase in peak flow, which will ensure there are no impacts to the hydrologic regime that could impact CRLF, WPT, or FYLF within this watershed.

Commenters claimed that stream crossing improvements would create dams at each stream crossing on the property. Preliminary designs for the stream crossing upgrades are provided in the ECP (Appendix B

to the Draft EIR); there are no dams proposed in any stream on the property as discussed in the ECP. As discussed in Section 3.4.1-6 and Impact 4.2-4, there are 58 existing stream crossings on the property and the project proposes to upgrade 21 of those crossings to rocked water crossings in order to provide stability and water quality benefits. These are not 21 new crossings, but rather they are existing low-water crossings that are used in the baseline condition by existing vehicular traffic that includes recreational vehicles, ATVs, large CAL FIRE equipment, and vineyard maintenance equipment. These existing crossings are already degraded areas that do not provide complex habitat for basking that is required by CRLF.

One commenter claimed that rocking stream crossings as proposed in the ECP for stability and water quality benefits would have a negative impact on FYLF. Specifically, the commenter claimed that FYLF would lay eggs on the rocked crossings and the eggs would be crushed by vehicles. In Response to Comment A5-10, the hydrologic conditions of the Walt Ranch property are described, stating that mainstem Milliken Creek is dry between June and October, as are the smaller tributaries to the main drainages. Furthermore, as discussed on page 4.2-60 of the Revised Draft EIR (Volume II), FYLF breeding generally occurs from late March to early June. Recent research in California have found egg masses between April 22 and July 6, with an average of May 3 (CaliforniaHerps, 2016; Wheeler and Welsh, 2008). There is no significant project operational activity that would occur during this period that could impact FYLF egg masses. As discussed in the EIR and in **Section 2.3** above, the operational period that generates the most worker traffic and activity is the harvest/crush season, which is from August to October of each year. During this season, the majority of the drainages on the property are dry, and, as this is after the FYLF breeding season, there would be no impacts due to use of the rocked water crossings. The pruning season, which occurs from December to early March, is similarly outside of the FYLF breeding season. Although there may be water in the onsite drainages during this rainy-season period, pruning would occur before FYLF breeding season begins and once again, there would be no impacts due to the use of the rocked water crossings.

Lack of Discussion of Amphibian and Reptile Mitigation in BRMP

Specific mitigation measures in the EIR required the development of the BRMP in order to provide for long-term management of mitigation areas (particularly for sensitive plant species replanting, sensitive habitat enhancement, and biological community preservation). These mitigation measures were: 4.1-1 (native grasslands), 4.2-2 (sensitive biotic communities or biotic communities of limited distribution), 4.2-5 (northern California black walnut), 4.2-7 (holly-leaved ceanothus), 4.2-8 (narrow-anthered brodiaea), 4.2-9 (other sensitive or special-status plant species), and 4.2-16 (specimen trees). This is discussed in General Response 8 of the Final EIR, which states that:

“The Draft EIR properly identifies significant impacts to biological resources in Impact 4.2-1 through Impact 4.2-16 and, where appropriate, requires development of a BRMP to mitigate impacts to less-than-significant levels. For each significant impact to a sensitive biotic community, special status plant species, or specimen trees, the Draft EIR calls out specific mitigation in the BRMP through: avoidance areas that will be removed from the development footprint; preservation areas for permanent protection in a deed restriction, conservation easement, or other similar mechanism of long-term protection; and mitigation or enhancement

areas, as appropriate, for replanting, transplanting, or restoring the sensitive plant or biotic community.”

Mitigation Measures 4.2-10 (WPT) and 4.2-11 (CRLF and FYLF) do not require long-term management and do not specifically require incorporation into the BRMP. These measures are applicable to the construction period and will be enforced through the MMRP, which can be viewed in **Attachment A**.

Adequacy of Cumulative Impact Analysis

A commenter claimed that the EIR did not adequately analyze the project’s potential to impact CRLF, FYLF, and WPT in the cumulative environment as it only analyzed cumulative projects within the same two watersheds as the project. The commenter states that the Final EIR should have analyzed the project in the context of all projects occurring in Napa County.

This assertion was addressed in Response to Comment O22-120 (Final EIR: Volume I). The geographic area for the cumulative analysis included both the Milliken Reservoir watershed and the Capell Creek watershed, which totals approximately 13,538 acres of land considered in the cumulative discussion. As discussed in Response to Comment O21-047, where appropriate, the cumulative environment was expanded to include additional potential impacts; for example the entire San Francisco Bay Area Air Basin (SFBAAB) was included in the cumulative analysis for air quality. CEQA *Guidelines* § 15130(b)(3) allows the Lead Agency to choose the geographic area at its discretion, provided a “reasonable explanation” is provided; this explanation is found in Section 6.1.1 (Final EIR: Volume II).

2.11 BAT SPECIES

One commenter expressed concerns that the Final EIR and the Draft BRMP (Appendix P to the Final EIR) did not adequately address the potential impacts to bat species that could occur as a result of the project. These concerns have been summarized into the following categories and responded to below.

Potential for the Project Site to Support Special-Status Bat Species

The commenter claimed that the EIR failed to recognize the full diversity of bat species that could be present on the Walt Ranch property. This claim was based on the findings of the Aetna Springs Development Project, a project the commenter believed to be near the project site. However, the Aetna Springs development is located over 18 miles north of the project site. The focused bat survey work for the Aetna Springs Project identified 15 bat species during acoustic surveys. While the commenter is correct that these same species could be found on the Walt Ranch property, the subject EIR focuses its analysis on those listed as special-status, as required under CEQA (see page 4.2-26 through 27 of the Revised Draft EIR for a full description of species required to be analyzed by CEQA). Of the 15 species listed in the Aetna Springs Project, only 3 are listed as special-status species under the California Endangered Species Act (CESA); all 3 of these species were appropriately analyzed within the Walt Ranch EIR (see Impact 4.2-14 of the Final EIR: Volume II). These three species include the pallid bat (*Antrozous pallidus*), Townsend’s big-eared bat (*Corynorhinus townsendii*), and western red bat (*Lasiurus blossevillei*). Additionally, the two other bat species addressed in the Walt Ranch EIR, long-eared myotis (*Myotis evotis*) and fringed myotis (*Myotis thysanodes*), were also found on the Aetna Springs site. Although these two species are not special-status species, the County had evidence from other EIRs in

the immediate vicinity of Walt Ranch that included these species, and chose to present a conservative analysis by including them within the subject EIR. This demonstrates that the EIR goes beyond what is required by CEQA by analyzing potential impacts to two species of non-protected bats in addition to the three special-status species.

Townsend's Big-eared Bat's State Status and Adequacy of Mitigation Measures

The commenter stated that the Final EIR failed to treat the Townsend's big-eared bat appropriately according to its "candidate threatened" status. The commenter cited David Wyatt's comment letter on the Draft EIR (Comment Letter I121) as saying he "unequivocally states that if a species is listed as candidate for being a threatened species, it must be treated as a 'threatened species' under CESA". This comment letter was responded to in the Final EIR, specifically in Response to Comment A7-5. The EIR was already clarified to say that Townsend's big-eared bat is a candidate species and therefore protected under CESA.

In addition, CDFW consulted on the EIR and provided language for Mitigation Measure 4.2-14 to reduce potential impacts to bat species, including the Townsend's big-eared bat. Therefore, the Final EIR has appropriately disclosed the status of this species and provided mitigation measures deemed appropriate to this species as determined by CDFW.

The commenter claimed that the revisions provided by CDFW to Mitigation Measure 4.2-14 (see page 4.2-123 of the Revised Draft EIR) are inadequate. The commenter states that the Responses to Comments from David Wyatt (Comment letter I121), Dr. Joe Szewczak (Comment letter O22-123), and Thomas Lippe (Comment letter O22) are lacking due to the inadequacy of Mitigation Measure 4.2-14. It appears the commenter believes that the previous biological surveys were inadequate. As discussed further below, the goal of the previous surveys was to assess the habitat for potential bat roosts without disturbing any bats. The commenter is correct that there have not been surveys to-date with the goal of identifying potential bat species within the project site. This is because the EIR has conservatively assumed that all five bat species analyzed could be present.

As presence was assumed, appropriate mitigation was developed in consultation with CDFW that would reduce impacts to all five bat species, regardless of whether bats were actually observed during surveys. Per Mitigation Measure 4.2-14, for any and all earth-disturbing activities occurring during bat breeding season (March 1 through August 31), a qualified wildlife biologist shall conduct pre-construction surveys of all potential bat-roosting habitat within 200 feet of earthmoving activities. The 200 foot-buffer zone was determined in consultation with CDFW per their recommendations. The preconstruction surveys will consist of focused bat roost habitat surveys. Additional surveys, including sunset fly-out surveys and/or acoustic surveys, may also occur if recommended during the ongoing consultation with CDFW. Additionally, should any of these surveys identify special-status bat roosts, qualified biologists shall prepare and submit an avoidance plan to CDFW. This plan will include a no-disturbance buffer with the distance approved by CDFW. As this mitigation has been prepared in consultation with CDFW, it accurately and appropriately reduces potential impacts to a less-than-significant level.

Credibility of Previous Biological Surveys to Document Bats on the Project Site

The commenter believed that the previous biological surveys were not properly conducted as no bats were found on the property. The commenter erroneously stated that the surveys failed to identify “other roosts beyond trees or rock piles”. This issue was previously addressed in the Response to Comment O22-123 (Final EIR: Volume I). Though targeted nocturnal surveys were not conducted for special status bat species, a habitat assessment including general observations was completed for the more obvious potential roosting sites, such as caves, mine shafts, or abandoned buildings. The Draft EIR and Final EIR accurately state that no bats were observed within the project site during the daytime habitat assessments. Both documents go on to describe the potential roosting and foraging habitat for a number of special status bat species that occurs on the project site (Table 4.2-3 and pages 4.2-66 through 68 of the Final EIR: Volume II). Therefore, presence (roosting, foraging, or both) of all special-status bat species listed in Table 4.2-3 is assumed for the project site to provide a more conservative analysis. Impact 4.2-14 states that development of the Proposed Project would have the potential to affect special status bat species. Mitigation Measure 4.2-14, created in consultation with CDFW, provides for pre-construction surveys for special status bat species and would reduce potential impacts to less than significant.

Potential for the Project Site to Support the “Ringtail Bat (*Bassariscus astutus*)”

The commenter expressed concern that:

“Given that the project area is an established bat habitat, it would be necessary to rule out the existence of the Ringtail Bat (*Bassariscus astutus*) which is a bat commonly found in oak woodlands with presence of rock formation, which is a common natural feature in or near the project area. This species of bat is considered a California Fully Protected Mammal.”

The above statement mistakenly describes *Bassariscus astutus* as a bat species, when it is in fact a member of the raccoon family commonly known as the “Ringtail cat.” The letter, which is entirely focused on bat species, then states that because the project area has bat habitat it must also support the ringtail bat; this logic is flawed on multiple levels. The Ringtail cat has different habitat requirements than a bat. Although the commenter is correct that the Ringtail cat is a California Fully Protected Mammal, it is not listed as threatened or endangered under CESA and does not meet the definition of an endangered, rare, or threatened species under CEQA *Guidelines* § 15380; therefore, the EIR appropriately considered impacts to biological resources in accordance with CEQA and the CEQA *Guidelines*.

Although Ringtail cats are not known to occur in the project vicinity, their general habitat requirements include riparian habitat surrounding streams and drainages, which are avoided via Mitigation Measure 4.2-4 that requires stream setbacks on all Napa County defined streams depending on the stream slope (with a minimum setback of 55 feet based on ground-truthed slopes), a minimum 50-foot setback, which includes a 24’ turnaround avenue and a 26’ undisturbed filter strip, on all drainages not defined as streams, and a minimum 50-foot setback on all wetlands. Furthermore, Mitigation Measure 4.2-6 protects wildlife corridors of appropriate width for ringtail cats and other wildlife to traverse the property. Ringtail cats do not use the same shelter for more than three consecutive days at a time (Poglayen-Neuwall and Toweill, 1988), so if any were to occur in the project vicinity, it would likely move away from the project

areas as construction begins in favor of higher quality habitat away from construction. Although this is a non-migratory species that is not known to occur in the area, if it were to travel through the property it would not be impacted due to the protected wildlife corridors.

2.12 OAK WOODLANDS AND WILDLIFE CORRIDORS

Many commenters continued to express concern that the Proposed Project would impact oak woodlands and may displace wildlife. However, no new comments related to oak woodlands or wildlife corridors were received. Similar comments that were received included expressions of opinion such as: too much oak woodland would be impacted, the conservation easement or deed restriction would not be adequate mitigation for impacts, and sufficient wildlife corridors were not provided.

As discussed in Impact 4.2-16 of the EIR, the Proposed Project would remove an estimated 28,616 trees with diameter at breast height greater than 5 inches. This represents the removal of 12.1 percent of the trees on the property. The tree inventory conducted for the property estimated 235,710 total trees on the entire Walt Ranch property. Therefore, under the Reduced Intensity Alternative, substantially more than 207,094 trees will not be impacted by vineyard development. Although it is clear that commenters would like fewer trees removed, it is unclear what alternative, other than no vineyard development, would address these concerns. As discussed throughout the Final EIR Response to Comments (Volume I), all impacts associated with the project have been reduced to less-than-significant levels with incorporation of mitigation. This includes the impact to trees and woodlands, with mitigation such as preserving 524.8 acres of woodland in a deed restriction or conservation easement.

The conservation easement or deed restriction as it relates to climate change was discussed in Response to Comment O10-15 of the Final EIR (Volume I):

“The comment assumes that preservation of onsite oak woodlands is not effective mitigation because some or all of the 248-acres (now 524.8 acres) are not proposed to be converted to vineyards as part of the project. If this acreage of woodland were not placed in permanent protection, then it is theoretically possible (if unlikely) that the land could be developed in the future with the appropriate documentation under CEQA and County policies. Mitigation Measure 6-1 affirmatively requires the permanent conservation of no less than 248 acres of woodland habitat (and Mitigation Measure 4.4-2 requires the preservation of 524.8 acres of oak woodland), and the restrictions will run with the land and bind any successor in interest. These protections would not be provided absent such mitigation.

Although, given the relatively recent adoption of CEQA *Guidelines* § 15126.4, subdivision (c), there is no case law directly interpreting subdivision (c)(4) (measures that sequester greenhouse gases), case law addressing mitigation for biological and agricultural resources holds that a resource need not be created in order to constitute adequate mitigation. In *Mira Mar*, for example, the city required a development project to preserve habitat onsite and offsite to address the project’s impacts on coastal sage scrub habitat. (Id. at p. 495.) The court held that preservation of “undisturbed habitat,” in particular, qualified as mitigation because it both reduced and compensated for the loss of onsite wildlife under CEQA *Guidelines* §15370. (*Ibid.*; see also, e.g., *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230 [agricultural

easements may appropriately mitigate for the direct loss of farmland caused by a project, even though the easement does not replace the lost resources]; *Save Panoche Valley v. San Benito County* (2013) 218 Cal.App.4th 503, 529 [upholding conservation as mitigation and noting that “[t]he goal of mitigation measures is not to net out the impact of a proposed project, but to reduce the impact to insignificant levels”] see also Pub. Resources Code, § 21083.4, subd. (b)(1) [conservation easements identified as acceptable mitigation for the direct loss of oak woodlands].)”

This response, although intended to uphold the idea that woodlands sequestering carbon can be valid forms of mitigation even if not slated for development, is relevant to the commenter’s concerns that woodland not initially proposed for harvest is ineligible for mitigation through a deed restriction. As stated above, the courts have held that preservation of “undisturbed habitat,” in particular, qualified as mitigation because it both reduced and compensated for the loss of onsite wildlife under CEQA *Guidelines* §15370.

Several other commenters stated that the wildlife corridors presented in the Draft EIR were not clearly identified or were not straightforward enough for wildlife use. As shown in Figure 21 of the Draft BRMP (Appendix P to the Final EIR), 524.8 acres of woodland were proposed to be preserved on the property based on the Mitigated Project. The final acreage that will be placed in permanent preservation may be reduced proportionally with the adoption of the smaller Reduced Intensity Alternative, provided that the ratio of impacted to preserved woodland is maintained in accordance with the mitigation measures. These preserved forested areas were chosen to meet the mitigation ratio requirements for each relevant habitat type, while also facilitating wildlife movement by preserving in permanent protection large swaths of natural woodland landscape in areas selected by a qualified biologist as important wildlife movement corridors. Four northwest-southeast trending woodland corridors were selected, in addition to four north-south corridors, including along a drainage that provides western pond turtle upland and nesting habitat. These permanent wildlife corridors would facilitate animal dispersal and minimize animal displacement into nearby residential property.

These wildlife corridors provide a network of different habitat types throughout the property to maximize the potential for wildlife use. The commenters’ suggestion to provide one clearly identifiable corridor for all wildlife is not supported by science; each wildlife species has different habitat preferences and the variety of corridors retained on the Walt Ranch property were chosen by biologists to adequately maintain the important wildlife corridor combination of open space in varying habitat types.

2.13 WILDLIFE SPECIES AND CONTRA COSTA GOLDFIELDS

Several commenters picked out various species and claimed the EIR was inadequate because it did not address those species. For instance, peregrine falcon (*Falco peregrinus*), white-tailed kite (*Elanus leucurus*), and Contra Costa goldfields (*Lasthenia conjugens*) were mentioned as lacking in-depth analysis.

Wildlife Species – Peregrine Falcon and White-Tailed Kite

Peregrine falcons can occur in many open habitat types, but breeding sites must occur in proximity to water with nearby vertical structures such as niches in cliffs, steep banks, and ledges. They may occur in

coastal areas (nesting in cliffs), urban settings (nesting on tall buildings or bridges), or in the Sierra Nevada (nesting on granitic outcroppings). Food sources include seabird colonies, waterfowl, or pigeons (Comrack and Logsdon, 2008). In northern California, breeding occurs from May to September. Peregrine falcon was addressed in the Biological Resources Assessment (BRA; Appendix M of the Draft EIR) and was determined to be unlikely to occur on the project site due to lack of suitable habitat, specifically a lack of vertical cliffs or vertical outcrops. Therefore, this species was not discussed in detail in the EIR. For special status species with no potential to occur onsite, the Draft EIR appropriately concluded that the Proposed Project would not significantly impact the species. A complete list of special status species that occurs within Napa County or the quads of the project site is found in Appendix I of the Draft EIR. Although peregrine falcon does not occur on the property, it would be protected via the migratory and special status bird mitigation measure requiring pre-construction nesting bird surveys (Mitigation Measure 4.2-13).

Contrary to commenters' assertions, white-tailed kite was specifically addressed in Impact 4.2-13. As discussed in Response to Comment O21-037:

"...Mitigation Measure 4.2-13 of the Draft EIR provides mitigation to prevent direct take of white-tailed kite nests and all nesting bird species protected under the Migratory Bird Treaty Act and California Fish and Game Code 3503. Mitigation Measure 4.2-13 requires pre-construction surveys for nesting birds by a qualified biologist and the establishment of adequate buffer zones around active nest sites. As discussed in Impact 4.2-13, over 1,793 acres (78 percent) of the property will remain in open space (this number would be larger with the Mitigated Project or if one of the project alternatives was approved). These open space areas would remain viable foraging habitat for migratory birds and raptors, and as such the project-level impacts were determined to be less than significant. However, it is acknowledged in Section 6.1.4-2 of the Draft EIR that in the larger cumulative environment, habitat loss could be a significant impact to these bird species. Therefore, Table 6-4 of the Draft EIR analyzed the potential for cumulative projects to significantly impact the foraging habitat of various birds of prey to determine if the Proposed Project would have a considerable contribution to that cumulative impact. While minor changes in quality of foraging habitat may occur as a result of the Proposed Project, mitigation measures for foraging habitat are not required under CEQA or the CDFW pursuant to California Fish and Game Code § 3511(a)(1). As disclosed in Section 6.1.4-2 of the Draft EIR, 'of all grassland foraging birds with potential to occur on the project site, white tailed kite would likely be unaffected by landscape changes to foraging habitat because they can forage in woodland habitat, including vineyards.'"

Contra Costa Goldfields Critical Habitat

The BRA assessed the potential for Contra Costa goldfields to occur on the project site. Although this plant species is known to occur approximately 1 mile south of the project site, there is no alkaline or vernal pool habitat on the project site and the species was not observed during appropriately-timed bloom season surveys. As such, there is no potential for the Proposed Project to adversely impact this species. The EIR addressed this species and acknowledged that the critical habitat designation overlays a portion of the property within the Milliken Reservoir watershed (refer to page 4.2-48 of the Final EIR: Volume II).

A species' critical habitat is designated by the USFWS at the time of listing, and they are often large areas. The USFWS specifically states that not all areas within the mapped boundaries are considered critical habitat. "In some cases, precisely mapping critical habitat boundaries is impractical or impossible, because the required descriptions for these precise boundaries would be unwieldy" (USFWS, 2015). In the case of Contra Costa goldfields critical habitat that overlaps with a small portion of the Walt Ranch property, there are no actual habitat areas (alkaline vernal pools) that would support this plant species. The USFWS states that a "critical habitat designation does not necessarily restrict further development. It is a reminder to Federal agencies of their responsibility to protect the important characteristics of these areas" (USFWS, 2015). Given that no Contra Costa goldfields were identified on the project site and no habitat for them exists, there is no impact to this species.

2.14 NOISE AND VIBRATION

A few commenters claimed that the Final EIR did not adequately respond to their concerns about noise, and several letters originally from the Draft EIR were resubmitted. Some commenters brought up potential noise impacts due to the use of Circle Oaks Drive to transport equipment, and others expressed concerns regarding the potential for groundborne vibration due to construction activities to cause a nuisance to neighbors. Comments from the Draft EIR that were repeated in their entirety will not be responded to again here.

The Applicant's proposal to use an alternative access point to bring construction equipment and materials deliveries to the project site will remove this source of noise from Circle Oaks Drive (refer to **Section 2.3** above). Therefore, trucks carrying construction equipment will not be traveling on Circle Oaks Drive, and this will further reduce the noise impacts to nearby residents.

The potential for slope instability due to the Proposed Project, which includes blasting during construction, is discussed throughout the Final EIR and Response to Comments. Response to Comment O9-53 of the Final EIR specifically addresses the potential for blasting and groundborne vibration to cause stability impacts. As stated therein:

"Impact 4.8-2 of the EIR finds that 775 feet is the safe distance for blasting. As discussed on page 4.8-13 of the Draft EIR:

At 775 feet from a residential sensitive receptor, blasting would generate 0.1 PPV groundborne vibration, which does not exceed the Caltrans threshold of 0.1 PPV for residences. Therefore, blasting that occurs greater than 775 feet from an existing residence requires no additional mitigation.

The only rock formation that may require blasting is the Sonoma Volcanics formation. Blocks 15, 16, and 68 are the only blocks within 775 feet of the Circle Oaks neighborhood that are underlain by Sonoma Volcanics. The ECP will be revised to include a condition prohibiting blasting in these blocks. In addition, this limitation has been added to Mitigation Measure 4.4-2 of the EIR and Mitigation Measure 4.8-2 has been updated to state:

Mitigation Measure 4.8-2: Blasting within 775 feet of a residence exceeds Caltrans significance thresholds for vibration. Therefore, no blasting shall occur within vineyard blocks 15, 16, and 68. The approved project map shall be revised to include a note stating that no blasting shall occur within these blocks.

Blasting is the only potential activity that could cause significant impacts due to vibration; all other construction activities and construction equipment are far below the significance threshold even at 30 feet distance (see Table 4.8-7 of the Final EIR: Volume II). As such, the EIR discussion appropriately focuses on the potential impacts due to blasting, and provides mitigation measures to reduce the impact to less-than-significant levels.

2.15 FIRE RISK, FIRE PROTECTION, AND WATER RIGHT APPLICATION

Commenters claimed that the Proposed Project would increase the risk of fire in the project vicinity; meanwhile, other commenters believed that the Proposed Project would provide a much-needed fire break between wildland areas and the Circle Oaks community. Another commenter questioned the active water right application the Applicant is seeking for two surface water reservoirs on the property and requested that this water be included in the subject EIR as a source of irrigation water. The topic of the active water right applications has been addressed here because the applications are for fire protection purposes.

Fire Risk and Fire Protection

The potential for an increase in the risk of fire was discussed in the Initial Study (Appendix B of the Draft EIR) and Response to Comment A5-12 (Final EIR: Volume I). As discussed in Response to Comment A5-12, “the removal of trees, brush, and understory over 507 acres (429 acres in the Mitigated Project) on the property and subsequent planting of vineyard will create a fire break for the surrounding residential land uses, as vineyard is significantly less flammable than woodlands. Land use changes and crop cover resulting from the Proposed Project will not significantly increase the risk of wildfire. Additionally, roads would be improved and maintained for year-round access to the project site, which would aid in fire prevention and protection if required. Roadways on the project site will also serve as fire breaks.” Although certain construction activities may slightly increase the risk of sparks during the temporary construction period, service trucks are required to be equipped with fire extinguishers pursuant to Mitigation Measure 4.5-2. CAL FIRE equipment currently uses the existing road network on the Walt Ranch property, and would benefit from the improved and better-maintained roads under the Proposed Project.

Most importantly, vineyards and olive orchards are considered one of the best fire-resistant crops to provide a fuel break in Mediterranean climates (Keeley et. al, 2012). Although additional vineyard personnel would visit the property during the ongoing maintenance of the vineyard, pruning and harvesting activities are not considered to be high-risk wildfire activities. Land use changes and crop cover resulting from the Proposed Project will not significantly increase the risk of wildfire.

Water Right Application for Fire Protection

The two active water right applications on the property are addressed in Response to Comment I112-1 of the Final EIR (Volume I):

“As stated in Section 3.4.3 (page 3-30), Section 4.6.1-4 (page 4.6-17), and Section 6.1.3 (page 6-10), the two pending water right applications on the property (A029800 and A029801) were filed by the previous owner of the property and are for two onstream reservoirs proposed for non-consumptive uses. These two reservoirs are proposed to store surface water for fire protection and recreational uses; these reservoirs would not and could not legally be used for frost protection or irrigation of the proposed vineyard as currently proposed.

The Proposed Project’s water supply and infrastructure have been designed to utilize groundwater and operate independently of the pending Appropriative Water Rights applications. The Applicant does not propose to use the pending Appropriative Water Rights for irrigation or frost protection purposes, and any such use of water in connection with the Proposed Project would require approval and California Environmental Quality Act compliance by the State Water Board (page 3-30).”

The appropriative water right application process is highly regulated by the State Water Resources Control Board, Division of Water Rights, under the California Water Code. These applications have been requested for non-consumptive uses, for incidental recreation, and for emergency fire protection. This water, if granted via a water right, would not be allowed to be used for irrigation and would be monitored and enforced by the Division of Water Rights. As such, it is not appropriate or legal for this water to be used for irrigation and this will not be added as a water source for the proposed vineyard development.

2.16 OTHER DEVELOPMENT ON PROPERTY

Many commenters expressed concern that the Walt Ranch property would be subdivided into 35 individual parcels and sold off for estate grapes and homes. These concerns were also expressed in response to the Draft EIR. Several other commenters worried that using Circle Oaks Drive as the primary access point for the Proposed Project would also lead to it being the primary access point for future homes on the parcels.

The potential for other development on the property was addressed in General Response 4 of the Final EIR (Volume I), which discussed that the objective of the Proposed Project is to develop vineyard; the EIR does not analyze the development of homes on the parcels because that is not proposed by the project applicant. No other reasonably foreseeable future development would occur on the project site beyond what is described in the EIR. Furthermore, as discussed in General Response 4:

“One single family residence is an authorized use on land zoned “Agriculture / Watershed” (AW) (Napa County Code, § 18.20.020(a)). The fact that a single-family residence is a permitted use under the County’s zoning ordinance does not mean that such a unit is part of the Proposed Project for CEQA purposes. In *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, the county prepared an EIR for a 27-lot subdivision. Under the County’s zoning

ordinance, each lot owner could apply for a permit to construct a second unit. The petitioners argued that the county should have anticipated these second units and, accordingly, analyzed a 54-unit project, rather than a 27-unit project, on theory that these second units were a foreseeable consequence of approving the subdivision. The Court disagreed, concluding that “the possibility that future lot owners will or will not build a second unit is extremely uncertain, and any impact of such second units is highly speculative.” (157 Cal.App.4th at p. 1450.)

The same conclusion is appropriate here. The Applicant seeks County approval of an erosion control plan in order to develop vineyards on the site. The applicant has not asked the County to issue a building permit for one or more single-family residences. There is no evidence that the Applicant has designed the project to facilitate residential development. There is no evidence that, elsewhere in the region, vineyard projects are being proposed as a catalyst for future residential development. The County declines to speculate about the impacts of future residential development that is not proposed as part of the project, or made more or less likely as a consequence of the project.”

Because the future subdivision of the Walt Ranch property is not reasonably foreseeable, it is not appropriate to include it in the cumulative analysis, contrary to commenters’ opinions. Given that there are no reasonably foreseeable future projects, it would be impossible to provide an analysis of potential future traffic impacts to Circle Oaks Drive. However, the cumulative analysis and analysis of growth-inducing effects provided in the EIR were completed in accordance with CEQA *Guidelines* § 15130 and § 15126(d), respectively, and do not require updating as requested by commenters.

2.17 CONCERNS REGARDING BLOCK 68

A commenter who owns property on Juniper Drive expressed concerns regarding the potential for construction workers and equipment to access Block 68 via Juniper Drive.

In the Final EIR (Volume I), Response to Comment I002-4 acknowledged that an existing road connects the Walt Ranch property to Juniper Drive in the vicinity of Block 68. The response focused on the fact that the Applicant would not use this existing road for construction equipment, heavy truck, or machinery traffic. The Final EIR did not prohibit worker vehicles or light trucks from using this road.

The commenter requested a Condition of Approval be imposed to formalize the restrictions on the use of Juniper Drive to access Block 68. Under the Reduced Intensity Alternative, Block 68 has been removed from the vineyard footprint and would not be developed. This, in combination with the Condition of Approval requiring all construction equipment be delivered via the northern-most access gate (see **Section 2.3**), ensures that Juniper Drive would not be used and this commenter would not be impacted by project-related traffic.

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ATTACHMENT A

UPDATED MITIGATION, MONITORING, AND REPORTING PLAN (MMRP)

ATTACHMENT A

UPDATED MITIGATION, MONITORING, AND REPORTING PLAN AND CONDITIONS OF APPROVAL

CEQA requires that a Lead Agency establish a program to report on and monitor measures adopted as part of the environmental review process to mitigate or avoid significant effects on the environment. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to ensure that the mitigation measures identified in the Environmental Impact Report (EIR) for the Walt Ranch Agricultural Erosion Control Plan Application (ECPA) #P11-00205-ECPA (Proposed Project) are fully implemented. The MMRP, as presented **Table 1**, describes the timing and frequencies of mitigation implementation responsibilities and standards, and verification of compliance for the mitigation measures identified in the Proposed Project EIR.

Table 1 presents all recommended mitigation measures and is organized by topic in the same order as the contents of the EIR. Several entities have been assigned monitoring responsibilities under this MMRP. All monitoring actions, once completed, will be reported (in writing) to Napa County, which will maintain mitigation monitoring records for the Proposed Project. The MMRP will be considered by the Lead Agency in conjunction with review and approval of the project, and will be adopted as a condition of project approval. The components of this table are as follows:

Mitigation Measure: The mitigation measures are taken verbatim from the Final EIR. Mitigation measures are assigned the same numbers they have in the EIR.

Responsible for Monitoring and/or Reporting: Identifies the responsible party for monitoring the measure and, if applicable, reporting to the party responsible for verifying.

Responsible for Verifying Compliance: Identifies the responsible party for verifying that the measure was completed appropriately and in compliance with the performance criteria.

Timing of Action: Identifies the timing or frequency for the implementation of each action.

Duration of Monitoring: Identifies how often each measure should be monitored.

Performance Criteria: Identifies to what standard each measure must be completed.

Proposed Funding: Identifies party with financial responsibility for each measure.

Immediately following the Updated MMRP, **Table 2** presents Conditions of Approval that the County will adopt if the Proposed Project, or an alternative, is approved. CEQA does not require mitigation measures to be adopted to address impacts that are determined to be less than significant. (*Cal. Oak Foundation v. Regents of U. of Cal.* (2010) 188 Cal.App.4th 227, 282). Nevertheless, Napa County has exercised its discretion to require implementation of various additional “Conditions of Approval” to further reduce or avoid impacts that the Final EIR determined to be less than significant without mitigation. **Table 2** includes the following components:

Condition of Approval: The mitigation measures are taken verbatim from the Final EIR. Mitigation measures are assigned the same numbers they have in the EIR.

Responsible for Monitoring and/or Reporting: Identifies the responsible party for monitoring the measure and, if applicable, reporting to the party responsible for verifying.

Responsible for Verifying Compliance: Identifies the responsible party for verifying that the measure was completed appropriately and in compliance with the performance criteria.

Timing of Action: Identifies the timing or frequency for the implementation of each action.

Duration of Monitoring: Identifies how often each measure should be monitored.

Performance Criteria: Identifies to what standard each measure must be completed.

Proposed Funding: Identifies party with financial responsibility for each measure.

TABLE 1
MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
4.1 AIR QUALITY						
4.1-1: The owner shall implement a fugitive dust abatement program during the construction of #P11-00205-ECPA, which shall include the following elements: - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; this mitigation is included in the BAAQMD-approved CalEEMod. - Cover all exposed stockpiles. - Sweep Circle Oaks Drive daily (with water sweepers) if visible soil material is carried onto adjacent streets. - Limit traffic speeds on unpaved roads to 15 miles per hour (mph); this mitigation is included in the CalEEMod. - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. - Any burning of cleared vegetation shall be conducted according to the rules and regulations of the BAAQMD's Regulation 5 (BAAQMD, 2006). Prior notification to BAAQMD shall be made by submitting an Open Burning Prior Notification Form to BAAQMD's office in San Francisco. Prior to approval of P11-00205-ECPA, the above measures shall be incorporated into the ECP narrative and applicable plan sheets.	Applicant	Napa County Planning, Building, and Environmental Services Department (PBES) Bay Area Air Quality Management District (BAAQMD)	Project Construction	Project Construction through Operation	County and BAAQMD Standards	Applicant
4.1-2: The owner shall implement the required basic construction mitigation measures as recommended by the BAAQMD and mitigation measures used in the CalEEMod during the construction of the Proposed Project, which shall include the following elements:	Applicant	Napa County PBES BAAQMD	Project Construction	Project Construction	County and BAAQMD Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. - Post a publicly visible sign with the telephone number and person to contact at Napa County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. - The owner shall equip all construction equipment with a horsepower rating greater than 50 with a diesel particulate filter; this mitigation is included in the CalEEMod. Prior to approval of P11-00205-ECPA, the above measures shall be incorporated into the ECP narrative and applicable plan sheets. Signage shall be installed and documentation from a certified mechanic that construction equipment has been checked and particulate filters installed shall be submitted to the County prior to the commencement of vegetation removal and grading.						
4.2 BIOLOGICAL RESOURCES						
4.2-1: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan):	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation (annual for 5 years)	County Standards: 80% Success	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Impacts to native grasslands shall be reduced to a less-than-significant level and result in the greatest quality of native grassland mitigation through a combination of avoidance, preservation, and enhancement. Specifically, mitigation for the removal of an estimated 4.45 acres of native grassland on the property would be accomplished through a combination of 1) avoidance of high-quality native grasslands within the project area and the immediate vicinity; 2) preservation and conservation of native grasslands having the highest habitat value and species composition; and 3) through the restoration and enhancement of existing non-native grasslands implemented through the Walt Ranch Biological Resources Management Plan (BRMP). Avoidance In order to maintain biodiversity of native grasslands on the property, approximately 3.30 acres of native grasslands shall be avoided. To the maximum extent feasible, access road development shall be relocated as necessary to avoid populations of native grasslands. Specifically, avoidance shall occur at the locations detailed in Table 4.2-5 and shown on Figure 4.2-4 (please refer to Section 4.2). These populations shall be avoided with a buffer of not less than 10 feet. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. The avoidance proposed in Table 4.2-5, in combination with the native grasslands already outside of the clearing limits, will result in the preservation of approximately 8.65 acres (88.3 percent) of native grasslands mapped on the property. Therefore, the Proposed Project will impact 1.15 acres of native grasslands in the avenue around block 13, the avenue around blocks 16A and 16B2, and in blocks 16A, 16B1, 16B2, and 18A5. These impacted areas shall be mitigated at a 2:1 ratio as discussed below.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Preservation and Enhancement The direct impact of 1.15 acres of native grasslands shall be mitigated by preserving the remainder of the native grasslands mapped onsite and enhancing existing non-native grassland to in-kind native reference grasslands at a 2:1 ratio (2.30 acres). The 8.65 acres of native grasslands mapped on the property shall be preserved in perpetuity. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Replacement of native grasslands shall occur on 2.30 acres on the property, and shall be designated in the Walt Ranch BRMP. In order to provide for habitat continuity, the 2.30 acres of native grassland replacement shall occur in suitable areas in proximity to native grassland areas to the maximum extent feasible. This may include, but is not limited to, areas near vineyard blocks						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
13, 16, 19, or 29. Replacement plantings shall be consistent with the dominant native grassland type (blue wildrye, purple needle grass, and/or California fescue) that was impacted. Any new transplants for replacement shall be propagated from seed found on site. Replanting areas for native grasslands shall be protected with a buffer of not less than 10 feet. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. Prior to ground disturbing activities associated with the Proposed Project, the Walt Ranch BRMP shall be developed by a qualified professional biologist, and submitted to Napa County for review and approval. The Walt Ranch BRMP shall cover multiple sensitive habitat types, sensitive or special-status species, and other biological considerations on the property, as discussed elsewhere in Section 4.2.6 of this EIR. Required performance criteria to be included in the Walt Ranch BRMP are as follows: • Management goals: Goals shall include habitat enhancement criteria, such as increased native grass cover, native plant diversity, and wildlife values. If in the event that population totals of the sensitive resources identified within this EIR are determined to have changed during preconstruction surveys, the Applicant and/or the Applicant's representative shall provide an assessment sufficiently explaining the reason(s) resources are no longer present or are in increased or reduced numbers. The assessment shall be prepared by a qualified biologist, subject to review and approval by the Director; • Identification of suitable habitat: The BRMP shall clearly identify sufficient areas of suitable habitat for each species subject for replanting. In the event the property lacks adequate suitable habitat area, equivalent additional resources shall be avoided in order to meet the specified avoidance criteria;						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
- Restoration and enhancement techniques: Identification of transplanting and mitigation planting techniques for various species and habitat types covered by the BRMP; - Implementation schedule: restoration, enhancement, and planting shall begin during the year following ground disturbance; - Planting goals: A qualified biologist shall work with vineyard personnel to ensure that the spacing of plantings and other requirements of the overall BRMP are met; - Monitoring criteria: Restoration and enhancement areas shall be monitored by a qualified botanist or biologist annually for a minimum of five years. As part of the first year monitoring report, each area planted to offset that years' impacts, the final replacement total, exact location, and size of the replacement plantings shall be recorded; - Reporting criteria: Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation; and - Success criteria: Restoration and enhancement areas must have at least an 80 percent success rate after five years.						
4.2-2: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan). All features requiring avoidance shall be field verified by a qualified professional biologist prior to ground disturbing activities, including the placement of construction fencing delineating the areas to be avoided: The Carex spp. – Juncus spp. – Wet Meadow Grasses NFD Super Alliance is only located in Block 16. This habitat type shall be avoided in its entirety. Therefore, the portion of Block 16 that contains the Carex spp. – Juncus spp. – Wet Meadow	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Grasses NFD Super Alliance shall be removed from the Proposed Project. This will ensure 100 percent avoidance of this sensitive habitat. The California Buckeye/Poison Oak/Moss Woodland Alliance is only located in Block 33. This habitat type should be avoided in its entirety, as shown on Figure 4.2-5. Therefore, the portion of Block 33 that is the California Buckeye/Poison Oak/Moss Woodland habitat type shall be removed from the Proposed Project. This will ensure 100 percent avoidance of this sensitive habitat. The total acreage of this habitat type (0.16 acres) on the property shall be placed in permanent protection through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Valley Oak (California Bay – Coast Live Oak – Walnut – Ash) Riparian Forest NFD Association is located in select areas throughout the property, associated with streams and creeks. The portions of vineyard blocks and avenues 21B, 29A1, 29A2, 29B2, 30A, 42, 43, 45B, 57B, and 58A that contain this sensitive habitat type should be removed from the Proposed Project, resulting in 6.3 acres of gross area removed from the Proposed Project. Avoiding these areas will also protect upland habitat for the western pond turtle (discussed further in Impact 4.2-10) and wildlife corridors along riparian areas. After mitigation, 30.8 acres (100 percent) of this habitat type will be preserved on the property. Approximately 2.5 acres of Black Oak Alliance habitat will be avoided in the following vineyard blocks and surrounding avenues: 12, 15B, 16B1, 16B2, 17A, 17B, 31A, 31B, 37A, 37C,						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
37D, 43, and 60A3, as shown on Figure 4.2-5. The blocks chosen for avoidance will provide additional habitat continuity benefits and will also protect certain specimen trees, in addition to conserving Black Oak Alliance. Specimen trees are also discussed in Impact 4.2-16 below. After mitigation, 35.8 acres of this habitat type will be impacted by the project, and 281.7 acres (88.7 percent) will remain on the property. These impacts shall be mitigated by preserving Black Oak Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 71.6 acres of Black Oak Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Approximately 3.6 acres of Blue Oak Alliance will be avoided in the following vineyard blocks and surrounding avenues: 28, 29B1, 29B2, 37A, 37D, and 47A1, as shown on Figure 4.2-5. Avoiding these blocks will also protect specimen trees, interspersed Fescue Alliance, and wildlife corridors along creeks and tributaries. After mitigation, 2.6 acres of this habitat type will be impacted on the property. The 2.6 acres that will be impacted shall be mitigated by preserving Blue Oak Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 5.2 acres of Blue Oak Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Approximately 1.75 acres of Coast Live Oak (Foothill Pine) Alliance will be avoided in vineyard Block 18 and surrounding avenues, as shown on Figure 4.2-5. Avoiding portions of this block chosen for avoidance will provide additional habitat continuity benefits and will also protect specimen trees and western pond turtle habitat, in addition to conserving Coast Live Oak (Foothill Pine) Alliance. After mitigation, 20.1 acres of this habitat type will be impacted by the project, which shall be mitigated by preserving Coast Live Oak (Foothill Pine) Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 40.2 acres of Coast Live Oak (Foothill Pine) Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Approximately 11.25 acres of Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association will be avoided in the following vineyard blocks and surrounding avenues: 1B, 2A and 2B, 5A, 17B, 18A, 19A, 20A, 36A and 36B, 37E and 37F, 45B, 48, 51C, 57B, 62A, 63, 64, and 69, as shown on Figure 4.2-5. The blocks chosen for avoidance will provide additional habitat continuity benefits and will also protect specimen trees, western pond turtle habitat, northern black walnut, and wildlife corridors, in addition to conserving Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association. After mitigation, 100.2 acres of this habitat type will be impacted by the project, which shall be mitigated by preserving Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association habitat elsewhere on the property at a 2:1 ratio. This will result in 200.4 acres of Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association preserved in permanent						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Approximately 13.01 acres of Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance will be avoided in the following vineyard blocks and surrounding avenues: 1B and 1C, 12, 16A, 16B, 16C, 19A, 24, 25A, 37D, 51C, and 55B, as shown on Figure 4.2-5. The blocks chosen for avoidance will provide additional habitat continuity benefits and will also protect specimen trees, notable oak woodland stands, and interspersed native grasslands, in addition to conserving Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance. After mitigation, 103.8 acres of this habitat type will be impacted by the project, which shall be mitigated by preserving Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 207.6 acres of Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
To the maximum extent feasible, access road development shall be relocated as necessary to avoid sensitive habitats. After avoidance of the proposed vineyard blocks described above, the impacts to sensitive habitats are reduced to a less-than-significant level and the Proposed Project is consistent with General Plan Policy CON-17 and Policy CON-24.						
4.2-4: Project site plans will avoid or mitigate for direct impacts to jurisdictional waters of the U.S, as described below. A Department of the Army nationwide permit (Section 404 permit) shall be obtained from the USACE prior to the discharge of any dredged or fill material within jurisdictional wetlands and other waters of the U.S. If needed, a Streambed Alteration Agreement (SAA) shall be obtained from CDFW prior to construction activities that impact riparian zones. A Clean Water Act Section 401 Water Quality Certification will be obtained from the Regional Water Quality Control Board (RWQCB) prior to any discharge into waters of the United States. Copies of all approved permits shall be submitted to the County prior to any ground disturbance, vegetation removal, and grading in areas involving waters of the U.S. and/or riparian zones. Direct impacts to waters of the U.S., specifically the 0.25 acres of jurisdictional "other waters" shown in Table 4.2-6, shall be mitigated by creating or restoring waters of the U.S. onsite. Compensatory mitigation shall occur at a minimum of 1:1 ratio and shall be approved by the USACE prior to any discharge into jurisdictional features. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.	Applicant	Napa County PBES U.S. Army Corps of Engineers (USACE) CDFW Regional Water Quality Control Board (RWQCB)	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation	County Standards and Permit Conditions	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Prior to development of Block 31 (which will result in the direct impact of 0.02 acres of wetland as shown in Table 4.2-6), necessary permits by the appropriate agencies will be obtained to remove the isolated wetland inside the proposed block, and mitigation at a minimum of 1:1 will be applied to the Capell Creek drainage area on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. To avoid indirect impacts to all other wetlands, avoidance buffers of 50 feet shall be established around each of the wetlands, which include a 24-foot vegetated turnaround avenue and a 26-foot undisturbed filter strip. Temporary orange construction fencing, or other method acceptable to Napa County, shall be installed around all wetlands and any drainage features in the vicinity of and outside of the construction area. Fencing shall be located a minimum of 26 feet from the edges of wetlands as identified by a qualified biologist. All fencing shall be installed prior to the commencement of any earthmoving activities and shall be field verified by Napa County. The fencing shall remain in place until all construction activities in the vicinity have been completed. Vineyard development near streams that meet the Napa County definition of a stream will maintain setbacks in compliance with the Napa County Conservation Regulations and Code 18.108.025 (see Table 4.2-7). For drainages which do not meet the Napa County definition of a stream, 20-foot minimum						

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Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
setbacks shall be maintained from the top of bank. Minimum 50-foot setbacks (which includes a 24-foot vegetated turnaround avenue and a 26-foot undisturbed filter strip) shall be maintained around all wetlands. The proposed BMPs shall be implemented throughout the life of the project. These include cover crop management and integrated pest management, which in addition to the proposed setbacks, would effectively filter sediments, agricultural chemicals, and nutrients to a less-than-significant level. Any changes to the BMPs shall be submitted to the Director for approval prior to implementation. Additional buffers are recommended in two locations to provide extra protection to sensitive habitats and species. The buffer around a portion of the wetland in Block 5A3 should be increased by 25 feet as shown on Figure 4.2-6 in order to provide additional protection to the wetland and the population of Gairdner's yampah immediately adjacent to it. In addition, the buffer surrounding the drainage in the south of Block 8 should be expanded by 50 feet, as shown on Figure 4.2-6 (please refer to the figure in Section 4.2). Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. Construction activities, including, but not limited to earthmoving and staging activities, within 50 feet of any USACE jurisdictional features shall be conducted during the dry season (April 1 to September 15 or October 15) to minimize impacts related to erosion, water quality, and aquatic resources, and activities shall be conducted consistent with Mitigation Measure 4.2-10 to protect western pond turtle and Mitigation Measure 4.2-11 for California red-legged frog (CRLF). All disturbed areas shall be seeded and mulched to prevent erosion and sediment deposit into wetlands and waters of the U.S. Staging areas shall be located within approved clearing limits and a minimum distance of 100 feet away from the areas of						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
jurisdictional waters that are fenced off and the ECP (P11-00205-ECPA) shall be modified to indicate this prior to approval. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas within the gross acres allocated for vineyard development (i.e., approved vineyard blocks and associated acreage). Excess excavated soil shall be used onsite or disposed of at an approved facility or site. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. with tarps, silt fences, or straw bales) prior to September 15 or October 15 of each year. Standard precautions shall be employed by the construction contractor to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with construction activities into jurisdictional features. A contaminant program shall be developed and implemented in the event of release of hazardous materials (as detailed in Mitigation Measure 4.5-1).						
4.2-5: As part of the Walt Ranch Biological Resources Management Plan (BRMP) required in Mitigation Measure 4.2-1, the following measures will be taken to ensure a less-than-significant impact to northern California black walnut: • An untagged black walnut stump with sprouts that obviously was rootstock for English walnut, located north of the road on the eastern edge of the grassland, may be removed. This tree is in poor health and was not producing nuts in 2009. • If feasible, the three trees on the western edge of the grassland (tag numbers 8628, 8268, and 8795) should not be removed unless they are demonstrated to the satisfaction of the Director that they are of hybrid origin. • If it is determined that the trees must be removed, and they are determined by the County not to be of hybrid origin, walnuts should be collected prior to removing the trees. Walnuts collected from these trees should	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
then be distributed randomly throughout the native walnut preserved area shown in Figure 4.2-7. - If the three trees are demonstrated to be of hybrid origin, no mitigation would be necessary for their removal. - No additional northern California black walnut trees shall be removed from the property. - The Applicant is encouraged to remove the grafted English walnut stand adjacent to the northern California black walnut stand to minimize hybridization. - Prior to construction in Block 37, temporary construction fencing shall be placed along the avoidance area shown in Figure 4.2-7 (please refer to the figure in Section 4.2). The temporary fencing shall remain throughout construction activities. - The area shown in Figure 4.2-7 shall be avoided in permanent protection in order to provide sufficient habitat for potential future regrowth and expansion of the population of northern California black walnut trees. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. - Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.						
4.2-6: After implementation of avoidance measures required in Mitigation Measures 4.2-1, 4.2-2, 4.2-7, 4.2-8, and 4.2-9, some deer fencing proposed in #P11-00205-ECPA may not be necessary due to alterations in vineyard layout. Prior to the approval of P11-00205-ECPA, the plan shall be modified so that proposed vineyard blocks shall be fenced individually or in small clusters, with corridors of no less than 100 feet in width.	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Construction	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
4.2-7: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): Impacts to CEPU2 would be reduced to a less-than-significant level through a combination of avoidance, preservation, and replanting. Specifically, the mitigation for the removal of an estimated 24.84 acres of holly-leaf ceanothus would be accomplished through a combination of 1) avoidance of high-quality ceanothus populations within the project area; 2) preservation and conservation of CEPU2 with the highest density and greatest health; and 3) through the restoration and enhancement of CEPU2 elsewhere on the property as part of the Walt Ranch Biological Resources Management Plan (BRMP). Avoidance In order to maintain the health and viability of the holly-leaf ceanothus populations on the Walt Ranch property, approximately 11.94 acres of CEPU2 shall be avoided in order to protect 80 percent of the population on the property. Proposed avoidance locations are detailed in Table 4.2-8 and shown on Figure 4.2-8 (please refer to Section 4.2). The locations shown in Figure 4.2-8 include a 25 foot buffer to protect the populations. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. To the maximum extent feasible, access road development shall be relocated as necessary to avoid populations of CEPU2; any acreage that is impacted in order to access blocks shall be mitigated in the final Walt Ranch BRMP. Some of the avoidance proposed in Table 4.2-8 has been targeted to preserve areas where holly-leaf ceanothus and narrow-anthered brodiaea co-occur (narrow-anthered brodiaea is discussed in Impact 4.2-8, below). Therefore, some of the	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation (annual for 5 years)	County Standards: 80% Success	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
avoidance areas proposed in Table 4.2-8 are also recommended for avoidance in Table 4.2-9, below. The avoidance proposed in Table 4.2-8, in combination with the populations of CEPU2 already outside of clearing limits, will result in the preservation of approximately 53.35 acres (80.52 percent) of CEPU2 on the property. Therefore, the Proposed Project will impact 12.90 acres of holly-leaf ceanothus, which shall be mitigated at a 1:1 ratio as discussed below. <u>Preservation and Replanting</u> The 53.35 acres of preserved CEPU2 on the property shall be preserved in perpetuity. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
The direct impact of 12.90 acres of holly-leaf ceanothus should be mitigated by preserving the remainder of the CEPU2 population onsite and replanting at a 1:1 ratio (12.90 acres). Mitigation replanting shall be designated in the Walt Ranch BRMP. In order to provide for habitat continuity and population viability, the replanting areas shall occur within the Milliken Reservoir watershed within areas in close proximity to existing populations of holly-leaf ceanothus. The density of mitigation replanting shall be determined by the qualified biologist during preconstruction surveys and shall be similar to the density that is impacted by the project after avoidance mitigation. Additional measures, specific to CEPU2, that shall be included in the Walt Ranch BRMP include: • Transplants shall be planted in suitable areas ecologically similar to the original site as determined by a qualified biologist and approved by Napa County. • A 25-foot buffer shall be established around preserved populations and replanting sites. This buffer shall be flagged in the field by the qualified biologist and inspected by Napa County prior to project commencement. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. • A qualified biologist or botanist will monitor the BRMP area annually for a minimum of five years to ensure at least an 80 percent success rate for preservation and replanting of CEPU2. • Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation.						
4.2-8: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan):	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation	County Standards: 80% Success	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Impacts to BRLE would be reduced to a less-than-significant level through a combination of avoidance, preservation, and replanting. Specifically, the mitigation for the removal of an estimated 26.4 acres of narrow-anthered brodiaea would be accomplished through 1) avoidance of high-quality BRLE populations within the project area; 2) preservation and conservation of narrow-anthered brodiaea with the highest density and greatest health; and 3) through the restoration and enhancement of BRLE elsewhere on the property as part of the Walt Ranch Biological Resources Management Plan (BRMP). Avoidance In order to maintain the health and viability of the narrow-anthered brodiaea populations on the Walt Ranch property, approximately 17.74 acres of BRLE shall be avoided in order to protect approximately 80 percent of the population on the property. Proposed avoidance locations are detailed in Table 4.2-9 and shown on Figure 4.2-9 (please refer to Section 4.2). The locations shown in Figure 4.2-9 include a 25 foot buffer to protect the populations. To the maximum extent feasible, access road development shall be relocated as necessary to avoid populations of BRLE; any acreage that is impacted in order to access blocks shall be mitigated in the Walt Ranch BRMP. Some of the avoidance proposed in Table 4.2-9 has been targeted to preserve areas where hollyleaf ceanothus and narrow-anthered brodiaea co-occur. Therefore, some of the avoidance areas proposed in Table 4.2-9 are also required for avoidance in Table 4.2-8, above. The avoidance proposed in Table 4.2-9, in combination with the populations of BRLE already outside of clearing limits, will result in the preservation of approximately 33.2 acres (79.5 percent) of BRLE on the property. Therefore, the Proposed Project will impact 8.63 acres of narrow-anthered brodiaea, which shall be mitigated at a 1:1 ratio as discussed below.				(annual for 5 years)		

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
<u>Preservation and Replanting</u> The 33.2 acres of preserved BRLE shall be preserved on the property in perpetuity. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. The direct impact of 8.63 acres of narrow-anthered brodiaea shall be mitigated by preserving the remainder of the BRLE population onsite and replanting at a 1:1 ratio (8.63 acres) in locations designated in the Walt Ranch BRMP. In order to provide for habitat continuity and population viability, the replanting areas shall occur within the Milliken Creek watershed within areas in close proximity to existing populations of narrow-anthered brodiaea. The density of mitigation replanting shall be determined by the qualified biologist during preconstruction						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
surveys and shall be similar to the density that is impacted by the project after avoidance mitigation. Additional measures, specific to BRLE, that shall be included in the Walt Ranch BRMP include: • Transplants shall be planted in suitable areas ecologically similar to the original site as determined by a qualified biologist and approved by Napa County. • Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation; • A 25-foot buffer shall be established around preserved populations and replanting sites. This buffer shall be flagged in the field by the qualified biologist and inspected by Napa County prior to project commencement. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. • A qualified biologist or botanist will monitor the BRMP area annually for a minimum of five years to ensure at least an 80 percent success rate for preservation and replanting of BRLE.						
4.2-9: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): For all of the species discussed below, buffers of no less than 25 feet shall be established around any preserved or replanted areas. All populations of species designated shall be identified in a conservation easement held by an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation (annual for 5 years)	County Standards: 80% Success	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbance, grading, or vegetation removal, or with 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. All mitigation plantings shall conform to the same five year annual monitoring and 80 percent success criteria standards found in the Walt Ranch BRMP. To the maximum extent feasible, access road development shall be relocated as necessary to avoid impacts to sensitive plant species. Prior to development of the Proposed Project, a botanical survey for narrow-leaved daisy shall be conducted to re-locate the identified plants on the property. Any plants that are not relocated by the qualified biologist or botanist do not require further mitigation. For any of the six narrow-leaved daisies that are relocated, seeds shall be collected in the fall, between August and September, and a test transplant shall be conducted in winter. Provided that the plant survives after one year of monitoring by a qualified biologist or botanist, the Applicant may proceed with mitigation replanting for narrow-leaved daisy. If the mitigation transplant does not survive, the Applicant shall protect the three isolated populations in Block 16.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Provided that mitigation is successful, the one isolated population of narrow-leaved daisy that occurs in Block 16 may be removed for vineyard development under the Proposed Project without impacting overall population viability. The five populations outside of vineyard blocks (located north of Block 10, just east of Block 16B2, east of Block 1A, within a portion of 2A2 avoided per WPT mitigation, and just south of Block 16A2) shall be preserved. The three impacted populations shall be mitigated through replanting and seed collection in a protected and appropriate habitat elsewhere on the property, as determined by a qualified botanist. The replanting areas shall be designated in the Walt Ranch BRMP. All eight populations designated for preservation shall be identified in a conservation easement held by an accredited land trust organization, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Additional measures, specific to narrow-leaved daisy, that shall be included in the Walt Ranch BRMP include: - Transplants shall be planted in suitable areas ecologically similar to the original site as determined by a qualified biologist and approved by Napa County. - A 25-foot buffer shall be established around preserved populations and replanting sites. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. A minimum of approximately a two-foot diameter by one foot deep plug of soil should be transported intact with the plant. - Transplanting of narrow-leaved daisy shall occur between November and January. - A qualified biologist or botanist will monitor the BRMP area annually for a minimum of five years to ensure at least an 80 percent success rate for preservation and replanting of narrow-leaved daisy. - Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation. All populations of Jepson's leptosiphon shall be preserved by removing portions of the following vineyard blocks from the Proposed Project: 20A, 48, 55B, and the avenue surrounding 55B. The populations shall be protected with a 50 foot buffer. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. These areas provide additional benefits by preserving western pond turtle upland habitat (discussed further in Impact 4.2-10) and Gairdner's yampah habitat. Therefore, 0.8 acres of vineyard will be required to be removed from the Proposed Project to protect Jepson's leptosiphon, which will result in 100 percent avoidance on the property.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Approximately 1.54 acres of Napa bluecurls occurs in one isolated wetland near Block 16. The other isolated population is located outside of the proposed clearing limits. The Proposed Project would impact 0.3 acres (16.5 percent) of the Napa bluecurls on the property. Due to the rarity and extremely limited range of this species, Napa bluecurls shall be avoided in their entirety. Preserving the 0.3-acre population by removing this portion of Block 16 shall result in 100 percent avoidance of this species. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. Prior to the issuance of any grading plans, the Erosion Control Plan shall be modified to remove the above referenced areas from development. Populations of Gairdner's yampah occur throughout the property and within several proposed vineyard areas (see Figure 4.2-3). Not all populations on the property were mapped. Populations shall be preserved in vineyard blocks 51C; 5A1, 5A3, and 8A (will also provide for additional stream and wetland buffers, as well as brodiaea and ceanothus protection); 16A and 16C1 (will also protect Napa bluecurls); 17B (will protect specimen trees); 20A (will protect Jepson's leptosiphon); 36A, 37F, and 37G (will also protect black walnut habitat); and 2A, 34A1, 34A2, 43, 45A, and 49 (will also protect western pond turtle upland habitat). Therefore, approximately 1.10 acres of vineyard have been removed from the Proposed Project to protect Gairdner's yampah, and a total of 6.85 acres (76.1 percent) will be preserved on the property. Prior to any ground disturbing activities, grading or vegetation removal, the temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. As stated above, this plant occurs throughout the property, and mapping focused predominantly within proposed vineyard blocks; therefore, it is likely that additional populations exist outside of the clearing limits and greater than 80 percent avoidance has been achieved. Preservation of existing						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
appropriate habitats for natural regeneration and persistence of existing perennial populations is sufficient to maintain this species on site. There are five populations of redwood lily on the property. All populations shall be avoided with a 25 foot buffer and preserved in the conservation easement on the property. Prior to any ground disturbing activities, grading or vegetation removal, the temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. All five populations of redwood lily designated for preservation shall be identified in a conservation easement held by an accredited organization, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within six months of project approval, whichever occurs first. Green monardella occurs in Blocks 16A, 16B1, and 16B2, as well as areas outside of clearing limits just northwest of Block 16A. The green monardella that overlaps with native grassland in Block 16B1, 16B2, and the avenues outside these blocks shall be avoided. Prior to any ground disturbing activities, grading or vegetation removal, the temporary fencing shall be installed around the areas to be avoided, at the outer edge of						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
the buffer, and shall remain in place throughout construction activities. Therefore, approximately 1.11 acres of vineyard has been removed from the Proposed Project to protect this species. This will result in a total of 2.20 acres (48.8 percent) of green monardella preserved on the property. Preservation of existing appropriate habitats for natural regeneration and persistence of existing perennial populations is sufficient to maintain this species on site, and replanting is not required.						
4.2-10: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): Impacts to western pond turtle would be reduced to a less-than-significant level through a combination of avoidance and preservation of prime nesting and upland habitat. This is accomplished in through the stream setbacks provided in the project design and in Mitigation Measure 4.2-4, as well as the additional avoidance measures discussed below. Avoidance and Preservation In order to maintain sufficient nesting habitat for western pond turtle populations on the Walt Ranch property, approximately 4.07 acres of nesting habitat shall be avoided in Blocks 18A1, 18A2, 18A3, 18A5, 19B, 21B, 42, 45A, 45B, and 69, as well as in the vineyard avenues surrounding those blocks. These avoidance locations shall occur at the locations shown on Figure 4.2-10. This avoidance, in combination with other nesting habitat outside of clearing limits, will result in the preservation of approximately 20.27 acres (97.93 percent) of the western pond turtle nesting habitat on the property. Upland habitat is also important for natural species behaviors. Portions of vineyard blocks 29B2, 30A, 42, 43, 45B, 57B, and 58A shall be removed from the Proposed Project in order to provide continuous tracts of western pond turtle upland habitat	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA and Pre-construction	Pre-construction through Construction	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
in the Capell Creek watershed. These areas will also protect the sensitive Valley Oak (California Bay – Coast Live Oak – Walnut – Ash) Riparian Forest NFD habitat type. In the central portion of the property, portions of Block 18A3, 18A5, 34A2, 48, 52, and 69 will be avoided in order to provide a larger corridor of unbroken upland habitat. Block 34A2 will also protect Gairdner's yampah, while Block 48 will also protect populations of Jepson's leptosiphon. In the Milliken Creek watershed, portions of blocks 1B, 1C, 2A1, 2A2, 2B1, 2B2, 8C, 9A4, and 24 will be removed. Approximately 16.9 acres of western pond turtle upland habitat has been removed from the Proposed Project. The avoidance shown in Figure 4.2-10, in combination with the other upland habitat outside of clearing limits, will result in the preservation of 486.56 acres (95.44 percent) of western pond turtle upland habitat on the property. Prior to the issuance of any grading plans, the Erosion Control Plan shall be modified to remove the above referenced nesting and upland habitat areas for the western pond turtle from development. The above referenced nesting and upland habitat areas for the western pond turtle designated for preservation shall be identified in a conservation easement held by an accredited land trust organization, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities,						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. <u>Other Protective Measures</u> In addition to avoiding sensitive habitats as discussed above, various additional mitigation measures will ensure a less-than-significant impact to this species: • A preconstruction survey shall be conducted by a qualified biologist within two weeks prior to commencement of any groundbreaking activities within 100 feet of Capell and Milliken Creeks and their tributaries. • Prior to groundbreaking activities, all construction personnel will receive training on western pond turtle. During the training, the biologist shall designate a representative to check for presence of western pond turtle beneath all construction equipment prior to daily construction activities. The representative shall be informed as to the location that any western pond turtle be relocated should one be observed. • Construction and vineyard activities involving loud equipment should be minimized to the extent feasible from February through November within 100 feet of aquatic habitat where the turtles are found. Some habituation to noise is more likely if the noise is sustained (background) rather than in irregular bursts. • Human disturbance within potential habitat should be minimized late afternoon through early evening from May through July to avoid disturbing egg laying activities.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
- The use of BMPs as required in Mitigation Measures 4.5-1, 4.5-2, 4.5-3, and 4.5-4, as well as the use of Integrated Pest Management (IPM), will minimize agrichemical drift into turtle habitat. - Turtle exclusion fencing will be installed from May through July around all grading and construction activities within or bordering nesting habitat to prevent impacts. From October through March, a turtle exclusion fence shall be installed around all activities within or bordering overwintering habitat to prevent impacts and the fencing shall be field verified by Napa County annually throughout the construction period. The fence shall be constructed from silt fencing to avoid turtle injury and entrapment.						
4.2-11: The wetland and stream setbacks and mitigation provided in Mitigation Measure 4.2-4 and Mitigation Measure 4.2-10, in combination with the overall avoidance in the project design, will reduce impacts to a less-than-significant level. In addition, the applicant shall implement the following measures to ensure that bullfrogs do not become established in the four proposed groundwater reservoirs: - Project applicant shall conduct appropriately timed surveys each year to determine if bullfrogs have become established in any of the onsite reservoirs. If any bullfrog adults, eggs, and/or tadpoles are detected at any time, they shall be managed promptly as to prevent colonization. All surveys and direct removal efforts (of adult bullfrogs only) must be made by a person knowledgeable in species identification using a method approved by CDFW. Direct removal efforts of egg masses, larva, or sub-adult life stages shall be conducted by a qualified biologist only. Copies of the annual surveys and recommended measures shall be provided to the Director, within 30 days of completion. - If bullfrogs are detected, the applicant shall implement direct removal efforts until adults and/or	Applicant	Napa County PBES	Construction through Operation	Pre-construction through Operation	County and CDFW Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
sub-adults can no longer be detected and are believed to be gone for the season. Bullfrog management efforts shall target the bullfrog's life history stage: 1) egg mass removal, 2) larval removal, and 3) adult and juvenile frog. These bullfrog control methods remove individuals and break the reproductive cycle. Removal methods include manual take of adults and sub-adults, collecting egg masses, capturing larvae, and draining ponds to strand larvae. - Removal efforts shall occur during the active/breeding season occurring (April – July) with at least three efforts done a few days apart and another two efforts separated by two weeks. Direct removal efforts should be completed with at least two people using a small boat, spotlights, and appropriate tools to capture and contain the bullfrogs. Capture and disposal shall be done in compliance with CDFW codes and regulations using appropriate gear. Bullfrog egg mass removal efforts shall occur late June through August. - Bullfrogs may be taken under the authority of a sport fishing license (California Code of Regulations, Title 14 (T-14) section 5.05(a)(28)). There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow, or hook and line fishing tackle. Alternatively, California Fish and Game Code Section 5501 allows CDFW to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
<u>Other Protective Measures</u> - Prior to groundbreaking activities, all construction personnel will receive training on California red-legged frog. During the training, the biologist shall designate a representative to check for presence of California red-legged frog beneath all construction equipment prior to daily construction activities. - No pile burning shall occur within 300 feet of suitable red-legged or yellow-legged frog habitat. - Frog exclusion fencing (silt fencing or other exclusionary fencing deemed acceptable by a qualified biologist) shall be installed from April through October around all grading and construction activities within or bordering California red-legged frog habitat to prevent impacts. The fence shall be constructed from silt fencing to avoid turtle or red-legged frog injury and entrapment.						
4.2-13: The Applicant shall implement the following measures to avoid disturbing any special status species nesting above ground. Vegetation removal conducted during the nesting period shall require a pre-construction survey for active bird nests, conducted by a qualified biologist. A copy of the pre-construction survey shall be submitted to the Director prior to approval of any grading permits within surveyed areas. No known active nests shall be disturbed without a permit or other authorization from USFWS and/or CDFW. - For earth-disturbing activities occurring during the breeding season (March 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all birds within 500 feet of earthmoving activities. - If active special status bird nests are found during pre-construction surveys 1) a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-foot buffer zone will be created around the nests of other special status	Applicant	Napa County PBES CDFW	Pre-construction	Pre-construction	County and CDFW Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar ECPA projects; however, they may be modified in coordination with CDFW based on existing conditions at the project site. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. • If pre-construction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Shrubs and trees that have been determined to be unoccupied by special status birds or that are located 500 feet from active nests may be removed. • If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas shall be resurveyed.						
4.2-14: Implementation of the following mitigation measures would reduce the potential impact to a less-than-significant level. • For earth-disturbing activities occurring during the breeding season (March 1 through August 31), a qualified wildlife biologist shall conduct pre-construction surveys of all potential bat-roosting habitat for special status bats within 200 feet of earthmoving activities. Roosting habitat surveys shall focus on a) trees slated for removal that have loose bark, or holes/crevices in the trunk and b) rock piles slated for removal that contain crevices. A copy of the pre-construction survey shall be submitted to the Director prior to approval of any ground disturbance, vegetation removal, or grading within surveyed areas. • If active special status bat roosts are found during pre-construction surveys, the biologists shall submit an avoidance plan to CDFW for review and acceptance.	Applicant	Napa County PBES CDFW	Pre-construction	Pre-construction	County and CDFW Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
A copy of CDFW acceptance of the avoidance plan shall be submitted to the Director prior to any ground disturbance, vegetation removal or grading within surveyed areas. A no-disturbance buffer (acceptable in size to CDFW) will be created around active bat roosts during the breeding season or until it is determined that all young have become sufficiently volant to change roosts. The avoidance plan shall evaluate the length of time of disturbance, equipment noise, and type of habitat present at the project site. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. - If pre-construction surveys indicate that roosts are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees that have been determined to be unoccupied by special status bats may be removed. - If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas shall be resurveyed.						
4.2-16: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): As discussed in Mitigation Measure 4.2-2 above, oak woodlands [Black Oak Alliance, Blue Oak Alliance, Coast Live Oak (Foothill Pine) Alliance, Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association, and Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance] and other sensitive woodlands [Valley Oak (California Bay-Coast Live Oak-Walnut-Ash) Riparian Forest NFD Association] will be preserved in permanent protection. This will result in a total of 524.8 acres of woodland in permanent protection.	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation (annual for 5 years)	County Standards: 80% Success	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Protected woodlands shall be identified in a conservation easement held by an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. In addition, as part of the Walt Ranch Biological Resources Management Plan (BRMP) required in Mitigation Measure 4.2-1, the following measures will be taken to ensure a less-than-significant impact as a result of tree removal: Implementation of Mitigation Measure 4.4-2 will ensure that woodlands shall be preserved at greater than a 1:1 ratio on the property. Blocks 12 and 19A contain notable oak woodland stands that shall be avoided (Figure 4.2-2). Parts of Block 37 shall be avoided to protect a very rare stand of Northern California black walnut, as shown in Figure 4.2-7 (see Mitigation Measure 4.2-6). To the degree feasible,						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
individual specimen trees (36 inch dbh or above) shall be avoided in the areas adjacent to block boundaries or vineyard avenues. - Seventy-four specimen trees shall be avoided as shown on Figure 4.2-5. These specimen trees have been chosen for preservation because they may be preserved compatibly with vineyard development due to their location on the edge of blocks or adjacent to vineyard avenues. Included in these 74 trees are tagged valley oak specimen trees numbered 28403 and 25644 that occur in Valley Oak (California Bay/Coast Live Oak/Walnut/Ash) Riparian Forest NFD Association, a biotic community that Napa County has identified as particularly rare on the project site, shall be avoided. - Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. - Thirty-four specimen trees that will be removed for vineyard development shall be mitigated by compensation at a 5:1 ratio (5 replanted seeds or saplings per every 1 specimen tree removed) of the same species, with the ultimate goal of an 80 percent success rate after the end of 5 years of monitoring. In the event it is determined that the site lacks sufficient suitable habitat acreage for replanting, the project area shall be reduced to meet the avoidance criteria. Protected specimen trees shall be identified in a conservation easement held by an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.						
4.3 CULTURAL RESOURCES						
4.3-1: The following measures will all be taken to minimize impacts to cultural resources: - WR-2, WR-3, WR-4, and CA-NAP-867 shall be avoided. All ground disturbing activities during project implementation and operation shall avoid mapped boundaries of the resource. A permanent 16-foot buffer around the perimeters (including vineyard avenues) shall be established. Temporary fencing shall be installed around each area, at the outer edge of the buffer, and shall remain throughout construction activities. No grading or disturbance shall occur within these buffers. - WR-5 (rock wall) shall be avoided by all ground disturbing activities during project implementation and operation with a permanent 10-foot buffer around the perimeter (including vineyard avenues), with the exception of the three areas identified in Figure 4.3-1 where rock walls would be opened. The openings shall be limited to 20 feet each and shall provide necessary access consistent with General Plan Policy CC-21. Aside from these three 20-foot openings, the rock wall shall not be disturbed. Prior to	Applicant	Napa County PBES	Pre-construction	Construction	State Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
the approval of Erosion Control Plan P11-00205-ECPA, the applicant shall revise the plan to clearly delineate the 10-foot buffer around the perimeter of the rock wall. Temporary fencing shall be installed around the rock wall, at the outer edge of the buffer, and shall remain throughout construction activities. - Prior to construction of vineyard blocks in the vicinity of CA-NAP-257, a presence and absence test shall be conducted by a qualified archeologist to determine the boundaries of the historical resource. If a proposed vineyard block will impact CA-NAP-257, the block's boundaries will be redrawn to avoid the historic resource. If no vineyard blocks will impact CA-NAP-257, the resource will be fenced off and avoided with a permanent 16-foot buffer. - The Applicant shall install and maintain protective fencing along the outside of the buffers to ensure protection during construction, project implementation, and operation. The precise locations of protective fencing shall be inspected and approved by the County prior to the commencement of any ground disturbance, vegetation removal, or grading and shall be maintained and remain in place until all grading, earthmoving, and vineyard development activities are completed. Implementation of this mitigation measure would eliminate the potential impacts or reduce them to less-than-significant levels. In particular, the implementation of this measure would result in avoiding the identified resources, and would establish a buffer to ensure that the resources are not disturbed during project construction and operation. There is one resource that would be disturbed, WR-5 (rock wall). The implementation of this measure, however would limit the impact to the wall to three 20-foot openings. This alteration would not materially alter the historic integrity of the remaining wall. For this reason, the implementation of Mitigation Measure 4.3-1 would avoid significant impacts to WR-5.						
4.3-2: In accordance with CEQA Guidelines § 15064.5, subd. (f), should any previously unknown historical or unique	Applicant	Napa County PBES	Construction	Construction	State Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
archeological resources, such as, but not limited to, obsidian and chert flaked-stone tools or toolmaking debris; shellfish remains, stone milling equipment, concrete, or adobe footings, walls, filled wells or privies, deposits of metal, glass, and/or ceramic refuse be encountered during onsite construction activities, earthwork within 100 feet of these materials shall be immediately stopped, County planning staff shall be immediately notified, and the owner shall consult with a professional archaeologist. The archaeologist shall evaluate the significance of the find and recommend appropriate measures to protect the resource, as necessary, to the Director for consideration. Those measures that are approved by the Director shall be carried out prior to resuming any construction within the area where work had been halted. All significant cultural resource materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards. If an unanticipated discovery is found to meet the eligibility criteria for listing on the CRHR, then the resource must either be protected in place and the project altered to preserve the resource, or data recovery excavations must be conducted to mitigate the impact of the resource. The professional archeologist shall prepare a Historic Properties Treatment Plan (HPTP) for submittal to the County for approval. The HPTP shall detail how much excavation is required and what excavation methods and other analytical tests would be required to mitigate the impact on the resource if avoidance or preservation in place is not feasible. The HPTP shall provide for reasonable efforts to be made to permit the resource to be preserved in place or left in an undisturbed state. Methods of accomplishing this may include capping or covering the resource with a layer of soil. To the extent that resource cannot feasibly be preserved in place or not left in an undisturbed state, excavation as mitigation shall be restricted to those parts of the resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the treatment plan determines that						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource. After data recovery excavations are complete, a technical report detailing the results of the excavation and analysis of results shall be prepared by the cultural resources consultant and submitted to the Director. All artifacts and documentation pertaining to the data recovery effort shall be cleaned, cataloged, analyzed, and curated at an approved repository.						
4.3-3: If human remains are encountered, Health & Safety Code § 7050.5 and CEQA Guidelines § 15064.5, subd. (e) state that no further disturbance can occur within the vicinity of the discovery until the county coroner has made a determination of origin and disposition pursuant to Pub. Resources Code § 5097.98. In the event that human remains are discovered, earthwork within 100 feet of the find shall immediately be stopped and the provisions of the California Health and Safety Code Section 7050.5 (b) shall be followed. The construction contractor shall protect discovered human remains remaining in the ground from additional disturbance. The Napa County Coroner shall be contacted within 24 hours of the find. Upon recognizing the remains as being Native American in origin, the Coroner shall be responsible for contacting the Native American Heritage Commission (NAHC) within 24 hours so that a Most Likely Descendant (MLD) can be identified, as required under California Pub. Resources Code § 5097.98. The NAHC has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned MLD. If the county coroner determines that the human remains are not Native American and not evidence of a crime, project personnel shall coordinate with a qualified archeologist to develop an appropriate treatment plan. A copy of the treatment plan shall be submitted to the Director for review and approval prior to implementation. This shall include contacting the next-of-kin to solicit input on subsequent disposal of the remains. If there is no next-of-kin, or recommendations by the next-of-kin are considered unacceptable by the property owner, the	Applicant	Napa County PBES	Construction	Construction	State Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
property owner shall work with the county coroner to reinter the remains in a location outside the project area and where they would be unlikely to be disturbed in the future. Implementation of this mitigation measure would reduce the impact to a less-than-significant level.						
4.3-4: In the event that any paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be immediately halted and a qualified paleontologist shall be consulted to assess the significance of the find. If any find is determined to be significant by the qualified professional under the criteria of the SVP, then appropriate agency and project representatives and the qualified paleontologist shall meet to determine the appropriate course of action. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified paleontologist according to current professional standards.	Applicant	Napa County PBES	Construction	Construction	State Standards	Applicant
4.4 GEOLOGY AND SOILS						
4.4-2: During construction of the Proposed Project, to avoid potential slope instability impacts associated with adverse construction vibrations, blasting shall be limited to only areas of volcanic rock (Gilpin Geosciences, 2013b). No blasting shall occur in Blocks 15, 16, and 68.	Applicant	Napa County PBES	Construction	Construction	State Standards	Applicant
4.4-3: Prior to approval of #P11-00205-ECPA, the plan shall be modified to include the following measures to avoid potential slope instability and associated sedimentation impacts, per Gilpin Geoscience's recommendations in Table 1 of Appendix F: 1. For Blocks 20-22, 28-30, 31B, 34, 36, 37D, 37E, 40, 45, 51B, 52, 55D, and 56-58, grading shall not exceed a depth of 24 inches in order to maintain the current level of stability on the east-facing slopes of the site, and trees on the steeper (greater than 30 percent)	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Pre-construction through Operation	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
slopes of the site shall be left in place where possible. 2. Rock repositories shall be prepared by grubbing and excavating a keyway at the toe of the proposed storage area on areas with slopes greater than 4:1 (horizontal:vertical). The keyway shall extend two feet into firm soil or bedrock at the downslope edge of the keyway. 3. Two depressions within Blocks 31B and 37C are proposed as potential rock storage sites, and further subsurface exploration and geotechnical analysis shall be performed to determine the feasibility of these two rock storage areas from a slope stability standpoint. A copy of the geotechnical analysis shall be reviewed and approved by the County prior to any work within Blocks 31B and 37C. 4. For Blocks 5B, 5C, 25, 27, 40, 45A, 45B, 46, 57, and 58, subdrains shall be constructed to reduce saturated conditions that could trigger rockfalls. 5. For Blocks 18A-18D and 28, headcut repair and a rock-lined channel shall be implemented to prevent further channel bank erosion and to repair active slumps. 6. For Block 20, the surface/subsurface drain shall be directed to drain to the east. 7. For Block 22A, there shall be a setback from the active landslide and the surface/subsurface drain shall be directed to drain to the northeast. 8. For Blocks 29, 45A, 45B, and 49, the slope shall be buttressed from toe to mid-slope. A grading permit shall be obtained as necessary from Napa County prior to this work. 9. For Blocks 55A-55D, 59, 60A, and 60N, drainage shall be directed away from the active landslide or scarp. 10. For Block 65, the poor road drainage shall be improved by relocating the road and directing drainage to a protected outlet. 11. Should unstable landslide deposits be encountered						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
and/or localized slope failures occur during construction, the slope shall be restored to a stable configuration using specifications provided by the project's engineering geologist. Napa County approval and/or grading permits will be obtained as necessary.						
4.5 HAZARDOUS MATERIALS						
4.5-1: Prior to the development of the Proposed Project, the property owner shall submit and obtain approval of a Hazardous Materials Business Plan (HMBP) from the PBES Division of Environmental Health and CERS. The HMBP will document all proposed hazardous materials to be used onsite during construction and operation. If storage amounts or the use of hazardous materials change during project operation, the project owner shall update, as necessary, the HMBP. The plan will be on file with the PBES Division of Environmental Health and with CERS. The PBES Division of Environmental Health will review the plan and may conduct inspections to ensure that the HMBP is being followed during project operations. Updates to the HMBP, if warranted, would be made through CERS. The HMBP shall be prepared in accordance with County standards and California 40 CFR, Part 355, Appendix A.	Applicant	Napa County PBES	Pre-construction through Operation	Construction through Operation	County Standards	Applicant
4.5-2: Vineyard personnel shall follow the SOPs described below for filling and servicing construction equipment and vehicles. A copy of the SOPs shall be submitted to the County prior to any ground disturbance, vegetation removal, or grading. The SOPs, which are designed to reduce the potential for incidents involving hazardous materials, shall include: • Refueling shall be conducted only with approved pumps, hoses, and nozzles. • Catch-pans shall be placed under equipment to catch potential spills during servicing. • All disconnected hoses shall be placed in containers to collect residual fuel from the hose. • Vehicle engines shall be shut down during refueling. • No smoking, open flames, or welding shall be allowed in refueling or service areas.	Applicant	Napa County PBES	Construction through Operation	Construction through Operation	County and State Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
- Refueling and all construction work shall be performed outside of the stream buffer zones to prevent contamination of water in the event of a leak or spill. - Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents. - A spill containment kit that is recommended by the Napa County PBES or local fire department shall be onsite and available to staff if a spill occurs. In the event that soil and/or groundwater are contaminated by hazardous materials or if pre-existing hazardous materials are encountered during construction, all work shall be immediately halted in the affected area, CDEH staff shall be notified, and the type and extent of the contamination shall be determined. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with appropriate regulations, including Title 22 of the California Code of Regulations (CCR) (66262.34(f)). If the size of the spill and containment is beyond the scope of the contractor, CDEH staff shall be immediately notified.						
4.5-3: Chemical mixing and loading areas shall be established outside the proposed stream setbacks and wetland areas and away from any areas that could potentially drain off site or potentially affect surface and groundwater quality. Prior to approval, P11-00205-ECPA shall be revised to identify areas designated for chemical mixing and loading areas. When equipment is cleaned at the existing facility, only rinse water that is free of gasoline residues, pesticides and other chemicals, and waste oils shall be allowed to diffuse back into vineyard areas. Contaminated rinse water will be collected and properly disposed of off-site through methods similar to waste oil management standards provided under Mitigation Measure 4.5-5.	Applicant	Napa County PBES	Construction through Operation	Construction through Operation	County and State Standards	Applicant
4.5-4: The owner shall apply for a private applicator certificate and a restricted materials permit from the Napa County Agricultural Commissioner. The owner shall comply with the Napa County Agricultural Commissioner's regulations, such as renewing the private applicator certificate every three years,	Applicant	Napa County PBES	Prior to Operation	Construction through Operation	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
renewing the restricted materials permits annually, and reporting pesticides use to the Agricultural Commissioner by the 10th of every month following application. All vineyard employees shall be trained annually in the proper use of pesticides. In addition, personnel shall follow the SOPs as described below when applying pesticides to the vineyard. SOPs for pesticide use shall include the following: • Purchase only enough pesticide that would be used per season. • Utilize IPM techniques where feasible, such as for fungicides, the use of a permanent cover crop, beneficial insects, and minimal to no use of pesticides except when found necessary from monitoring. • Store all pesticides in their original containers. Do not remove labels on the containers. • Keep pesticides in a well-ventilated locked area. • The best way to dispose of a small amount of pesticide is to use it. If a pesticide must be disposed of, contact the Napa County Agricultural Commissioner to locate a hazardous waste facility for proper disposal. • Never pour pesticides down the sink, toilet, or stream. • Utilize proper personal protection equipment when working with pesticides.						

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
4.5-5: Waste oil containers shall be stored in secondary containment that includes an oil-impervious liner or an impervious concrete floor, and berms or retaining walls that fully enclose the containment area. The waste oil containers shall be covered during rain events and shall not be stored within the setbacks described in Impact 4.5-3 above. Waste oil containers shall be labeled "waste oil". The containers shall also be labeled with the following information: accumulation start date; the hazardous properties of the waste (i.e. flammable, corrosive, reactive, toxic, etc.); and the name and address of the facility generating the waste. All waste oil containers shall be transported offsite by a licensed transporter and taken to a Certified waste oil recycling facility.	Applicant	Napa County PBES	Construction through Operation	Construction through Operation	County Standards	Applicant
4.6 HYDROLOGY AND WATER QUALITY						
4.6-1: Prior to approval of #P11-00205-ECPA, the plan shall be modified to include the following measures to avoid potential runoff increases and associated sedimentation impacts, per RiverSmith Engineering's recommendations in Appendix F of Appendix G: 1. For Blocks 1, 3, 17, 19-20, 24, 26, 30, 33-36, 38, 42, 43, 46, 53-63, and 65-68 install a gravel berm on the downslope edge of the turnaround avenue; 2. For Blocks 31, 40 and 64 install a small detention structure or gravel berm on downslope edge of the turnaround avenue; 3. For Block 37, install a gravel berm on the downslope edge of the turnaround avenue, or reduce the area of forest removed; 4. For Blocks 48-52, install a localized detention structure of appropriate size to reduce predicted increases in runoff to pre-project levels; 5. For Block 69, install a gravel berm on the downslope edge of the turnaround avenue or install rock checks in the drainage swales. Prior to the approval of #P11-00205-ECPA, RiverSmith	Applicant	Napa County PBES	Prior to Approval of #P11-00205-ECPA	Construction through Operation	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Engineering shall provide specifications of the above measures to the Applicant for inclusion in the ECP. Potential impacts to flooding hazard could result from increases in peak flow and volume of runoff from implementation of the Proposed Project. However, with the implementation of Mitigation Measure 4.6-1, potential impacts to flooding hazards and drainage system capacity would be reduced to a less-than-significant level.						
4.6-2: There are 21 existing stream crossings, listed in Table 3-4 and shown on Figure 3-11 of this Draft EIR that will be upgraded to rocked water crossings under the Proposed Project. The Applicant shall not use any of these crossings to transport construction equipment prior to completion of the proposed upgrades.	Applicant	Napa County PBES	Pre-construction	Construction	County Standards	Applicant
4.6-4: The Applicant shall be required (at the Applicant's expense) to provide well monitoring data and analyses of the collected data from a qualified professional Geologist or a Certified Hydrogeologist to Napa County PBES Department on a semi-annual basis during the baseline period, and on a quarterly basis after irrigation begins at the Walt Ranch property. Refer to Appendix R for a detailed description of the Groundwater Monitoring and Mitigation Plan (GWM&MP). Such data shall include, but not be limited to, static water levels, pumping water levels, instantaneous flow rates, and cumulative pumped volumes for each of the three existing onsite irrigation wells and any other wells used for vineyard irrigation that may be developed in the future on the Walt Ranch property. These wells are each located in separate geographic areas of the project site (Figure 4.6-2); therefore, monitoring of these wells would help to provide data on groundwater conditions generally representative of the entire project site. Once constructed, water level data from onsite dedicated monitoring wells will also be collected. Pumping rates and volumes shall be monitored by the use of a totalizer flow dial (or similar technology) and water levels shall be monitored by the use of an automatically recording pressure transducer (or similar technology). The automatically-recording water level data loggers shall be set to	Applicant	Napa County PBES	Pre-construction through Operation	Pre-construction through Operation	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
collect data at a frequency of approximately every 60 minutes for the first year after new vineyards have been planted to provide sufficient data for the purpose of operational monitoring; the frequency of data collection and recording by the logging device may be increased in the future at the request of Napa County. These data shall be downloaded every month. This will help to provide a quantity of data that is reasonable to review, as well as capture variations in seasonal groundwater conditions (Refer to Appendix R for the GWM&RP details). As described in Appendix R, data collected by COCWD will be included in the GWM&MP. COCWD, at their request, will be responsible for providing the COCWD specific monitoring data to the qualified professional Geologist or a Certified Hydrogeologist tasked with analyzing those data and reporting those analyses to the Napa County. Water usage shall be minimized by use of best available control technology and best management conservation practices. In the event that changed circumstances, or significant new information, or the results of the monitoring data, provide substantial evidence that use of the onsite wells and the groundwater systems referenced in the ECP would significantly affect the groundwater basin, an amendment to the ECP may be initiated by the County to consider additional reasonable conditions on the Applicant, revision to the number of acres allowed to be planted, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety and welfare. Such additional mitigation might include shifting of groundwater production to other onsite wells for a period of time. Any recommendations made to address impacts to the groundwater basin shall not become final unless and until the Director has provided notice and the opportunity for a hearing in compliance with County Code Section 13.15.070 (G)-(K).						
4.6-5: In order to ensure preservation of regional water quality and local stream conditions, prior to installation of irrigation infrastructure, the Irrigation Plans for the Proposed Project shall	Applicant	Napa County PBES	Pre-construction	Construction	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
be provided to the County for review and approval and shall include the following measure: The construction of irrigation pipeline stream crossings shall only occur within roadways or vineyard avenues. No irrigation pipelines shall cross a stream or creek outside of roadways or vineyard avenues designated in the ECP (Appendix A). The necessary permits by the appropriate agencies will be obtained and copies shall be provided to the County prior to construction of proposed underground or aboveground pipelines where there will be disturbance to the bed and bank of any onsite drainages or streams.						
4.7 TRANSPORTATION AND TRAFFIC						
4.7-1: All construction trips (both equipment and worker trips) shall be scheduled outside of the daily AM and PM peak hours. The applicant shall prepare a schedule for work shifts and equipment transport for review and approval by the Director prior to any ground disturbance, grading or vegetation removal.	Applicant	Napa County PBES	Construction and Operation	Construction and Operation	County Standards	Applicant
4.7-2: Compliance with Mitigation Measure 4.7-1 would reduce operations related traffic impacts by scheduling worker trips outside of the peak AM and PM hours.	Applicant	Napa County PBES	Construction and Operation	Construction and Operation	County Standards	Applicant
4.7-3: Advance warning signs (e.g., "Intersection Ahead" and/or "Truck Crossing Ahead") shall be posted on Circle Oaks Drive and Country Club Lane consistent with Napa County sign placement standards to alert motorists of an intersection ahead with turning vehicles. The signs shall be installed in compliance with County road standards, subject to an Encroachment Permit issued by the County, with the costs to be paid by the applicant.	Applicant	Napa County PBES	Construction and Operation	Construction and Operation	County Standards	Applicant
4.7-4: The following measures shall be followed during construction activities: Heavy truck construction traffic shall comply with the CVC sections related to vehicle weight and width. Any extra legal loads needed for specialized deliveries shall be subject to special permit requirements from Napa County. Project applicant shall obtain any	Applicant	Napa County PBES	Construction and Operation	Construction and Operation	County and State Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
necessary Caltrans traffic permits for movement of equipment. Circle Oaks Drive shall be assessed by an independent third party consultant prior to the start of construction and following the completion of construction. The consultant shall be contracted to the County, with costs paid for by the applicant. If the third party determines that roadway deterioration, or deterioration of infrastructure located underneath Circle Oaks Drive, has occurred as a result of construction traffic, the applicant shall pay to have the roadway resurfaced to restore the pavement to at least pre-construction condition, unless the resurfacing is already expected to occur within a year or sooner in conjunction with other planned or proposed roadway improvements, and shall repair the identified damage to sub-surface infrastructure.						
4.8 NOISE						
4.8-1: The following measures shall be enacted during construction of the Proposed Project to minimize noise impacts to all nearby sensitive receptors: - Stationary equipment and staging areas shall be located as far as practical from noise-sensitive receptors. - All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations. - Construction shall occur only between the hours of 7 a.m. to 7 p.m. - For construction occurring less than 150 feet from sensitive receptors, temporary sound walls shall be constructed to shield residents from construction noise. No temporary sound walls are necessary for construction occurring greater than 150 feet from sensitive receptors.	Applicant	Napa County PBES	Construction	Construction	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
Applicant shall install mufflers on any wind machines located less than 150 feet from existing residences. A map showing the location of affected wind machines shall be provided to the Director prior to installation and issuance of building permits. Mufflers shall be installed and inspected by County staff prior to use.						
4.8-2: Blasting within 775 feet of a residence exceeds Caltrans significance thresholds for vibration. Therefore, no blasting shall occur within vineyard blocks 15, 16, and 68. The approved project map shall be revised to include a note stating that no blasting shall occur within these blocks.	Applicant	Napa County PBES	Construction	Construction	County Standards	Applicant
6.0 CUMULATIVE IMPACTS						
6-1: In order to offset the construction emissions from development of the Proposed Project, the Applicant shall place in permanent protection no less than 248 acres of woodland habitat. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, or whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including, but not limited to, conversion to other land uses such as agriculture, residential, or urban development, and excessive off-road vehicle use that increases erosion), and	Applicant	Napa County PBES	Pre-construction	Construction	County Standards	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Mitigation Measure	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
should otherwise be restricted by the existing goals and policies of Napa County.						

TABLE 2
CONDITIONS OF APPROVAL

Condition of Approval	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
CP-1: All heavy construction equipment shall access the Walt Ranch Property at the northernmost access point directly off of State Route 121 ("Gate 1"). No construction equipment may be delivered via Circle Oaks Drive. All extra-legal loads (defined as anything greater than 80,000 pounds that requires special Caltrans permits per Mitigation Measure 4.7-4) and construction equipment deliveries (defined as any construction equipment listed in Table 3-5 of the EIR, including: excavators, graders, rubber tired dozer, tractors, loaders, and backhoes) shall utilize Gate 1.	Applicant	Napa County PBES	Pre-construction and Construction	Construction	N/A	Applicant
CP-2: Western Pond Turtle Exclusionary Fence Specifications. Consistent with Mitigation Measure 4.2-10 , exclusion fencing shall be installed along the length of the access road. Recommended fencing for exclusion of WPT consists of silt fencing with a minimum of height of 18 inches, trenched and backfilled to a depth of 6 inches. The exclusion fencing shall be placed on both sides of the portions of the access road that run through WPT nesting and upland habitat, including across the four existing stream crossings. WPT exclusion fencing shall be installed in early April to allow WPT hibernating in upland habitat to return to aquatic habitat. The portions within the stream crossings shall be removed during the winter period (October 16 through March 31) of each year, and shall be reinstalled in early April prior to equipment delivery.	Applicant	Napa County PBES	Construction	Construction	N/A	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Condition of Approval	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
CP-3: Specimen Tree Trimming. A qualified arborist or biologist shall monitor any limbing of the specimen tree located approximately 200 feet from the access gate.	Applicant	Napa County PBES	Construction	Construction	N/A	Applicant
CP-4: The following protective measures shall be followed for the protection of archeological and cultural resources: 1) No construction machinery or construction machinery transport shall occur unless the dirt access road is hard and dry; normal vehicles may continue to use the access road as needed, though it is recommended that the road is avoided when wet, slippery, or otherwise in a condition where tires would dig in deeply; 2) No vehicles shall drive or park off of the access road anywhere within Site CA-NAP-257 Locus A boundaries; 3) No construction equipment, materials, or other goods shall be stockpiled or stored within Site CA-NAP-257 Locus A boundaries; 4) Prior to use of the access road for project construction, a qualified professional archaeologist shall walk the access road, documenting and removing any typologically distinctive artifacts, adding them to any collections already held by the archaeologist; 5) Prior to use of the access road for project construction, a qualified professional archaeologist shall assist a qualified biologist in the establishment of exclusion fencing for the western pond turtle; this fencing shall also be used to restrict construction equipment access to the archeological site; 6) Any alteration or improvement of the dirt road or access gate that may be required within the boundaries of CA-NAP-257 shall be overseen by a qualified professional archaeologist. 7) Prior to use of the access road for project construction, a qualified professional archaeologist shall train construction workers in the recognition of prehistoric site features and burials;	Applicant	Napa County PBES	Construction	Construction	N/A	Applicant

UPDATED MITIGATION MONITORING AND REPORTING PLAN

Condition of Approval	Responsible for Monitoring and/or Reporting	Responsible for Verifying Compliance	Timing of Action	Duration of Monitoring	Performance Criteria	Proposed Funding
8) If any prehistoric site features or burials are uncovered during use of the access road through CA-NAP-257, all use of the road shall halt immediately, and a qualified professional archaeologist shall be retained to identify and assess the find, providing mitigation as necessary; 9) Following each year's construction season on the Project, a qualified professional archaeologist shall walk the access road, documenting and removing any typologically distinctive artifacts unearthed by heavy equipment, adding them to any collections database already held by the archaeologist; 10) Following the end of vineyard construction, the artifact collections shall be given to the property owner or their designated representative, or any local Tribe with a claim to local area.						
CP-5: The applicant has voluntarily proposed to perform water quality monitoring in the Milliken Creek watershed. The monitoring program is set forth in AES, <u>Water Quality Monitoring Program</u> (2016). The applicant shall carry out the program.	Applicant	City of Napa	Pre-construction through Operation	Pre-construction through Operation	Water Quality Monitoring Program Standards	Applicant

ATTACHMENT B

ALTERNATIVE ACCESS PROPOSED BY APPLICANT



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MEMORANDUM

TO: Brian Bordona
Supervising Planner
Napa County Planning, Building, and Environmental Services Department

FROM: Annalee Sanborn, Project Manager

DATE: July 7, 2016

RE: Walt Ranch Alternative Access Proposed by Applicant

1.0 INTRODUCTION

1.1 BACKGROUND

In July 2014, Napa County (County) released a Draft Environmental Impact Report (EIR) to analyze the environmental impacts of a proposed vineyard development project (Proposed Project) on the Walt Ranch property (AES, 2014). Before mitigation in the Draft EIR required avoidance of some areas, the Proposed Project proposed to develop 356 net acres of vineyards within an approximately 507-acre cleared area (project site) on the portions of the property suitable for the cultivation of high-quality wine grapes under erosion control plan (ECP) #P11-00205-ECPA. The Draft EIR was released on July 11, 2014 for a 133-day public comment period that ended on November 21, 2014.

The Draft EIR concluded that potential impacts to traffic and roads were reduced to less-than-significant levels via the implementation of mitigation measures required by the Draft EIR. The County received comments on the Draft EIR expressing concerns regarding the project's potential impact on traffic within the Circle Oaks neighborhood. The Final EIR was released by Napa County in March 2016. The Final EIR also concluded that, as mitigated, traffic impacts to the Circle Oaks neighborhood would be less than significant.

Hall Wines (Applicant) had previously conducted preliminary analyses of an alternative access point for construction equipment, but had not formally proposed this alternative because the EIR had concluded that traffic impacts to the Circle Oaks community would, as mitigated, be reduced to less-than-significant levels. Those preliminary analyses included biological and archeological surveys of two existing driveways directly off of State Route 121 (SR 121) (AES, 2015 and 2016).

Following the release of the Final EIR, the County received additional comments regarding traffic, road and infrastructure conditions, and pedestrian safety. Based on these comments, the Applicant is proposing to move forward with the alternative access route. This proposal is intended to address the concerns among neighbors within the Circle Oaks community regarding the use of Circle Oaks Drive for construction equipment. This analysis is being prepared in order to determine whether the alternative access route would result in impacts that have not previously been disclosed.

1.2 ALTERNATIVE ACCESS PROPOSAL

The Applicant is proposing to use an existing dirt road on the property that connects directly to SR 121 via Gate 1 for the delivery and removal of all large construction equipment (**Figure 1**). All extra-legal loads (defined as anything greater than 80,000 pounds that requires special Caltrans permits per Mitigation Measure 4.7-4) and construction equipment deliveries (defined as any construction equipment listed in Table 3-5 of the EIR, including: excavators, graders, rubber tired dozer, tractors, loaders, and backhoes) shall utilize Gate 1. The road would also be available for materials deliveries to and from the site. This existing driveway is located on the eastern property boundary, directly adjacent to SR 121 and approximately 1.5 miles southwest of the intersection of SR 121 and SR 128. The existing road network would then be utilized to provide access to the remainder of the Walt Ranch property. The alternative access route would be upgraded consistent with the Long-Term Road Management Plan provided in Appendix C of the Draft EIR (AES, 2014). The EIR has already reviewed the existing and proposed road network and provided mitigation measures to substantially lessen impacts caused by the use of roads on the Walt Ranch property.

Under this proposal, all heavy construction equipment during the construction phase would be routed to this driveway (Gate 1), and would bypass the Circle Oaks neighborhood. It is anticipated that each piece of heavy construction equipment would utilize the access one time in the spring when the equipment arrives and one time in the fall when the equipment exists the property, for every year of the construction phase. Worker vehicles may still utilize the Circle Oaks Drive entrance.

2.0 POTENTIAL CONSTRAINTS

2.1 BIOLOGICAL RESOURCES

An overview of the potential biological constraints is presented in **Figure 2**. AES biologists conducted an additional evaluation of the proposed alternative access location on September 1, 2015 (AES, 2015). Western pond turtle (WPT; *Actinemys marmorata*) nesting and upland habitat surrounds the gate and the associated access road. This was identified in Impact 4.2-10 of the EIR and mitigated to less-than-significant levels through the implementation of Mitigation Measure 4.2-10, which includes numerous protective measures including: avoidance of nesting and upland habitat, preconstruction surveys by qualified biologists, environmental awareness training for construction crew, minimizing noise disturbance during nesting times, utilizing BMPs for pesticides and herbicides, and installing turtle exclusionary fencing during nesting season.

Because the existing and proposed road network was analyzed as a project component within the EIR, none of the impacts of using this alternative access road are “new” impacts under CEQA. For instance, the biologists noted that the alternative access driveway is located in the County-designated sensitive habitat Valley Oak - (California Bay - Coast Live Oak - Walnut - Ash) Riparian Forest NFD Association, which is protected from vineyard development via Mitigation Measure 4.2-2 of the Draft EIR. As the existing access road traverses the property, it passes through or near several other sensitive habitats, including oak woodlands (Black Oak Alliance, Blue Oak Alliance, Coast Live Oak Alliance) and native grasslands. The use of the existing access road through these habitats was already analyzed in Impacts 4.2-1 and 4.2-2 of the EIR, and would not constitute a significant new impact that would require mitigation. Impacts to these habitats, including through the use of the existing roadway, have already been mitigated through implementation of Mitigation Measures 4.2-1 and 4.2-2 of the EIR.

Similarly, the alternative access route would pass adjacent to populations of sensitive plant species such as Gairdner’s yampah (*Perideridia gairneri*) and jepson’s leptosiphon (*Leptosiphon jepsonii*). As part of the revised Mitigation Measure 4.2-9 for special-status plants, Napa County has required that temporary fencing shall be installed around avoidance areas, at the outer edge of the buffer wherever the buffer coincides with clearing limits, and shall remain in place throughout construction activities. This measure, which applies to all construction activities including the use of the alternative access route, ensures that impacts to special-status plants remain at less-than-significant levels.

There is a large coast live oak (*Quercus agrifolia*) located approximately 200 feet from the access gate that was designated as a preserved specimen tree in the Draft EIR. This specimen coast live oak has a low overhanging branch near the existing roadway. Depending on construction equipment height, the oak may need to be limbed to facilitate access to prevent injury to the tree. A qualified arborist or biologist shall monitor any trimming of this tree to prevent injury.

ADDITIONAL PROTECTIVE MEASURES

Based on the site-specific analysis performed for the alternative access point, AES recommends that the Applicant adhere to the following conditions of approval. These conditions are consistent with the mitigation measures set forth in the EIR, and provide further details regarding how these measures will be carried out with respect to the alternative access point. Adherence to the following measures would ensure that impacts to biological resources remain at a less-than-significant level:

- 1) WPT Exclusionary Fence Specifications: Consistent with Mitigation Measure 4.2-10, exclusion fencing shall be installed along the length of the access road. Recommended fencing for exclusion of WPT consists of silt fencing with a minimum of height of 18 inches, trenched and backfilled to a depth of 6 inches. The exclusion fencing shall be placed on both sides of the portions of the access road that run through WPT nesting and upland habitat, including across the four existing stream crossings. WPT exclusion fencing shall be installed in early April to allow WPT hibernating in upland habitat to return to aquatic habitat. The portions within the stream crossings shall be removed during the winter period (October 16 through March 31) of each year, and shall be reinstalled in early April prior to equipment delivery.

- 2) Specimen Tree Trimming: A qualified arborist or biologist shall monitor any limbing of the specimen tree located approximately 200 feet from the access gate.

2.2 ARCHEOLOGICAL RESOURCES

AES archeologists conducted additional evaluation of the proposed alternative access location on September 1 and December 28 through 30, 2015. The results of these visits are summarized in two confidential technical memoranda (AES, 2015 and AES, 2016), which are on file at the Napa County Planning Department in a confidential, non-public file in accordance with Section 304 of the National Historic Preservation Act (16 USC 470w-3) and the Archaeological Resources Protection Act (16 U.S.C. Section 470h).

These analyses were conducted consistent with Mitigation Measure 4.3-1 of the EIR, which requires a presence and absence test and resource fencing prior to any work in the vicinity of CA-NAP-257. Additional recommendations were provided as a result of the presence and absence test, as discussed below. These recommendations reflect the application of Mitigation Measure 4.3-1 to site-specific conditions at the alternative access point.

ADDITIONAL PROTECTIVE MEASURES

Adherence to the following measures would ensure that impacts to identified cultural resources remain at a less-than-significant level:

- 1) No construction machinery or construction machinery transport shall occur unless the dirt access road is hard and dry; normal vehicles may continue to use the access road as needed, though it is recommended that the road is avoided when wet, slippery, or otherwise in a condition where tires would dig in deeply;
- 2) No vehicles shall drive or park off of the access road anywhere within Site CA-NAP-257 Locus A boundaries;
- 3) No construction equipment, materials, or other goods shall be stockpiled or stored within Site CA-NAP-257 Locus A boundaries;
- 4) Prior to use of the access road for project construction, a qualified professional archaeologist shall walk the access road, documenting and removing any typologically distinctive artifacts, adding them to any collections already held by the archaeologist;
- 5) Prior to use of the access road for project construction, a qualified professional archaeologist shall assist a qualified biologist in the establishment of exclusion fencing for the western pond turtle; this fencing shall also be used to restrict construction equipment access to the archeological site;
- 6) Any alteration or improvement of the dirt road or access gate that may be required within the boundaries of CA-NAP-257 shall be overseen by a qualified professional archaeologist.
- 7) Prior to use of the access road for project construction, a qualified professional archaeologist shall train construction workers in the recognition of prehistoric site features and burials;

- 8) If any prehistoric site features or burials are uncovered during use of the access road through CA-NAP-257, all use of the road shall halt immediately, and a qualified professional archaeologist shall be retained to identify and assess the find, providing mitigation as necessary;
- 9) Following each year's construction season on the Project, a qualified professional archaeologist shall walk the access road, documenting and removing any typologically distinctive artifacts unearthed by heavy equipment, adding them to any collections database already held by the archaeologist;
- 10) Following the end of vineyard construction, the artifact collections shall be given to the property owner or their designated representative, or any local Tribe with a claim to local area.

2.3 SEDIMENTATION AND EROSION

This existing road that is now proposed for secondary access was analyzed by Napa County Resource Conservation District (RCD) in the Walt Ranch Road Sedimentation and Erosion Potential Evaluation (Napa County RCD, 2013). The road is designated as a Year-Round Level I road, which is required by the Long Term Vineyard Road Management Plan to have specific design upgrades. This is discussed in Impact 4.4-1 of the EIR, which is a less-than-significant impact.

The alternative access road crosses streams at four locations on the property. This impact was addressed in Impact 4.6-2 of the EIR, and Mitigation Measure 4.6-2 requires that "the Applicant shall not use any of these crossings to transport construction equipment prior to completion of the proposed upgrades." As such, this impact has already been analyzed and mitigated to less-than-significant levels in the EIR.

3.0 BENEFITS

Providing an alternative access point for the materials and heavy equipment deliveries further reduces the level of traffic impacts disclosed in the Final EIR. As such, the number of trips and the noise levels will be lower than what was presented in the EIR.

The alternative access point also significantly reduces the safety concerns mentioned by the commenters for large trucks traveling on the narrow streets within the Circle Oaks neighborhood. Many commenters wrote letters or spoke at the public hearing regarding potential conflicts between pedestrians walking in the streets and project-related truck traffic. Although construction equipment trucks will now be routed away from Circle Oaks Drive, Mitigation Measure 4.7-3, which requires safety signage, will still be required of the project.

The roadway surface of Circle Oaks Drive is in a deteriorated condition as discussed in Impact 4.7-4, and the EIR identified that the Proposed Project could have a significant impact to this roadway. The Final EIR provided Mitigation Measure 4.7-4 to minimize impacts to the roadway surface and to infrastructure (e.g. water lines and sewer pipelines) below the roadway, which reduced the Proposed Project's impacts to a less-than-significant level. Routing all construction equipment deliveries away from this roadway will further reduce potential impacts.

Furthermore, the use of an existing entrance point off of SR 121 avoids creating new impacts that may result from development of a new entrance point. Grading and habitat disturbance as a result of creating a new driveway would have much larger impacts than the use of the existing access point. The use of the existing entrance eliminates this potential impact to the environment.

Impacts to other resources would be virtually identical if the alternative access point is used. The alternative access point is closer to some vineyards than the Circle Oaks Drive access point, and further from others. Greenhouse gas and air pollutant emissions from construction equipment would therefore be virtually identical under either access point.

4.0 CONCLUSION

As discussed above, there are no new or more significant impacts due to the use of an alternative access point for the delivery of construction equipment. The identified impacts have already been analyzed and mitigated to less-than-significant levels in the EIR. Therefore, the use of the existing access road and existing access driveway does not cause significant new information to be added to the EIR that would trigger recirculation pursuant to CEQA *Guidelines* § 15088.5.

If the project is approved with the alternative access point, then AES recommends incorporating the conditions of approval outlined above. These conditions of approval are designed to apply the mitigation measures set forth in the EIR to the site-specific conditions present at the alternative access point, in light of the further surveys performed by AES.

In summary, the benefits of using the alternative access point for construction equipment include:

- Reduce traffic and noise on Circle Oaks Drive;
- Reduce potential safety concerns for Circle Oaks residents;
- Reduce potential impacts to road surface and subsurface infrastructure on Circle Oaks Drive; and
- Avoid impacts due to construction of a new entrance point.

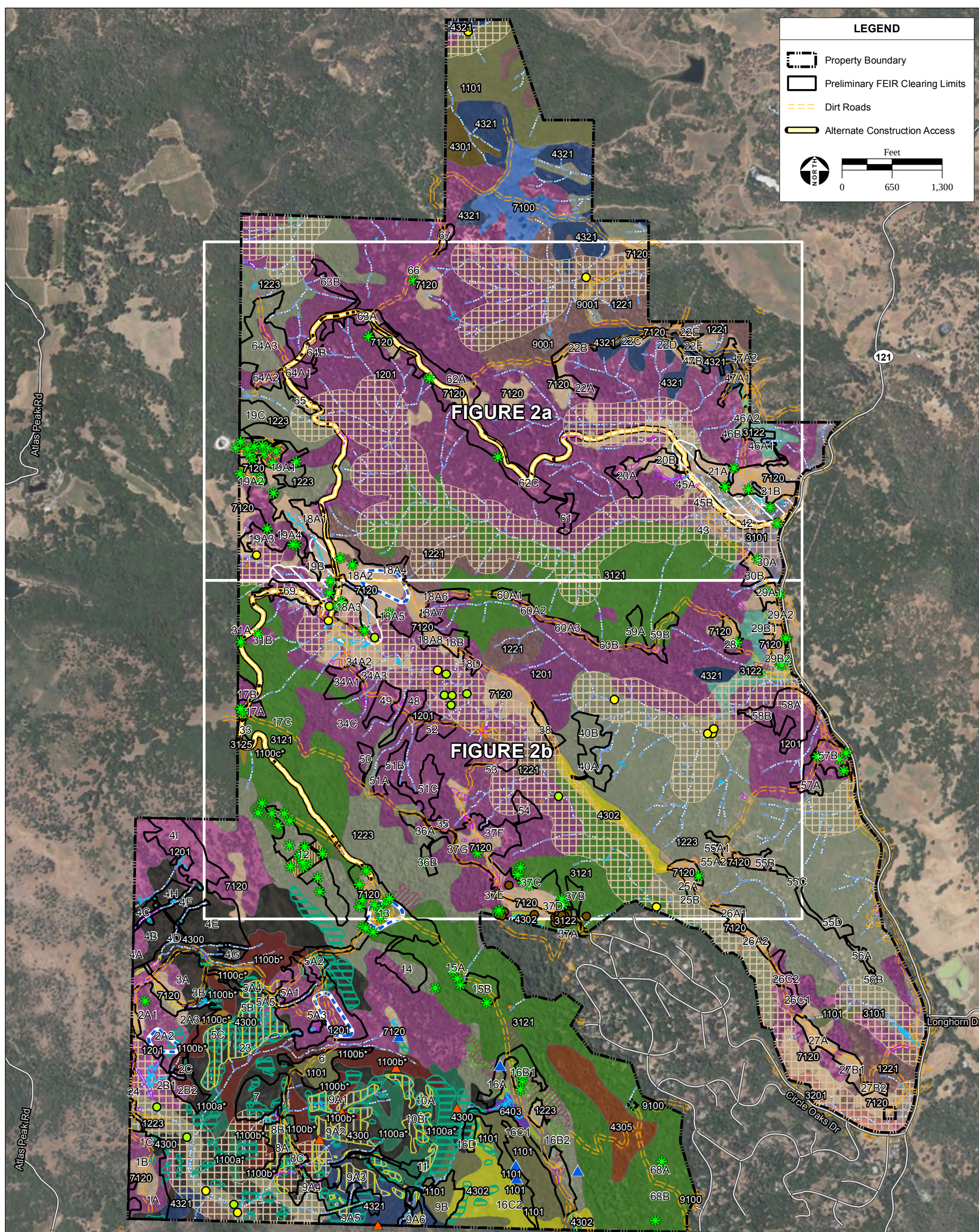
5.0 REFERENCES

AES, 2014. Draft Environmental Impact Report, Walt Ranch Erosion Control Plan Application #P11-00205-ECPA. Prepared by AES. July 2014.

AES, 2015. Confidential Technical Memorandum RE: Walt Ranch Alternative Access Points – Constraints Evaluation. From Charlane Gross, RPA and Marc Beccio. September 8, 2015. On file with Napa County PBES.

AES, 2016. Confidential Technical Memorandum. From Charlane Gross, RPA. January 15, 2016. On file with Napa County PBES.

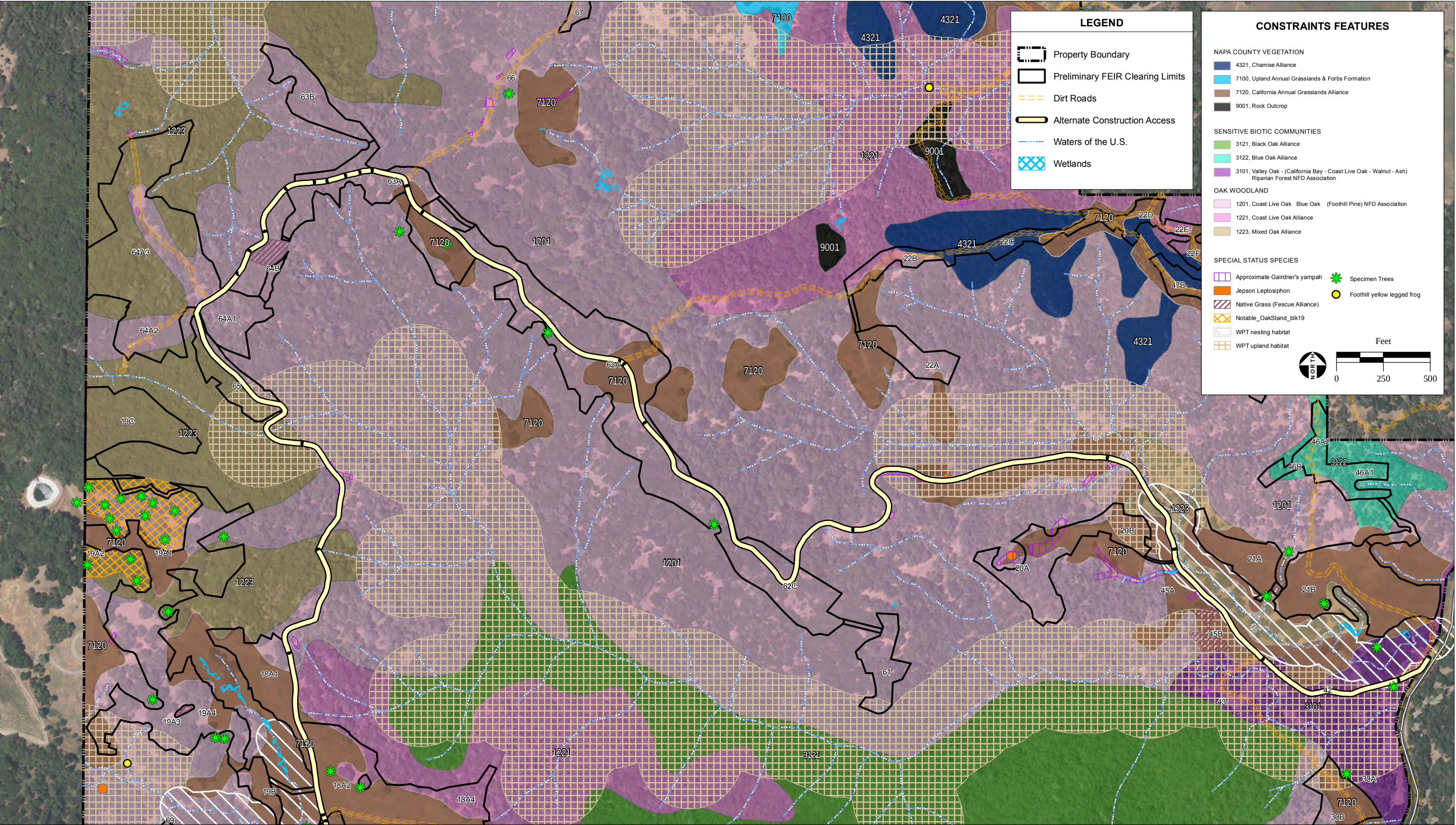
Napa County RCD, 2013. Walt Ranch Road Sedimentation and Erosion Potential Evaluation. February 11, 2013.



CONSTRAINTS FEATURES

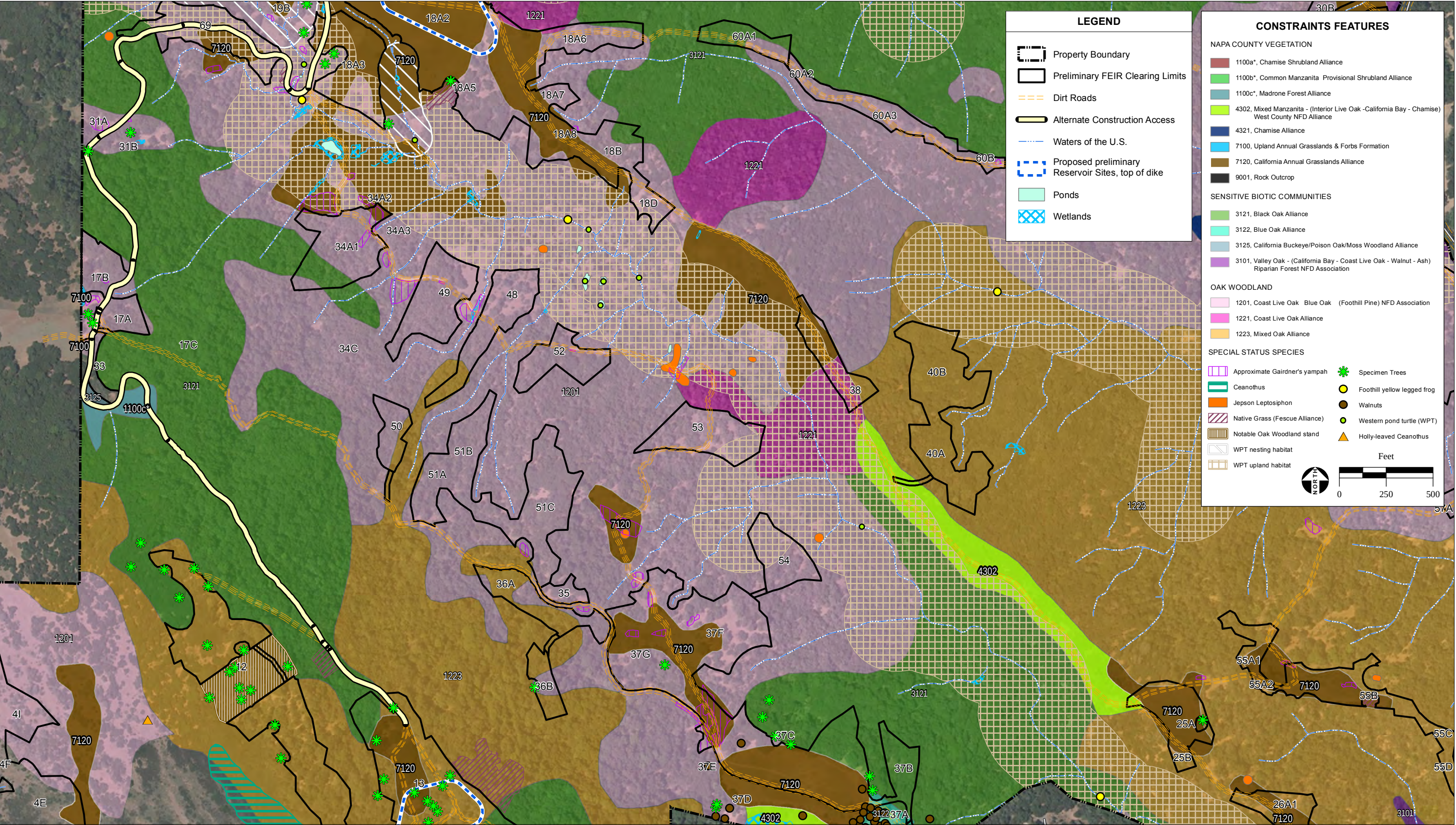
NAPA COUNTY VEGETATION		SENSITIVE BIOTIC COMMUNITIES		SPECIAL STATUS SPECIES			
	1101, California Bay/Coast Live Oak/ (Madrone/Black Oak/Big Leaf Maple) Mapping Unit		6403, (Carex spp. - Juncus spp. - Wet Meadow Grasses) NFD Super Alliance		Approximate Gairdner's yampah		Specimen Trees
	1100a*, Chamise Shrubland Alliance		3121, Black Oak Alliance		Approximate green monardella		Narrow Leaved Daisy
	1100b*, Common Manzanita Provisional Shrubland Alliance		3122, Blue Oak Alliance		Brodiaea		Redwood Lily
	1100c*, Madrone Forest Alliance		3125, California Buckeye/Poison Oak/Moss Woodland Alliance		Ceanothus		Foothill yellow legged frog
	3201, White Alder (Mixed Willow - California Bay - Big Leaf Maple) Riparian Forest NFD Association		3101, Valley Oak - (California Bay - Coast Live Oak - Walnut - Ash) Riparian Forest NFD Association		Dwarf Downigia		Walnuts
	4300, Sclerophyllous Shrubland Formation	OAK WOODLANDS			Jepson Leptosiphon		Western pond turtle (WPT)
	4301, Scrub Interior Live Oak - Scrub Oak - (California Bay - Flowering Ash - Birch Leaf Mountain Mahogany - Toyon - California Buckeye) Mesic East County NFD Super Alliance		1201, Coast Live Oak Blue Oak (Foothill Pine) NFD Association		Napa bluecurts		
	4302, Mixed Manzanita - (Interior Live Oak - California Bay - Chamise) West County NFD Alliance		1221, Coast Live Oak Alliance		Native Grass (Fescue Alliance)		
	4305, White Leaf Manzanita - Leather Oak - (Chamise - Ceanothus spp.) Xeric Serpentine NFD Super Alliance		1223, Mixed Oak Alliance		Notable Oak Woodland stand		
	4321, Chamise Alliance				Notable_OakStand_blk19		
	7100, Upland Annual Grasslands & Forbs Formation				WPT nesting habitat		
	7120, California Annual Grasslands Alliance				WPT upland habitat		
	9001, Rock Outcrop						
	9100, Urban or Built-up						

Figure 2
Alternative Construction Access



SOURCE: Napa County, 2006; PPI Engineering, 2013; AES, 5/16/2016

Figure 2a
Alternative Construction Access



SOURCE: Napa County, 2006; PPI Engineering, 2013; AES, 5/16/2016

Figure 2b
Alternative Construction Access

ATTACHMENT C

GROUNDWATER MEMORANDUM



MEMORANDUM

June 10, 2016

To: Annalee Sanborn
Analytical Environmental Services (AES)

From: Anthony Hicke and Richard C. Slade
Richard C. Slade & Associates LLC

Job No. 263-NPA07

Re: Response to Comments
Walt Ranch Final Environmental Impact Report (FEIR)

Included herein are responses to comments by others regarding the Final Environmental Impact Report (FEIR) by AES (AES 2016). The comments reviewed herein were those posted on the Napa County PBES Walt Ranch website (<http://countyofnapa.org/PBES/WaltRanch>) under the filename "FEIR-Comments-04-04-2016.pdf", accessed via the link titled "April 4, 2016 Public Hearing FEIR Comments". Note that RCS responds herein only to comments by others related to the groundwater conditions that have been described in our various reports and Memoranda prepared for the Walt Ranch EIR process.

Letter from the Law Offices of Thomas Lippe

In the comment letter from the law offices of Thomas Lippe (Lippe), comments related to groundwater are referenced as Exhibit 1 ("Ex 1") in the Lippe letter which is a letter prepared by Kamman Hydrology & Engineering, Inc, dated April 2, 2016 (Kamman 2016). Below, our responses are organized in the same order they are presented in the Lippe and Kamman 2016 letters.

1. Lippe Comment 1a – *"The EIR mischaracterizes the rate of groundwater recharge on the Project site. (Ex 1, pp. 2-7.)"*
 - o Kaman Comment 1 - *Unmitigated Impacts to Groundwater and Milliken Reservoir Watershed* (Kamman 2016 pp 2 to 3)

Kamman states that "the project proposes to withdraw (pump) more groundwater annually than is replenished by recharge" and re-states the most conservative estimate of groundwater



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recharge presented in the FEIR. Kamman then goes on to assert that, because of this perceived groundwater extraction that exceeds recharge, the Walt Ranch property does not meet the requirements of Napa County's Water Availability Analysis (WAA). All groundwater recharge estimates provided in the DEIR, in the FEIR, and in the various reports and memoranda prepared by RCS included only the estimated recharge in the volcanic rocks that underlie the Walt Ranch property. This represents only roughly 1/3 of the Walt Ranch property.

In Appendix Q of the FEIR (RCS 2015) Memorandum titled "response to comments, Walt Ranch DEIR"), an explanation is provided that the estimated 161 acre-feet/yr (AF/yr) of groundwater recharge is conservative, due to the use of two conservative assumptions, as follows:

- o RCS used a conservative rainfall estimate of 35 inches per year to calculate the recharge rate of 161 AF/yr. Data presented in FEIR Appendix Q, under the heading "Rainfall" (RCS 2015 pp. 11-12), provided a detailed discussion of rainfall totals for the Walt Ranch property, and showed "that an annual average rainfall estimate of 35 inches is a conservative estimate for the Walt Ranch area" (RCS 2015 p. 11). FEIR Appendix Q, Table B (RCS 2015), provides a summary of these rainfall data in table form.
- o RCS also used a conservative estimate of rainfall recharge percentage of 7% to calculate a recharge rate of 161 AF/yr. Data presented in FEIR Appendix Q, under the heading "Estimate of Groundwater Recharge as Percentage of Rainfall" (RCS 2015 pp. 13-15), provided numerous references to supports a 7% to 9% estimate of rainfall recharge as being conservative. These various sources are also summarized in FEIR Appendix Q, Table B (RCS 2015), wherein the ranges of calculated groundwater recharge volume for volcanic rock at the Walt Ranch property are shown to range from a low of 161.3 AF/yr to a high of 276.5 AF/yr, depending on the rainfall dataset used and on the estimate of deep percolation of rainfall.

In addition, due to other project mitigations unrelated to groundwater, it has been reported to RCS that the final, mitigated vineyard acreage for the Walt Ranch project will be less than 242 acres of vines, and will likely be as low as 210 acres of vines. This will further reduce the groundwater demand for the project to less than 161 AF/yr. Groundwater demand was calculated using a unit



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demand of 0.5 AF/yr per acre of vines, plus 40 AF/yr for frost protection, in FEIR Appendix D (RCS 2014). Therefore, the revised water use for the mitigated project is:

$$(0.5 \text{ AF/yr per vine-acre}) \times (<242 \text{ acres of vines}) + 40 \text{ AF/yr frost protection} = <161 \text{ AF/yr}$$

If the final vineyard acreage is 210 acres of vines, then the revised water use will be as follows:

$$(0.5 \text{ AF/yr per vine-acre}) \times (210 \text{ acres of vines}) + 40 \text{ AF/yr frost protection} = 145 \text{ AF/yr}$$

Therefore, as mitigated, the groundwater demand for the currently-proposed project is less than the most conservative estimate of groundwater demand shown on Table B, FEIR Appendix Q (RCS 2015), and hence the project will not “withdraw (pump) more groundwater annually than is replenished by recharge” (Kamman 2016). Further, to address the inherent uncertainty in the range of values shown on FEIR Appendix Q Table B (RCS 2015), a robust Groundwater Mitigation and Monitoring Plan (GWMMP) has been proposed for the Walt Ranch project, as described in FEIR Appendix R. That GWMMP has been updated since issuance of the FEIR at the request of Napa County, as a result of meeting between RCS and COCWD on May 19.

2. Lippe Comment 1a – *“The EIR mischaracterizes the rate of groundwater recharge on the Project site. (Ex 1, pp. 2-7.)*

- o Kaman Comment 2 - *Estimate of Groundwater Recharge as Percentage of Rainfall* (Kamman pp. 4 to 7)

Kamman discusses each of the recharge percentage references in FEIR Appendix Q Table B (RCS 2015), and presents his opinion of the validity of each of the sources. Below are corrections/comments to invalid and/or misleading statements in Kamman 2016 for each of those references, where applicable (the list below preserves the list order of Kamman 2016):

- a) (USGS 1977) - RCS agrees that the estimate herein is an average rate for the entire watershed, as clearly stated in the USGS 1977 reference. This statement does not affect any calculation presented by RCS in FEIR Appendix Q (RCS 2015)
- b) (USGS 2003) – The recharge rate derived from this reference is indeed a calculation using data provided in the reference. This statement does not affect any calculation presented by RCS in FEIR Appendix Q (RCS 2015). Further, the calculation is described in detail on page 2-13 of Stetson 2009; this reference provided a higher recharge rate of 10.5% for



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rocks of the Sonoma Volcanics. That calculation was accepted and applied in the BHFS 2011 reference, described in FEIR Appendix Q (RCS 2015).

- c) (BHFS 2011) – Kamman 2016 has misinterpreted and misrepresented the information on page 2-13 of Stetson 2009. The text of Stetson 2009 expressed concern that their site specific methodology of calculating underflow may be “double counting” recharge assumptions that they included in their site specific water balance. Stetson 2009 opined for their site specific water balance estimates that “one-half of the recharge from the east by be included in underflow from the north”. To address that uncertainty in their site specific water balance, Stetson 2009 reduced their estimate of recharge to the site “from the east” by 50%. Stetson 2009 neither suggested that USGS 2003 water balance was flawed, nor suggested that 5% is an appropriate estimate of rainfall recharge for the Milliken Creek watershed.
- d) (LSCE&MBK 2013) - As stated on page 96 of LSCE&MBK 2013, “Regulation on other streams [other than Conn Creek] was considered insignificant due to the size of the reservoir and because the water budget was summarized on an annual time-step”. Hence, LSCE&MBK 2013 did consider the potential impact of reservoir impoundment in their analysis. Importantly, the water budget analyses in the LSCE&MBK 2013 report are considered conservative because: “Measured streamflow data were not separated into surface runoff and subsurface discharge components in this [LSCE&MBK 2013] analysis. Consequently, the runoff component in the water balance model may be overestimated.” (p 81, LSCE&MBK 2013). Overestimated runoff in a water balance results in an underestimate of rainfall recharge percentage. Hence, the deep percolation estimate by LSCE&MBK 2013 is a reasonable estimate.
- e) (Nonner 2002) – The purpose of including this reference was to illustrate the ability of hard, volcanic flow-type basaltic rocks to exhibit a deep percolation percentage of 10% or more. Kamman 2016 attempts to cast doubt on the ability of volcanic flow rocks to deep percolate rainfall at such percentages throughout his referenced comment letter, and cites various sources that suggest the Sonoma Volcanic tuffs are more water-bearing than the harder flow-type rocks of the Sonoma Volcanics. The ability of harder flow-type rocks to deep percolate and transmit water to wells is evidenced by site-specific pumping tests at the Walt Ranch property, and the Circle S property.



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Kamman 2016 speculates that the volcanic flow rocks of the Sonoma Volcanics in the area of Walt Ranch exhibit hydraulic conductivity values of 10^{-4} feet per day (ft/day), and quotes general estimates of geologic material properties represented in USGS 1979; he further asserts that these values are representative of the volcanic rocks at the Walt Ranch property. FEIR Appendix D (RCS 2014) discusses RCS-calculated values of key aquifer parameters obtained by RCS specifically from data collected during the pumping test of Well WR-3 at the Walt Ranch property. Included in these calculations are values for transmissivity. Various transmissivity values were calculated using various different analytical solutions. Using those transmissivity calculations presented in FEIR Appendix D (RCS 2014), the hydraulic conductivity of the aquifer system(s) supplying Well WR-3 can be calculated. The transmissivity of an aquifer is related to its hydraulic conductivity (as described in Fetter 1988) as follows:

$$T = Kb$$

Where: K = hydraulic conductivity in gallons per day per square foot (gpd/ft²)
 T = transmissivity in gallons per day per ft (gpd/ft)
 b = aquifer thickness

As stated on page 30 of FEIR Appendix D (RCS 2014), a saturated aquifer thickness (b in the equation above) of 230 ft was used at Walt Ranch for the determination of the WR-3 transmissivity values.

Table 1 – Calculated Hydraulic Conductivity Values – Walt Ranch

FEIR Appendix D (RCS 2014) WR-3 calculated transmissivity (T, gpd/ft)	Hydraulic conductivity (K = T/b, gpd/ft ²)	Hydraulic conductivity (K, ft/day)
1963	8.5	1.2×10^0
2145	9.3	1.2×10^0
240	1.0	1.3×10^{-1}
868	3.4	4.6×10^{-1}
500	2.2	2.9×10^{-1}



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These calculated values are three to four orders of magnitude larger than the 10^{-4} ft/day values proposed by Kamman 2016 (which were based on general estimates by USGS 1973). Even if a theoretical, more liberal aquifer thickness (b) of say 500 ft were applied to the above calculations, K values for the fractured rock aquifers beneath Walt Ranch would still be one to two orders of magnitude larger than those proposed in Kamman 2016.

These higher hydraulic conductivity values are also corroborated in the Napa County WAA 2015 document. Therein, Table F-4 shows an estimate of the hydraulic conductivity for "Fractured Basalt (e.g., Sonoma Volcanics) of 10^{-2} to 10^2 ft/day, much higher than the 10^{-4} ft/day proposed by Kamman 2016.

Since 1983, RCS has been involved with the design and construction of scores of wells in similar volcanic rocks throughout Napa, Sonoma, and Lake counties; this includes construction and testing of wells at the Circle S Ranch, which adjoins Walt Ranch; most of the productive wells tested by RCS have been in the hard basaltic and andesitic flow rocks of the Sonoma Volcanics. However, providing the locations, construction details, and testing results of these offsite wells would violate the confidentiality of our clients. Importantly, the construction details, locations of, and testing data, including derived transmissivity values, for wells at the Walt Ranch property and the nearby Circle S property are presented for review in FEIR Appendix D (RCS 2014). Those Walt Ranch and Circle S wells are shown to pump at rates ranging from 50 gallons per minute (gpm) to rates as high as 300 gpm. To suggest that the volcanic rocks beneath the Walt Ranch property (and the Circle S property) are rocks with hydraulic conductivity values as low as have been conjectured by Kamman 2016 would completely ignore the testing data and analyses presented throughout the FEIR, particularly FEIR Appendix D (RCS 2014). This same issue is also discussed in detail on page 28 of FEIR Appendix Q (RCS 2015), in response to Comment O22-042, also by Kamman (FEIR Comment Letter No. O22).

As with any analysis that relies on assumptions, there are unavoidable, inherent uncertainties in the groundwater analyses presented for the Walt Ranch EIR. To address the inherent uncertainty in these analyses, a robust Groundwater Mitigation and Monitoring Plan has been proposed for the Walt Ranch project, as described in FEIR Appendix R.



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3. Lippe Comment 1b – *“The EIR mischaracterizes the hydraulic connection between groundwater to be pumped for the Project and groundwater in the Milliken Sarco Tulocay (“MST”) Groundwater Deficient Area. (Ex 1, pp. 7-11.)”*
- o Kamman Comment 3 - *Hydrologic Connection to MST Study Area* (Kamman 2016 pp. 4 to 7)
 - *Response to Reason 1: Groundwater Flow Direction between Walt Ranch and MST Area*

Kamman 2016 provides misleading and incorrect interpretations of Response 12 in the FEIR response to comments. A majority of the data restated in Response 12 agree with data presented in the reports and/or Memoranda prepared by RCS for the Walt Ranch EIR process. In fact, FEIR Response 12 references the same “west-southwest” groundwater flow direction in the vicinity of Walt Ranch from DEIR Appendix D (RCS 2014) that is referenced in the Kamman 2016.

However, Kamman 2016 compares disparate water level data collected over a period of more than 10 years to create his “compilation of available water level information.” These water level data include a single water level collected by RCS in 2015 for the well at the Kongsgaard property (the Kongsgaard well is located roughly 2 miles northwest of Walt Ranch Well WR-3), water level data collected by RCS in 2009 from the Walt Ranch wells and the Circle S Ranch wells, as described in the FEIR Appendix D (RCS 2014), and water level data for the years 2000-2002 presented in USGS 2003. Using those data, on Figure 2 of the Kamman 2016 letter, Kamman presents an interpretation of the groundwater flow direction (represented by an arrow) between the Kongsgaard property and the contours developed by RCS for 2009 water level data presented in FEIR Appendix D (RCS 2014). It is not sound geologic practice to interpret groundwater flow directions using water level elevation data collected from such disparate dates (2015 and 2009). Further, it is not possible to determine a groundwater flow direction using a single water level data point, as proposed on Figure 2 of the Kamman 2016 letter, in which a groundwater flow direction is shown to flow to the south from the Kongsgaard property, directly toward the Circle S Ranch property.

Information provided by Kamman 2016 regarding groundwater flow directions is not contradictory to the information presented in FEIR Appendix Q (RCS 2015) under the section titled “Lack of Walt Ranch, Milliken-Sarco-Tulucay (MST) Area Connection / Impacts to MST”. Further, the discussion in FEIR Appendix Q (RCS 2015) of groundwater flow information from USGS 2003 is



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not misleading. The discussion illustrates the fact that underflow into the MST area is likely derived from the entirety of the MST boundary contact with the Howell Mountains, and not solely from underflow from the north. The purpose of that discussion in FEIR Appendix Q was to show that “based on groundwater flow direction data and estimates of watershed-wide groundwater recharge, the underflow to the MST area from the Milliken Creek watershed is likely derived from the southern portion of the Milliken Creek Watershed near the MST underflow boundary.” (FEIR Appendix Q, RCS 2015). “Therefore, direct hydraulic connection between the Walt Ranch project site and the MST area is unlikely.” (FEIR Appendix Q, RCS 2015).

Kamman 2016 states that “the presence of faults bounding the Milliken Creek watershed also reinforce a southerly flow of groundwater and restrict losses to the west and east.” This is a spurious and vague conclusion. No data are presented by Kamman 2016 that suggest the Soda Creek fault or the Green Valley fault are barriers to groundwater flow. In USGS 2003, the statement is made that “The Soda Creek Fault, on the west side of the study area, is a partial barrier to ground-water movement between storage units 3 and 4” (USGS 2003 pg 40). This quoted statement is only for the portion of the Soda Creek fault within the MST study area, and not for the entire length of the Soda Creek fault.

4. Lippe Comment 1b – *“The EIR mischaracterizes the hydraulic connection between groundwater to be pumped for the Project and groundwater in the Milliken Sarco Tulocay (“MST”) Groundwater Deficient Area. (Ex 1, pp. 7-11.)”*
 - o Kamman Comment 3 - *Hydrologic Connection to MST Study Area* (Kamman 2016 pp. 4 to 7)
 - *Response to Reason 2: Imbalance in Groundwater Recharge and Underflow to MST Area*

In this section, Kamman again appears to confuse the information presented in the text of the USGS 1977. In FEIR Appendix Q (RCS 2015), RCS provides an estimate of the underflow recharge into the MST that might come from underflow from the Milliken Creek watershed. This was based on the estimate in USGS 1977 for underflow into the MST, and included dividing that underflow length by the length of the boundary between the Howell Mountains and the MST area; the estimated recharge from underflow is ± 640 AF/yr. This is explained in detail on page 19 FEIR Appendix Q (RCS 2015). Kamman 2016 then uses that figure to calculate a 2% recharge rate for



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the Sonoma Volcanics, a rate different from the calculated in Kamman's DEIR comment letter (FEIR Comment Letter No. O22).

Groundwater recharge calculations presented in Kamman 2016 again rely on an unsupported assumption that the 2,100 AF/yr of subsurface flow from the Howell Mountains into the MST study area estimated by Johnson (USGS 1977) *represents the total groundwater recharge that occurs within the Howell Mountains*. The MST studies (USGS 1977, USGS 2003) do not state or suggest that the underflow into the MST area represents all of the groundwater that exists within the volcanic rocks of the Howell Mountains. This issue is discussed on pages 13 and 14 in the FEIR Appendix Q (RCS 2015).

Kamman 2016 poses the question "What happens to the other 2058 AF/yr (2688 AF/yr minimum +/- 630 AF/yr) of water that recharges within the Milliken Creek watershed?" in response to watershed-wide calculations presented in FEIR Appendix Q (RCS 2015). Abundant, watershed-wide water level elevation data are not available (and likely do not exist); such data are necessary to create watershed-scale groundwater elevation contour maps, and to describe the subsurface movement of groundwater at the margins of the Milliken Creek watershed and within the extensive exposure area of the Sonoma Volcanics. The Sonoma Volcanics extend far west of the Walt Ranch project site, and extend to the east, outside of the margins of the Milliken Creek watershed (see Figure D1, FEIR Appendix Q [RCS 2015] as an example). Each of these areas represents possible areas in which the groundwater within the Milliken watershed could potentially flow.

5. Lippe Comment 1b – *"The EIR mischaracterizes the hydraulic connection between groundwater to be pumped for the Project and groundwater in the Milliken Sarco Tulocay ("MST") Groundwater Deficient Area. (Ex 1, pp. 7-11.)"*

- o Kaman Comment 3 - *Hydrologic Connection to MST Study Area* (Kamman 2016 pp. 4 to 7)

- *Response to Reason 3: Nature of Fractured Volcanics beneath Project Site*

Kamman 2016 again re-states the position Kamman offered in DEIR response Comment No. O22 that the "...more heterogeneous aquifer would limit the amount of interconnected aquifer storage and water available to pumping wells." Kamman 2016 continues, "However, this does not preclude the movement of water beneath and away from the site towards the MST study area,



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especially in higher permeable layers.” On page 5 of their letter, Kamman 2016 proposes a very low hydraulic conductivity of 10^{-4} ft/day for the geologic materials mapped at the Walt Ranch site. It is unclear if Kamman 2016 interprets the “higher permeable layers” to exist beneath the Walt Ranch site or not. If so, then a hydraulic conductivity of 10^{-4} ft/day is not representative of the Walt ranch property, and is in direct conflict with his opinion that “higher permeable layers” move water away from the Walt Ranch property.

On page 10, Kamman 2016 states “The amount and degree of interconnectedness of fractures within and between volcanic layers of higher and lower permeability defines the amount of aquifer storage beneath the site.” Groundwater in storage was discussed in FEIR Appendix Q (RCS 2015). A conservative value of specific yield of 2% was used to calculate groundwater in storage. This statement does not assume that the aquifer is “fully interconnected and homogenous aquifer”. In fact, as discussed on page 23 of FEIR Appendix Q (RCS 2015), USGS 1960 suggests a specific yield value of 3% to 5% is appropriate for the Sonoma Volcanics. A conservative specific yield value of 2% was used by RCS to account for the heterogeneous and anisotropic nature of the volcanic rock aquifers beneath the Walt Ranch property.

RCS implemented conservative estimates of rainfall, rainfall recharge percentage, and specific yield estimates throughout the Walt Ranch EIR analyses. The conservative estimates were implemented to account for the inherent uncertainty when calculating estimates of groundwater availability. Nevertheless, a robust Groundwater Monitoring and Mitigation Plan has been proposed for this project, as described in FIER Appendix R.

Bernadette Brooks, Laurence Carr

The aforementioned commenters and a few other commenters mention the need for drought analysis using “more frequent and longer duration droughts”. FEIR Appendix Q (RCS 2015) includes a discussion on the “Possible Effects of ‘Prolonged Drought’” on page 18 therein.

Greg Gale

Responses to comments related to groundwater from Mr. Greg Gale are provided below, preserving the numbering scheme from Mr. Gale’s letter.

3. Mr. Gale contends that the FEIR has “82 pages of additional and new groundwater analysis...” and that the information “should have been included in the DEIR...”. It is unclear what portions of the FEIR to which Mr. Gale is referring, but Appendix Q (RCS 2015) is a document that



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includes direct responses to specific questions raised by comments submitted in response to the DEIR, and not new groundwater analyses. As such, inclusion with the original DEIR is clearly not possible. Furthermore, the responses did not provide significant new information, which is defined by CEQA as a "new significant environmental impact... or a substantial increase in the severity of an impact." (CEQA Guidelines Section 150885)

4. FEIR Appendix Q (RCS 2015) included a detailed discussion on the "Possible Effects of 'Prolonged Drought'" on page 18 therein.
5. A list of potential mitigation measures over and above "shifting groundwater production to other onsite wells" is provided in FEIR Appendix R.

David Heitzman

Mr. Heitzman states that "It should be noted that Circle Oaks Water District has 189 water hookups, not the 150 as stated in the EIRs and that Circle Oaks is not built out and must be able to provide for future homes." FEIR Appendix Q (RCS 2015) states on page 7 "COCWD reports that there are 189 connections that are served water by COCWD." This information was provided to RCS by COCWD, and was used in the groundwater analyses performed by RCS.

Living Rivers Council

This commenter discusses "groundwater pumping impacts in the MST." Walt Ranch is not located within the County-designated MST groundwater deficient area, as discussed in FEIR Appendix Q (RCS 2015) under the heading "Lack of Walt Ranch, Milliken-Sarco-Tulucay (MST) Area Connection / Impacts to MST" (page 23 therein).

First Letter From Provencher & Flatt, LLP, dated April 4, 2016

This commenter states that there was no provision for monitoring offsite wells proposed as part of the mitigation measures for the project; this is not correct. FEIR Appendix R includes monitoring of the offsite COCWD vertical and horizontal wells as part of the proposed Groundwater Monitoring and Mitigation Program (GWMMP). Further, since issuance of the FEIR Appendix R GWMMP, RCS met with COCWD on May 19, 2016 at the request of Napa County. During that meeting, it was determined that COCWD, and not RCS, would perform the necessary monitoring of COCWD infrastructure as outlined in the updated FEIR Appendix R GWMMP.

This commenter also states that "...the mitigation merely monitors and reports, it does not describe specific methods for mitigating the loss of water to Circle Oaks' residents." Specific



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mitigation measures that include mitigations for loss of water are listed on page 13 of the FEIR Appendix R GWMMP.

This commenter also states that "...the mitigation merely monitors and reports, it does not describe specific methods for mitigating the loss of water to Circle Oaks' residents." Specific mitigation measures that include mitigations for loss of water are listed on page 13 of the FEIR Appendix R GWMMP. Each of the mitigation measures listed are already included as part of the FEIR Appendix R GWMMP as follows:

- o The Provencher & Flatt letter requests "Provisions for additional water-level monitoring in the aquifers underlying the Project... Mitigation measures should be added to a revised DEIR to include the drilling and completion of "sentry wells" at the property boundary that would be placed in proximity to the offsite wells at the Circle S Ranch and the COCWD wells. These sentry wells should be monitored, along with the other proposed monitoring in Mitigation Measure 4.6-4, and the data should be submitted to the County (and to the adjacent well owners) for evaluation. If water levels were to drop below an agreed-upon trigger level, pumping in the Project wells would have to be restricted or abated.
 - Three groundwater monitoring wells are proposed for the project to be included as part of the monitoring plan as described on page 10 of the FEIR Appendix R GWMMP. The locations proposed for the groundwater monitoring wells are shown on Figure 1 of the GWMMP.
- o The letter from Provencher & Flatt states that "A trigger level should be established in a Memorandum of Understanding between the Project applicant and the County."
 - A description of the process needed to develop an appropriate trigger point by the County is described on page 12 of the FEIR Appendix R GWMMP.
- o "The DEIR should be revised to include a Groundwater Management, Monitoring, and Mitigation Plan that would provide for monitoring of static water levels in the Sonoma Volcanics Aquifer in three newly constructed sentry wells and in wells that are operated by adjacent land owners, including the Circle S Ranch and the COCWD wells. The trigger level should be agreed upon, and



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memorialized in the MOU, in consultation with stakeholders to include the Circle S Ranch and the Circle Oaks community.”

- As described in the two bullets above, three groundwater monitoring wells are proposed for the project to be included as part of the monitoring plan as described on page 10 of the FEIR Appendix R GWMMP. The locations proposed for the groundwater monitoring wells are shown on Figure 1 of the GWMMP. A description of the process needed to develop an appropriate trigger point by the County is described on page 12 of the FEIR Appendix R GWMMP.

Second Letter from Provencher & Flatt, LLP, dated April 4, 2016

This second letter appears to be almost identical to the first letter, with some possible slight additions and revisions. This comment letter included a section not found in the first letter that seems to imply that the Walt Ranch EIR uses “mitigation measures as a device to avoid disclosing project impacts.” Potential groundwater impacts on COCWD infrastructure were indeed analyzed as part of the original RCS 2014 report (FEIR Appendix D), and COCWD-specific theoretical drawdown monitoring points were included as part of those analyses (FEIR Appendix D, RCS 2014 Figure 11). In addition, those analyses were re-calculated using the revised COCWD infrastructure location information, as described on page 29 in FEIR Appendix Q (RCS 2015), and as illustrated on Table D and Figure B therein.

The letter also states that “He [Jed Welsh of COCWD] notes one Project well is 400 ft. deep with a water level at 200 ft. and another is 900 ft. deep with a water level of 450 ft. The District wells are far shallower.” None of the Walt Ranch Wells are 900 ft deep. Construction details for the wells are shown on Table 3A of FEIR Appendix D (RCS 2014). Importantly, comparing well depths without comparing the elevation of the wellheads is not appropriate and is not accurate. As an example, the bottom of the deepest perforated interval in Walt Ranch well WR-3 is 580 ft below ground surface (ft bgs), and the wellhead has a ground surface elevation of approximately 2000 ft above sea level (ft asl). Hence the elevation of the bottom of the deepest perforations in well WR-3 is 1420 ft asl. In comparison the bottom of the deepest perforated interval in COCWD Well 1 is at an elevation of approximately 1385 ft asl (115 ft bgs); the elevation of the COCWD Well 1 wellhead is roughly 1500 ft asl. Hence, the bottom of the perforations in COCWD well are actually lower in elevation than the bottom of the perforations in Walt Ranch well WR-3.



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First Letter, Napa Sierra Club, April 1, 2016

The letter states the following: "Ground water impacts: There is an entire report presented as Appendix Q to the FEIR that was not available for review in the DEIR. This presents substantial new data and conclusions regarding impacts to groundwater." Appendix Q (RCS 2015) is a document that includes direct responses to specific questions raised by comments submitted in response to the DEIR, and not new groundwater analysis. Further, the public did respond to FEIR Appendix Q (RCS 2015), as described throughout this comment response document. The responses in Appendix Q (RCS 2015) did not provide significant new information, which is defined by CEQA as a "new significant environmental impact... or a substantial increase in the severity of an impact." (CEQA Guidelines Section 150885)

Second Letter, Napa Sierra Club, April 4, 2016

The numbering scheme below is preserved from the referenced letter.

2. Water Balance; 2a. Water usage

This letter disputes the number of COCWD connections described in the FEIR, and states that future connections could be possible. FEIR Appendix Q (RCS 2015) states on page 7 "COCWD reports that there are 189 connections that are served water by COCWD." This information was provided to RCS by COCWD and was used in the groundwater analyses performed by RCS.

2. Water Balance; 2b. Groundwater recharge rates under conditions of climate change

The letter states that: "Estimation of sustainable rates of groundwater withdrawal cannot rely on past averages. While general effects of climate change, such as warmer weather, more intense storms and sea level rise, are widely agreed upon, the effects on microclimates are less certain. I am including a scientific paper which attempts to model the bay area climate over the next several decades". The letter included a referenced journal article titled "Downscaling Future Climate Projections to the Watershed Scale: a North San Francisco Bay Estuary Case Study" by Elisabeth Micheli, Lorraine Flint, Alan Flint, Stuart Weiss, and Morgan Kennedy, published in San Francisco Estuary and Watershed Science, Dec, 2012 (Micheli 2012).

RCS understands that there are concerns regarding climate change, with respect to estimates of future precipitation. While climate models are in general agreement that



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average temperatures are increasing over time, estimates of future precipitation are less reliable. As stated in the conclusions of the document referenced by the Napa Sierra Club letter, "There is more uncertainty in projected precipitation trends than in projected temperature trends." (Micheli 2012). Further, that reference also stated: "While general circulation models converge on consistent temperature projections for the region given a range of emissions scenarios, they do not provide consistent projections about future precipitation." Recharge volume analyses presented by RCS include and reference multiple rainfall datasets, and rely on conservative values of average rainfall at the property to address uncertainty in rainfall assumptions.



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ATTACHMENT D

SURFACE WATER MEMORANDUM

To: Jim Bushey, PE, PPI Engineering

From: Thomas W. Smith, PE, GE

Date: May 25, 2016

Re: Discussion of Walt Ranch Hydrology Comments by Kamman Hydrology and Engineering - dated April 2, 2016



I have reviewed the hydrology comments by Kamman Hydrology and Engineering in their letter of April 2, 2016 and have not found anything that's particularly new that we haven't previously addressed in one way or another. However, since these issues have re-surfaced, we can re-summarize and provide the specifics again. The discussions below are offered as suggested responses.

TIME OF CONCENTRATION COMPUTATIONS

In regards to how the time of concentration has been computed, only project drainage modifications that were along the longest hydrologic path were considered in this procedure. Modifications to drainage paths that are off the longest path will not change the time of concentration and therefore are not considered in the computation.

In the cases where there is an improved drain off the longest hydrologic path, there can be a change in the shape of the hydrograph by bringing in some of the runoff sooner (than in the pre-project condition), but it will not increase the peak runoff which only occurs when the entire watershed is contributing (from the most hydraulically distant point). An improved drainage in itself does not create more water and if it's off the longest hydrologic path, it can't increase the peak flow.

The adjustments in drainages WS2 and WS12 to the time of concentration and the lag are because the drainage modifications were along the longest hydrologic path and those changes did shorten the time of concentration. The proposed drains in the other drainages were not along the longest hydrologic path and as a result did not affect the time of concentration for post-project conditions.

RUNOFF CURVE NUMBER (CN) ADJUSTMENTS FOR RIPPING STONY SOILS

CN adjustments for ripping were only made in stony soils where a relatively shallow rock layer was impeding rainfall percolation into the substrate. Surplus surface rocks will be removed. The adjustment to the CN is only made to be commensurate with the predominant soil type that is within that soil series and based on site specific soil mapping where available. We did not make any adjustment when ripping was performed as a purely agricultural practice and took no credit for the lower density of the ripped soils in their post-ripped state.

Documentation for this change in hydrologic soil group and correspondingly lower curve number is included in an NRCS reference.

OFF SITE EROSION AND SEDIMENTATION

We fully understand the impacts that can be caused to the receiving waters by significant changes in hydrology and sediment yields. We agree that increases in the volume and rate of runoff as well as changes in sediment yields can potentially affect the stability of the receiving swales, drainages, creeks and possibly the rivers depending on the relative quantities of each.

Within the Milliken watershed, there is a modest change over the existing runoff conditions to the receiving drainages and Milliken Creek, however, this change is a reduction, not an increase. It is also worth mentioning that most of the receiving streams in the Milliken drainage are bedrock control, so coupled with no increase in runoff peak or duration, no changes or adjustments in stream morphology are expected in any of the drainages and streams downstream of the project.

Within the Capell subwatersheds there are more alluvial based drainages and small streams and there is some evidence of streambank erosion and downcutting that has resulted from previous land use practices.

We are aware of this condition and where there are increases in runoff, even modest ones, mitigation measures are proposed to reduce the post-project runoff to pre-project levels.

ATTACHMENT E

WATER USE MEMORANDUM



RE: Walt Ranch response to comments about water use

Planning Director Morrison,

Thank you for the opportunity to provide some responses to questions about our anticipated water use at the Walt Ranch.

UC Davis sample costs to establish winegrapes in the North Coast 2012

Several comments have stated that in the UC Davis Agricultural & Resource Economics *2012 Sample Costs to establish a vineyard and produce winegrapes North Coast Region, Napa County, Cabernet Sauvignon*, the water use assumptions mentioned in this publication do not directly match the projected water use for the Walt Ranch.

The UC Davis Department of Agricultural & Resource Economics and the UC Cooperative Extension, through the collaboration of local Farm advisors and independent growers has been producing cost studies for winegrapes and various crops since the 1940's to help businesses understand the risk and most current costs/returns associated with farming specific crops in specific areas. These cost studies have most recently involved the Napa Valley Grapegrowers and members of the NVG that farm many properties in various locations with various conditions throughout Napa County. This volunteer group provides actual budget analysis from each one of their vineyards for every activity listed in the study and the median prices of those activities are represented in the final data set. The cost study makes assumptions about spacing, infrastructure, property size, frost protection, pest management, irrigation, cover crop, trellis system, harvest, fertility, etc. All of these assumptions do not actually represent one vineyard, but rather "the hypothetical farm operation" that is described in the assumptions. The Walt Ranch may have some similarities to the costs put forth in this study, but due to the site specific nature of any vineyard project, many items in this cost study should not be applied to our specific farming operation, especially broad assumptions about water use. Effort is made to not dramatically change the assumptions for every iteration of the cost study, so that users can use these reports as a measure of comparing historical costs to current costs.

I have had the pleasure of personally assisting with the development and contributing much of the cost study data for the following reports:

- *2005 Sample Costs to Produce Organic Winegrapes, North Coast Region, Napa County, Cabernet Sauvignon*
- *2009 Sample Costs to Establish A Vineyard and Produce Winegrapes, North Coast Region, Napa County, Cabernet Sauvignon*
- *2012 Sample Costs to Establish A Vineyard and Produce Winegrapes, North Coast Region, Napa County, Cabernet Sauvignon*

It is important to note that in the introduction paragraph and again in the assumptions; the following phrases: “This study is intended as a guide only....practices will not apply to every situation... the costs, materials, and practices shown in this study will not be applicable to all situations. Establishment and cultural practices vary by grower and the differences can be significant. The study is intended as a guide only.”

Drought tolerance of various rootstocks

Vines that will be planted at the Walt Ranch have been carefully matched to the soil conditions across the property. In general, we have selected for more drought tolerant rootstocks that are better acclimated for this site and help us to improve wine quality. In California viticulture we have over 20 different phyloxera resistant rootstocks to choose from that have a variety of different growing characteristics and water use habits. Rootstocks are chosen for each vineyard block that are deep rooted, highly drought tolerant, well adapted for hillside viticulture, and have the ability to survive high water stress. *The below chart illustrates a few of the choices that are available, and in particular note that drought resistance differs wildly between some of our most common rootstocks.*

TABLE 1. Rootstock characteristics							
Rootstock	Parentage	Vigor*	Drought resistance	Lime tolerance†	Salt resistance	Wet feet‡	Soil preference§
				%			
St. George	<i>V. rupestris</i>	H	Var	14	M/H	L/M	Deep, uniform, loam
1616C	<i>V. solonis</i> × <i>V. riparia</i>	L	L	L/M	M/H	H	Deep/fertile
3309C	<i>V. riparia</i> × <i>V. rupestris</i>	L/M	L/M	11	L/M	L/M	Deep, well-drained
44-53	<i>V. riparia</i> × 144M	M	M/H	10	na	H	Loam/good fertility, high Mg
101-14	<i>V. riparia</i> × <i>V. rupestris</i>	L/M	L/M	9	L/M	M/H	Heavy, moist clay
420A	<i>V. berlandieri</i> × <i>V. riparia</i>	L	L/M	20	L	L/M	Fine texture, deep/fertile
5BB	<i>V. berlandieri</i> × <i>V. riparia</i>	M	L/M	20	L/M	Var	Moist clay
5C	<i>V. berlandieri</i> × <i>V. riparia</i>	L/M	L	20	M	Var	Moist clay
1103P	<i>V. berlandieri</i> × <i>V. rupestris</i>	H	H	17	M	H	Adapted to drought, saline soils
110R	<i>V. berlandieri</i> × <i>V. rupestris</i>	M/H	H	17	M	Var	Hillside soils, acid soils, moderate fertility
Freedom	1613 C × <i>V. champinii</i>	H	M/H	M	L/M	L	Sandy to sandy loams
Harmony	1613 C × <i>V. champinii</i>	M/H	Var	M	L/M	L	Sandy loams, loamy sands
Ramsey	<i>V. champinii</i>	VH	H	M	H	L/M	Light sand, infertile soils
O39-16	<i>V. vinifera</i> × <i>V. rotundifolia</i>	H	L	L	L	na	Poor on coarse, sandy soils

* L = low; M = medium; H = high; VH = very high; Var = variable; na = not available.
† Tolerance to lime-induced chlorosis (percent by weight of finely divided calcium carbonate in soil that can be tolerated by the rootstock).
‡ Wet feet = tolerance to excessive moisture caused by poor soil drainage.
§ Actual performance characteristics of these rootstocks on specific soils and scions may vary.
Source: Christensen (2003) and Pongracz (1983).

For Walt Ranch, exhaustive studies have been done on soil chemistry and soil physical properties over the past 10 years. We know the total water holding capacity, effective rooting depth, percent sand/silt/clay/rock and many other factors that affect vine growth and water relations for each area under consideration for planting. Each vineyard block to be planted has been thoroughly investigated, categorized and evaluated for the need for supplemental irrigation. In our soil investigations we have estimated the total soil reserve from winter rainfall and the appropriate rootstock has been preliminarily matched to minimize the need for supplemental summer irrigation.

In addition to the compendium of knowledge about the soil conditions across the property, we also have our existing 6 acres of vineyard on-site that were planted starting in 2006, and are located within the main soil types native to the property. Farming these blocks and experimenting with different water use scenarios for the past 10 years has confirmed that we will be less than or equal to our average stated water use of .5 acre ft/acre of supplemental irrigation.

Water use assumptions for the Walt Ranch Project

In addition to the drought tolerance of our rootstocks the most important factor of water use in a vineyard operation is the amount of solar radiation intercepted by the canopy of grapevines. This interception of solar radiation causes the plant to take up water from the soil and transpire gaseous water through the stomata on a leaf. This process is commonly referred to as Evapo-Transpiration or ET. Specific crops have different water use efficiencies and this can be expressed by their specific crop coefficient (k_c) which is how much water they use compared to a reference Evapotranspiration (ET_o) measurement. This measurement is estimated either on-site from our weather stations, or from the CIMIS (California Irrigation Management Information System) station located in Oakville at the UC Davis Oakville field station and operated by the California Department of Water Resources, and also the CIMIS station located in Carneros. The measurement that we commonly refer to ET_c is a measure of what each vine would be using at a given time under well watered conditions ($ET_c = ET_o \times k_c$).

Generally speaking, more leaf area/light interception = higher potential water use. Although it is commonly cited within our industry, overall crop yield is largely irrelevant to water use. Leaf area, specifically the Leaf Area Index (LAI) is the main driver of a vines water use. Generally speaking, more canopy exposed to more direct sunlight means more water use, and more light interception usually means higher water demand. We are proposing a vertical shoot positioning system which has the lowest K_c compared to other trellis/training styles. For example a vertical shoot positioned vineyard may have a K_c of .45 during the peak of summer, while a California sprawl or Lyre system would have a K_c of .8-.9. When plugged into our equation of total water demand for the crop, these other systems are requiring 40-50% more water for the same vine spacing. We are also optimizing row orientation by block to minimize leaf light interception during the hottest parts of the day. This serves to greatly reduce our measured K_c in the vineyard.

Higher vine counts per acre do not directly increase water usage. Total canopy light interception is the main driver of water usage. Decreasing space between vines (in-row spacing) can actually serve to reduce the overall ET_c , and subsequent water usage per acre. Decreasing space between rows can increase total canopy, which may increase the ET_c .

Winegrapes also have the unique ability to grow under wildly different water use conditions. It is possible to water to 125% of ET_c , 100% of ET_c , 75% of ET_c , and 50% of ET_c , under the same growing conditions and produce no measurable difference in yield. —see figure below from Dr.

Larry Williams work on grapevine water relations at the UC Davis Oakville Field Station.

Table V — Relative yield as a function of applied irrigation amounts (fraction of estimated full ET) at four locations and two cultivars, Cabernet Sauvignon and Chardonnay. All vineyards used a VSP trellis. Values at each location are the mean of three different rootstocks except at Paso Robles, which had five rootstocks, with data collected for a minimum of three growing seasons.

Location	Cultivar	Irrigation Treatment (fraction of estimated ET _c)				
		0.25	0.5	0.75	1.0	1.25
— (percent of maximum weight)* —						
Oakville	Cabernet	77	96	100	99	99
Paso Robles	Cabernet	61	70	81	91	100
Gonzales	Chardonnay	65	81	87	89	100
Edna Valley	Chardonnay	92	90	92	98	100

* The weights of each treatment were divided by the treatment with the greatest weight. The treatment with the greatest weight was set to 100%.

Since vine water use is a function of vine stress level, plant genetics, total vine canopy, and light interception by the canopy, we have designed our project to optimize water use efficiency, which will in turn give us the best wine quality possible.

I have worked with Hall Wines for 9 years and in that time we have employed a wide variety of data gathering tools that we integrate into our strategy of reducing water use in the vineyard. Each one of these tools gives us insight as to the stress level of each block, and allows us to safely use the least amount of water in our vineyard.

- ET modeling for irrigation scheduling
- Weather stations located onsite running full evapotranspiration models
- Pressure chamber measurements for Leaf Water Potential
- Neutron probes/soil moisture probes
- Vineyard Heat mapping with FLIR (forward looking infra-red) tools
- Tule Technologies real-time ET stations
- Dendrometers/Phytogram
- Porometers
- NVDI imagery
- Monitor root growth and uptake efficiency

General Irrigation Practices

Decisions surrounding when to irrigate and how much can be critical for the cultivation of fine wine grapes. As with many other aspects of viticulture, the answer should always be site specific. Irrigation protocols and run times should also be tailored to the water holding capacities of different soil types. Each block and soil change is mapped and characterized as to the specific water holding capacity of these soils, the recharge rate, field capacity, permanent wilting point, and many other key soil factors are all known. This knowledge of the site allows us to use precision irrigation techniques to minimize our water use and maximize our wine quality.

Irrigation Timing:

The timing of irrigation is critical in every year and it is important to approach the season with a plan. It is critical to address water availability throughout the growing season while also

carefully monitoring canopy size and timing of bud break. We time operations early and begin a water deficit program to acclimate the vines for the continuation of a dry season.

Key irrigation times for Hall Wines:

1. Bud break (if needed)
2. Flowering and fruit set
3. Post Hardseed
4. Tail end of veraison,
5. 20-22 degrees brix,
6. As needed in advance of extremely low humidity or high temperature events.

We begin our water deficit program and supplemental irrigation between bloom and veraison, which coincides with the natural drying down of our soils. This irrigation trigger point is determined by several of our irrigation tools (usually a combination of Leaf Water Potentials, visual observations, ET modeling, and soil moisture probes). Using these different tools over the years has allowed us to get away from the “weekly” watering schedule, and move towards watering 4-6 times per year. Without this type of monitoring, typical watering schedules may be each week throughout the growing season.

Irrigation Methods:

Decisions surrounding irrigation methods in a drought year should be made with careful consideration and planning. We have found that it has been very successful to water less frequently, with slightly larger volumes of water to achieve a significant reduction in our water usage. This method is commonly used in vineyards that are looking to reduce their overall water usage and it is a very effective tool. We install double poly in our blocks to significantly minimize water use. This type of system is essentially a second drip system that waters only the weakest of the vines in a block which are often less than 15% of the total vine count. By delivering water only to those weak vines we are able to withhold 2-3 (frequent) irrigation events that would have gone out to the entire block. While this system is a great capital cost to us, we are committed to improving irrigation efficiency. Many growers are forced to water to the “lowest common denominator” of plant health if they do not have a “double poly” system, which may lead to excessive water use and decreased wine quality. We also try to force roots to mine additional areas of soil volume for residual winter water by decreasing the frequency of our supplemental irrigations.

In terms of water use and conservation, we are very aware and proactive in executing practices that will promote smaller vines. The critical cultural practices that favor conserving water in our vineyards are:

1. We do not encourage excess canopy growth.
2. We address soil nutrition issues with excessive growth in-mind; we do not want to encourage additional canopy growth.
3. We do all canopy operations early and often to keep actual Evapotranspiration to a minimum.
4. We reduce shoot growth to target 15-18 nodes per shoot, and remove laterals and young leaves that are not drought tolerant.
5. Foliar fertilizer applications can be applied to minimize the effects of high stress, and condition our vines to use less water. This in-turn also leads to increased wine quality.

In Summary:

- We are using drought tolerant rootstocks
- Planting to smaller trellis (reducing overall canopy size)
- Planting to tight in-row spacing, which reduces canopy size per vine, lowers water use per vine, which allows us to run higher vine stress levels.
- Optimizing the row orientation to be more water efficient and protecting from excessive sun exposure during the hottest times of the day.
- All blocks are getting double poly, at great capital cost, allowing for a large reduction in overall water use and improving vineyard uniformity.
- Blocks will be prepped properly, uniformly ripped to proper depths, to encourage deep roots, more soil mining for residual winter moisture, and increase our water holding capacity per foot of soil in every block.
- Soils are being amended properly, to minimize additional fertility treatments required in the future.
- All blocks are getting modern drip irrigation with electric shutoff valves, which are all tied into our weather stations, minimizing additional run-time beyond scheduled irrigations.

At Hall Wines, we are successfully deficit irrigating our hillside vineyard locations below 50% of ETc, which is below .5 acre ft/acre of supplemental irrigation. Since Hall Wines is focused on growing high quality winegrapes, we are very interested in limiting the amount of water that is applied to the crop in any given season.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garrett Buckland", is written over a light yellow rectangular background.

Garrett Buckland

Partner, Premiere Viticultural Services

**CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT
PREPARED FOR THE WALT RANCH EROSION CONTROL PLAN AND
FINDINGS UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
SUPPORTING APPROVAL OF THE ENVIRONMENTALLY
SUPERIOR ALTERNATIVE**

The Napa County Planning, Building and Environmental Services Director (PBES Director) hereby adopts the following findings under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.).

I. INTRODUCTION

As described in the July 2014 Draft Environmental Impact Report (Draft EIR) and March 2016 Final Environmental Impact Report (Final EIR) and Responses to Final EIR Comments (July 2016), in accordance with County Code Section 18.108.080 the project applicant, Hall Brambletree Associates, LP (Applicant) filed an erosion control plan application (P11-00205-ECPA) for the development of vineyards on the Walt Ranch property (Walt Ranch or the Property).

The Napa County PBES Department (County), as lead agency, prepared a Draft EIR for the Walt Ranch – ECPA project (Project) and a Final EIR for the Project (State Clearinghouse No. 2012102046).

Concurrently with adoption of these findings the PBES Director approved the ECP, and thus approves the Project. As approved, the ECP authorizes the development of +/- 209 net acres of new vineyard within +/- 316 gross acres of disturbed area within the +/- 2,300-acre total Project site. In approving the ECP, the PBES Director also adopts these findings.

These findings have been prepared in accordance with the CEQA, its implementing guidelines (CEQA Guidelines) (Cal. Code Regs., tit. 14, § 15000 et seq.), and Napa County's Local Procedures for Implementing the California Environmental Quality Act (revised February 2015) (Local Guidelines). The County is the lead agency for the environmental review of the Walt Ranch Project and has the principal responsibility for its approval. The PBES Director is the County decision-maker for purposes of the ECP. These findings are therefore adopted pursuant to Public Resources Code section 21081, CEQA Guidelines section 15091, and Local Guidelines section 302. The purpose of these findings is to satisfy the requirements of CEQA associated with adoption of the Project. These findings provide the written analysis and conclusions of the PBES Director regarding the Walt Ranch Project. These findings refer to materials in the administrative record. All of these materials are available for review in the PBES Department.

II. PROJECT DESCRIPTION

A. Project Location

Walt Ranch is located in south-central Napa County west of State Route 121 (Monticello Road) in the Capell Creek and Milliken Reservoir watersheds. (APN (Assessor Parcel Number) Nos. 032-120-028, -007, -008, -011, -012, -013, -013, -014, -015, -016, -017, -018, -019, -020, -021, -022, -023, -024, -027, and -028, and 032-490-004, -005, -006, -008, -009, -010, -011, -012, -013, -014, -015, -016, -017, -018, -019, and -020.) The area, including the entire Project site, is zoned Agricultural Watershed. This zoning designation authorizes the proposed development of vineyards on the property as an agricultural use. Approximately 6.9 acres with slopes less than five

percent have been previously cleared on Walt Ranch, of which approximately 5.6 acres were planted to vineyard in 2006 and 2007. Portions of the Property were used for cattle grazing until approximately the 1990s. Remnants of this use include a 21-mile network of dirt roads, several cattle ponds and trenches, and unmaintained fencing along old parcel boundaries. There are three active wells and two inactive wells on the property. There are no structures on the property.

The Project includes development of approximately 209 net acres of total vineyard within 316 gross disturbed acres, as depicted in the ECP. The Project, as approved, generally conforms to the Reduced Intensity Alternative as described in the Draft EIR with additional modifications to reflect the requirements of the Updated Mitigation Monitoring and Reporting Program (MMRP) which further reduce vineyard area due to a number of factors, including geologic and hydrologic constraints, biologic constraints, as well as development areas voluntarily removed by the Applicant in response to community concerns. When these findings use the term "Project," that term refers to the Reduced Intensity Alternative, along with such modifications.

The proposed vineyards would be managed using sustainable agricultural methods, including engineered erosion control measures, cover crop management, and engineered irrigation. In addition, integrated pest management (IPM) techniques would be used to create a more effective and environmentally sensitive pest-control regime, which uses a combination of environmentally sensitive practices to reduce the application of chemical pesticides and herbicides to a minimum.

The Project includes the following components and activities:

- Earthmoving and grading activities on slopes greater than five percent associated with tree and brush removal, blasting and ripping, rock removal, soil cultivation, installation and maintenance of drainage, and irrigation systems; the installation and maintenance of temporary and permanent erosion control measures; and vineyard plantings, maintenance, and harvesting operations. A total of approximately 316 gross acres would be disturbed. Out of this total, vineyards will be planted within 209 net acres.
- Improvement and maintenance of approximately 21 miles of existing roads for year-round access to the property. Select existing road segments would be realigned, requiring limited new road construction in select locations. Access roads between vineyard blocks would be constructed in select locations within the 316 gross acres, resulting in the construction or realignment of approximately 4.1 miles of new roads;
- Construction of one bridge over Milliken Creek if the owner wishes to have year-round access at the existing low-water rocked crossing, or if the owner wishes to have seasonal access only, the rocked low-water crossing will be used only when flows across it are one foot deep or less;
- Installation and maintenance of rocked low-water crossings at existing low-water crossings including Capell Creek;
- Installation of surface drainage pipelines to collect surface runoff at low points throughout the project site and transport storm water to protected outlets;
- Installation of perforated subsurface drainage pipelines to reduce saturated conditions in the root zone and improve slope stability;

- Installation of cut-off collars on all solid pipelines with slopes greater than five percent;
- Installation of standard drop inlets, infield drop inlets, and concrete drop inlets;
- Construction of out-sloped infield level spreaders, pipe level spreaders, rock level spreaders, rock energy dissipaters, rock sediment basins, diversion ditches, infield diversions, and rock checks as detailed in the Draft EIR, Appendix A.
- Construction of sediment basins near proposed Blocks 5A and 9B;
- Construction of overflow structures in proposed Blocks 1 and 16C to receive flows from the subsurface drainage system;
- Construction of rolling dips within the existing roadway;
- Utilization of rock for construction of erosion control features such as rock energy dissipaters, rock sediment basins, and for rock-filled avenues. The remaining rock would be stockpiled within the proposed clearing limits;
- Installation of up to three new wells (approximate locations shown in the Draft EIR Figure 4.6-2);
- Construction of four off-stream reservoirs that would store groundwater to be used for vineyard irrigation and frost protection;
- Installation of water distribution pipelines;
- Installation of fuel storage tanks;
- Installation of deer fencing;
- Seeding of all disturbed areas with a permanent no-till cover crop;
- Installation of permanent erosion control measures, maintenance of the erosion control measures so they function as intended, and maintenance of the measures throughout the rainy season (September 15 through April 1 for Milliken Reservoir watershed and October 1 through April 1 for Capell Creek watershed);
- Installation of temporary erosion control measures (e.g. straw wattles, waterbars, and other measures identified in the ECP); and
- Improvements to an existing access point located on State Route (SR) 121 that connects to the Property's on-site road network, as a means of providing access to the Property without the use of Circle Oaks Drive, to minimize conflicts with local traffic; and
- A permanent no-till cover crop will be established throughout the proposed vineyard areas and all vineyard avenues with a plant residue density (i.e. cover) of between 70 and 85 percent.

Erosion control measures would be maintained so they function as intended throughout the rainy

season from September 15 or October 15 through April 1. Tillage and erosion control would be complete in proposed Blocks 1-9, 11-14, 16, and 23, by September 1 and straw mulch would be applied to these blocks prior to September 15 of the year of construction. Tillage and erosion control would be complete in proposed Blocks 15, 17-22, 25-27, 29, 30, 33-38, 46, 47, 53, 54, 59, 62-64 and 69 by October 1 and straw mulch would be applied to these blocks prior to October 15 of the year of construction.

Subsequent agricultural activities such as vineyard maintenance and ongoing vineyard operations (including harvest) associated with the Project are considered indirect physical changes due to the Project, and are considered in the EIR. The development of proposed vineyard blocks on slopes less than five percent are not included in the ECP; however, these areas were evaluated in the environmental studies conducted during development of the ECP and are subject to the same avoidance measures and are evaluated in the EIR.

B. Project Objectives

The goal of the Project is to develop a vineyard that is economically viable for the owner, economically and fiscally positive for Napa County, and consistent with Napa County General Plan policies and the County's Conservation Regulations favoring agricultural production. Specific project objectives associated with the installation and operation of the proposed vineyard are to:

- Develop vineyards on those portions of the site that are suitable for the cultivation of high-quality wine grapes, while ensuring the economic viability of the project;
- Minimize soil erosion of vineyard development and operation through vineyard design that avoids highly erosion-prone areas and controls erosion within the vineyard rather than capturing soil after it has been displaced;
- Design the vineyard to minimize the reduction of wildlife movement to the maximum extent feasible, in accordance with General Plan Policy CON-18(e);
- Protect water quality by protecting wetlands, seeps, springs, and streams to the maximum extent feasible through avoidance, the incorporation of appropriate setbacks, and the implementation of various erosion control features, in accordance with General Plan Policy CON-27;
- Minimize impacts on rare, endangered, and candidate plant and animal species to the extent feasible, while providing for preservation and replacement in accordance with accepted protocols;
- Provide opportunities for vineyard employment and economic development in Napa County;
- Maintain farm vineyards in a sustainable manner that includes use of IPM (Integrated Pest Management) practices and participation in the Napa Sustainable Winegrowing Group and California Sustainable Winegrowing Alliance;
- Use water efficiently from existing and proposed water resources; and
- Preserve a majority of the property as woodlands, riparian, and open space which has the greatest value as wildlife habitat.

III. ENVIRONMENTAL REVIEW PROCESS

A. Background

In 2008, the County circulated an Initial Study (IS) and Notice of Preparation (NOP) to the Governor's Office of Planning and Research, State Clearinghouse (SCH) #2008052075; AES, 2008) for the development of 397 net acres of vineyard within 538 gross acres.

On October 22, 2012, the County issued a second NOP due to substantial changes to the project proposed by the Applicant. In particular, the project was reduced in size by 41 gross acres (31 net acres) in order to avoid wetlands, waters of the U.S., and active landslides, with appropriate buffers for each. An ECP was filed for the Project on March 1, 2012, and a revised ECP was filed on March 13, 2013.

The Notice of Availability of the Draft EIR was released on July 11, 2014, which announced a 45-day comment period from July 11 to August 25, 2014. After numerous requests from the public to extend the comment period, the Napa County Planning Commission (at their August 6, 2014 meeting) formally extended the comment period for an additional 88 days, concluding the public comment period on November 21, 2014.

A total of 180 comment letters were received, including comments from the following agencies and organizations: Native American Heritage Commissions, Central Valley Regional Water Quality Control Board, Napa County Department of Public Works, Office of Planning and Research, City of Napa Public Works Department, Caltrans, California Department of Fish and Wildlife, Circle Oaks Water District, Circle Oaks Homeowner's Association, Living Rivers Council, California Native Plant Society, Sierra Club, Sierra Club Napa Group, California Wildlife Foundation, Friends of the Napa River, Center for Biological Diversity, Yocha Bui Wintun Nation, and Mishewal Wappo Tribe.

In March 2016, the County released the Final EIR to the public. The Final EIR included the Draft EIR, responses to comments on the Draft EIR, and changes and additions to the Draft EIR in response to comments thereon. The Draft EIR, and the Final EIR together constitute the Final EIR for the Project.

On April 4, 2016, the County held a public hearing for purposes of considering written and verbal comments on the merits of the Project. During this hearing the County received additional comment letters and heard additional testimony. The County closed the public hearing.

On June 13, 2016, the PBES Director issued a written tentative decision. The tentative decision provided direction to County staff regarding the Project. The purpose of this direction was to enable County staff and consultants to prepare the necessary documents so that the PBES Director could consider whether to approve the Project. Direction was also provided to the Applicant so that its consultants could revise the ECP and other, related documents to conform to the PBES Director's tentative decision.

County staff and consultants and the Applicant's consultants have revised these documents so that they are consistent with, and implement, the PBES Director's tentative decision. The documents presented to the PBES Director for his consideration include:

- Revised ECP (PPI Engineering – July 2016);

- Responses to Final EIR Comments – July 2016 (AES) and Updated Mitigation Monitoring Program;
- Walt Ranch Biological Resources Management Plan (AES); and
- Approval Letter dated August 1, 2016 and Conditions of Approval.

As noted above, the “Project” as approved is consistent with the “Reduced Intensity Alternative” analyzed in the FEIR, and the Responses to Final EIR Comments – July 2016 (AES) and the Updated Mitigation Monitoring Program. As a result of these modifications, the Project, as approved, consists of 209 net vineyard acres, with approximately 316 gross acres to be disturbed.

B. Certification of the Final EIR

Based on the foregoing and the substantial evidence in the whole record of these proceedings, the PBES Director hereby certifies the Final EIR for the Project. The PBES Director finds that the Final EIR:

1. Has been completed in compliance with CEQA;
2. Has been presented to the County decision-maker, who has reviewed and considered the information contained in the Final EIR prior to approving the Project; and
3. Reflects the County of Napa’s independent judgment and analysis.

IV. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6(e), the record of proceedings for the County’s decision on the Project includes the following documents:

- The NOPs (Notices of Preparation) and all other public notices issued by the County in conjunction with the Project, as well as all comments submitted by agencies or members of the public during the comment period on the NOPs;
- The Draft EIR for the Project and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- All comments and correspondence submitted to the County with respect to the project, in addition to timely comments on the Draft EIR, including comments submitted subsequent to the release of the Final EIR;
- The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments and appendices;
- Documents cited or referenced in the Draft EIR and Final EIR;
- The mitigation monitoring and reporting program for the Project;

- All findings adopted by the County in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;
- The Napa County General Plan including but not limited to the General Plan Update EIR and all environmental documents prepared in connection with the adoption of the General Plan;
- The Napa County Zoning Ordinance and all other County Code provisions cited in materials prepared or submitted to the County;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e).

The location and name of the official custodian of the record is: Brian Bordona, Supervising Planner, Napa County Planning, Building and Environmental Services Department, 1195 Third Street, Second Floor, Napa, CA 94559.

V. CONSISTENCY WITH APPLICABLE PLANS

The EIR evaluates the Project to determine whether it is consistent with applicable plans, policies, and regulations. In this case, the relevant plans, policies, and regulations are summarized below.

The Napa County General Plan (2008) designates the Project site as Agricultural, Watershed and Open Space (AWOS). This designation is defined as follows:

Agriculture, Watershed and Open Space: This designation provides for areas where the predominant use is agriculturally oriented and where the protection of agriculture is essential to the general health, safety, and welfare.

The General Plan provides the following relevant goals and policies for AWOS uses. Two goals are applicable to this Project:

- *Goal AG/LU-1*: Preserve existing agricultural land uses and plan for agricultural and related activities as the primary land uses in Napa County.
- *Goal AG/LU-3*: Support the economic viability of agriculture, including grape growing, winemaking, other types of agriculture, and supporting industries to ensure the preservation of agricultural lands.

Additionally, the Agricultural Preservation and Land Use Element of the General Plan contains a number of policies related to agriculture. The following policies are applicable to this Project.

- *Policy AG/LU-1:* Agriculture and related activities are the primary land uses in Napa County.
- *Policy AG/LU-2:* “Agriculture” is defined as the raising of crops, trees, and livestock; the production and processing of agricultural products; and related marketing, sales and other accessory uses. Agriculture also includes farm management businesses and farm worker housing.
- *Policy AG/LU-4:* The County will reserve agricultural lands for agricultural use including lands used for grazing and watershed/open space, except for those lands which are shown on the Land Use Map as planned for urban development.
- *Policy AG/LU-15:* The County affirms and shall protect the right of agricultural operators in designated agricultural areas to commence and continue their agricultural practices (a “right to farm”), even though established urban uses in the general area may foster complaints against those agricultural practices. The “right to farm” shall encompass the processing of agricultural products and other activities inherent in the definition of agriculture provided in Policy AG/LU-2, above. The existence of this “Right to Farm” policy shall be indicated on all parcel maps approved for locations in or adjacent to designated agricultural areas and shall be a required disclosure to buyers of property in Napa County.
- *Policy AG/LU-20:* The following standards shall apply to lands designated as Agriculture, Watershed, and Open Space on the Land Use Map of this General Plan.

Intent: To provide areas where the predominant use is agriculturally oriented; where watersheds are protected and enhanced; where reservoirs, floodplain tributaries, geologic hazards, soil conditions, and other constraints make the land relatively unsuitable for urban development; where urban development would adversely impact all such uses; and where the protection of agriculture, watersheds, and floodplain tributaries from fire, pollution, and erosion is essential to the general health, safety, and welfare.

(Draft EIR pp. 1-3 through 1-5.)

In the Conservation Element of the General Plan, the maintenance and enhancement of the agricultural environment is included as a planning policy (Policy CON-2). The policy expresses the intent of Napa County to provide a permanent means of preserving open space land for agricultural production by using various methods including zoning (Napa County Code Section 18.12.010).

The contemplated use is consistent with the AWOS land use designation described above. The Project is a vineyard that will provide approximately 209 net acres where the predominant use is agriculturally oriented. A further analysis of the Project’s consistency with the General Plan is attached as Attachment “B” and incorporated here by reference.

Napa County Zoning Ordinance

The project site is zoned Agricultural Watershed (AW). The AW district is defined in Section 18.20.010 of the Napa County Code as follows:

The AW district classification is intended to be applied in those areas of the county where the predominant use is agriculturally oriented, where watershed areas, reservoirs and floodplain tributaries are located, where development would adversely impact on all such uses, and where the protection of agriculture, watersheds and floodplain tributaries from fire, pollution and erosion is essential to the general health, safety and welfare.

The property is zoned for agricultural use and the establishment of a vineyard is an allowable use within this zoning designation and does not require a use permit. Therefore, the Project is consistent with the county zoning designation of AW for this property.

VI. GENERAL FINDINGS

A. CEQA Requirements for Findings

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles described in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The three possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by the other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report. (Public Resources Code Section 21081(a); see also CEQA Guidelines Section 15091 (a).)

Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, feasibility under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Where, as with this Project, the adoption of feasible mitigation measures substantially lessens or avoids all significant effects on the environment, a lead agency is not required to adopt additional findings addressing the feasibility of project alternatives set forth in a final EIR. (Laurel Hills Homeowners Association v. City Council (1978) 83 Cal.App.3d 515, 519-521.) Nor, under such circumstances, does the approving agency decision-maker have to adopt a statement of overriding considerations pursuant to CEQA Guidelines section 15093.

B. Evidentiary Basis for Findings

These findings are based upon substantial evidence in the record before the PBES Director. The references to the Draft EIR and Final EIR set forth in the findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

C. Findings are Determinative

The PBES Director recognizes that there may be differences in and among the different sources of information and opinions offered in the documents and testimony that make up the EIR and the administrative record; that experts may disagree; and that the PBES Director must base their decision and these findings on the substantial evidence in the record that is determined to be most persuasive. Therefore, by these findings, the PBES Director ratifies the Final EIR and resolves that these findings shall control and are determinative of the significant impact of the Project.

D. Findings Associated with Less Than Significant Impacts

The PBES Director has reviewed and considered the information in the Draft EIR and the Final EIR, addressing environmental effects, mitigation measures, and alternatives. The PBES Director, relying on the facts and analysis in the Draft EIR, and Final EIR, which were presented to the PBES Director and reviewed and considered prior to any approvals, concurs with the conclusions of the Draft EIR and Final EIR regarding the less than significant environmental effects. The Project would result in either no impact or a less than significant impact to the following issue areas: aesthetics, agriculture and forestry resources, hazards, mineral resources, population and housing, public services, recreation, utilities and service systems, and energy conservation. (Draft EIR pp. 1-12 through 1-14.)

E. Findings Regarding Mitigation Measures

Except as otherwise noted, the mitigation measures referenced herein are those identified in the Final EIR and adopted by the PBES Director as set forth in the MMRP.

Except as otherwise stated in these findings, in accordance with CEQA Guidelines Section 15092, the PBES Director finds that environmental effects of development of the Project will not be significant or will be mitigated to be less-than-significant level by the adopted mitigation measures. The PBES Director further finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not analyzed in the EIR.

The following mitigation measures suggested by commenters to the EIR were addressed as set

forth below and as more fully described in the Final EIR:

- Comment A5-05 suggested that the project Applicant pay for an estimated \$20 million upgrade to the Milliken Water Treatment Plant to mitigate impacts caused by introduction of pesticides into the Milliken Reservoir, which is a source of drinking water. This was not incorporated into the Project as a mitigation measure because impacts to water quality are reduced to less-than-significant levels by MM 4.5-1 and 4.5-5. Requiring a measure for an impact that has been reduced to a less-than-significant level is not proportional to the impact. (Final EIR pp. 4-44 to 4-46.)
- Comment A7-4 suggested a 10:1 replacement ratio of replacement or preservation of oak woodlands due to slow-growth rates and temporal loss. This was not incorporated into the Project based on scientific studies that show mitigation a 10:1 ratio could result in overcrowding, which is detrimental to the formation of specimen trees. (Final EIR pp. 4-53 to 4-54.)
- Comment A7-8 recommends mitigation related to the American badger, which was not incorporated into the Project because the American badger does not occur on the project site and therefore, the Project would not have a significant impact on this species. The recommended mitigation is not required. (Final EIR p. 4-55.)
- Comment A7-13 suggested that mitigation measures associated with habitat establishment for non-native bullfrogs. Bullfrog management measures have been added to MM 4.2-11 to prevent establishment and dispersal of bullfrogs from onsite reservoirs. (Final EIR Volume 1 pp. 4-58 to 4-59; Final EIR Volume 2 pp. 4.2-121 to 4.2-122.)
- Comment O7-27 suggests that closed tanks should be considered for water storage to minimize footprint and eliminate evaporative losses. Water tanks were not incorporated into the Project because the volume of water storage necessary cannot feasibly be obtained with tanks, and furthermore, the impacts of locating suitable sites for the number of tanks necessary for the Project would have far greater impacts than the impacts from the four proposed reservoirs. (Final EIR Volume 1 pp. 4-79 to 4-80.)
- Comment O21-122 suggests mitigation measures identified by CAPCOA (California Air Pollution Control Officers Association) to reduce GHG emissions. These measures are generally not applicable to a proposed vineyard development, as they are designed to ensure that the growth of new buildings or residences will comply with certain BMPs, including energy efficiency, solid waste reduction, and land use compatibility. The measures listed are not directly applicable to the Project and would not result in significant reductions in GHG emissions. (Final EIR Volume 1 pp. 4-207 to 4-208.)

F. Relationship of Findings and MMRP to Final EIR

These findings and the MMRP are intended to summarize and describe the contents and conclusions of the Draft EIR and Final EIR for policymakers and the public. For purposes of clarity, these impacts and mitigation measures may be worded differently from the provisions in the Final EIR and/or some provisions may be combined. Nonetheless, the PBES Director and/or the Applicant will implement all measures set forth in the MMRP. In the event that there is an inconsistency between the descriptions of mitigation measures in these findings or the MMRP and the Final EIR, the PBES Director and/or the Applicant will implement the measures as they are described in these findings and the attached MMRP. In the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from these findings or from the MMRP, such mitigation measure is hereby adopted and incorporated into the findings and/or

MMRP, as applicable. The PBES Director does not intend that a mitigation measure recommended in the EIR should be rejected, unless the rejection of that mitigation measure is specifically expressed in these findings.

VII. FINDINGS OF FACT

A. Effects Found Not to be Significant

Effects of the Project found to be less than significant, and which require no mitigation, are identified in Draft EIR Table 2-1 (Draft EIR pp. 2-5 through 2-46.) The PBES Director has reviewed the record and agrees with the conclusion that impacts identified as less than significant in Table 2-1 of the Draft EIR would not be substantially changed by the Project, and therefore no additional findings are needed.

B. Potentially Significant or Significant Effects

Effects of the Project found to be potentially significant or significant, and which require mitigation, and the required finding for each are set forth in Attachment "A" of these findings. The PBES Director has reviewed the record and agrees with the conclusion that the adopted mitigation measures would reduce potentially significant or significant effects to a less-than-significant level. The PBES Director hereby finds that the Project will not result in any significant unavoidable impacts.

VIII. MITIGATION, MONITORING, AND REPORTING PROGRAM

An Updated Mitigation Monitoring and Reporting Program has been prepared for the Project, and is approved by the PBES Director concurrently with adoption of these findings. The County will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period. The Updated MMRP is incorporated into the EIR, and is approved in conjunction with certification of the Final EIR and adoption of these Findings of Fact.

IX. ALTERNATIVES

A. Legal Requirements

Public Resources Code Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

The PBES Director's goal in evaluating the project alternatives is to select an alternative that feasibly attains the project objectives, while further reducing the Project's significant and

unavoidable impacts. However, all of the environmental impacts associated with the Project, will be reduced to a less-than-significant level with the adoption of the mitigation measures set forth in these findings. In other words, there are no significant and unavoidable impacts associated with the Project.

While neither the project as analyzed in the Draft EIR nor the Project as currently approved would result in any significant impacts after mitigation, the PBES Director finds that a good faith effort was made to evaluate a reasonable range of potentially feasible alternatives in the EIR that could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The PBES Director also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision of the Project.

B. Range of Alternatives Analyzed

Section 5.0 of the Draft EIR describes the alternatives considered and compares their impacts to the project analyzed in the EIR. The Draft EIR evaluated three alternatives: The No Project Alternative; the Reduced Intensity Alternative, and the Multiple Resource Protection Alternative. (Draft EIR pp. 5-2 through 5-11.) The EIR contains a detailed analysis of the impacts of each of these alternatives. The PBES Director hereby incorporates by reference this analysis.

Because the Project, as mitigated, will not result in significant environmental effects on either a project-specific or cumulative basis, the PBES Director is not required to adopt findings with respect to alternatives to the Project. Nevertheless, the PBES Director adopts the following findings with respect to each alternative. The PBES Director further finds that these findings would be adopted if they were in fact required to be adopted under CEQA. The PBES Director further finds that substantial evidence in the record supports each and every one of these findings.

No Project Alternative (Existing Conditions)

CEQA Guidelines Section 15126.6(e)(1) states that a “no project” alternative shall be analyzed. The purpose of describing a “no project” alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. The “no project” alternative analysis is not the baseline for determining whether the environmental impacts of a proposed project may be significant, unless the analysis is identical to the environmental setting analysis, which establishes that baseline. Under the No Project Alternative, development of project features associated with #P11-00205-ECPA would not occur. No potential impacts identified in the Draft EIR, whether beneficial or adverse, would occur under the No Project Alternative. The proposed development areas would remain primarily oak woodland, chaparral, and grasslands, and the No Project Alternative would be consistent with Napa County’s Conservation Regulations. However, the No Project Alternative would not achieve the objectives of #P11-00205-ECPA, including the installation and operation of a vineyard. In addition, under this alternative, no improvements to the existing road network on the property would occur and, as a result, the water quality benefits associated with the project would not be achieved. For both of these reasons, and each of them, the PBES Director rejects the No Project Alternative.

Reduced Intensity Alternative

The Reduced Intensity Alternative provides an opportunity to further reduce the less-than-significant impacts that would have resulted under the project as proposed in #P11-00205-ECPA

after implementation of mitigation. Under the Reduced Intensity Alternative, the majority of sensitive natural plant communities, wildlife corridors, springs, streams, seeps, and wetlands would be avoided. As a result, less vineyard acreage would be developed than is proposed under #P11-00205-ECPA.

All mitigation measures required for the project as proposed under #P11-00205-ECPA would apply for the Reduced Intensity Alternative. Under this alternative, the block configurations were adjusted to achieve the following: preservation of additional areas containing special-status species and associated habitat; preservation of individual trees identified to be specimen or notable trees; enhancement of high value biological resources, including sensitive biotic communities; enhanced riparian protection; enhanced wildlife movement on the site; and avoidance of areas containing one or more constraints located along the edges of the development boundaries. The focus of this alternative is to avoid those resources identified in General Plan Policies CON-17, CON-18(e), and CON-27.

With the Reduced Intensity Alternative, impacts to biological resources would be less than the project as proposed under #P11-00205-ECPA. However, impacts in all other impact areas would be similar to the previously proposed project as described in Draft EIR pp. 5-7 through 5-8. The Applicant has proposed modifications to the Reduced Intensity Alternative, which would even further reduce the vineyard area. With mitigation, the Project would further reduce impacts to biological resources, which were found to be less than significant after mitigation as described in Draft EIR Section 4.2.

The PBES Director finds that the Reduced Intensity Alternative is feasible and achieves the project objectives. The PBES Director therefore approves the Reduced Intensity Alternative. The PBES Director does so, not in order to avoid the Project's significant environmental effects (because, as mitigated, there are no such effects), but because the Reduced Intensity Alternative is the best approach for achieving maximum consistency with the General Plan policies cited above.

Multiple Resource Protection Alternative

Under the Multiple Resource Protection Alternative, less vineyard acreage would be developed than originally proposed under #P11-0025-ECPA. This alternative specifically looks at avoiding areas where two or more resources overlap and can be avoided to provide the most environmental benefits per acre of proposed vineyard reduction. Avoiding such areas in addition to the areas removed through mitigation would result in a total reduction of approximately 82 gross acres of developed area, from approximately 507 acres as proposed under #P11-0025-ECPA to approximately 425 acres under this alternative.

The Multiple Resource Protection Alternative would further reduce impacts beyond the initially proposed project to native grasses, sensitive biotic communities including oak woodlands, holly-leaved ceanothus plants, narrow-anthered brodiaea plants, special-status plant habitat, western pond turtle upland habitat, and would preserve additional trees onsite.

The modifications to the Reduced Intensity Alternative, referred to in these findings as the Project, reduces the development area to 316 acres (gross), which is even less than that proposed under the Multiple Resource Protection Alternative. Overall, this alternative would have greater impacts to the biological resources than the Reduced Intensity Alternative, which with some modifications to further reduce impacts is the Project for which Applicant seeks approval. (Draft EIR p. 5-13.) For this reason, the PBES Director rejects the Multiple Resource Protection Alternative.

C. Alternatives Removed from Consideration

Two other alternatives were considered during the initial screening process and were not considered further or analyzed in the EIR. The PBES Director hereby incorporates by reference the discussion of these alternatives in the Draft EIR. (Draft EIR, pp. 5-11.)

Full Development Alternative

The Erosion Control Plan initially considered the development of over 397 acres of new vineyard within 538 acres of cleared land. Development of the Full Development Alternative would result in greater impacts to air quality and biological resources, and potentially greater impacts to cultural resources, geology and soils, hydrology and water quality, transportation, and noise compared to the project as proposed and evaluated in the EIR.

Off-Site Alternative

An off-site alternative was eliminated from further consideration in this Draft EIR. The Walt Ranch property encompasses approximately 2,300 acres. No other lands within Walt Ranch have been identified that are both (1) suitable for vineyards based on soil, slope, and ability to be farmed, and (2) located in areas that could be developed as vineyards with less environmental effects than the Project. In addition, no land located in the vicinity of Walt Ranch has been identified with these characteristics that can reasonably be acquired by the Applicant. For these reasons, off-site alternatives are not analyzed in detail in the Draft EIR.

D. Environmentally Superior Alternative

CEQA requires the identification of an Environmentally Superior Alternative: an alternative to the project that has no significant effect or has the least significant effect on the environment while substantially accomplishing the objectives of the project. For reference, significance under CEQA is determined based on substantial or potentially substantial adverse changes of any of the physical environmental conditions due to the project as compared to existing conditions.

A summary matrix was prepared as part of the Draft EIR identifying for each impact area whether the alternatives would be greater, lesser, or similar impacts compared to the Project. (See Draft EIR Table 5-3.) As already set forth above, there would be no significant and unavoidable impacts as a result of the Project. Each of the impacts identified would be considered less than significant after mitigation. Therefore “greater” and “lesser” impacts as identified in Table 5-3 are referring to varying degrees of impacts below established significance thresholds. In summary, the environmentally superior alternative is the alternative that would cause the least impact to the biological and physical environment.

Implementation of the No Project Alternative would result in no change to the land use on the property; however, it fails to meet the objectives of the Project. Furthermore, impacts to hydrology and water quality as well as geology and soils would likely be greater than the Project since the erosion control measures would not be installed and oak woodland and grasslands can often have a higher rate of erosion than the proposed vineyards. Additionally, the existing road network, which is currently a source of sediment into the stream system, would not be improved and the corresponding improvement to water quality would not be realized.

The Reduced Intensity Alternative would result in similar impacts as those of the project proposed in #P11-0025-ECPA. However, it would have lesser impacts to biological resources, as additional

habitats would be protected on the property. Overall, this alternative would likely result in fewer impacts to biological resources, but would otherwise have similar environmental impacts as those of the project analyzed in the Draft EIR.

The Multiple Resource Protection Alternative would result in slightly lesser impacts to biological resources as compared to those of the mitigated project analyzed in the Draft EIR because it has a smaller footprint and specifically avoids overlapping biological resources. Overall, this would likely result in lesser direct impacts to the environment than the project proposed in #P11-0025-ECPA, but would have greater impacts to biological resources than the Reduced Intensity Alternative, which with some modifications to further reduce impacts is the Project now being approved by the PBES Director. (Draft EIR p. 5-13.)

Generally, the environmentally superior alternative is the alternative that would cause the least damage to the biological and physical environment. In this case, the No Project Alternative would be considered the environmentally superior alternative. However, the No Project Alternative would not meet any of the Project objectives. As such, the PBES Director rejects this alternative because it is infeasible.

If the No Project Alternative is the environmentally superior alternative, CEQA Guidelines Section 1526.6(e)(2) requires identification of an environmentally superior alternative among the other alternatives considered in the EIR. When comparing the remaining development alternatives, the Reduced Intensity Alternative is the most environmentally superior alternative. As described throughout these findings, the Reduced Intensity Alternative subject to modifications to reduce vineyard area, is the Project proposed for approval and upon which these findings are based. The PBES Director therefore approves the environmentally superior alternative, with further modifications as described herein, resulting in further reductions in the environmental impacts of the Project.

E. Alternatives Suggested in Comments to Draft EIR

The following comments included suggestions for alternatives to the Project.

- Comment O21-80 stated that the Draft EIR should have considered an alternative that eliminated or reduced fencing and consolidated vineyard acreage that would further reduce impacts to species movement. Concentrated vineyard development is infeasible, as areas that are suitable for vineyards are not located in one particular area; rather, such areas are located at various sites across the property. (Final EIR Volume 1 pp. 4-190 to 4-191.)
- Comment I101-3 suggests the City and County purchase the Walt Ranch property to protect the watershed as alternative to the Project. This alternative is infeasible because the Walt Ranch Property is not for sale, nor would it achieve the project goals. (Final EIR Volume 1 p. 4-326.)
- Comment I060-2 suggested that a more appropriate location for a vineyard would be further north due to the fact that the weather would be more appropriate for viticulture in the next 20 years due to global warming. An alternative location for the Project was removed from consideration, as discussed in Section 5.3.2 of the Draft EIR. (Final EIR Volume 1 p. 4-287.)
- Comment I114-12 suggested purchase of the property for public water supply or wildlife refuge. These alternatives are infeasible because the Walt Ranch Property is not for sale, nor would it achieve the project goals. (Final EIR Volume 1 p. 4-345 and 4-326.)

- Comment I118-4 suggested the purchase of the property for a wildlife refuge due to its biological richness as an alternative to the Project. This alternative is infeasible because the Walt Ranch Property is not for sale, nor would it achieve the project goals. (Final EIR Volume 1 p. 4-438 and 4-326.)

X. STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. A public agency may approve a project despite significant unavoidable impacts identified in an EIR.

In this instance, there would be no significant and unavoidable impacts as a result of the Project, and therefore a statement of overriding considerations need not be adopted in order to approve the Project. Nevertheless, the PBES Director specially finds that there are significant benefits of the Project that further support approval of the Project. As set forth below, the PBES Director finds that the Project would be approved even if it were to result in significant and unavoidable impacts.

The proposed vineyard furthers the goals for the AWOS land use designation of the property to provide areas where the predominant use is agriculturally oriented. (Draft EIR p. 1-4.) Erosion control measures will be installed as part of the Project, which in addition to mitigating Project impacts, will help to improve existing current erosion and sedimentation impacts occurring on the property. Without the implementation of the erosion control measures, the water quality of off-site watercourses would remain at existing levels and would not be improved as proposed under the Project. This could lead to greater impacts to water quality in the long-term for off-site watercourses such as the Napa River, which is currently listed as a Section 303(d) impaired water body under the Clean Water Act. (Draft EIR p. 5-12.)

The Project will provide opportunities for vineyard employment and economic development in Napa County. (Draft EIR p. 3-5.) The Project is consistent with County policy, which encourages the preservation of open space, and recognizes that agricultural development, properly designed and mitigated, is an appropriate use of the agricultural preserve. (See General Plan Goals *Goal AG/LU-1* and *Goal AG/LU-3*.)

The Project will result in the permanent protection of substantial open space in the form of a conservation easement or other instrument on the Walt Ranch property. The land permanently protected as a result of approval of the Project will be managed so as to preserve its value as sensitive habitat, as set forth in the BRMP. These substantial public benefits would not be achieved absent Project approval.

Dated: August 1, 2016


 David Morrison, Director
 Planning, Building and Environmental Services
 Department

Attachments:

- A-Findings Table
- B- General Plan Consistency Analysis

ATTACHMENT A
WALT RANCH EROSION CONTROL PLAN
NAPA COUNTY, CALIFORNIA
TABLE OF IMPACTS, MITIGATION MEASURES, AND CEQA FINDINGS

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
4.1 AIR QUALITY			
Impact 4.1-1: Construction activities associated with implementation of the Proposed Project, including land clearing, earthmoving, and movement of vehicles, would have the potential to cause nuisance related to fugitive dust. This is a potentially significant impact. Conversion of the existing landscape to vineyard requires clearing of vegetation and earthmoving activities, which would expose bare soil to wind erosion, thereby potentially generating fugitive dust. The project site is located in a rural area with some nearby sensitive receptors, including a residence in the Circle Oaks subdivision that is located approximately 30 feet south of the project's southeastern boundary and approximately 120 feet from the nearest proposed vineyard block. Therefore, site preparation activities would have the potential to cause air quality impacts to the area. (Draft EIR, pp. 4.1-12 to 4.1-13; Final EIR, pp. 4.1-12 to 4.1-14.)	4.1-1: The owner shall implement a fugitive dust abatement program during the construction of #P11-00205-ECPA, which shall include the following elements: - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; this mitigation is included in the BAAQMD-approved CalEEMod. - Cover all exposed stockpiles. - Sweep Circle Oaks Drive daily (with water sweepers) if visible soil material is carried onto adjacent streets. - Limit traffic speeds on unpaved roads to 15 miles per hour (mph); this mitigation is included in the CalEEMod. - Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. - Any burning of cleared vegetation shall be conducted according to the rules and regulations of the BAAQMD's Regulation 5 (BAAQMD, 2006). Prior notification to BAAQMD shall be made by submitting an Open Burning Prior Notification Form to BAAQMD's office in San Francisco. Prior to approval of P11-00205-ECPA, the above measures shall be incorporated into the ECP narrative and applicable plan sheets.	LS	Finding: Compliance with MM 4.1-1, which have been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring a fugitive dust abatement program during construction. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: MM 4.1-1 is consistent with the BQQAMD recommended measures and would be in addition to the permanent erosion control measures specified in #P11-00205-ECPA. Implementation of MM4.1-1 would avoid the creation of fugitive dust (PM₁₀ and PM_{2.5}) emissions during construction of the vineyard by eliminating uncovered stockpiles and controlling traffic speeds and reduce impacts to a less-than-significant level. (See Final EIR, pp. 4.1-12 to 4.1-14; Final EIR Responses to Comments O10-4, O10-5, O11-4, O11-5, O11-47, O21-126, I029-9, I071-14, I071-15.)
Impact 4.1-2: Construction of Proposed Project would result in regional emissions from operation of construction equipment. This is a potentially significant impact. Results of the CalEEMod model indicate that construction of the Proposed Project would not exceed any of the BAAQMD significance	4.1-2: The owner shall implement the required basic construction mitigation measures as recommended by the BAAQMD and mitigation measures used in the CalEEMod during the construction of the Proposed Project, which shall include the following elements:	LS	Finding: Compliance with MM 4.1-2, which have been required or incorporated into the project, will further reduce this less than significant impact. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
thresholds. This is a less than significant impact. (Draft EIR pp. 4.1-13 to 4.1-17.)	- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. - All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. - Post a publicly visible sign with the telephone number and person to contact at Napa County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. - The owner shall equip all construction equipment with a horsepower rating greater than 50 with a diesel particulate filter; this mitigation is included in the CalEEMod. Prior to approval of P11-00205-ECPA, the above measures shall be incorporated into the ECP narrative and applicable plan sheets. Signage shall be installed and documentation from a certified mechanic that construction equipment has been checked and particulate filters installed shall be submitted to the County prior to the commencement of vegetation removal and grading.		substantially lessen the significant environmental effects to further reduce this less than significant impact. Explanation/Facts in Support of Finding: Construction emissions were estimated using the CalEEMod model. Results of this modeling effort indicate that construction of the Proposed Project would not exceed any of the BQQAMD significance thresholds. Nevertheless, BAAQMD recommends that the basic construction measures be implemented in all new construction projects, which will reduce emissions to even lower levels. This less than significant impact will be further reduced through implementation of MM 4.1-2. (Final EIR Response to Comment O10-4, O10-5, O10-7, O11-4, O11-5, O21-126.)
4.2 BIOLOGICAL RESOURCES			
Impact 4.2-1: Approximately 166.8 acres of the California Annual Grassland Alliance were mapped on the Walt Ranch property. Approximately 83.94 acres (50.31 percent) of those acres are proposed to be converted to vineyard. However, approximately 4.45 acres meet the criteria for being considered native grasslands within the proposed blocks (EIR	4.2-1: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): Impacts to native grasslands shall be reduced to	LS	Finding: Compliance with MM 4.2-1, which has been required or incorporated into the project, will reduce impacts to native grasslands to a less-than-significant level. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
Figure 4.2-2a). This area was defined based on portions of the California Annual Grassland Alliance that contain ten percent or higher of native grass species. The conversion of sensitive grassland vegetation potentially conflicts with Napa County Policy CON-2, which provides that agricultural projects should preserve existing significant vegetation to the extent feasible. In addition, Policy CON-17 requires no net loss of native grasslands, serpentine grasslands, mixed serpentine chaparral, and other sensitive biotic communities and habitats of limited distribution, through avoidance, restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preservation of like habitat at a 2:1 ratio or greater is required. Grasslands in general provide cover for erosion control, important forage and nesting habitat for invertebrates, birds, and mammals, and appropriate vegetative structure for many native plant species. This is a potentially significant impact. (Draft EIR pp. 4.2-81 to 4.2-87; Final EIR 4.2-81 to 4.2-87.)	a less-than-significant level and result in the greatest quality of native grassland mitigation through a combination of avoidance, preservation, and enhancement. Specifically, mitigation for the removal of an estimated 4.45 acres of native grassland on the property would be accomplished through a combination of 1) avoidance of high-quality native grasslands within the project area and the immediate vicinity; 2) preservation and conservation of native grasslands having the highest habitat value and species composition; and 3) through the restoration and enhancement of existing non-native grasslands implemented through the Walt Ranch Biological Resources Management Plan (BRMP). <u>Avoidance</u> In order to maintain biodiversity of native grasslands on the property, approximately 3.30 acres of native grasslands shall be avoided. To the maximum extent feasible, access road development shall be relocated as necessary to avoid populations of native grasslands. Specifically, avoidance shall occur at the locations detailed in Table 4.2-5 and shown on Figure 4.2-4 (please refer to Section 4.2). These populations shall be avoided with a buffer of not less than 10 feet. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. The avoidance proposed in Table 4.2-5, in combination with the native grasslands already outside of the clearing limits, will result in the preservation of approximately 8.65 acres (88.3 percent) of native grasslands mapped on the property. Therefore, the Proposed Project will impact 1.15 acres of native grasslands in the avenue around block 13, the avenue around blocks 16A and 16B2, and in blocks 16A, 16B1, 16B2, and 18A5. These impacted areas shall be mitigated at a 2:1 ratio as discussed below. <u>Preservation and Enhancement</u> The direct impact of 1.15 acres of native grasslands shall be mitigated by preserving the		environmental effects to a less-than-significant level. <u>Explanation/Facts in Support of Finding:</u> The Project would impact 4.45 acres (45.4 percent) of existing sensitive native grasslands. MM 4.2-1 will reduce the impact by requiring that native grasslands be avoided in large part and those that are impacted be enhanced and replaced at a 2:1 ratio consistent with General Plan Policy CON-17. (See Final EIR 4.2-81 to 4.2-87; Final EIR Responses to Comments A7-2, O7-2, O10-9, O10-10, O11-16, O13-4, O21-057, O21-069, O22-083, I071-7, I073-9. For further detail on this mitigation measure see BRMP section 5.2)

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	remainder of the native grasslands mapped onsite and enhancing existing non-native grassland to in-kind native reference grasslands at a 2:1 ratio (2.30 acres). The 8.65 acres of native grasslands mapped on the property shall be preserved in perpetuity. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Replacement of native grasslands shall occur on 2.30 acres on the property, and shall be designated in the Walt Ranch BRMP. In order to provide for habitat continuity, the 2.30 acres of native grassland replacement shall occur in suitable areas in proximity to native grassland areas to the maximum extent feasible. This may include, but is not limited to, areas near vineyard blocks 13, 16, 19, or 29. Replacement plantings shall be consistent with the dominant native		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	grassland type (blue wildrye, purple needle grass, and/or California fescue) that was impacted. Any new transplants for replacement shall be propagated from seed found on site. Replanting areas for native grasslands shall be protected with a buffer of not less than 10 feet. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. Prior to ground disturbing activities associated with the Proposed Project, the Walt Ranch BRMP shall be developed by a qualified professional biologist, and submitted to Napa County for review and approval. The Walt Ranch BRMP shall cover multiple sensitive habitat types, sensitive or special-status species, and other biological considerations on the property, as discussed elsewhere in Section 4.2.6 of this EIR. Required performance criteria to be included in the Walt Ranch BRMP are as follows: • Management goals: Goals shall include habitat enhancement criteria, such as increased native grass cover, native plant diversity, and wildlife values. If in the event that population totals of the sensitive resources identified within this EIR are determined to have changed during preconstruction surveys, the Applicant and/or the Applicant's representative shall provide an assessment sufficiently explaining the reason(s) resources are no longer present or are in increased or reduced numbers. The assessment shall be prepared by a qualified biologist, subject to review and approval by the Director; • Identification of suitable habitat: The BRMP shall clearly identify sufficient areas of suitable habitat for each species subject for replanting. In the event the property lacks adequate suitable habitat area, equivalent additional resources shall be avoided in order to meet the specified avoidance criteria;		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	- Restoration and enhancement techniques: Identification of transplanting and mitigation planting techniques for various species and habitat types covered by the BRMP; - Implementation schedule: restoration, enhancement, and planting shall begin during the year following ground disturbance; - Planting goals: A qualified biologist shall work with vineyard personnel to ensure that the spacing of plantings and other requirements of the overall BRMP are met; - Monitoring criteria: Restoration and enhancement areas shall be monitored by a qualified botanist or biologist annually for a minimum of five years. As part of the first year monitoring report, each area planted to offset that years' impacts, the final replacement total, exact location, and size of the replacement plantings shall be recorded; - Reporting criteria: Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation; and - Success criteria: Restoration and enhancement areas must have at least an 80 percent success rate after five years.		
Impact 4.2-2: Development of the Project would impact some sensitive biotic communities or habitats of limited distribution. This is a potentially significant impact. The Project would convert portions of the following designated Biotic Communities of Limited Distribution or oak woodlands to vineyard: Carex spp. – Juncus spp. – Wet Meadow Grasses NFD Super Alliance. The Proposed Project would impact (0.42 acres) (16.43 percent) of this habitat on the property. <u>Oak Woodlands</u> Black Oak Alliance. The Proposed Project would impact 6.26 acres (33.86	4.2-2: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan). All features requiring avoidance shall be field verified by a qualified professional biologist prior to ground disturbing activities, including the placement of construction fencing delineating the areas to be avoided: The Carex spp. – Juncus spp. – Wet Meadow Grasses NFD Super Alliance is only located in Block 16. This habitat type shall be avoided in its entirety. Therefore, the portion of Block 16	LS	Finding: Compliance with MM 4.2-2, which has been required or incorporated into the project, will reduce impacts to sensitive habitats by avoidance of the proposed vineyard blocks. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: The Project would convert portions of Sensitive Biotic Communities to vineyard. MM 4.2-2 requires avoidance of these Sensitive Biotic Communities, in part or in their entirety. Areas chosen for avoidance have been targeted to also protect other important biological resources, such as specimen trees, riparian corridors, and habitat for western pond turtle. After avoidance of the proposed vineyard blocks

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percent) of this habitat on the property. • California Buckeye/Poison Oak/Moss Woodland Alliance. The Proposed Project would impact 0.085 acres (53.13 percent) of this habitat type on the property. • Valley Oak (California Bay – Coast Live Oak – Walnut – Ash) Riparian Forest NFD Association. The Proposed Project would impact 6.34 acres (20.58 percent) of this habitat type on the property. (DEIR pp. 4.2-87 to 4.2-89; Final EIR, pp. 4.2-87 to 4.2-92; Final EIR, Response 6.)	that contains the Carex spp. – Juncus spp. – Wet Meadow Grasses NFD Super Alliance shall be removed from the Proposed Project. This will ensure 100 percent avoidance of this sensitive habitat. The California Buckeye/Poison Oak/Moss Woodland Alliance is only located in Block 33. This habitat type should be avoided in its entirety, as shown on Figure 4.2-5. Therefore, the portion of Block 33 that is the California Buckeye/Poison Oak/Moss Woodland habitat type shall be removed from the Proposed Project. This will ensure 100 percent avoidance of this sensitive habitat. The total acreage of this habitat type (0.16 acres) on the property shall be placed in permanent protection through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Valley Oak (California Bay – Coast Live Oak – Walnut – Ash) Riparian Forest NFD Association is located in select areas throughout the property, associated with streams and creeks. The portions of vineyard blocks and avenues 21B, 29A1, 29A2, 29B2, 30A, 42, 43, 45B, 57B, and 58A that contain this sensitive habitat type should be removed from the Proposed Project, resulting in 6.3 acres of gross area removed from the Proposed Project. Avoiding these areas will also protect upland habitat for the western pond turtle (discussed further in Impact 4.2-10) and wildlife corridors along riparian areas. After mitigation, 30.8 acres (100 percent) of this habitat type will be preserved on the property.		described in MM 4.2-2, the impacts to sensitive habitats are reduced to a less-than-significant level and the Project is consistent with General Plan Policy CON-17 and Policy CON-24. (See Final EIR, pp. 4.2-87 to 4.2-92; Final EIR Response 6; Final EIR Responses to Comments A7-3, O7-4, O10-9, O11-16, O11-41, O12-1, O12-5, O12-6, O21-057, O22-002, O22-005, I073-9, I142-2, I142-4. For further details regarding the implementation of this measure, see BRMP chapter 5.4.)

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	Approximately 2.5 acres of Black Oak Alliance habitat will be avoided in the following vineyard blocks and surrounding avenues: 12, 15B, 16B1, 16B2, 17A, 17B, 31A, 31B, 37A, 37C, 37D, 43, and 60A3, as shown on Figure 4.2-5. The blocks chosen for avoidance will provide additional habitat continuity benefits and will also protect certain specimen trees, in addition to conserving Black Oak Alliance. Specimen trees are also discussed in Impact 4.2-16 below. After mitigation, 35.8 acres of this habitat type will be impacted by the project, and 281.7 acres (88.7 percent) will remain on the property. These impacts shall be mitigated by preserving Black Oak Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 71.6 acres of Black Oak Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Approximately 3.6 acres of Blue Oak Alliance will be avoided in the following vineyard blocks and surrounding avenues: 28, 29B1, 29B2, 37A, 37D, and 47A1, as shown on Figure 4.2-5. Avoiding these blocks will also protect specimen trees, interspersed Fescue Alliance, and wildlife corridors along creeks and tributaries. After mitigation, 2.6 acres of this habitat type will be impacted on the property. The 2.6 acres that will be impacted shall be mitigated by preserving Blue Oak Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 5.2 acres of Blue Oak Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first.		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Approximately 1.75 acres of Coast Live Oak (Foothill Pine) Alliance will be avoided in vineyard Block 18 and surrounding avenues, as shown on Figure 4.2-5. Avoiding portions of this block chosen for avoidance will provide additional habitat continuity benefits and will also protect specimen trees and western pond turtle habitat, in addition to conserving Coast Live Oak (Foothill Pine) Alliance. After mitigation, 20.1 acres of this habitat type will be impacted by the project, which shall be mitigated by preserving Coast Live Oak (Foothill Pine) Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 40.2 acres of Coast Live Oak (Foothill Pine) Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Approximately 11.25 acres of Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association will be avoided in the following vineyard blocks and surrounding avenues: 1B, 2A and 2B, 5A, 17B, 18A, 19A, 20A, 36A and 36B, 37E and 37F, 45B, 48, 51C, 57B, 62A, 63, 64, and 69, as shown on Figure 4.2-5. The blocks chosen for avoidance will provide additional habitat continuity benefits and will also protect specimen trees, western		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	pond turtle habitat, northern black walnut, and wildlife corridors, in addition to conserving Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association. After mitigation, 100.2 acres of this habitat type will be impacted by the project, which shall be mitigated by preserving Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association habitat elsewhere on the property at a 2:1 ratio. This will result in 200.4 acres of Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Approximately 13.01 acres of Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance will be avoided in the following vineyard blocks and surrounding avenues: 1B and 1C, 12, 16A, 16B, 16C, 19A, 24, 25A, 37D, 51C, and 55B, as shown on Figure 4.2-5. The blocks chosen for avoidance will provide additional habitat continuity benefits and will also protect specimen trees, notable oak woodland stands, and interspersed native grasslands, in addition to conserving Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance. After mitigation, 103.8 acres of this habitat type will be impacted by the project, which shall be mitigated by preserving Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance habitat elsewhere on the property at a 2:1 ratio. This will result in 207.6 acres of Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance preserved in permanent protection on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. To the maximum extent feasible, access road development shall be relocated as necessary to avoid sensitive habitats. After avoidance of the proposed vineyard blocks described above, the impacts to sensitive habitats are reduced to a less-than-significant level and the Proposed Project is consistent with General Plan Policy CON-17 and Policy CON-24.		
Impact 4.2-4: Development of the Project could result in impacts to wetlands or waters of the U.S., which could be inconsistent with Policies CON-26, CON-30, and CON-42. This would also conflict with Napa County Code Section 18.108.025 (General provisions – Intermittent/perennial streams). The jurisdictional features identified on the property consist of 1.6 acres seasonal wetlands, 0.4 acres freshwater seeps, 0.2 acres freshwater marsh, 1.0 acres seasonal volcanic seeps, 0.8 acres riparian wetlands, and 10.8 acres of “other waters” of the project site. Milliken and Capell Creeks are included as part of the seasonal wetland surrounding the creek. The Project was designed to avoid all waters of the U.S., except for short stretches in 24 locations as shown in DEIR Table 4.2-6. Vineyard blocks were designed to facilitate as few stream crossings as possible, and stream crossings are only proposed when necessary for vineyard block access. Activities associated with roads and stream crossings would result in direct impacts to waters of the U.S. and will require permits from the USACE and CDFW.	4.2-4: Project site plans will avoid or mitigate for direct impacts to jurisdictional waters of the U.S, as described below. A Department of the Army nationwide permit (Section 404 permit) shall be obtained from the USACE prior to the discharge of any dredged or fill material within jurisdictional wetlands and other waters of the U.S. If needed, a Streambed Alteration Agreement (SAA) shall be obtained from CDFW prior to construction activities that impact riparian zones. A Clean Water Act Section 401 Water Quality Certification will be obtained from the Regional Water Quality Control Board (RWQCB) prior to any discharge into waters of the United States. Copies of all approved permits shall be submitted to the County prior to any ground disturbance, vegetation removal, and grading in areas involving waters of the U.S. and/or riparian zones. Direct impacts to waters of the U.S., specifically the 0.25 acres of jurisdictional “other waters” shown in Table 4.2-6, shall be mitigated by creating or restoring waters of the U.S. onsite. Compensatory mitigation shall occur at a minimum of 1:1 ratio and shall be approved by the USACE prior to any discharge into	LS	Finding: Compliance with MM 4.2-4, which has been required or incorporated into the project, direct impacts to wetlands and waters of the U.S. would be considered less than significant. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: A total of approximately 0.02 acres of wetlands and 0.25 acres of jurisdictional “other waters” were identified and mapped within the clearing areas of the project site. A Department of the Army nationwide permit (Section 404 permit) shall be obtained from the USACE prior to the discharge of any dredged or fill material within jurisdictional wetlands and other waters of the U.S. A Clean Water Act Section 401 Water Quality Certification will be obtained from the Regional Water Quality Control Board (RWQCB) prior to any discharge into waters of the United States. To avoid indirect impacts to all other wetlands, avoidance buffers of 50 feet shall be established around each of the wetlands, which include a 24-foot vegetated turnaround avenue and a 26-foot undisturbed filter strip. Vineyard development near streams that meet the Napa County definition of a stream will maintain setbacks in compliance with the Napa County Conservation Regulations and Code 18.108.025. With implementation of MM 4.2-4 (in addition to the other mitigation measures found in the

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(Draft EIR pp. 4.2-91 to 4.2-96; Final EIR, pp. 4.2-93 to 4.2-98.)	jurisdictional features. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Prior to development of Block 31 (which will result in the direct impact of 0.02 acres of wetland as shown in Table 4.2-6), necessary permits by the appropriate agencies will be obtained to remove the isolated wetland inside the proposed block, and mitigation at a minimum of 1:1 will be applied to the Capell Creek drainage area on the property. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. To avoid indirect impacts to all other wetlands, avoidance buffers of 50 feet shall be established around each of the wetlands, which include a 24-foot vegetated turnaround avenue and a 26-foot undisturbed filter strip. Temporary orange construction fencing, or other method acceptable to Napa County, shall be installed around all		DEIR), impacts to jurisdictional waters of the U.S. will be reduced to a less-than-significant level and ensure compliance with Policies CON-26, CON-30, and CON-42. (See Final EIR, pp. 4.2-93 to 4.2-98; Final EIR Responses to Comments A2-01, A2-03, A7-12, A7-15, O7-3, O7-26, O7-29, O7-30, O7-34; O9-21, O9-22, O9-44, O20-1, O21-17, O21-057, O22-021, O22-023, O22-099, O22-100, O22-101, I046-5, I073-9, I143-8.)

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	wetlands and any drainage features in the vicinity of and outside of the construction area. Fencing shall be located a minimum of 26 feet from the edges of wetlands as identified by a qualified biologist. All fencing shall be installed prior to the commencement of any earthmoving activities and shall be field verified by Napa County. The fencing shall remain in place until all construction activities in the vicinity have been completed. Vineyard development near streams that meet the Napa County definition of a stream will maintain setbacks in compliance with the Napa County Conservation Regulations and Code 18.108.025 (see Table 4.2-7). For drainages which do not meet the Napa County definition of a stream, 20-foot minimum setbacks shall be maintained from the top of bank. Minimum 50-foot setbacks (which includes a 24-foot vegetated turnaround avenue and a 26-foot undisturbed filter strip) shall be maintained around all wetlands. The proposed BMPs shall be implemented throughout the life of the project. These include cover crop management and integrated pest management, which in addition to the proposed setbacks, would effectively filter sediments, agricultural chemicals, and nutrients to a less-than-significant level. Any changes to the BMPs shall be submitted to the Director for approval prior to implementation. Additional buffers are recommended in two locations to provide extra protection to sensitive habitats and species. The buffer around a portion of the wetland in Block 5A3 should be increased by 25 feet as shown on Figure 4.2-6 in order to provide additional protection to the wetland and the population of Gairdner's yampah immediately adjacent to it. In addition, the buffer surrounding the drainage in the south of Block 8 should be expanded by 50 feet, as shown on Figure 4.2-6 (please refer to the figure in Section 4.2). Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in		

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	place throughout construction activities. Construction activities, including, but not limited to earthmoving and staging activities, within 50 feet of any USACE jurisdictional features shall be conducted during the dry season (April 1 to September 15 or October 15) to minimize impacts related to erosion, water quality, and aquatic resources, and activities shall be conducted consistent with Mitigation Measure 4.2-10 to protect western pond turtle and Mitigation Measure 4.2-11 for California red-legged frog (CRLF). All disturbed areas shall be seeded and mulched to prevent erosion and sediment deposit into wetlands and waters of the U.S. Staging areas shall be located within approved clearing limits and a minimum distance of 100 feet away from the areas of jurisdictional waters that are fenced off and the ECP (P11-00205-ECPA) shall be modified to indicate this prior to approval. Temporary stockpiling of excavated or imported material shall occur only in approved construction staging areas within the gross acres allocated for vineyard development (i.e., approved vineyard blocks and associated acreage). Excess excavated soil shall be used onsite or disposed of at an approved facility or site. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g. with tarps, silt fences, or straw bales) prior to September 15 or October 15 of each year. Standard precautions shall be employed by the construction contractor to prevent the accidental release of fuel, oil, lubricant, or other hazardous materials associated with construction activities into jurisdictional features. A contaminant program shall be developed and implemented in the event of release of hazardous materials (as detailed in Mitigation Measure 4.5-1).		
Impact 4.2-5: Development of the Proposed Project would have the potential to affect populations of non-hybridized northern	4.2-5: As part of the Walt Ranch Biological Resources Management Plan (BRMP) required in Mitigation Measure 4.2-1, the following	LS	Finding: Compliance with MM 4.2-5, which has been required or incorporated into the project, impacts to northern California black walnut would be considered less than significant. The Director

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California black walnut (<i>Juglans hindsii</i>; CNPS 1B.2) within the project area. This would conflict with General Plan Goal CON-3 and related Policies. The stand of northern California black walnut on the Walt Ranch property and individual trees persisting within the Circle Oaks community comprise the largest and highest quality natural stand of northern California black walnut trees in California documented prior to 1850. Applicant has proposed removing seven black walnut trees that occur outside the wetland corridor in Block 37, in woodland on the western edge of the grassland. (Draft EIR pp. 4.2-96 to 4.2-99; Final EIR pp. 4.2-98 to 4.2-100; Final EIR Response 6.)	measures will be taken to ensure a less-than-significant impact to northern California black walnut: • An untagged black walnut stump with sprouts that obviously was rootstock for English walnut, located north of the road on the eastern edge of the grassland, may be removed. This tree is in poor health and was not producing nuts in 2009. • If feasible, the three trees on the western edge of the grassland (tag numbers 8628, 8268, and 8795) should not be removed unless they are demonstrated to the satisfaction of the Director that they are of hybrid origin. • If it is determined that the trees must be removed, and they are determined by the County not to be of hybrid origin, walnuts should be collected prior to removing the trees. Walnuts collected from these trees should then be distributed randomly throughout the native walnut preserved area shown in Figure 4.2-7. • If the three trees are demonstrated to be of hybrid origin, no mitigation would be necessary for their removal. • No additional northern California black walnut trees shall be removed from the property. • The Applicant is encouraged to remove the grafted English walnut stand adjacent to the northern California black walnut stand to minimize hybridization. • Prior to construction in Block 37, temporary construction fencing shall be placed along the avoidance area shown in Figure 4.2-7 (please refer to the figure in Section 4.2). The temporary fencing shall remain throughout construction activities. • The area shown in Figure 4.2-7 shall be avoided in permanent protection in order to provide sufficient habitat for potential future regrowth and expansion of the population of		hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Applicant has proposed removing seven black walnut trees that occur outside the wetland corridor in Block 37, in woodland on the western edge of the grassland. In order to reduce impacts to less-than-significant levels, MM 4.2-5 requires that the three black walnut trees proposed for removal (tag number 8628, 8268, and 8795) are tested prior to removal to determine if they are of hybrid origin. All of the remaining northern California black walnut trees shall be avoided with a buffer of at least 200 feet. These measures will reduce the impacts to black walnuts to a less-than-significant level. (See Final EIR pp. 4.2-98 to 4.2-100; Final EIR Response 6; Final EIR Responses to Comments O7-5, O7-36, O12-3, O21-057, I073-9. For further details regarding implementation of this measure, see BRMP section 5.3.1.)

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	northern California black walnut trees. Protection shall be achieved through the recordation of a conservation easement approved by the Director, held by an accredited land trust organization, prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.		
Impact 4.2-6: Development of the Project could interfere with existing wildlife movement corridors and could conflict with General Plan Policy CON-18, which relates to wildlife movement. Installation of wildlife exclusion fencing surrounding clusters of vineyard blocks would result in impacts to animal movement. Project design ensures there are spaces for animal passage between fenced clusters, reducing impacts to wildlife movement corridors. Proposed stream and wetland corridor buffers (protected via implementation of MM 4.2-4) on the project site would allow wildlife movement between contiguous habitats within the project parcel and adjacent undeveloped land. (Draft EIR pp. 4.2-99 to 4.2-101; Final EIR pp. 4.2-102 to 4.2-103; Final EIR Response 7.)	4.2-6: After implementation of avoidance measures required in Mitigation Measures 4.2-1, 4.2-2, 4.2-7, 4.2-8, and 4.2-9, some deer fencing proposed in #P11-00205-ECPA may not be necessary due to alterations in vineyard layout. Prior to the approval of P11-00205-ECPA, the plan shall be modified so that proposed vineyard blocks shall be fenced individually or in small clusters, with corridors of no less than 100 feet in width.	LS	Finding: Due to implementation of MM 4.2-6, along with avoidance measures in MMs 4.2-1, 4.2-2, 4.2-7, 4.2-8 and 4.2-9, all of which have been required or incorporated into the Project, impacts to existing wildlife movement corridors would be considered less than significant. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Deer fencing surrounding clusters of vineyard blocks would impact animal movement as a consequence of installation of wildlife exclusion fencing. Implementation of MM 4.2-6 (along with avoidance measures in MMs 4.2-1, 4.2-2, 4.2-7, 4.2-8 and 4.2-9) would ensure that impacts to wildlife corridors are minimized by requiring that 100 foot minimum corridors are maintained between deer fencing in accordance with General Plan Policy CON-18. With mitigation, this impact would be less than significant. (See Final EIR pp. 4.2-102 to 4.2-103; Final EIR Response 7; Final EIR Responses to Comments A7-15, O11-49, O11-51, O11-52, O11-53, O11-59, O12-4, O21-049, O21-050, O21-051, O21-052, O21-53, O21-057, O21-058, I073-9, I109-2.)
Impact 4.2-7: Development of the Proposed Project would have the potential to affect populations of holly-leaved ceanothus (CEPU2; CNPS 1B.2) within the project area, which is a potentially significant impact. This could conflict with General Plan Goal CON-3, Policy CON-17,	4.2-7: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan):	LS	Finding: Implementation of MM 4.2-7, which has been required or incorporated into the Project, would reduce impacts to holly-leaf ceanothus to a less-than-significant level through a combination of avoidance, preservation and replanting. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and

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and related Policies. As proposed, the vineyard development would result in the removal of approximately 24.84 acres (37.5 percent) of the holly-leaf ceanothus on the property. Although the project design will avoid over 41.41 acres CEPU2 habitat on the Walt Ranch property, and will result in retention of approximately 62.5 percent of the CEPU2, mitigation is required to reduce this impact. (Draft EIR pp. 4.2-101 to 4.2-105; Final EIR Response 8)	Impacts to CEPU2 would be reduced to a less-than-significant level through a combination of avoidance, preservation, and replanting. Specifically, the mitigation for the removal of an estimated 24.84 acres of holly-leaf ceanothus would be accomplished through a combination of 1) avoidance of high-quality ceanothus populations within the project area; 2) preservation and conservation of CEPU2 with the highest density and greatest health; and 3) through the restoration and enhancement of CEPU2 elsewhere on the property as part of the Walt Ranch Biological Resources Management Plan (BRMP). Avoidance In order to maintain the health and viability of the holly-leaf ceanothus populations on the Walt Ranch property, approximately 11.94 acres of CEPU2 shall be avoided in order to protect 80 percent of the population on the property. Proposed avoidance locations are detailed in Table 4.2-8 and shown on Figure 4.2-8 (please refer to Section 4.2). The locations shown in Figure 4.2-8 include a 25 foot buffer to protect the populations. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. To the maximum extent feasible, access road development shall be relocated as necessary to avoid populations of CEPU2; any acreage that is impacted in order to access blocks shall be mitigated in the final Walt Ranch BRMP. Some of the avoidance proposed in Table 4.2-8 has been targeted to preserve areas where holly-leaf ceanothus and narrow-anthered brodiaea co-occur (narrow-anthered brodiaea is discussed in Impact 4.2-8, below). Therefore, some of the avoidance areas proposed in Table 4.2-8 are also recommended for avoidance in Table 4.2-9, below. The avoidance proposed in Table 4.2-8, in combination with the populations of CEPU2		CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Avoidance measures will result in 53.35 acres of CEPU2 on the property to be preserved in perpetuity. As such, the Project will only impact 12.90 acres of holly-leave ceanothus, which will be mitigated at a 1:1 ratio. After implementation of MM 4.2-7, impacts to holly-leaf ceanothus are less than significant. (See Final EIR Response 8; Final EIR Responses to Comments O7-6, O7-10, O12-4, O13-1, O13-2, O21-057, I073-9. For further details regarding implementation of this measure, see BRMP section 5.3.2.)

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	already outside of clearing limits, will result in the preservation of approximately 53.35 acres (80.52 percent) of CEPU2 on the property. Therefore, the Proposed Project will impact 12.90 acres of holly-leaf ceanothus, which shall be mitigated at a 1:1 ratio as discussed below. <u>Preservation and Replanting</u> The 53.35 acres of preserved CEPU2 on the property shall be preserved in perpetuity. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. The direct impact of 12.90 acres of holly-leaf ceanothus should be mitigated by preserving the remainder of the CEPU2 population onsite and replanting at a 1:1 ratio (12.90 acres). Mitigation replanting shall be designated in the Walt Ranch		

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	BRMP. In order to provide for habitat continuity and population viability, the replanting areas shall occur within the Milliken Reservoir watershed within areas in close proximity to existing populations of holly-leaf ceanothus. The density of mitigation replanting shall be determined by the qualified biologist during preconstruction surveys and shall be similar to the density that is impacted by the project after avoidance mitigation. Additional measures, specific to CEPU2, that shall be included in the Walt Ranch BRMP include: • Transplants shall be planted in suitable areas ecologically similar to the original site as determined by a qualified biologist and approved by Napa County. • A 25-foot buffer shall be established around preserved populations and replanting sites. This buffer shall be flagged in the field by the qualified biologist and inspected by Napa County prior to project commencement. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. • A qualified biologist or botanist will monitor the BRMP area annually for a minimum of five years to ensure at least an 80 percent success rate for preservation and replanting of CEPU2. • Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation.		
Impact 4.2-8: Development of the Project would have the potential to affect populations of narrow-anthered brodiaea (BRLE; CNPS 1B.2) within the project area, which is a potentially significant impact. This could conflict with General Plan Goal CON-3, Policy CON-17, and related Policies. The Project would result in the removal of	4.2-8: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan):	LS	Finding: Implementation of MM 4.2-8, which has been required or incorporated into the Project, would reduce impacts to BRLE to a less-than-significant level through a combination of avoidance, preservation and replanting. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the

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approximately 26.4 acres (63.1 percent) of the total 41.8 acres of BRLE habitat on the property. Approximately 15.4 acres of narrow-anthered brodiaea exist outside the boundaries of the proposed clearing areas would be retained on the property. (Draft EIR pp. 4.2-105 to 4.2-110; Final EIR Response 8.)	Impacts to BRLE would be reduced to a less-than-significant level through a combination of avoidance, preservation, and replanting. Specifically, the mitigation for the removal of an estimated 26.4 acres of narrow-anthered brodiaea would be accomplished through 1) avoidance of high-quality BRLE populations within the project area; 2) preservation and conservation of narrow-anthered brodiaea with the highest density and greatest health; and 3) through the restoration and enhancement of BRLE elsewhere on the property as part of the Walt Ranch Biological Resources Management Plan (BRMP). <u>Avoidance</u> In order to maintain the health and viability of the narrow-anthered brodiaea populations on the Walt Ranch property, approximately 17.74 acres of BRLE shall be avoided in order to protect approximately 80 percent of the population on the property. Proposed avoidance locations are detailed in Table 4.2-9 and shown on Figure 4.2-9 (please refer to Section 4.2). The locations shown in Figure 4.2-9 include a 25 foot buffer to protect the populations. To the maximum extent feasible, access road development shall be relocated as necessary to avoid populations of BRLE; any acreage that is impacted in order to access blocks shall be mitigated in the Walt Ranch BRMP. Some of the avoidance proposed in Table 4.2-9 has been targeted to preserve areas where hollyleaf ceanothus and narrow-anthered brodiaea co-occur. Therefore, some of the avoidance areas proposed in Table 4.2-9 are also required for avoidance in Table 4.2-8, above. The avoidance proposed in Table 4.2-9, in combination with the populations of BRLE already outside of clearing limits, will result in the preservation of approximately 33.2 acres (79.5 percent) of BRLE on the property. Therefore, the Proposed Project will impact 8.63 acres of		Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. <u>Explanation/Facts in Support of Finding:</u> The Project would result in The Project would result in the removal of approximately 26.4 acres of BRLE habitat. Avoidance under MM 4.2-8, in combination with the populations of BRLE already outside of the clearing limits, would result in the preservation of approximately 33.2 acres (79.5 percent) of BRLE on the property. The remaining 8.63 impacted acres would be mitigated at a 1:1 ratio. After implementation of MM 4.2-8, impacts to narrow-anthered brodiaea will be less than significant. (See Final EIR Response 8; Final EIR Responses to Comments O7-7, O7-10, O21-057, O21-068, I073-9. For further details regarding implementation of this measure, see BRMP section 5.3.3.)

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	narrow-anthered brodiaea, which shall be mitigated at a 1:1 ratio as discussed below. <u>Preservation and Replanting</u> The 33.2 acres of preserved BRLE shall be preserved on the property in perpetuity. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. The direct impact of 8.63 acres of narrow-anthered brodiaea shall be mitigated by preserving the remainder of the BRLE population onsite and replanting at a 1:1 ratio (8.63 acres) in locations designated in the Walt Ranch BRMP. In order to provide for habitat continuity and population viability, the replanting areas		

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	shall occur within the Milliken Creek watershed within areas in close proximity to existing populations of narrow-anthered brodiaea. The density of mitigation replanting shall be determined by the qualified biologist during preconstruction surveys and shall be similar to the density that is impacted by the project after avoidance mitigation. Additional measures, specific to BRLE, that shall be included in the Walt Ranch BRMP include: • Transplants shall be planted in suitable areas ecologically similar to the original site as determined by a qualified biologist and approved by Napa County. • Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation; • A 25-foot buffer shall be established around preserved populations and replanting sites. This buffer shall be flagged in the field by the qualified biologist and inspected by Napa County prior to project commencement. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. • A qualified biologist or botanist will monitor the BRMP area annually for a minimum of five years to ensure at least an 80 percent success rate for preservation and replanting of BRLE.		
Impact 4.2-9: Development of the Project would have the potential to affect habitat for other special status species on the project site, in conflict with General Plan Goal CON-3 and related Policies, and could result in conflicts with Goal CON-2 that requires the maintenance and enhancement of existing levels of biodiversity. There are approximately five populations of narrow-leaved daisy that were mapped on the	4.2-9: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): For all of the species discussed below, buffers of no less than 25 feet shall be established around any preserved or replanted areas. All	LS	Finding: Implementation of MM 4.2-9, which has been required or incorporated into the Project, would reduce impacts to special-status plant species through a combination of avoidance, preservation, and replanting. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level.

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property in 2008, three of which will be impacted by the Project. Jepson's leptosiphon is found on 0.8 acres of the property, and approximately 0.09 acres (11.1 percent) will be impacted by the Project. Napa bluecurls occur over 1.54 acres of the property, and approximately 0.3 acres (16.5 percent) will be impacted by the Project. Gairdner's yampah occupies approximately 9.0 acres within the property, and approximately 3.25 acres (36.0 percent) will be impacted by the Project. There are five populations of redwood lily on the property, and one will be impacted by the Project. Green monardella has been mapped on 4.5 acres within the property, and approximately 3.4 acres (75.5 percent) will be impacted by the Project. The impact to special-status plant species is a potentially significant impact. (Draft EIR pp. 4.2-110 to 4.2-114; Final EIR pp. 4.2-111 to 4.2-116; Final EIR Response 8.)	populations of species designated shall be identified in a conservation easement held by an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, acceptable to the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbance, grading, or vegetation removal, or with 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. All mitigation plantings shall conform to the same five year annual monitoring and 80 percent success criteria standards found in the Walt Ranch BRMP. To the maximum extent feasible, access road development shall be relocated as necessary to avoid impacts to sensitive plant species. Prior to development of the Proposed Project, a botanical survey for narrow-leaved daisy shall be conducted to re-locate the identified plants on the property. Any plants that are not relocated by the qualified biologist or botanist do not require further mitigation. For any of the six		Explanation/Facts in Support of Finding: The Project would cause disturbance or loss of special-status plant species present in the development areas. To reduce this potentially significant impact to a less-than-significant level, a combination of avoidance, preservation and replanting will be employed. Prior to development, a botanical survey for narrow-leaved daisy will be conducted to relocate the identified plants on the property. Jepson's leptosiphon shall be preserved by removing portions of vineyard blocks 20A, 48, 55B, and the avenue surrounding 55B. Napa bluecurls will be avoided in their entirety by removing a portion of Block 16. Approximately 1.10 acres of vineyard have been removed from the Project to protect Gairdner's yampah and preservation of existing populations will also serve to preserve other special-status species, as well. Populations of redwood lily will be avoided with a 25 foot buffer and preserved in a deed restriction or conservation easement. Approximately 1.11 acres of vineyard has been removed from the Project to protect Green monardella. After implementation of MM 4.2-9, impacts to special-status plant species are less than significant. (See Final EIR pp. 4.2-111 to 4.2-116; Final EIR Response 8; Final EIR Responses to Comments 07-10, 07-14, 07-17, 07-23, 021-057, 1073-9. For further details regarding implementation of this measure, see BRMP section 5.3.)

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	narrow-leaved daisies that are relocated, seeds shall be collected in the fall, between August and September, and a test transplant shall be conducted in winter. Provided that the plant survives after one year of monitoring by a qualified biologist or botanist, the Applicant may proceed with mitigation replanting for narrow-leaved daisy. If the mitigation transplant does not survive, the Applicant shall protect the three isolated populations in Block 16. Provided that mitigation is successful, the one isolated population of narrow-leaved daisy that occurs in Block 16 may be removed for vineyard development under the Proposed Project without impacting overall population viability. The five populations outside of vineyard blocks (located north of Block 10, just east of Block 16B2, east of Block 1A, within a portion of 2A2 avoided per WPT mitigation, and just south of Block 16A2) shall be preserved. The three impacted populations shall be mitigated through replanting and seed collection in a protected and appropriate habitat elsewhere on the property, as determined by a qualified botanist. The replanting areas shall be designated in the Walt Ranch BRMP. All eight populations designated for preservation shall be identified in a conservation easement held by an accredited land trust organization, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered		

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	into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Additional measures, specific to narrow-leaved daisy, that shall be included in the Walt Ranch BRMP include: • Transplants shall be planted in suitable areas ecologically similar to the original site as determined by a qualified biologist and approved by Napa County. • A 25-foot buffer shall be established around preserved populations and replanting sites. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. A minimum of approximately a two-foot diameter by one foot deep plug of soil should be transported intact with the plant. • Transplanting of narrow-leaved daisy shall occur between November and January. • A qualified biologist or botanist will monitor the BRMP area annually for a minimum of five years to ensure at least an 80 percent success rate for preservation and replanting of narrow-leaved daisy. • Annual monitoring reports shall be submitted to Napa County by January 1 of each year for five years after the successful completion of the replanting efforts and plan implementation. All populations of Jepson's leptosiphon shall be		

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	preserved by removing portions of the following vineyard blocks from the Proposed Project: 20A, 48, 55B, and the avenue surrounding 55B. The populations shall be protected with a 50 foot buffer. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. These areas provide additional benefits by preserving western pond turtle upland habitat (discussed further in Impact 4.2-10) and Gairdner's yampah habitat. Therefore, 0.8 acres of vineyard will be required to be removed from the Proposed Project to protect Jepson's leptosiphon, which will result in 100 percent avoidance on the property. Approximately 1.54 acres of Napa bluecurls occurs in one isolated wetland near Block 16. The other isolated population is located outside of the proposed clearing limits. The Proposed Project would impact 0.3 acres (16.5 percent) of the Napa bluecurls on the property. Due to the rarity and extremely limited range of this species, Napa bluecurls shall be avoided in their entirety. Preserving the 0.3-acre population by removing this portion of Block 16 shall result in 100 percent avoidance of this species. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. Prior to the issuance of any grading plans, the Erosion Control Plan shall be modified to remove the above referenced areas from development. Populations of Gairdner's yampah occur throughout the property and within several proposed vineyard areas (see Figure 4.2-3). Not all populations on the property were mapped. Populations shall be preserved in vineyard blocks 51C; 5A1, 5A3, and 8A (will also provide for additional stream and wetland buffers, as well as brodiaea and ceanothus protection); 16A and 16C1 (will also protect Napa bluecurls); 17B (will protect specimen trees); 20A (will protect Jepson's leptosiphon); 36A, 37F, and 37G (will also protect black walnut		

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	habitat); and 2A, 34A1, 34A2, 43, 45A, and 49 (will also protect western pond turtle upland habitat). Therefore, approximately 1.10 acres of vineyard have been removed from the Proposed Project to protect Gairdner's yampah, and a total of 6.85 acres (76.1 percent) will be preserved on the property. Prior to any ground disturbing activities, grading or vegetation removal, the temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. As stated above, this plant occurs throughout the property, and mapping focused predominantly within proposed vineyard blocks; therefore, it is likely that additional populations exist outside of the clearing limits and greater than 80 percent avoidance has been achieved. Preservation of existing appropriate habitats for natural regeneration and persistence of existing perennial populations is sufficient to maintain this species on site. There are five populations of redwood lily on the property. All populations shall be avoided with a 25 foot buffer and preserved in the conservation easement on the property. Prior to any ground disturbing activities, grading or vegetation removal, the temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. All five populations of redwood lily designated for preservation shall be identified in a conservation easement held by an accredited organization, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be		

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	restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within six months of project approval, whichever occurs first. Green monardella occurs in Blocks 16A, 16B1, and 16B2, as well as areas outside of clearing limits just northwest of Block 16A. The green monardella that overlaps with native grassland in Block 16B1, 16B2, and the avenues outside these blocks shall be avoided. Prior to any ground disturbing activities, grading or vegetation removal, the temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. Therefore, approximately 1.11 acres of vineyard has been removed from the Proposed Project to protect this species. This will result in a total of 2.20 acres (48.8 percent) of green monardella preserved on the property. Preservation of existing appropriate habitats for natural regeneration and persistence of existing perennial populations is sufficient to maintain this species on site, and replanting is not required.		
Impact 4.2-10: Western pond turtles were observed in Capell and Milliken Creeks and their tributaries on many occasions by biological survey personnel (WRA, 2007; AES, 2009). This species utilizes upland habitats in proximity to suitable aquatic habitats to lay eggs and take refuge from flooding or dry conditions. Suitable nesting and refuge habitat is present in the grassland and woodland habitats in proximity to occupied aquatic habitats. Development of the project would have the potential to affect western pond turtles. This is a	4.2-10: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): Impacts to western pond turtle would be reduced to a less-than-significant level through a combination of avoidance and preservation of prime nesting and upland habitat. This is accomplished in through the stream setbacks	LS	Finding: Implementation of MM 4.2-10 (along with riparian buffers required under MM 4.2-4), which has been required or incorporated into the Project, would reduce potential impacts on western pond turtles to less-than-significant levels through a combination of avoidance and preservation of prime nesting and upland habitat. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a

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potentially significant impact. Based on turtle observations and habitat on the project site it is estimated that approximately 531 acres of western pond turtle habitat occur on the 2,300-acre project site. Approximately 4.5 acres of nesting habitat (or 21.7 percent) are located within portions of proposed vineyard Blocks 18, 19, 20, 21, 42, 45, and 69 would be lost as a result of the Project as currently proposed. A total of 44.6 acres (8.4 percent) of upland nest habitat for western pond turtle is contained within the proposed vineyard blocks. Therefore, 91.6 percent of western pond turtle habitat would be retained within the site. Localized increase in soil erosion from certain blocks could have an impact on wildlife that utilize aquatic habitat in the vicinity of those vineyard blocks. This would be a significant impact. (Draft EIR pp. 4.2-114 to 4.2-118; Final EIR pp. 4.2-116 to 4.2-118; Final EIR Response 8.)	provided in the project design and in Mitigation Measure 4.2-4, as well as the additional avoidance measures discussed below. <u>Avoidance and Preservation</u> In order to maintain sufficient nesting habitat for western pond turtle populations on the Walt Ranch property, approximately 4.07 acres of nesting habitat shall be avoided in Blocks 18A1, 18A2, 18A3, 18A5, 19B, 21B, 42, 45A, 45B, and 69, as well as in the vineyard avenues surrounding those blocks. These avoidance locations shall occur at the locations shown on Figure 4.2-10. This avoidance, in combination with other nesting habitat outside of clearing limits, will result in the preservation of approximately 20.27 acres (97.93 percent) of the western pond turtle nesting habitat on the property. Upland habitat is also important for natural species behaviors. Portions of vineyard blocks 29B2, 30A, 42, 43, 45B, 57B, and 58A shall be removed from the Proposed Project in order to provide continuous tracts of western pond turtle upland habitat in the Capell Creek watershed. These areas will also protect the sensitive Valley Oak (California Bay – Coast Live Oak – Walnut – Ash) Riparian Forest NFD habitat type. In the central portion of the property, portions of Block 18A3, 18A5, 34A2, 48, 52, and 69 will be avoided in order to provide a larger corridor of unbroken upland habitat. Block 34A2 will also protect Gairdner's yampah, while Block 48 will also protect populations of Jepson's leptosiphon. In the Milliken Creek watershed, portions of blocks 1B, 1C, 2A1, 2A2, 2B1, 2B2, 8C, 9A4, and 24 will be removed. Approximately 16.9 acres of western pond turtle upland habitat has been removed from the Proposed Project. The avoidance shown in Figure 4.2-10, in combination with the other upland habitat outside of clearing limits, will result in the preservation of 486.56 acres (95.44 percent) of western pond turtle upland habitat on the property. Prior to the issuance of any grading plans, the		less-than-significant level. Explanation/Facts in Support of Finding: The avoidance specific nesting habitat and upland habitat locations required under MM 4.2-10, in combination with nesting habitat and upland habitat outside of clearing limits, would result in the preservation of more than 95 percent of such western pond turtle habitat, respectively, on the property. Riparian buffers and setbacks as required under MM 4.2-4 have been shown to intercept and trap as much a 75 to 100 percent of sediment in runoff (Grismer, 2006). Therefore, impacts to western pond turtle as a result of sedimentation would be less than significant. In addition to avoiding sensitive habitats, MM 4.2-10 requires various additional mitigation measures that will ensure a less than significant impact to the western pond turtle. (See Final EIR pp. 4.2-116 to 4.2-118; Final EIR Response 8; Final EIR Responses to Comments O12-4, O21-025, O21-26, O21-27, O21-30, O21-057, O22-083, O22-109, O22-114, I073-9.)

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	Erosion Control Plan shall be modified to remove the above referenced nesting and upland habitat areas for the western pond turtle from development. The above referenced nesting and upland habitat areas for the western pond turtle designated for preservation shall be identified in a conservation easement held by an accredited land trust organization, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. <u>Other Protective Measures</u> In addition to avoiding sensitive habitats as discussed above, various additional mitigation measures will ensure a less-than-significant impact to this species: • A preconstruction survey shall be conducted by a qualified biologist within two weeks prior to commencement of any		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	groundbreaking activities within 100 feet of Capell and Milliken Creeks and their tributaries. • Prior to groundbreaking activities, all construction personnel will receive training on western pond turtle. During the training, the biologist shall designate a representative to check for presence of western pond turtle beneath all construction equipment prior to daily construction activities. The representative shall be informed as to the location that any western pond turtle be relocated should one be observed. • Construction and vineyard activities involving loud equipment should be minimized to the extent feasible from February through November within 100 feet of aquatic habitat where the turtles are found. Some habituation to noise is more likely if the noise is sustained (background) rather than in irregular bursts. • Human disturbance within potential habitat should be minimized late afternoon through early evening from May through July to avoid disturbing egg laying activities. • The use of BMPs as required in Mitigation Measures 4.5-1, 4.5-2, 4.5-3, and 4.5-4, as well as the use of Integrated Pest Management (IPM), will minimize agrichemical drift into turtle habitat. • Turtle exclusion fencing will be installed from May through July around all grading and construction activities within or bordering nesting habitat to prevent impacts. From October through March, a turtle exclusion fence shall be installed around all activities within or bordering overwintering habitat to prevent impacts and the fencing shall be field verified by Napa County annually throughout the construction period. The fence shall be constructed from silt fencing to avoid turtle injury and entrapment.		
Impact 4.2-11: Development and operation of the Proposed Project would have the potential	4.2-11: The wetland and stream setbacks and mitigation provided in Mitigation Measure 4.2-4	LS	Finding: Implementation of the wetland and stream setbacks provided in MM 4.2-4 and MM 4.2-10, in combination with the

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
to affect special status amphibian species, including two species of frogs in the region, California red-legged frog (CRLF) and foothill yellow-legged frog (FYLF). This is a potentially significant impact. Impacts related to the construction and operation of this project could result in chemical runoff and habitat degradation. (Draft EIR pp. 4.2-118 to 4.2-119; Final EIR pp. 4.2-120 to 4.2-121; Final EIR Response 8.)	and Mitigation Measure 4.2-10, in combination with the overall avoidance in the project design, will reduce impacts to a less-than-significant level. In addition, the applicant shall implement the following measures to ensure that bullfrogs do not become established in the four proposed groundwater reservoirs: - Project applicant shall conduct appropriately timed surveys each year to determine if bullfrogs have become established in any of the onsite reservoirs. If any bullfrog adults, eggs, and/or tadpoles are detected at any time, they shall be managed promptly as to prevent colonization. All surveys and direct removal efforts (of adult bullfrogs only) must be made by a person knowledgeable in species identification using a method approved by CDFW. Direct removal efforts of egg masses, larva, or sub-adult life stages shall be conducted by a qualified biologist only. Copies of the annual surveys and recommended measures shall be provided to the Director, within 30 days of completion. - If bullfrogs are detected, the applicant shall implement direct removal efforts until adults and/or sub-adults can no longer be detected and are believed to be gone for the season. Bullfrog management efforts shall target the bullfrog's life history stage: 1) egg mass removal, 2) larval removal, and 3) adult and juvenile frog. These bullfrog control methods remove individuals and break the reproductive cycle. Removal methods include manual take of adults and sub-adults, collecting egg masses, capturing larvae, and draining ponds to strand larvae. - Removal efforts shall occur during the active/breeding season occurring (April – July) with at least three efforts done a few days apart and another two efforts separated by two weeks. Direct removal efforts should be completed with at least two people using a small boat, spotlights, and appropriate tools to capture and		overall avoidance in the project design, which have been required or incorporated into the Project, will reduce impacts to a less-than-significant level. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Using BMPs as proposed, such as cover crop management and integrated pest management, in addition to the proposed setbacks discussed in Impact 4.2-4, would effectively filter sediments, agricultural chemicals, and nutrients to a less-than-significant level. In addition to mitigation required under MM 4.2-4 and 4.2-10, MM 4.2-11 would also protect groundwater reservoirs by ensuring that bullfrogs do not become established in the reservoirs. (See Final EIR pp. 4.2-120 to 4.2-121; Final EIR Response 8; Final EIR Responses to Comments A7-13, O7-22, O12-4, O21-004, O21-005, O21-009, O21-010, O21-011, O21-012, O21-013, O21-014, O21-015, O21-057, O22-107, O22-119, I069-3, I073-9, I077-7, I146-79.)

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	contain the bullfrogs. Capture and disposal shall be done in compliance with CDFW codes and regulations using appropriate gear. Bullfrog egg mass removal efforts shall occur late June through August. - Bullfrogs may be taken under the authority of a sport fishing license (California Code of Regulations, Title 14 (T-14) section 5.05(a)(28)). There is no daily bag limit, possession limit or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow, or hook and line fishing tackle. Alternatively, California Fish and Game Code Section 5501 allows CDFW to issue a permit to destroy fish that are harmful to other wildlife. The regulations have addressed this under Section CCR T-14 226.5 Issuance of Permits to Destroy Harmful Species of Fish in Private Waters for Management Purposes. This allows the CDFW to issue free permits to destroy harmful aquatic species. <u>Other Protective Measures</u> - Prior to groundbreaking activities, all construction personnel will receive training on California red-legged frog. During the training, the biologist shall designate a representative to check for presence of California red-legged frog beneath all construction equipment prior to daily construction activities. - No pile burning shall occur within 300 feet of suitable red-legged or yellow-legged frog habitat. - Frog exclusion fencing (silt fencing or other exclusionary fencing deemed acceptable by a qualified biologist) shall be installed from April through October around all grading and construction activities within or bordering California red-legged frog habitat to prevent impacts. The fence shall be constructed from silt fencing to avoid turtle or red-legged frog injury and entrapment.		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
Impact 4.2-13: Development of the Project would have the potential to affect migratory birds and other birds of prey, including white-tailed kite (<i>Elanus leucurus</i>) and bald eagle (<i>Haliaeetus leucocephalus</i>). This is considered a potentially significant impact. More than 78 percent of various habitat types including but not limited to foraging habitat on the property will be retained onsite; therefore habitat loss that could result from implementation of the Project will not significantly affect migratory birds or other birds of prey. (Draft EIR pp. 4.2-120 to 4.2-121; Final EIR Response 8.)	4.2-13: The Applicant shall implement the following measures to avoid disturbing any special status species nesting above ground. Vegetation removal conducted during the nesting period shall require a pre-construction survey for active bird nests, conducted by a qualified biologist. A copy of the pre-construction survey shall be submitted to the Director prior to approval of any grading permits within surveyed areas. No known active nests shall be disturbed without a permit or other authorization from USFWS and/or CDFW. - For earth-disturbing activities occurring during the breeding season (March 1 through September 1), a qualified biologist shall conduct pre-construction surveys of all potential nesting habitat for all birds within 500 feet of earthmoving activities. - If active special status bird nests are found during pre-construction surveys 1) a 500-foot no-disturbance buffer will be created around active raptor nests during the breeding season or until it is determined that all young have fledged, and 2) a 250-foot buffer zone will be created around the nests of other special status birds and all other birds that are protected by California Fish and Game Code 3503. These buffer zones are consistent with CDFW avoidance guidelines and CDFW buffers required on other similar ECPA projects; however, they may be modified in coordination with CDFW based on existing conditions at the project site. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. - If pre-construction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Shrubs and trees that have been determined to be unoccupied by special status birds or that are located 500 feet from active nests may be removed.	LS	Finding: Compliance with MM 4.2-13, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring preconstruction surveys and limited operating periods, as necessary. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Development of the Project would have the potential to affect migratory birds and other birds of prey, including white-tailed kite (<i>Elanus leucurus</i>) and bald eagle (<i>Haliaeetus leucocephalus</i>). Mitigation set forth in MM 4.2-13 requires measures to avoid disturbing any special status species nesting above ground including conducting pre-construction surveys of active bird nests. No known active nests shall be disturbed without a permit or other authorization from USFWS and/or CDFW. Implementation of MM 4.2-13 would reduce potential impacts on migratory birds and other birds of prey to a less-than-significant level. (See Final EIR Response 8; Final EIR Responses to Comments O21-37, O21-038, O21-039, O21-057, I073-9.)

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	If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas shall be resurveyed.		
Impact 4.2-14: Development of the Project would have the potential to affect special-status bat species. This is a potentially significant impact. (Draft EIR p. 4.2-121; Final EIR pp. 4.2-123 to 4.2-124; Final EIR Response 8.)	4.2-14: Implementation of the following mitigation measures would reduce the potential impact to a less-than-significant level. - For earth-disturbing activities occurring during the breeding season (March 1 through August 31), a qualified wildlife biologist shall conduct pre-construction surveys of all potential bat-roosting habitat for special status bats within 200 feet of earthmoving activities. Roosting habitat surveys shall focus on a) trees slated for removal that have loose bark, or holes/crevices in the trunk and b) rock piles slated for removal that contain crevices. A copy of the pre-construction survey shall be submitted to the Director prior to approval of any ground disturbance, vegetation removal, or grading within surveyed areas. - If active special status bat roosts are found during pre-construction surveys, the biologists shall submit an avoidance plan to CDFW for review and acceptance. A copy of CDFW acceptance of the avoidance plan shall be submitted to the Director prior to any ground disturbance, vegetation removal or grading within surveyed areas. A no-disturbance buffer (acceptable in size to CDFW) will be created around active bat roosts during the breeding season or until it is determined that all young have become sufficiently volant to change roosts. The avoidance plan shall evaluate the length of time of disturbance, equipment noise, and type of habitat present at the project site. Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. - If pre-construction surveys indicate that roosts are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees that	LS	Finding: Compliance with MM 4.2-14, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring preconstruction surveys and limited operating periods, as necessary. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: The Project could have direct or indirect effects on special-status bat species. MM 4.2-14 requires preconstruction surveys of all potential bat-roosting habitat for special-status bats within 200 feet of earthmoving activities. If active special-status bat roosts are identified during pre-construction surveys, an avoidance plan must be submitted to CDFW. Limited operating periods and appropriate buffers will be put in place if active roosting sites are identified within 250 feet of project activities. Implementation of MM 4.2-14 would reduce potential impacts to a less-than-significant level. (See Final EIR pp. 4.2-123 to 4.2-124; Final EIR Response 8; Final EIR Responses to Comments A7-5, A7-6, A7-7, O21-057. O22-123, O22-124, I073-9, I114-7.)

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	have been determined to be unoccupied by special status bats may be removed. If vegetation removal activities are delayed or suspended for more than two weeks after the pre-construction survey, the areas shall be resurveyed.		
Impact 4.2-15: Development of the Project would have potential to affect special-status aquatic species. This is a potentially significant impact. However, after implementation of mitigation measures to protect other aquatic resources and animals, impacts will be less than significant. (Draft EIR p. 4.2-122; Final EIR Response 8.)	4.2-15: See in Mitigation Measure 4.2-4.	LS	Finding: After implementation of MM 4.2-4 which has been incorporated into the Project, as set forth above, impacts to special-status aquatic species will be less than significant. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation: Implementation of mitigation measures to protect other aquatic resources and animals as set forth in MM 4.2-4 will result in less than significant impacts to special-status aquatic species. (See Final EIR Response 8; Final EIR Responses to Comments O21-031, O21-035, O21-057, O22-018, O22-019, O22-069, I073-9.)
Impact 4.2-16: Tree removal that occurs as part of the development of the Proposed Project could result in conflicts with Napa County Code Section 18.108.100, and the General Plan Goals CON-2 and CON-6 and Policies CON-17 and CON-24. This would be considered a potentially significant impact. Development of the Project would remove an estimated 28,616 trees with a dbh greater than give inches (which includes 15,395 oak trees), which represents a loss of 12.1 percent of the trees on the project site. Of the 28,616 trees to be removed, 6,550 (22.9 percent) had a poor condition rating, 12,866 (45 percent) rated average, and 9,200 (32.1 percent) had a good condition rating. Approximately 185.78 acres (11.24 percent) of tree canopy of on the property will be impacted by the Project. 96 specimen trees, defined as trees that have a dbh of at least 36 inches for the species in the area, will be impacted by Project development. (Draft EIR pp. 4.2-122 to 4.2-125; Final EIR pp. 4.2-124 to 4.2-128; Final EIR Response 6.)	4.2-16: Prior to the approval of #P11-00205-ECPA, the plan shall be modified to include the following (any associated project features that become unnecessary as a result of the avoidance, such as proposed roads, shall also be reflected in the revised plan): As discussed in Mitigation Measure 4.2-2 above, oak woodlands [Black Oak Alliance, Blue Oak Alliance, Coast Live Oak (Foothill Pine) Alliance, Coast Live Oak-Blue Oak-(Foothill Pine) NFD Association, and Mixed Oak (Foothill Pine/Ponderosa Pine) Alliance] and other sensitive woodlands [Valley Oak (California Bay-Coast Live Oak-Walnut-Ash) Riparian Forest NFD Association] will be preserved in permanent protection. This will result in a total of 524.8 acres of woodland in permanent protection. Protected woodlands shall be identified in a conservation easement held by an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in	LS	Finding: After implementation of MM 4.2-2 to protect sensitive habitats and MM 4.2-16 to conserve remaining trees on the property, which have been required or incorporated into the Project, impacts to the total tree canopy on the property will be less than significant. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: The Project will result in tree removal. Implementation of MM 4.2-2, will ensure that woodlands shall be preserved at a greater than 1:1 ratio on the property. MM 4.2-16 further reduces the impact to trees through a combination of avoidance, replacement and protection in an open space easement. (See Final EIR pp. 4.2-124 to 4.2-128; Final EIR Response 6; Final EIR Comments to Responses A7-4, O7-36, O10-8, O11-42, O11-43, O11-44, O12-2, O21-057, O21-64, I012-4, I069-1, I073-9, I085-4, I137-2, I142-4, I146-60. For further detail on implementation of this mitigation measure see BRMP section 4.2.)

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	protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. In addition, as part of the Walt Ranch Biological Resources Management Plan (BRMP) required in Mitigation Measure 4.2-1, the following measures will be taken to ensure a less-than-significant impact as a result of tree removal: • Implementation of Mitigation Measure 4.4-2 will ensure that woodlands shall be preserved at greater than a 1:1 ratio on the property. Blocks 12 and 19A contain notable oak woodland stands that shall be avoided (Figure 4.2-2). Parts of Block 37 shall be avoided to protect a very rare stand of Northern California black walnut, as shown in Figure 4.2-7 (see Mitigation Measure 4.2-6). To the degree feasible, individual specimen trees (36 inch dbh or above) shall be avoided in the areas adjacent to block boundaries or vineyard avenues.		

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	- Seventy-four specimen trees shall be avoided as shown on Figure 4.2-5. These specimen trees have been chosen for preservation because they may be preserved compatibly with vineyard development due to their location on the edge of blocks or adjacent to vineyard avenues. Included in these 74 trees are tagged valley oak specimen trees numbered 28403 and 25644 that occur in Valley Oak (California Bay/Coast Live Oak/Walnut/Ash) Riparian Forest NFD Association, a biotic community that Napa County has identified as particularly rare on the project site, shall be avoided. - Temporary fencing shall be installed around the areas to be avoided, at the outer edge of the buffer, and shall remain in place throughout construction activities. - Thirty-four specimen trees that will be removed for vineyard development shall be mitigated by compensation at a 5:1 ratio (5 replanted seeds or saplings per every 1 specimen tree removed) of the same species, with the ultimate goal of an 80 percent success rate after the end of 5 years of monitoring. In the event it is determined that the site lacks sufficient suitable habitat acreage for replanting, the project area shall be reduced to meet the avoidance criteria. Protected specimen trees shall be identified in a conservation easement held by an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other equivalent means of permanent protection, subject to approval by the Director. Land placed in protection shall be restricted from development and other uses that would potentially 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 otherwise be restricted by the existing goals and policies of Napa County. The areas to be covered by the conservation easement shall		

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	be determined by a qualified botanist or biologist, and submitted to Napa County for review and approval. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension.		
4.3 CULTURAL RESOURCES			
Impact 4.3-1: Grading activities, planting of new vineyard, and operation of the Proposed Project within the vicinity of the identified cultural, historical, and paleontological resources WR-2, WR-3, WR-4, WR-5, CA-NAP-867, and CA-NP-257. This is a potentially significant impact. Six cultural or historical resources within the study area were determined to be eligible for inclusion on the CRHR and considered historical resources within the meaning of CEQA. Portions of WR-5 (rock fence) will be removed from the development of proposed vineyard blocks. Vineyard avenues are proposed to be located contiguous with the existing rock walls. CA-NAP-257 (a midden mound) is eligible for the National Register of Historic Places and may be impacted during development of a proposed vineyard block. The remaining resources lie adjacent to proposed vineyard blocks and therefore could be inadvertently affected by development of the Project. Grading activities and planting of new vineyard	4.3-1: The following measures will all be taken to minimize impacts to cultural resources: - WR-2, WR-3, WR-4, and CA-NAP-867 shall be avoided. All ground disturbing activities during project implementation and operation shall avoid mapped boundaries of the resource. A permanent 16-foot buffer around the perimeters (including vineyard avenues) shall be established. Temporary fencing shall be installed around each area, at the outer edge of the buffer, and shall remain throughout construction activities. No grading or disturbance shall occur within these buffers. - WR-5 (rock wall) shall be avoided by all ground disturbing activities during project implementation and operation with a permanent 10-foot buffer around the perimeter (including vineyard avenues), with the exception of the three areas identified in Figure 4.3-1 where rock walls would be opened. The openings shall be limited to 20 feet each and shall provide necessary access consistent with General Plan Policy CC-21. Aside from these three 20-foot openings, the rock wall shall not be disturbed. Prior to the approval of Erosion Control Plan P11-00205-ECPA, the	LS	Finding: Implementation of MM 4.3-1, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by avoiding the identified resources, and establishing a buffer to ensure that the resources are not disturbed during Project construction and operation. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: With implementation of MM 4.3-1, there will be no significant impacts to resources WR-2, WR-3, WR-4, and CA-NAP-867 because all ground-disturbing activities during construction and operation will be avoided within a permanent 16-foot buffer zone around the boundary of each resource. Impacts to WR-5 (rock wall) shall be limited to three 20 foot openings. This alteration would not materially alter the historic integrity of the remaining wall. Boundaries of CA-NAP-257 shall be determined prior to construction of vineyard blocks in the vicinity of the historic resource and any impacts would be avoided using a 16-foot buffer. For these reasons, the implementation of Mitigation Measure 4.3-1 would result in less than significant impacts to identified cultural resources. (See Final EIR Response to Comment A6-2; Final EIR Responses to Comments O23-3, O23-4, I073-10.)

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within the boundaries of the identified resources could negatively impact cultural resources WR-2, WR-3, WR-4, WR-5, CA-NAP-867 and CA-NP-257. (Draft EIR pp. 4.3-18 to 4.3-22.)	applicant shall revise the plan to clearly delineate the 10-foot buffer around the perimeter of the rock wall. Temporary fencing shall be installed around the rock wall, at the outer edge of the buffer, and shall remain throughout construction activities. • Prior to construction of vineyard blocks in the vicinity of CA-NAP-257, a presence and absence test shall be conducted by a qualified archeologist to determine the boundaries of the historical resource. If a proposed vineyard block will impact CA-NAP-257, the block's boundaries will be redrawn to avoid the historic resource. If no vineyard blocks will impact CA-NAP-257, the resource will be fenced off and avoided with a permanent 16-foot buffer. • The Applicant shall install and maintain protective fencing along the outside of the buffers to ensure protection during construction, project implementation, and operation. The precise locations of protective fencing shall be inspected and approved by the County prior to the commencement of any ground disturbance, vegetation removal, or grading and shall be maintained and remain in place until all grading, earthmoving, and vineyard development activities are completed. Implementation of this mitigation measure would eliminate the potential impacts or reduce them to less-than-significant levels. In particular, the implementation of this measure would result in avoiding the identified resources, and would establish a buffer to ensure that the resources are not disturbed during project construction and operation. There is one resource that would be disturbed, WR-5 (rock wall). The implementation of this measure, however would limit the impact to the wall to three 20-foot openings. This alteration would not materially alter the historic integrity of the remaining wall. For this reason, the implementation of Mitigation Measure 4.3-1 would avoid significant impacts to WR-5.		
Impact 4.3-2: Planting of new vineyard has the potential to negatively impact previously	4.3-2: In accordance with CEQA Guidelines § 15064.5, subd. (f), should any previously	LS	Finding: Compliance with MM4.3-2, which has been required or incorporated into the Project, will reduce this impact to a less

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unknown cultural resources within the project site. There is a possibility that subsurface archaeological deposits may exist within proposed vineyard areas, as archaeological sites may be buried with no surface manifestation, or may be obscured by vegetation. This is a potentially significant impact. (Draft EIR pp. 4.3-22 to 4.3-23.)	unknown historical or unique archeological resources, such as, but not limited to, obsidian and chert flaked-stone tools or toolmaking debris; shellfish remains, stone milling equipment, concrete, or adobe footings, walls, filled wells or privies, deposits of metal, glass, and/or ceramic refuse be encountered during onsite construction activities, earthwork within 100 feet of these materials shall be immediately stopped, County planning staff shall be immediately notified, and the owner shall consult with a professional archaeologist. The archaeologist shall evaluate the significance of the find and recommend appropriate measures to protect the resource, as necessary, to the Director for consideration. Those measures that are approved by the Director shall be carried out prior to resuming any construction within the area where work had been halted. All significant cultural resource materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist according to current professional standards. If an unanticipated discovery is found to meet the eligibility criteria for listing on the CRHR, then the resource must either be protected in place and the project altered to preserve the resource, or data recovery excavations must be conducted to mitigate the impact of the resource. The professional archeologist shall prepare a Historic Properties Treatment Plan (HPTP) for submittal to the County for approval. The HPTP shall detail how much excavation is required and what excavation methods and other analytical tests would be required to mitigate the impact on the resource if avoidance or preservation in place is not feasible. The HPTP shall provide for reasonable efforts to be made to permit the resource to be preserved in place or left in an undisturbed state. Methods of accomplishing this may include capping or covering the resource with a layer of soil. To the extent that resource cannot feasibly be preserved in place or not left in an undisturbed state, excavation as mitigation shall be restricted to those parts of the resource that would be damaged or destroyed		than significant level, by requiring a halt to ground-disturbing activities within 100 feet of discovery of such cultural resources. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: The construction and excavation activities associated with development of the Project could unearth previously unknown cultural resources. MM 4.3-2 will require, in compliance with State law, a halt to all ground-disturbing activities in the area where such resources are discovered. If an unanticipated discovery is found to meet the eligibility criteria for listing on the CRHR, then the resource must either be protected in place and the project altered to preserve the resource, or data recovery excavations must be conducted to mitigate the impact of the resource. The professional archeologist shall prepare a Historic Properties Treatment Plan (HPTP) for submittal to the County for approval. MM 4.3-1 will reduce potential impacts to a less-than-significant level. (See Final EIR Response to Comment A6-2.)

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	by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the treatment plan determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource. After data recovery excavations are complete, a technical report detailing the results of the excavation and analysis of results shall be prepared by the cultural resources consultant and submitted to the Director. All artifacts and documentation pertaining to the data recovery effort shall be cleaned, cataloged, analyzed, and curated at an approved repository.		
Impact 4.3-3: Planting of new vineyard blocks could result in the discovery and disturbance of unknown human remains. While unlikely, there is always the possibility that ground disturbing activities such as earth removal, rock removal and trenching for irrigation lines could result in the discovery and disturbance of unknown human remains in the project site by disturbing both surface and subsurface soils. (Draft EIR pp. 4.3-23 to 4.3-24.)	4.3-3: If human remains are encountered, Health & Safety Code § 7050.5 and CEQA Guidelines § 15064.5, subd. (e) state that no further disturbance can occur within the vicinity of the discovery until the county coroner has made a determination of origin and disposition pursuant to Pub. Resources Code § 5097.98. In the event that human remains are discovered, earthwork within 100 feet of the find shall immediately be stopped and the provisions of the California Health and Safety Code Section 7050.5 (b) shall be followed. The construction contractor shall protect discovered human remains remaining in the ground from additional disturbance. The Napa County Coroner shall be contacted within 24 hours of the find. Upon recognizing the remains as being Native American in origin, the Coroner shall be responsible for contacting the Native American Heritage Commission (NAHC) within 24 hours so that a Most Likely Descendant (MLD) can be identified, as required under California Pub. Resources Code § 5097.98. The NAHC has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned MLD. If the county coroner determines that the human remains are not Native American and not evidence of a crime, project personnel shall coordinate with a qualified archeologist to develop an appropriate treatment plan. A copy	LS	Finding: Compliance with MM 4.3-3, which has been required or incorporated into the project, will reduce this impact to a less than significant level, by requiring a halt to ground-disturbing activities if human remains are discovered, and consultation with the coroner, an archaeologist, and the Most Likely Descendant. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: The construction and excavation activities associated with development of the Project could unearth previously undiscovered, or unrecorded human remains. MM 4.3-3 will require, in compliance with State law, a halt to all ground-disturbing activities in the area where human remains are discovered. The project applicant shall notify the County Coroner and the NAHC immediately. If the remains are determined to be Native American, a professional archaeologist will investigate the site and consult with the Most Likely Descendant (MLD) to determine proper treatment and disposition of the remains; and take appropriate steps to ensure that additional human remains are not disturbed. MM 4.3-3 will reduce potential impacts to a less-than-significant level. (See Final EIR Response to Comment A6-2.)

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	of the treatment plan shall be submitted to the Director for review and approval prior to implementation. This shall include contacting the next-of-kin to solicit input on subsequent disposal of the remains. If there is no next-of-kin, or recommendations by the next-of-kin are considered unacceptable by the property owner, the property owner shall work with the county coroner to reinter the remains in a location outside the project area and where they would be unlikely to be disturbed in the future. Implementation of this mitigation measure would reduce the impact to a less-than-significant level.		
Impact 4.3-4: Construction of the Proposed Project has the potential to destroy unknown, unique paleontological and geological resources. This is a potentially significant impact. No unique paleontological or geological resources are known to exist within the project site. Therefore, no impacts are expected. However, there is a possibility that unknown paleontological resources would be encountered during construction activities. Continued construction upon exposed paleontological materials would likely cause destruction of these resources. (Draft EIR pp. 4.3-24 to 4.3-25.)	4.3-4: In the event that any paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be immediately halted and a qualified paleontologist shall be consulted to assess the significance of the find. If any find is determined to be significant by the qualified professional under the criteria of the SVP, then appropriate agency and project representatives and the qualified paleontologist shall meet to determine the appropriate course of action. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified paleontologist according to current professional standards.	LS	Finding: Compliance with MM 4.3-4, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring all work within 50 feet of the discovered resource be halted and a qualified paleontologist be consulted to assess significance of the find. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: There are no impacts expected. However, MM 4.3-4 would reduce the impact to a less-than-significant level by ensuring that a qualified paleontologist reviews any discovery that is found during construction or operation of the Project and that any significant find is subject to scientific analysis and professional museum curation. MM 4.3-4 will reduce potential impacts to a less-than-significant level. (See Final EIR Response to Comment A6-2.)
4.4 GEOLOGY AND SOILS			
Impact 4.4-2: Development of the Project would involve earthmoving and grading activities that would alter the existing topographic and geologic conditions at the project site. The Project would be located on strata or soil that is unstable, or would potentially become unstable as a result of deep ripping and blasting that will occur as part of the development of the Project. This is a	4.4-2: During construction of the Proposed Project, to avoid potential slope instability impacts associated with adverse construction vibrations, blasting shall be limited to only areas of volcanic rock (Gilpin Geosciences, 2013b). No blasting shall occur in Blocks 15, 16, and 68.	LS	Finding: Compliance with MM 4.4-2, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by limiting blasting to only areas of volcanic rock. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant

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potentially significant impact. If blasting were to occur as part of the construction in unstable geologic units, such as those that top the sandstone cored ridges, it could increase landslide potential on the flanks of those ridges. This would be a significant impact. (Draft EIR pp. 4.4-22 to 4.4-23; Final EIR 4.4-22 to 4.4-23.)			level. Explanation/Facts in Support of Finding: Blasting in unstable geologic units could increase landslide potential on the project site. MM 4.4-2 would limit blasting to only areas of volcanic rock which will not impact landslides on the property because such areas are characterized by their stable bedrock formation and their low landslide hazard risk. With implementation of MM 4.4-2 impacts will be reduced to less-than-significant levels. (See Final EIR pp. 4.4-22 to 4.4-23; Final EIR Response 9; Final EIR Responses to Comments O9-48, O11-22, O11-23, O11-24, O11-25, O11-26, O11-28, O22-071.)
Impact 4.4-3: The development of the Project would occur on some areas prone to slope failure. This is a potentially significant impact. Life safety would not be a factor in impacts from landslides because there are no proposed load-bearing structures or housing as part of the Project. Nevertheless, the potential for activation of dormant and active slope instability would be a significant impact due to erosion and sedimentation. (Draft EIR pp. 4.4-22 to 4.4-23.)	4.4-3: Prior to approval of #P11-00205-ECPA, the plan shall be modified to include the following measures to avoid potential slope instability and associated sedimentation impacts, per Gilpin Geoscience's recommendations in Table 1 of Appendix F: 1. For Blocks 20-22, 28-30, 31B, 34, 36, 37D, 37E, 40, 45, 51B, 52, 55D, and 56-58, grading shall not exceed a depth of 24 inches in order to maintain the current level of stability on the east-facing slopes of the site, and trees on the steeper (greater than 30 percent) slopes of the site shall be left in place where possible. 2. Rock repositories shall be prepared by grubbing and excavating a keyway at the toe of the proposed storage area on areas with slopes greater than 4:1 (horizontal:vertical). The keyway shall extend two feet into firm soil or bedrock at the downslope edge of the keyway. 3. Two depressions within Blocks 31B and 37C are proposed as potential rock storage sites, and further subsurface exploration and geotechnical analysis shall be performed to determine the feasibility of these two rock storage areas from a slope stability standpoint. A copy of the geotechnical analysis shall be reviewed and approved by the County prior to any work within Blocks 31B and 37C. 4. For Blocks 5B, 5C, 25, 27, 40, 45A, 45B,	LS	Finding: Compliance with MM 4.4-3, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by implementing geotechnical recommendations designed to avoid potential slope instability and associated sedimentation impacts. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Development of the Project would occur on some areas prone to slope failure, which has the potential to activate dormant and active slope stability due to erosion and sedimentation. Implementation of MM 4.4-3 would result in consistency with General Plan Conservation Policy CON-6 and Safety Policy SAF-10 in that development, as mitigated, is limited in environmentally sensitive areas (i.e., geologically hazardous areas) and grading on slopes over 15 percent where landslides or other geologic hazards are present has been reduced. Potential impacts to slope stability and associated erosion and sedimentation as a result of the Project would be reduced to a less-than-significant level. (See Final EIR Response 9; Final EIR Responses to Comments O7-28, O9-47, O11-22, O11-23, O11-24, O11-25, O11-26, O11-28, O11-29, 1137-2.)

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	46, 57, and 58, subdrains shall be constructed to reduce saturated conditions that could trigger rockfalls. 5. For Blocks 18A-18D and 28, headcut repair and a rock-lined channel shall be implemented to prevent further channel bank erosion and to repair active slumps. 6. For Block 20, the surface/subsurface drain shall be directed to drain to the east. 7. For Block 22A, there shall be a setback from the active landslide and the surface/subsurface drain shall be directed to drain to the northeast. 8. For Blocks 29, 45A, 45B, and 49, the slope shall be buttressed from toe to mid-slope. A grading permit shall be obtained as necessary from Napa County prior to this work. 9. For Blocks 55A-55D, 59, 60A, and 60N, drainage shall be directed away from the active landslide or scarp. 10. For Block 65, the poor road drainage shall be improved by relocating the road and directing drainage to a protected outlet. Should unstable landslide deposits be encountered and/or localized slope failures occur during construction, the slope shall be restored to a stable configuration using specifications provided by the project's engineering geologist. Napa County approval and/or grading permits will be obtained as necessary.		
4.5 HAZARDOUS MATERIALS			
Impact 4.5-1: The Proposed Project would include the storage of hazardous materials, including common vineyard-related materials. However, no pesticide storage will occur on-site and all hazardous pesticides will be brought to and from the project site as they are needed (DEIR Appendix N). Construction and operation of the Proposed Project would create incidental spills or container leakage, or rupture and spillage when fueling agricultural equipment, which could result in hazards to the public or environment. Depending on the relative hazard	4.5-1: Prior to the development of the Proposed Project, the property owner shall submit and obtain approval of a Hazardous Materials Business Plan (HMBP) from the PBES Division of Environmental Health and CERS. The HMBP will document all proposed hazardous materials to be used onsite during construction and operation. If storage amounts or the use of hazardous materials change during project operation, the project owner shall update, as necessary, the HMBP. The plan will be on file with the PBES Division of Environmental Health	LS	Finding: Compliance with MM 4.5-1, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by ensuring that the Project follows all SOPs and regulations regarding hazardous use and storage. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Proper transport, use, storage, and application of the vineyard-related hazardous

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of the material, if a spill were to occur of significant quantity, the accidental release could pose both a hazard to construction employees as well as to the environment. If substantial quantities of diesel or unleaded gasoline reach soil or drainage areas, subsurface and/or groundwater quality on and off the project site may be degraded. This is a potentially significant impact. (Draft EIR pp. 4.5-7 to 4.5-8; Final EIR Response 11.)	and with CERS. The PBES Division of Environmental Health will review the plan and may conduct inspections to ensure that the HMBP is being followed during project operations. Updates to the HMBP, if warranted, would be made through CERS. The HMBP shall be prepared in accordance with County standards and California 40 CFR, Part 355, Appendix A.		materials will reduce the potential for spillage or leakage that could negatively impact workers and the environment. MM 4.5-1 requires the preparation of a Hazardous Materials Business Plan to document all proposed hazardous materials to be used onsite during construction and operation. Implementation of the mitigation measure reduces this potentially significant impact to a less-than-significant level. (See Final EIR Response 11; Final EIR Responses to Comments A5-04, O9-8.)
Impact 4.5-2: The Proposed Project has the potential to release hazardous materials into the environment during construction through the use of equipment. This is a potentially significant impact. The most likely possible hazardous materials releases would involve the dripping of fuels, oil, and grease from construction equipment. (Draft EIR pp. 4.5-8 to 4.5-9; Final EIR Response 11.)	4.5-2: Vineyard personnel shall follow the SOPs described below for filling and servicing construction equipment and vehicles. A copy of the SOPs shall be submitted to the County prior to any ground disturbance, vegetation removal, or grading. The SOPs, which are designed to reduce the potential for incidents involving hazardous materials, shall include: • Refueling shall be conducted only with approved pumps, hoses, and nozzles. • Catch-pans shall be placed under equipment to catch potential spills during servicing. • All disconnected hoses shall be placed in containers to collect residual fuel from the hose. • Vehicle engines shall be shut down during refueling. • No smoking, open flames, or welding shall be allowed in refueling or service areas. • Refueling and all construction work shall be performed outside of the stream buffer zones to prevent contamination of water in the event of a leak or spill. • Service trucks shall be provided with fire extinguishers and spill containment equipment, such as absorbents. • A spill containment kit that is recommended by the Napa County PBES or local fire department shall be onsite and available to staff if a spill occurs. In the event that soil and/or groundwater are contaminated by hazardous materials or if pre-existing hazardous materials are encountered	LS	Finding: Compliance with MM 4.5-2, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring adherence to SOPs designed to reduce the potential for incidents involving hazardous materials. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Typical construction management practices limit and often eliminate the effect of accidental releases through use of SOPs as required in MM 4.5-2. Vineyard personnel shall follow written SOPs for filling and servicing construction equipment and vehicles. In the event that contaminated soil and/or groundwater or other hazardous materials are generated or encountered during construction, all work shall be halted in the affected area and disposed of in accordance with appropriate regulations, including Title 22 of the California Code of Regulations and the proper authorities will be notified, as applicable. The potential release of hazardous materials during construction of the Project is reduced to a less-than-significant level with the implementation of MM 4.5-2. (See Final EIR Response 11; Final EIR Responses to Comments A5-04, O9-8.)

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	during construction, all work shall be immediately halted in the affected area, CDEH staff shall be notified, and the type and extent of the contamination shall be determined. Should a spill contaminate soil, the soil shall be put into containers and disposed of in accordance with appropriate regulations, including Title 22 of the California Code of Regulations (CCR) (66262.34(f)). If the size of the spill and containment is beyond the scope of the contractor, CDEH staff shall be immediately notified.		
Impact 4.5-3: The Proposed Project has the potential to release hazardous materials into the environment during the operation and maintenance of the vineyard. This is a potentially significant impact. Hazardous materials releases from operation and maintenance of the vineyard may occur from dropping, runoff, and/or uncontrolled releases of fuels, oil, grease, pesticides, and fertilizers from farm equipment. The Project would be operated in a manner that is consistent with Napa County PBES requirements. (Draft EIR pp. 4.5-10 to 4.5-11; Final EIR Response 11.)	4.5-3: Chemical mixing and loading areas shall be established outside the proposed stream setbacks and wetland areas and away from any areas that could potentially drain off site or potentially affect surface and groundwater quality. Prior to approval, P11-00205-ECPA shall be revised to identify areas designated for chemical mixing and loading areas. When equipment is cleaned at the existing facility, only rinse water that is free of gasoline residues, pesticides and other chemicals, and waste oils shall be allowed to diffuse back into vineyard areas. Contaminated rinse water will be collected and properly disposed of off-site through methods similar to waste oil management standards provided under Mitigation Measure 4.5-5.	LS	Finding: Compliance with MM 4.5-3, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring appropriate methods for mixing and cleanup of herbicides and pesticides. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: With implementation of Napa County PBES BMPs, Project IPM strategies, and SOPs as described in MM 4.5-1, MM 4.5-2, and MM 4.5-4, including wind drift reduction measures, it is not likely that significant impacts to soil, watercourses, or groundwater would occur from agricultural chemical application as a result of the Project. Chemical mixing and loading areas will be located away from areas that could potentially affect surface and groundwater quality. Contaminated rinse water would be collected and properly disposed of using waste oil management standards provided under MM 4.5-5. Impacts after mitigation are less than significant. (See Final EIR Response 11; Final EIR Responses to Comments A5-04, O9-8, O9-24, O22-096, I040-2, I071-15, I130-1.)
Impact 4.5-4: The Project may include the use of pesticides for vineyard maintenance, including midwecides (wetttable sulfur, stylet oil, mettle, flint, pristine, rally, quintec) and herbicides (Roundup, Rely, Goaltender). The potential uncontrolled release of the pesticides would be considered a potentially significant impact. Non-compliance with hazardous materials regulations including improper pesticide use, storage, or disposal can be hazardous to human health and the	4.5-4: The owner shall apply for a private applicator certificate and a restricted materials permit from the Napa County Agricultural Commissioner. The owner shall comply with the Napa County Agricultural Commissioner's regulations, such as renewing the private applicator certificate every three years, renewing the restricted materials permits annually, and reporting pesticides use to the Agricultural Commissioner by the 10th of every month following application. All vineyard employees	LS	Finding: Compliance with MM 4.5-4, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring the use of SOPs regarding use and application of pesticides, as well as appropriate certification of applicators by the Napa County Agricultural Commission. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level.

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environment, would result in a potentially significant impact. Pesticides will be used on-site in compliance with the Fish Friendly Farming program, California Sustainable Winegrowing Alliance, and Napa Sustainable Winegrowing Group restrictions, although no pesticides will be stored on-site (DEIR Appendix N). (Draft EIR pp. 4.5-11 to 4.5-12; Final EIR Response 11.)	shall be trained annually in the proper use of pesticides. In addition, personnel shall follow the SOPs as described below when applying pesticides to the vineyard. SOPs for pesticide use shall include the following: • Purchase only enough pesticide that would be used per season. • Utilize IPM techniques where feasible, such as for fungicides, the use of a permanent cover crop, beneficial insects, and minimal to no use of pesticides except when found necessary from monitoring. • Store all pesticides in their original containers. Do not remove labels on the containers. • Keep pesticides in a well-ventilated locked area. • The best way to dispose of a small amount of pesticide is to use it. If a pesticide must be disposed of, contact the Napa County Agricultural Commissioner to locate a hazardous waste facility for proper disposal. • Never pour pesticides down the sink, toilet, or stream. • Utilize proper personal protection equipment when working with pesticides.		Explanation/Facts in Support of Finding: MM 4.5-4 ensures that excess pesticides will not be purchased, keeping potential risks associated with storage to a minimum, and ensures that proper disposal and protection techniques are utilized. Vineyard personnel will also be required to follow SOPs when applying, storing and disposing of pesticides. The risk of significant impacts from agricultural chemical application as a result of the Project is reduced to a less-than-significant level after mitigation. (See Final EIR Response 11; Final EIR Responses to Comments A5-04, O7-25, O9-8, O22-097, I054-5.)
Impact 4.5-5: Operation of the vineyard included under the Proposed Project would generate waste oil in connection with vehicle use and maintenance. The waste oil would be stored onsite and picked up regularly by a certified waste oil recycler. Potential impacts could occur if the waste oils were to leak during storage. Improperly stored waste oil could cause significant impacts to the environment if not contained and disposed of properly.	4.5-5: Waste oil containers shall be stored in secondary containment that includes an oil-impervious liner or an impervious concrete floor, and berms or retaining walls that fully enclose the containment area. The waste oil containers shall be covered during rain events and shall not be stored within the setbacks described in Impact 4.5-3 above. Waste oil containers shall be labeled "waste oil". The containers shall also be labeled with the following information: accumulation start date; the hazardous properties of the waste (i.e. flammable, corrosive, reactive, toxic, etc.); and the name and address of the facility generating the waste. All waste oil containers shall be transported offsite by a licensed transporter and taken to a	LS	Finding: Compliance with MM 4.5-5, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring appropriate methods for storage of waste oil containers. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: With implementation of Napa County PBES BMPs, Project SOPs as described in MM 4.5-1 through 4.5-5, it is not likely that significant impacts to soil, watercourses, or groundwater would occur from the storage and transport of waste oil containers as a result of the Project. Storage areas will be located away from areas that could

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	Certified waste oil recycling facility.		potentially affect surface and groundwater quality. Impacts after mitigation are less than significant. (See Final EIR Response 11; Final EIR Responses to Comments A5-04, O9-8, O9-24, O22-096, I040-2, I071-15, I130-1.)
4.6: HYDROLOGY AND WATER QUALITY			
Impact 4.6-1: Development of the Proposed Project would alter the existing drainage pattern of the project site, which is a potentially significant impact. On the Capell Creek watershed side of the property, which is not a sensitive watershed, there would be a small increase in peak discharge and volume of runoff, which could have impacts to downstream bank erosion. This would be a significant impact. (Draft EIR pp. 4.6-31 to 4.6-40; Final EIR pp. 4.6-32 to 4.6-40; Final EIR Response 12.)	4.6-1: Prior to approval of #P11-00205-ECPA, the plan shall be modified to include the following measures to avoid potential runoff increases and associated sedimentation impacts, per RiverSmith Engineering's recommendations in Appendix F of Appendix G: 1. For Blocks 1, 3, 17, 19-20, 24, 26, 30, 33-36, 38, 42, 43, 46, 53-63, and 65-68 install a gravel berm on the downslope edge of the turnaround avenue; 2. For Blocks 31, 40 and 64 install a small detention structure or gravel berm on downslope edge of the turnaround avenue; 3. For Block 37, install a gravel berm on the downslope edge of the turnaround avenue, or reduce the area of forest removed; 4. For Blocks 48-52, install a localized detention structure of appropriate size to reduce predicted increases in runoff to pre-project levels; 5. For Block 69, install a gravel berm on the downslope edge of the turnaround avenue or install rock checks in the drainage swales. Prior to the approval of #P11-00205-ECPA, RiverSmith Engineering shall provide specifications of the above measures to the Applicant for inclusion in the ECP. Potential impacts to flooding hazard could result from increases in peak flow and volume of runoff from implementation of the Proposed Project. However, with the implementation of Mitigation Measure 4.6-1, potential impacts to flooding hazards and drainage system capacity would be reduced to a less-than-significant level.	LS	Finding: Compliance with MM 4.6-1, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring measures to avoid potential runoff increases and associated sedimentation impacts such as gravel berms or small detention basins. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Due to a small increase in peak discharge and volume of runoff, the Project could have impacts to downstream bank erosion in Capell Creek drainages. Project Potential impacts to flooding hazard could result from increases in peak flow and volume of runoff from implementation of the Project. MM 4.6-1 will reduce the potential for bank erosion in Capell Creek drainages to a less than significant impact by requiring measures such as gravel berms or small detention basins. Such measures would also reduce potential impacts to flooding hazards and drainage system capacity to a less-than-significant level. (See Final EIR pp. 4.6-32 to 4.6-40; Final EIR Response 12; Final EIR Response to Comment A5-01, A5-03, A5-09, A5-10, A7-14, O7-32, O9-19, O9-42, O9-43, O11-10, O11-11, O20-4, O21-094, O21-096, O21-097, O21-098, O21-099, O22-011, O22-012, O22-013, O22-014, O22-016, O22-053, O22-054, O22-055, O22-066, O22-073, O22-116, I101-14, I101-15.)
Impact 4.6-2: Development of the Project may alter the water quality on the project site. Increased sediment accumulation and removal of vegetation in riparian habitats has the	4.6-2: There are 21 existing stream crossings, listed in Table 3-4 and shown on Figure 3-11 of this Draft EIR that will be upgraded to rock water crossings under the Proposed Project.	LS	Finding: Compliance with MM 4.6-2, which has been required or incorporated into the Project, will further reduce this less than significant impact by delaying the use of existing stream crossings until completion of proposed upgrades. The Director

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potential to result in adverse impacts to water temperature. Degradation of water quality could impact chemical and biological conditions and beneficial uses of onsite and receiving waters. However, as discussed in Impact 4.6-1, there will be an overall decrease in volume and rate of runoff from the Milliken Reservoir watershed portion of the project site in post-project conditions. Mitigation Measure 4.6-1 will ensure that impacts to the Capell Creek watershed portion of the project site are less than significant. Mitigation measures are required to further minimize this less than significant impact. (Draft EIR pp. 4.6-40 to 4.6-43; Final EIR pp. 4.6-40 to 4.6-43.)	The Applicant shall not use any of these crossings to transport construction equipment prior to completion of the proposed upgrades.		hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which further reduce the effects of this less than significant impact. Explanation: Impacts to water quality are anticipated to be less than significant. MM 4.6-2 would further reduce impacts to water quality by delaying the use of existing stream crossings until they have been upgraded. Such measures would further reduce this less than significant impact. (See Final EIR pp. 4.6-40 to 4.6-43; Final EIR Response to Comments O20-18, O21-100, O21-103, O22-011, O22-012, O22-013, I038-3, I044-4, I139-7.)
Impact 4.6-4: The Proposed Project would require the use of local groundwater resources for irrigation purposes, which has the potential to alter local groundwater levels and local groundwater flow directions. The effects to groundwater levels could cause drawdown in offsite wells, and if this drawdown interference were to be substantial, the existing pump in the impacted well might become less efficient; if this were to occur, the existing pump might not be able to maintain its normal operational rate. This would be a significant impact. (Draft EIR pp. 4.6-43 to 4.6-50; Final EIR pp. 4.6-43 to 4.6-52; Final EIR Responses 13 and 15.)	4.6-4: The Applicant shall be required (at the Applicant's expense) to provide well monitoring data and analyses of the collected data from a qualified professional Geologist or a Certified Hydrogeologist to Napa County PBES Department on a semi-annual basis during the baseline period, and on a quarterly basis after irrigation begins at the Walt Ranch property. Refer to Appendix R for a detailed description of the Groundwater Monitoring and Mitigation Plan (GWM&MP). Such data shall include, but not be limited to, static water levels, pumping water levels, instantaneous flow rates, and cumulative pumped volumes for each of the three existing onsite irrigation wells and any other wells used for vineyard irrigation that may be developed in the future on the Walt Ranch property. These wells are each located in separate geographic areas of the project site (Figure 4.6-2); therefore, monitoring of these wells would help to provide data on groundwater conditions generally representative of the entire project site. Once constructed, water level data from onsite dedicated monitoring wells will also be collected. Pumping rates and volumes shall be monitored by the use of a totalizer flow dial (or similar technology) and water levels shall be monitored by the use of an automatically recording pressure transducer (or similar technology). The automatically-recording water level data loggers shall be set to collect data at a frequency of	LS	Finding: Compliance with MM 4.6-4, which has been required or incorporated into the Project, will reduce this impact to a less-than-significant level by requiring a monitoring program and best practices to minimize water usage. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: While it is not anticipated that groundwater levels in nearby offsite wells would be substantially affected by the Project, this impact is still considered potentially significant and subject to mitigation. MM 4.6-4 requires a monitoring program to monitor water levels during each phase of the Project, so that a qualified hydrogeologist can determine the water level drawdown impacts to offsite wells, if any. In event that changed circumstances, or significant new information, or the results of the monitoring data, provide substantial evidence that the Project use of onsite wells and the groundwater systems would significantly affect the groundwater basin, additional mitigation may be imposed. After implementation of monitoring under MM 4.6-4, this impact is considered less than significant. (See Final EIR Final EIR pp. 4.6-43 to 4.6-52; Final EIR Responses 13-15; Final EIR Response to Comment A5-06; Final EIR Responses to Comments A5-07, A7-9, A7-10, A7-11, O1-1, O2-1, O4-1, O9-8, O9-10, O9-11, O9-12, O9-13, O9-14, O9-17, O9-18, O9-32, O9-34, O9-35, O9-36, O9-38, O15-4, O16-1, O19-1, O19-2, O21-111, O22-044, I003-1, I010-2, I020-2, I051-1, I054-6, I061-2,

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	approximately every 60 minutes for the first year after new vineyards have been planted to provide sufficient data for the purpose of operational monitoring; the frequency of data collection and recording by the logging device may be increased in the future at the request of Napa County. These data shall be downloaded every month. This will help to provide a quantity of data that is reasonable to review, as well as capture variations in seasonal groundwater conditions (Refer to Appendix R for the GWM&RP details). As described in Appendix R, data collected by COCWD will be included in the GWM&MP. COCWD, at their request, will be responsible for providing the COCWD specific monitoring data to the qualified professional Geologist or a Certified Hydrogeologist tasked with analyzing those data and reporting those analyses to the Napa County. Water usage shall be minimized by use of best available control technology and best management conservation practices. In the event that changed circumstances, or significant new information, or the results of the monitoring data, provide substantial evidence that use of the onsite wells and the groundwater systems referenced in the ECP would significantly affect the groundwater basin, an amendment to the ECP may be initiated by the County to consider additional reasonable conditions on the Applicant, revision to the number of acres allowed to be planted, or revocation of this permit, as necessary to meet the requirements of the Napa County Groundwater Ordinance and protect public health, safety and welfare. Such additional mitigation might include shifting of groundwater production to other onsite wells for a period of time. Any recommendations made to address impacts to the groundwater basin shall not become final unless and until the Director has provided notice and the opportunity for a hearing in compliance with County Code Section 13.15.070 (G)-(K).		I080-2.)

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Impact 4.6-5: The Project would require the construction of irrigation pipelines to transport water onsite, the construction of which could create potentially significant impacts to water quality and stream conditions. (Draft EIR pp. 4.6-50 to 4.6-51; Final EIR Response 15.)	4.6-5: In order to ensure preservation of regional water quality and local stream conditions, prior to installation of irrigation infrastructure, the Irrigation Plans for the Proposed Project shall be provided to the County for review and approval and shall include the following measure: The construction of irrigation pipeline stream crossings shall only occur within roadways or vineyard avenues. No irrigation pipelines shall cross a stream or creek outside of roadways or vineyard avenues designated in the ECP (Appendix A). The necessary permits by the appropriate agencies will be obtained and copies shall be provided to the County prior to construction of proposed underground or aboveground pipelines where there will be disturbance to the bed and bank of any onsite drainages or streams.	LS	Finding: Compliance with MM 4.6-5, which has been required or incorporated into the Project, will reduce impacts to water quality and streams to a less-than-significant level by ensuring that the irrigation pipeline construction follows the BMPs for road construction included in the ECP. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects to a less-than-significant level. Explanation/Facts in Support of Finding: Construction of irrigation pipelines could have a potentially significant impact to water quality and stream conditions. MM 4.6-5 would require water line crossings will only cross the bed or bank of onsite creeks in conjunction with a roadway or vineyard avenue and that all necessary permits are obtained prior to construction. This will reduce impacts to water quality and streams to a less-than-significant level. (See Final EIR Response 15; Final EIR Response to Comment O22-068.)
4.7 TRANSPORTATION AND TRAFFIC			
Impact 4.7-1: Construction of the Project would temporarily increase traffic volumes on roadways in the area; however, the increase in construction related traffic would not be substantial and a less-than-significant impact would result. Although impacts to local roadways are less than significant, mitigation measures are presented to further reduce temporary construction-related impacts. (Draft EIR pp. 4.7-3 to 4.7-5; Final EIR pp. 4.7-4 to 4.7-6; Final EIR Responses 16 through 18.)	4.7-1: All construction trips (both equipment and worker trips) shall be scheduled outside of the daily AM and PM peak hours. The applicant shall prepare a schedule for work shifts and equipment transport for review and approval by the Director prior to any ground disturbance, grading or vegetation removal.	LS	Finding: Compliance with MM 4.7-1, which has been required or incorporated into the Project, will further reduce this less-than-significant impact by scheduling construction trips outside of the daily AM and PM peak hours. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this less than significant impact. Explanation/Facts in Support of Finding: Increases in traffic due to construction related activity is a less than significant impact. To further reduce this impact, construction activities that would require construction workers and trucks delivering heavy equipment and materials to the project site would be scheduled outside AM and PM peak hours. This will further reduce the less than significant impact resulting from temporary traffic increases due to construction. (See Final EIR pp. 4.7-4 to 4.7-6; Final EIR Responses 16 through 18; Final EIR Responses to Comments A2-03, O11-32, O21-088, O21-089, O21-091, I047-3, I062-3.)
Impact 4.7-2: Operation of the Project would increase traffic volumes on roadways in the area; however, the increase in traffic would not	4.7-2: Compliance with Mitigation Measure 4.7-1 would reduce operations related traffic impacts	LS	Finding: Compliance with MM 4.7-2, which has been required or incorporated into the Project, will further reduce this less-than-

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be substantial and a less-than-significant impact would result. (Draft EIR p. 4.7-5; Final EIR pp. 4.7-6 to 4.7-8; Final EIR Responses 16 through 18.)	by scheduling worker trips outside of the peak AM and PM hours.		significant impact by scheduling vineyard worker trips outside of the daily AM and PM peak hours. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this less than significant impact. Explanation/Facts in Support of Finding: Operation of the Project would result in increased traffic volumes on local roadways. This will be a seasonal increase beginning in December and ending in March, which is not anticipated to create impacts to the existing traffic load and capacity of the street system. This is a less than significant impact and implementation of MM 4.7-2 would further reduce this impact. (See Final EIR pp. 4.7-6 to 4.7-8; Final EIR Responses 16 through 18; Final EIR Responses to Comments A2-03, O21-088, O21-089, O21-091, O21-093, I062-3.)
Impact 4.7-3: Installation of the Project would increase potential conflicts between vehicles on area roadways given the additional vehicles that would be entering and exiting the project site. However, traffic volumes are not expected to increase substantially as discussed in Impacts 4.7-1 and 4.7-2. The width of the roadways to and from the project site can accommodate a variety of vehicle types, including construction related equipment, and the available sight distance for drivers at the project site access road is not unduly restricted. Therefore, this would be a less than significant impact. (Draft EIR p. 4.7-6; Final EIR Responses 16 through 18.)	4.7-3: Advance warning signs (e.g., "Intersection Ahead" and/or "Truck Crossing Ahead") shall be posted on Circle Oaks Drive and Country Club Lane consistent with Napa County sign placement standards to alert motorists of an intersection ahead with turning vehicles. The signs shall be installed in compliance with County road standards, subject to an Encroachment Permit issued by the County, with the costs to be paid by the applicant.	LS	Finding: Compliance with MM 4.7-3, which has been required or incorporated into the Project, will further reduce this less-than-significant impact by installing advance warning signs in identified locations. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this less than significant impact. Explanation/Facts in Support of Finding: The existing roadways to and from the project site are wide enough to accommodate a variety of vehicle types including construction equipment with safe sight distances for drivers. This is a less than significant impact and implementation of MM 4.7-3 would further reduce this impact. (See Final EIR Responses 16 through 18; Final EIR Responses to Comments O11-38, O21-091, I122-7, I129-2.)
Impact 4.7-4: Construction traffic and subsequent operational traffic of the Project could increase wear-and-tear of area roads. This would be a potentially significant impact. Although large volumes of heavy loaded trucks are associated with construction and operation of the Project, such trucks would be legally loaded. Roads in the vicinity, such as SR-121 are designed and constructed to accommodate a mix of vehicle types, including heavy trucks.	4.7-4: The following measures shall be followed during construction activities: Heavy truck construction traffic shall comply with the CVC sections related to vehicle weight and width. Any extra-legal loads needed for specialized deliveries shall be subject to special permit requirements from Napa County. Project applicant shall obtain any necessary Caltrans traffic permits for movement of equipment.	LS	Finding: Compliance with MM 4.7-4, which has been required or incorporated into the Project, will further reduce this less-than-significant impact by requiring compliance with regulations in the California Vehicle Code, particularly legal weight and width limits, intended to minimize adverse impacts to roadways. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this less than significant impact.

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Local roadways, such as Circle Oaks Drive, while generally not designed to withstand substantial or continuous traffic would not be impacted as vehicle trips on local roads are not anticipated to be heavy trucks. Therefore, potential wear-and-tear of area roadways is a less than significant impact. (Draft EIR pp. 4.7-6 to 4.7-7; Final EIR pp. 4.7-8 to 4.7-9; Final EIR Responses 16 through 18.)	Circle Oaks Drive shall be assessed by an independent third party consultant prior to the start of construction and following the completion of construction. The consultant shall be contracted to the County, with costs paid for by the applicant. If the third party determines that roadway deterioration, or deterioration of infrastructure located underneath Circle Oaks Drive, has occurred as a result of construction traffic, the applicant shall pay to have the roadway resurfaced to restore the pavement to at least pre-construction condition, unless the resurfacing is already expected to occur within a year or sooner in conjunction with other planned or proposed roadway improvements, and shall repair the identified damage to sub-surface infrastructure.		Explanation/Facts in Support of Finding: The existing roadways to and from the project site are designed to withstand the level of traffic anticipated from the construction and operation of the Project. In the event there is deterioration to Circle Oaks Drive, it will be remediated at the cost of applicant. Therefore, implementation of MM 4.7-4 would further reduce this less than significant impact. (See Final EIR pp. 4.7-8 to 4.7-9; Final EIR Responses 16 through 18; Final EIR Responses to Comments O9-9, O11-34, O21-091, O21-092, I122-6, I139-9.)
4.8: NOISE			
Impact 4.8-1: Construction of the Project would expose persons to noise levels in excess of standards established in the General Plan or County noise ordinance, or applicable standards of other agencies. This is a significant impact. Operation of the Project would not expose persons to noise levels in excess of the County General Plan or noise ordinance, and is covered under the right-to-farm ordinance. This is a less than significant impact. (Draft EIR pp. 4.8-11 to 4.8-13; Final EIR pp. 4.8-11 to 4.8-13; Final EIR Response 19.)	4.8-1: The following measures shall be enacted during construction of the Proposed Project to minimize noise impacts to all nearby sensitive receptors: - Stationary equipment and staging areas shall be located as far as practical from noise-sensitive receptors. - All construction vehicles or equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and acoustical shields or shrouds, in accordance with manufacturers' recommendations. - Construction shall occur only between the hours of 7 a.m. to 7 p.m. - For construction occurring less than 150 feet from sensitive receptors, temporary sound walls shall be constructed to shield residents from construction noise. No temporary sound walls are necessary for construction occurring greater than 150 feet from sensitive receptors. Applicant shall install mufflers on any wind machines located less than 150 feet from existing residences. A map showing the location	LS	Finding: Compliance with MM 4.8-1, which has been required or incorporated into the Project, will reduce construction noise impacts by limiting construction activities to daytime hours and requires the use of other practices and procedures such as the use of mufflers and acoustical shields for all equipment. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this impact to a less Explanation/Facts in Support of Finding: Construction activities will be limited to daytime hours during which ambient additional ambient noise is less disruptive. Mufflers and acoustical shields as well as other procedures to minimize noise will also be required during construction of the Project Therefore, implementation of MM 4.8-1 would reduce construction noise impacts to a less-than-significant level. (See Final EIR pp. 4.8-11 to 4.8-13; Final EIR Response 19; Final EIR Responses to Comments I047-3, I062-4, I104-2, I104-3, I104-4, I104-5, I146-171.)

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	of affected wind machines shall be provided to the Director prior to installation and issuance of building permits. Mufflers shall be installed and inspected by County staff prior to use.		
Impact 4.8-2: The Project could expose persons to or generate excessive groundborne vibration or groundborne noise levels. This is a significant impact. Generally, excessive vibration is only an issue when construction requiring the use of equipment with high vibration levels occurs within 25 to 100 feet of an existing structure. The nearest noise receptor is a housing development approximately 30 feet from the southern property boundary. Actual distance to where equipment will be used may be greater. At 30 feet distance, blasting would exceed the significances threshold for sensitive receptors. (Draft EIR pp. 4.8-13 to 4.8-14; Final EIR pp. 4.8-13 to 4.8-14; Final EIR Response 19.)	4.8-2: Blasting within 775 feet of a residence exceeds Caltrans significance thresholds for vibration. Therefore, no blasting shall occur within vineyard blocks 15, 16, and 68. The approved project map shall be revised to include a note stating that no blasting shall occur within these blocks.	LS	Finding: Compliance with MM 4.8-2, which has been required or incorporated into the Project, will reduce impacts from groundborne noise and vibration by prohibiting blasting within vineyard blocks 15, 16, and 68. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this impact to a less-than-significant level. Explanation/Facts in Support of Finding: At 775 feet from a residential sensitive receptor, blasting would generate 0.1 PPV groundborne vibration, which does not exceed the Caltrans threshold of 0.1 PPV for residences. Compliance with MM 4.8-2 would result in no blasting within vineyard blocks 15, 16, and 68, which are located within 775 feet of a residence. Therefore, implementation of MM 4.8-1 would reduce groundborne vibration and noise impacts to a less-than-significant level. (See Final EIR pp. 4.8-13 to 4.8-14; Final EIR Response 19; Final EIR Response to Comments O9-49, O9-50, O9-51, O9-52, O9-53, I068-5, I068-6, I068-7, I104-2, I104-5.)
6.0: OTHER CEQA-REQUIRED SECTIONS			
Impact 6-1: Construction of the Project would emit GHGs and would have the potential to exacerbate global climate change. Project sources of GHG emissions during construction would include the transport and delivery of construction equipment to the project site; operation of construction equipment, including equipment used for planting and irrigation system installation; worker trips, fuel use, and material transport, loss of sequestration due to removal of oak woodlands, tree removal, tillage of soil, etc. This is a potentially significant impact. (Draft EIR pp. 6-16 to 6-18; Final EIR pp. 6-16 to 6-19; Final EIR Responses 6 and 21.)	6-1: In order to offset the construction emissions from development of the Proposed Project, the Applicant shall place in permanent protection no less than 248 acres of woodland habitat. All acreage designated for preservation shall be identified as such in a conservation easement with an accredited land trust organization such as the Land Trust of Napa County as the grantee, or other means of permanent protection. The conservation easement shall be prepared in a form acceptable to County Counsel and entered into and recorded with the Napa County Recorder's office prior to any ground disturbing activities, grading or vegetation removal, or within 12 months of project approval, or whichever occurs first. Any request by the permittee for an extension of time to record the conservation easement shall be considered by the Planning Director and shall	LS	Finding: Compliance with MM 6-1, which has been required or incorporated into the Project, will reduce impacts from GHG emissions through preservation of woodland on the property. The Director hereby directs that this mitigation measure be adopted. Pursuant to Public Resources Code Section 21081 (a) and CEQA Guidelines Section 15091 (a), the Director hereby finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen this impact to a less-than-significant level. Explanation/Facts in Support of Finding: Preservation of no less than 248 acres of woodland habitat held in an open space easement as required in MM 6-1 would offset carbon emissions that would result from tree removal and operation of construction equipment. Implementation of MM 6-1 would result in consistency with the adopted CAP; therefore, construction of the Project would have a less than a significant impact on climate change. (See Final EIR pp. 6-16 to 6-19; Final EIR Responses 6 and 21; Final EIR Responses to Comments O10-13, O10-15, O10-17, O11-35, O12-6, O21-113, O21-114, O21-115, O21-116, O21-118, O21-121.) For further detail on implementation of this

ENVIRONMENTAL IMPACT (SIGNIFICANCE FINDING BEFORE MITIGATION)	MITIGATION MEASURES	SIGNIFICANCE AFTER MITIGATION	FINDINGS OF FACT
	be submitted to Napa County prior to the 12 month deadline, and shall provide sufficient justification for the extension. Land placed in protection shall be restricted from development and other uses that would potentially degrade the quality of the habitat (including, but not limited to, conversion to other land uses such as agriculture, residential, or urban development, and excessive off-road vehicle use that increases erosion), and should otherwise be restricted by the existing goals and policies of Napa County.		mitigation measure see BRMP section 5.4.)

ATTACHMENT B
WALT RANCH EROSION CONTROL PLAN
NAPA COUNTY, CALIFORNIA
GENERAL PLAN GOALS/POLICIES – CONSISTENCY ANALYSIS

An EIR discusses “any inconsistencies between the proposed project and the applicable general plans.” (CEQA Guidelines § 15125(d).) For the Project, the applicable plan is the Napa County General Plan. The focus of this attachment is the identification of policies in the plan that apply to the proposed land uses of this particular project. Policies that are not applicable to the Project for have not been included in the discussion. The PBES Director hereby adopts the findings set forth below.

Goal/Policy	Consistency	Discussion
Open Space Conservation Goals and Policies – General Plan Conservation Element		
Goal CON-1: The County of Napa will conserve resources by determining the most appropriate use of land, matching land uses and activities to the land's natural suitability, and minimizing conflicts with the natural environment and the agriculture it supports.	Consistent	The Project site is zoned for agricultural use and the establishment of a vineyard is an allowable use within this zoning designation. (DEIR p. 3-1.)
Policy CON-1: The County will preserve land for greenbelts, forest, recreation, flood control, adequate water supply, air quality improvement, habitat for fish, wildlife and wildlife movement, native vegetation, and natural beauty. The County will encourage management of these areas in ways that promote wildlife habitat renewal, diversification, and protection.	Consistent	The Project has been designed and further mitigated to preserve woodlands, riparian, and open space which has the greatest value as wildlife habitat. Impacts to rare, endangered, and candidate plant and animal species have been minimized to the extent feasible, while providing for avoidance, preservation, and replacement in accordance with accepted protocols including the Napa County General Plan. Water quality has been protected through avoidance, incorporation of appropriate setbacks, and implementation of various erosion control features. Vineyards are designed

Goal/Policy	Consistency	Discussion
		to minimize impacts to wildlife movement. (DEIR p. 3-6.)
Policy CON-2: The County shall identify, improve, and conserve Napa County's agricultural land by: Requiring existing significant vegetation be retained and incorporated into agricultural projects to reduce soil erosion and to retain wildlife habitat. When retention is found to be infeasible, replanting of native or non-invasive vegetation shall be required, and Minimizing pesticide and herbicide use and encourage research and use of integrated pest control methods such as cultural practices, biological control, host resistance, and other factors.	Consistent	Native grasslands will be protected through a combination of avoidance, preservation and enhancement as described in MM 4-2.1. (DEIR p. 4.2-83; see BRMP Table 1.) The vineyard will be operated in a sustainable manner including the use of integrated pest management practices. (DEIR p. 4.5-1.)
Policy CON-2(e): Encourage inter-agency and inter-disciplinary cooperation, recognizing the agricultural commissioner's role as a liaison and the need to monitor and evaluate pesticide and herbicide programs over time and to potentially develop air quality, wildlife habitat, or other programs if needed to prevent environmental degradation.	Consistent	The owner of the Project will comply with the Napa County Agricultural Commissioner's regulations, such as renewing the private applicator certificate every three years and restricted materials permits annually, and reporting pesticide use to the Agricultural Commissioner by the 10th of every month following application. (DEIR pp. 4.5-11 through 4.5-12.)
Policy CON-2(f): Minimize pesticide and herbicide use and encourage research and use on integrated pest control methods such as cultural practices, biological control, host resistance, and other factors.	Consistent	Pesticides will be used on-site in compliance with the Fish Friendly Farming program, California Sustainable Winegrowing Alliance, and Napa Sustainable Winegrowing Group restrictions. (DEIR p. 4.5-11.)

Goal/Policy	Consistency	Discussion
Policy CON-4: The County recognizes that preserving watershed open space is consistent with and critical to the support of agricultural and agricultural preservation goals.	Consistent	The Project site is designated Agricultural Watershed Open Space under the General Plan. (DEIR p. 1-4.)
Policy CON-5: The County shall identify, improve, and conserve Napa County's rangeland through the following measures: g) Protecting trees and shrubs on rangelands for wildlife habitat and aesthetic purposes and encouraging alternate uses of rangelands, such as wildlife and open space, if grazing is phased out.	Consistent	The Project does not include cattle or rangeland applications. Grazing has not occurred on the property in recent years. (DEIR p. 4.6-35.) The Project is designed to protect trees and shrubs as well as other wildlife habitat throughout the property. (DEIR Section 4.2; FEIR Section 4.2.)
Policy CON-6: The County shall impose conditions on discretionary projects which limit development in environmentally sensitive areas such as those adjacent to rivers or streamside areas and physically hazardous areas such as floodplains, steep slopes, high fire risk areas and geologically hazardous areas.	Consistent	Development of the Project, as mitigated, is limited in environmentally sensitive areas and grading on slopes over 15 percent where landslides or other geologic hazards are present has been reduced as described in MM 4.4-3. (DEIR pp. 4.4-25 through 4.4-26.)
Natural Resource Goals and Policies – General Plan Conservation Element		
Goal CON-2: Maintain and enhance the existing level of biodiversity.	Consistent	Rock outcrops provide important habitat features for special status plant and wildlife species contributing to the overall biodiversity of the landscape. The Project would not convert rock outcrops to vineyard and is therefore consistent with Goal CON-2. (DEIR p. 4.2-91.)
Goal CON-3: Protect the continued presence of special-status species, including special-status plants, special-	Consistent	Special-status plant species will be protected through a combination of

Goal/Policy	Consistency	Discussion
status wildlife, and their habitats, and comply with all applicable state, federal, or local laws or regulations.		avoidance, preservation and replanting as described in MM 4.2-5, MM 4.2-7, MM 4.2-8, and MM 4.2-9, and as further set forth in the BRMP. (DEIR pp. 4.2-98, 4.2-102, 4.2-107, and 4.2-112; see BRMP Table 1; see also revisions to MM 4.2-9 set forth at Final EIR pp. 4.2-111 – 4.2-116.
Goal CON-4: Conserve, protect, and improve, plant wildlife, and fishery habitats for all native species in Napa County.	Consistent	The Project will be designed to preserve a majority of the property as woodlands, riparian, and open space which has the greatest value as wildlife habitat. (DEIR p. 3-6; see BRMP Table 1.)
Goal CON-5: Protect connectivity and continuous habitat areas for wildlife movement.	Consistent	Project design requires that deer fencing is placed as close to vineyard blocks as possible to ensure that there are spaces for animal passage between fenced clusters, reducing impacts to wildlife movement corridors. (DEIR p. 4.2-99.) Corridors of no less than 100 feet in width will be provided between deer fencing as described by MM 4.2-6 to provide connectivity for wildlife movement. (DEIR p. 4.2-101.) Stream corridor buffers and wetland buffers as described in MM 4.2-4 provide for a substantial amount of wildlife movement area. (DEIR p. 4.2-93.)
Goal CON-6: Preserve, sustain, and restore forests, woodlands, and commercial timberland for their economic, environmental, recreation, and open space	Consistent	Oak woodlands and other sensitive woodlands will be preserved in permanent protection by an open space

Goal/Policy	Consistency	Discussion
values.		easement as described in MM 4.2-2. (DEIR pp. 4.2-88 through 4.2-90.) Specimen trees shall be protected through a combination of avoidance and replanting at a 5:1 ratio as described in MM 4.2-16. (DEIR p. 4.2-124.) For the preservation and protection of biological resources, MM 4.4-2 requires permanent preservation at a 2:1 ratio of identified oak woodland habitats, as well as avoidance and preservation of Valley Oak Riparian Forest. See Final EIR, chapter 4.2, commencing at page 4.2-87, setting forth revisions to MM 4.2-2 to ensure consistency with the General Plan. For additional details regarding mitigation, see the BRMP. See also Final EIR, pp. 4.2-124 – 4.2-128, setting forth revisions to MM 4.2-16 to address impacts on trees.
Policy CON-10: The County shall conserve and improve fisheries and wildlife habitat in cooperation with governmental agencies, private associations and individuals in Napa County.	Consistent	The Project as mitigated will conserve prime nesting and upland habitat for Western pond turtles as described in MM 4.2-4 and 4.2-10. (DEIR pp. 4.2-93 and 4.2-116.) Wetland and stream setbacks and MM 4.2-4 and MM 4.2-10 in combination with overall avoidance in the Project design will conserve habitat for special-status amphibian species. (DEIR pp. 4.2-93 and 4.2-116.) For additional details regarding avoidance

Goal/Policy	Consistency	Discussion
		and preservation of such habitat, see the BRMP. For revisions to MM 4.2-4 and MM 4.2-10 to ensure consistency with Policy CON-10, see Final EIR chapter 4.2, commencing at pages 4.2-95 and 4.2-111.
Policy CON-11: The County shall maintain and improve fisheries habitat through a variety of appropriate measures, including: m) Control sediment production from mines, roads, development projects, agricultural activities, and other potential sediment sources. n) Implement road construction and maintenance practices to minimize bank failure and sediment delivery to streams.	Consistent	Development of the Project, as mitigated, would result in a slight decrease in the volume and rate of runoff onsite and would also reduce sedimentation rates. (DEIR pp. 4.6-39 and 4.6-42.)
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, project shall include effective mitigation measures and management plans including provisions to: a) Maintain the following essentials for fish and wildlife resources: 1) Sufficient dissolved oxygen in the water.	Generally Consistent	Habitat for fish and wildlife resources will be protected through a combination of avoidance, preservation and enhancement. The Project will conserve prime nesting and upland habitat for Western pond turtles as described in MM 4.2-4 and 4.2-10. (DEIR pp. 4.2-93 and 4.2-116.) Wetland and stream setbacks and MM 4.2-4 and MM 4.2-10 in combination with overall avoidance in the Project design will conserve habitat for special-status amphibian species. (DEIR pp. 4.2-93 and 4.2-116.) The Project as mitigated would avoid disturbance of any special-status

Goal/Policy	Consistency	Discussion
2) Adequate amounts of proper food. 3) Adequate amounts of feeding, escape, and nesting habitat. 4) Proper temperature through maintenance and enhancement of streamside vegetation, volume of flows, and velocity of water. b) Ensure that water development projects provide an adequate release flow of water to preserve fish populations. c) Employ supplemental planting and maintenance of grasses, shrubs and trees of like quality and quantity to provide adequate vegetation cover to enhance water quality, minimize sedimentation and soil transport, and provide adequate shelter and food for wildlife and special-status species and maintain the watersheds, especially stream side areas, in good condition. d) Provide protection for habitat supporting special-status species through buffering or other means. e) Provide replacement habitat of like quantity and quality on- or off-site for special status species to mitigate impacts to special-status species. f) Enhance existing habitat values, particularly for special-status species, through restoration and replanting of native plant species as part of discretionary permit review and approval. g) Require temporary or permanent buffers of adequate size (based on the requirements of the subject special-status species) to avoid nest abandonment by birds and raptors associated with		species nesting above ground as described in MM 4.2-13. (DEIR 4.2-120.) For revisions to MM 4.2-4 and MM 4.2-10 to ensure consistency with Policy CON-13, see Final EIR chapter 4.2, commencing at pages 4.2-95 and 4.2-111. For additional details regarding avoidance and preservation of such habitat, see the BRMP. The Project is designed to address impacts to wildlife and special-status species through a combination of avoidance, preservation and replacement of habitat as described in DEIR Section 4.2.6-2. (DEIR pp. 4.2-78 through 4.2-135.) For additional information, see the BRMP.

Goal/Policy	Consistency	Discussion
construction and site development activities. h) Demonstrate compliance with applicable provisions and regulations of recovery plans for federally listed species.		
Policy CON-14: To offset possible losses of fishery and riparian habitat due to discretionary development projects, developers shall be responsible for mitigation when avoidance of impacts is determined to be infeasible. Such mitigation measures may include providing and permanently maintaining similar quality and quantity habitat within Napa County, enhancing existing riparian habitat, or paying in-kind funds to an approved fishery and riparian habitat improvement and acquisition fund. Replacement habitat may occur either on-site or at approved off-site locations, but preference shall be given to on-site replacement.	Consistent	The Project will preserve 30.8 acres (100 percent) of Valley Oak Riparian Forest habitat type on the property as described in MM 4.2-2. (DEIR p. 4.2-89; see BRMP, section 4.2)
Policy CON-16: The County shall require a biological resources evaluation for discretionary projects in areas identified to contain or potentially contain special-status species based upon data provided in the Baseline Data Report (BDR), California Natural Diversity Database (CNDDDB), or other technical materials. This evaluation shall be conducted prior to the approval of any earthmoving activities. The County shall also encourage the development of programs to protect special-status species and disseminate updated information to state and federal resource agencies.	Consistent	A biological resources assessment was performed as part of the EIR. (DEIR, Appendix M.)
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	Mostly Consistent	Three special-status grassland forbs have been found onsite: Gairdner's yampah (CNPS Rank 4.3: Napa County Locally Rare) green monardella (CNPS Rank 4.3;

Goal/Policy	Consistency	Discussion
mitigation that results in the following standards: a) Prevent removal or disturbance of sensitive natural plant communities that contain special-status plant species or provide critical habitat to special-status animal species. b) In other areas, avoid disturbances to or removal of sensitive natural plant communities and mitigate potentially significant impacts where avoidance is infeasible. c) Promote protection from overgrazing and other destructive activities. d) Encourage scientific study and require monitoring and active management where biotic communities and habitats of limited distribution or sensitive natural plant communities are threatened by the spread of invasive non-native species. e) Require no net loss of sensitive biotic communities and habitats of limited distribution through avoidance, restoration, or replacement where feasible. Where avoidance, restoration, or replacement is not feasible, preserve like habitat at a 2:1 ratio or greater within Napa County to avoid significant cumulative loss of valuable habitats.		Napa County Locally Rare), and Napa bluecurls (CNPS Rank 1B.2). Because these sensitive species have been found within some grassland areas, additional acreage is proposed for protection in MM 4.2-9 to preserve overall biodiversity and protect suitable grassland habitat for these sensitive species, consistent with Policy CON-17. (DEIR pp. 4.2-82 and 4.2-112 through 4.2-113.) MM 4.2-1 will ensure that native grasslands are avoided in large part and those that are impacted are enhanced and replaced at a 2:1 ratio consistent with Policy CON-17. (DEIR pp. 4.2-83.) Further details are set forth in the BRMP. See also MM 4.2-2, as revised in the Final EIR (commencing at page 4.2-87), to ensure consistency with Policy CON-17.
Policy CON-18: To reduce impacts on habitat conservation and connectivity: a) In sensitive domestic water supply drainages where new development is required to retain between 40 and 60 percent of the existing (as of June 16, 1993) vegetation onsite, the vegetation	Consistent	Project design requires that deer fencing is placed as close to vineyard blocks as possible to ensure that there are spaces for animal passage between fenced clusters, reducing impacts to wildlife movement corridors. (DEIR p. 4.2-99.)

Goal/Policy	Consistency	Discussion
selected for retention should be in areas designed to maximize habitat value and connectivity. c) Preservation of habitat and connectivity of adequate size, quality, and configuration to support special-status species should be required within the project area. The size of habitat and connectivity to be preserved shall be determined based on the specific needs of the species. d) The County shall require discretionary projects to retain movement corridors of adequate size and habitat quality to allow for continued wildlife use based on the needs of the species occupying the habitat. e) The County shall require new vineyard development to be designed to minimize the reduction of wildlife movement to the maximum extent feasible. In the event the County concludes that such development will have a significant impact on wildlife movement, the County may require the applicant to relocate or remove existing perimeter fencing installed on or after February 16, 2007 to offset the impact caused by the new vineyard development. h) Support public acquisition, conservation easements, in-lieu fees where on-site mitigation is infeasible, and/or other measures to ensure long-term protection of wildlife movement areas.		Corridors of no less than 100 feet in width will be provided between deer fencing as described by MM 4.2-6. (DEIR p. 4.2-101.) Stream corridor buffers and wetland buffers as described in MM 4.2-4 provide for a substantial amount of wildlife movement area. (DEIR pp. 4.2-93 through 4.2-96.) For revisions to MM 4.2-4 to ensure consistency with Policy CON-18, see Final EIR chapter 4.2, commencing at page 4.2-95.
Policy CON-19: The County shall encourage the preservation of critical habitat areas and habitat connectivity through the use of conservation easements or other methods as well as through continued implementation of the Napa County Conservation	Consistent	Preservation of nesting and upland habitat areas for the western pond turtle shall be identified in a conservation easement, or other equivalent means of permanent protection, and development

Goal/Policy	Consistency	Discussion
Regulations associated with vegetation retention and setbacks from waterways.		shall be restricted, in part, by the existing goals and policies of Napa County.
Policy CON-22: The County shall encourage the protection and enhancement of natural habitats which provide ecological and other scientific purposes. As areas are identified, they should be delineated on environmental constraints maps so that appropriate steps can be taken to appropriately manage and protect them.	Consistent	As described in the DEIR, all acreages designated for preservation shall be identified in a conservation easement or other equivalent means of permanent protection and recorded in the Napa County Recorder's office. (DEIR Section 4.2.) For additional details, see the BRMP.
Policy CON-24: Maintain and improve oak woodland habitat to provide for slope stabilization, soil protection, species diversity, and wildlife habitat through appropriate measures including one or more of the following: a) Preserve, to the extent feasible, oak trees and other significant vegetation that occur near the heads of drainages or depressions to maintain diversity of vegetation type and wildlife habitat as part of agricultural projects. b) Comply with the Oak Woodlands Preservation Act (PRC Section 21083.4) regarding oak woodland preservation to conserve the integrity and diversity of oak woodlands, and retain, to the maximum extent feasible, existing oak woodland and chaparral communities and other significant vegetation as part of residential, commercial, and industrial approvals. c) Provide replacement of lost oak woodlands or preservation of like habitat at a 2:1 ratio when retention of existing vegetation is found to be infeasible. Removal of oak species limited in	Mostly Consistent	Oak woodlands and other sensitive woodlands will be preserved in permanent protection by a conservation easement as described in MM 4.2-2. (DEIR pp. 4.2-88 through 4.2-90.) For additional details regarding mitigation, see the BRMP. See also revisions to MM 4.2-2 set forth in Final EIR chapter 4.2, commencing at page 4.2-87. See also Final EIR, pp. 4.2-124 – 4.2-128, setting forth revisions to MM 4.2-16 to address impacts on trees.

Goal/Policy	Consistency	Discussion
distribution shall be avoided to the maximum extent feasible. d) Support hardwood cutting criteria that require retention of adequate stands of oak trees sufficient for wildlife, slope stabilization, soil protection, and soil production be left standing. e) Maintain, to the extent feasible, a mixture of oak species which is needed to ensure acorn production. Black, canyon, live, and brewer oaks as well as blue, white, scrub, and live oaks are common associations. f) Encourage and support the County Agricultural Commission's enforcement of state and federal regulations concerning Sudden Oak Death and similar future threats to woodlands.		
Policy CON-26: Consistent with Napa County's Conservation Regulations, natural vegetation retention areas along perennial and intermittent streams shall vary in width with steepness of the terrain, the nature of the undercover, and type of soil. The design and management of natural vegetation areas shall consider habitat and water quality needs, including the needs of native fish and special-status species and flood protection where appropriate. Site-specific setbacks shall be established in coordination with Regional Water Quality Control Boards, California Department of Fish and Game, U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration National Marine Fisheries Service, and other coordinating resource agencies that identify essential stream and stream reaches necessary for the health of populations of native fisheries and other sensitive aquatic organisms	Consistent	Appropriate stream setbacks are been established for the Project as described in MM 4.2-4. (DEIR pp. 4.2-93 through 4.2-96.) See also revisions to MM 4.2-4 set forth at Final EIR pp. 4.2-95 – 4.2-98.

Goal/Policy	Consistency	Discussion
within the County's watersheds. Where avoidance of impacts to riparian habitat is infeasible along stream reaches, appropriate measures will be undertaken to ensure that protection, restoration, and enhancement activities will occur within these identified stream reaches that support or could support native fisheries and other sensitive aquatic organisms to ensure a no net loss of aquatic habitat functions and values within the county's watersheds.		
Policy CON-27: The County shall enforce compliance and continued implementation of the intermittent and perennial stream setback requirements set forth in existing stream setback regulations, provide education and information regarding the importance of stream setbacks and the active management and enhancement/restoration of native vegetation within setbacks, and develop incentives to encourage greater stream setbacks where appropriate. Incentives shall include streamlined permitting for certain vineyard proposals on slopes between 5 and 30 percent and flexibility regarding yard and road setbacks for other proposals.	Consistent	The Project is designed to protect water quality by protecting wetlands, seeps, springs, and streams through the incorporation of appropriate buffers, setbacks, and the implementation of various erosion control features, in accordance with Policy CON-27. (DEIR p. 3-6.)
Policy CON-28: To offset possible additional losses of riparian woodland due to discretionary development projects and conversions, developers shall provide and maintain similar quality and quantity of replacement habitat or in-kind funds to an approved riparian woodland habitat improvement and acquisition fund in Napa County. While on-site replacement is preferred where feasible, replacement habitat may be either on-site or offsite as approved by the County.	Consistent	The Project will preserve 30.8 acres (100 percent) of Valley Oak Riparian Forest habitat type on the property as described in MM 4.2-2. (DEIR p. 4.2-89; Final EIR, chapter 4.2; BRMP section 4.0.)

Goal/Policy	Consistency	Discussion
Policy CON-29: The County shall coordinate its efforts with other agencies and districts such as the Resource Conservation District and share a leading role in developing and providing outreach and education related to stream setbacks and other best management practices that protect and enhance the County's natural resources.	Consistent	Stream corridor buffers will be established as described in MM 4.2-4. (DEIR pp. 4.2-93 through 4.2-96.)
Policy CON-30: All public and private projects shall avoid impacts to wetlands to the extent feasible. If avoidance is not feasible, projects shall mitigate impacts to wetlands consistent with state and federal policies providing for no net loss of wetland function.	Consistent	Project site plans will avoid or mitigate for direct impacts to jurisdictional waters as described in MM 4.2-4. (DEIR pp. 4.2-93 through 4.2-96.) Compensatory mitigation shall occur at a minimum of 1:1 ratio and shall be approved by the USACE prior to any discharge into jurisdictional features. (DEIR pp. 4.2-93.) See also revisions to MM 4.2-4 set forth at Final EIR pp. 4.2-95 – 4.2-98. 50 foot minimum setbacks are required around all known wetlands. (DEIR p. 4.6-30.)
Water Resources Goals and Policies – General Plan Conservation Element		
Goal CON-8: Reduce or eliminate groundwater and surface water contamination from known sources (e.g., underground tanks, chemical spills, landfills, livestock grazing, and other dispersed sources such as septic systems).	Consistent	Prior to development, a Hazardous Materials Business Plan shall be prepared and submitted to the Division of Environmental Health and CERs documenting all proposed hazardous materials to be used onsite during construction and operation. (DEIR p. 4.5-8.) Standard operating procedures will be

Goal/Policy	Consistency	Discussion
		developed for the use and storage of hazardous materials and pesticides during operations. (DEIR pp. 4.5-8 through 4.5-10.)
Goal CON-9: Control urban and rural storm water runoff and related non-point source pollutants, reducing to acceptable levels pollutant discharges from land-based activities throughout the county.	Consistent	Erosion control measures are designed to avoid potential increases in storm water runoff and would also result in decreases in sediment loading. (DEIR pp. 4.6-39 through 4.6-41.)
Goal CON-10: Conserve, enhance and manage water resources on a sustainable basis to attempt to ensure that sufficient amounts of water will be available for the uses allowed by this General Plan, for the natural environment, and for future generations.	Consistent	Water usage shall be minimized by use of best available control technology and best management conservation practices. Project wells will be monitored to determine water usage and to determine any effects on groundwater. (DEIR p. 4.6-50.)
Goal CON-11: Prioritize the use of available groundwater for agricultural and rural residential uses rather than for urbanized areas and ensure that land use decisions recognize the long term availability and value of water resources in Napa County.	Consistent	The Project is considered an agricultural use. (DEIR p. 3-1.)
Goal CON-12: Proactively collect information about the status of the county's surface and groundwater resources to provide for improved forecasting of future supplies and effective management of the resources in each of the County's watersheds.	Consistent	MM 4.6-4 requires applicant to provide well-monitoring data and analyses of the data from a qualified professional geologist or a certified hydrogeologist on a seasonal basis to Napa County PBES Department. (DEIR p. 4.6-50.) For revisions to MM 4.6-4 to ensure consistency with Goal CON-12, see Final EIR, chapter 4.6, commencing at page

Goal/Policy	Consistency	Discussion
		4.6-51. The applicant has also voluntarily agreed to perform water quality monitoring in the Milliken Creek Watershed.
Policy CON-41: The County will work to protect Napa County's watersheds and public and private water reservoirs to provide for the following purposes: a) Clean drinking water for public health and safety; b) Municipal uses, including commercial, industrial and domestic uses; c) Support of the eco-systems; d) Agricultural water supply; e) Recreation and open space; and f) Scenic beauty.	Consistent	Preservation of representative habitats for wildlife and plant species as described in DEIR Section 4.2.6-2 simultaneously protects watersheds. Overall sedimentation from the project site is expected to decrease in post-project conditions in the Milliken Reservoir and Capell Creek watersheds. (DEIR p. 4.4-21.) For additional information, see the BRMP.
Policy CON-42: The County shall work to improve and maintain the vitality and health of its watersheds. Specifically, the County shall: d) Support environmentally sustainable agricultural techniques and best management practices that protect surface water and groundwater quality and quantity (e.g., cover crop management, integrated pest management, informed surface water withdrawals and groundwater use).	Consistent	The Proposed Project would be operated in a manner that is consistent with Napa County PBES requirements to reduce hazardous material contamination of surface water and groundwater. (DEIR p. 4.5-10.) See also revisions to MM 4.2-4 set forth at Final EIR pp. 4.2-95 – 4.2-98.
Policy CON-45: Protect the County's domestic supply drainages through vegetation preservation and protective buffers to ensure clean and reliable drinking water consistent with state regulations and guidelines. Continue implementation of current Conservation	Consistent	The Project is consistent with Section 18.108.027 of the Napa County Code, which provides water quality related protections within the County's Sensitive Domestic Water Supply Watersheds. In

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Regulations relevant to these areas, such as vegetation retention requirements, consultation with water purveyors/system owners, implementation of erosion controls to minimize water pollution, and prohibition of detrimental recreational uses.		addition, the Project includes implementation of riparian buffers and setbacks as described in MM 4.2-4. (DEIR pp. 4.2-93 through 4.2-96.) See also revisions to MM 4.2-4 set forth at Final EIR pp. 4.2-95 – 4.2-98.
Policy CON-47: The County shall comply with applicable Water Quality Control/Basin Plans as amended through the Total Maximum Daily Load (TMDL) process to improve water quality. In its efforts to comply, the following may be undertaken: e) Ensuring continued effectiveness of the National Pollution Discharge Elimination System (NPDES) program and storm water pollution prevention. f) Ensuring continued effectiveness of the County's Conservation Regulations related to vineyard projects and other earth-disturbing activities.	Consistent	The Erosion Control Plan has been designed to prevent increases in erosion from the project site as described in DEIR, Table 3-3. Additionally, the Project is expected to decrease the current level of sediment into the Napa River and its tributary watersheds. (DEIR p. 4.4-16.) A Long Term Vineyard Road Management Plan has been prepared to reduce existing levels of erosion within the road network, as well as any potential increases in soil loss, erosion, and sedimentation resulting from the increased use of existing dirt and gravel roads as a result of vineyard development and operation. (DEIR p. 4.4-22.)
Policy CON-48: Proposed developments shall implement project-specific sediment and erosion control measures (e.g., erosion control plans and/or stormwater pollution prevention plans) that maintain pre-development sediment erosion conditions or at minimum comply with state water quality pollution control (i.e., Basin Plan) requirements and are protective of the County's sensitive domestic supply watersheds. Technical reports and/or erosion control plans that recommend site-specific erosion control measures shall	Consistent	The Project would maintain the use of diversion structures or artificial measures for the control of runoff and would emphasize erosion prevention through farming practices including cover crops and filter strips, as well as avoidance/management of erosion prone areas. (DEIR pp. 4.6-27.) The Project will result in a decrease in the volume and rate of peak runoff from the

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meet the requirements of the County Code and provide detailed information regarding site specific geologic, soil, and hydrologic conditions and how the proposed measure will function.		project site, and will conform to General Plan Policy CON-48. (DEIR pp. 4.6-31 through 4.6-32.)
Policy CON-50: The County will take appropriate steps to protect surface water quality and quantity, including the following: a) Preserve riparian areas through adequate buffering and pursue retention, maintenance, and enhancement of existing native vegetation along all intermittent and perennial streams through existing stream setbacks in the County's Conservation Regulations. c) The County shall require discretionary projects 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. e) In conformance with National Pollution Discharge Elimination System (NPDES) requirements, prohibit grading and excavation unless it can be demonstrated that such activities will not result in significant soil erosion, silting of lower slopes or waterways, slide damage, flooding problems, or damage to wildlife and fishery habitats. g) Address potential soil erosion by maintaining sections of the County Code that require all construction-related activities to have protective measures in place or installed by the grading deadlines established in the Conservation Regulations. In addition, the County shall ensure enforceable fines are levied upon code violators and	Consistent	The Project will result in a decrease in the rate of peak runoff from the project site, and will conform to General Plan Policy CON-50. (DEIR pp. 4.6-31 through 4.6-40.)

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shall require violators to perform all necessary remediation activities. h) Require replanting and/or restoration of riparian vegetation to the extent feasible as part of any discretionary permit or erosion control plan approved by the County, understanding that replanting or restoration that enhances the potential for Pierce's Disease or other vectors is considered infeasible.		
Policy CON-52: Groundwater is a valuable resource in Napa County. The County encourages responsible use and conservation of groundwater and regulates groundwater resources by way of its groundwater ordinances.	Consistent	Water usage shall be minimized by use of best available control technology and best management conservation practices. Project wells will be monitored to determine water usage and to determine any effects on groundwater. (DEIR pp. 4.6-43 through 4.6-50.)
Policy CON-53: The County shall ensure that the intensity and timing of new development are consistent with the capacity of water supplies and protect groundwater and other water supplies by requiring all applicants for discretionary projects to demonstrate the availability of an adequate water supply prior to approval. Depending on the site location and the specific circumstances, adequate demonstration of availability may include evidence or calculation of groundwater availability via an appropriate hydrogeologic analysis or may be satisfied by compliance with County Code "fair-share" provisions or applicable State law. In some areas, evidence may be provided through coordination with applicable municipalities and public and private water purveyors to verify water supply sufficiency.	Consistent	In order to address potential impacts identified from groundwater extraction at the project site, a monitoring program will be implemented to monitor water levels during each phase of the project, so that a qualified hydrogeologist can determine the water level drawdown impacts to offsite wells, if any, as a result of pumping onsite wells to supply the Project. (DEIR pp. 4.6-49 through 4.6-50.) This measure has been revised to provide further specifics regarding how the monitoring program will be carried out, and to identify measures to be implemented in the event monitoring demonstrates an adverse impact on existing wells on neighboring properties, including those wells operated

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		by the COCWD. MM 4.6-4, as implemented by the see Groundwater Monitoring and Mitigation Plan (RCS 2016), which implements MM 4.6-4, ensures consistency with this policy. (See Final EIR, chapter 4.6, commencing at page 4.6-48.)
Policy CON-55: The County shall consider existing water uses during the review of new water uses associated with discretionary projects, and where hydrogeologic studies have shown that the new water uses will cause significant adverse well interference or substantial reductions in groundwater discharge to surface waters that would alter critical flows to sustain riparian habitat and fisheries or exacerbate conditions of overdraft, the County shall curtail those new or expanded water uses.	Consistent	Based on modeling and observations conducted during actual pump tests, there is sufficient total storage volume within the Sonoma Volcanics on the project site and it is unlikely that pumping of onsite wells will cause drawdown that could affect neighboring wells. Nevertheless, a monitoring program will be implemented as described in MM 4.6-4. (DEIR pp. 4.6-49 through 4.6-50.) For further details regarding the implementation of this plan, see Groundwater Monitoring and Mitigation Plan (RCS 2016), which implements MM 4.6-4. See also revisions to MM 4.6-4 set forth in the Final EIR, commencing at page 4.6-48.
Policy CON-62: (b) Use wastewater treatment and reuse facilities where feasible to reclaim, reuse, and deliver treated wastewater for irrigation and possible potable use depending on wastewater treatment standards.	Consistent	The Project would not exceed water treatment requirements or result in construction of new water or wastewater treatment facilities. (DEIR p. 1-14.)
Safety Goals and Policies		
Goal SAF-1: Safety considerations will be part of the	Consistent	The Project does not interfere with any of

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County's education, outreach, planning, and operations in order to reduce loss of life, injuries, damage to property, and economic and social dislocation resulting from fire, flood, geologic, and other hazards.		the goals or policies of the Napa Operational Hazard Mitigation Plan, which is a County document that seeks to minimize losses from flooding, wildfire, earthquakes, and technological hazards. In addition, the Project would not expose people or structures to significant risk of loss, injury or death involving wildland fires. (DEIR 4.5-7.)
Goal SAF-2: To the extent reasonable, protect residents and businesses in the unincorporated area from hazards created by earthquakes, landslides, and other geologic hazards.	Consistent	The development of load-bearing structures or housing is not part of the Project, so it is unlikely to expose people or structures to risk of loss, injury, or death involving landslides. (DEIR 4.4-23.)
Goal SAF-5: To protect residents and businesses from hazards caused by human activities.	Consistent	The Project will following all SOPs and regulations regarding hazardous material use and storage as described in MM 4.5-1 through MM 4.5-5. (DEIR, Section 4.5.)
Policy SAF-8: Consistent with County ordinances, require a geotechnical study for new projects and modifications of existing projects or structures located in or near known geologic hazard areas, and restrict new development atop or astride identified active seismic faults in order to prevent catastrophic damage caused by movement along the fault. Geologic studies shall identify site design (such as setbacks from active faults and avoidance of onsite soil-geologic conditions that could become unstable or fail during a seismic event) and structural measures to prevent injury, death and catastrophic damage to structures and infrastructure improvements (such as pipelines, roadways and water	Consistent	A geotechnical study was completed as part of the EIR and recommendations from that study have been adopted as described in MM 4.4-3. (DEIR p. 4.4-25.)

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surface impoundments not subject to regulation by the Division of Safety of Dams of the California Department of Water Resources) from seismic events or failure from other natural circumstances.		
Policy SAF-9: As part of the review and approval of development and public works projects, planting of vegetation on unstable slopes shall be incorporated into project designs when this technique will protect structures at lower elevations and minimize the potential for erosion or landslides. Native plants should be considered for this purpose, since they can reduce the need for supplemental watering which can promote earth movement.	Consistent	Erosion control measures outlined in DEIR, Table 3-3 include establishment of a permanent no-till cover crop between 70 and 85 percent cover that would function as the primary measure in inhibiting vineyard-related particulate sediment from being transported to another location. (DEIR, p. 4.4-21.)
Policy SAF-30: Potential hazards resulting from the release of liquids (wine, water, petroleum products, etc.) from the possible rupture or collapse of aboveground tanks should be considered as part of the review and permitting of these projects.	Consistent	The Project will follow all SOPs and regulations regarding the uncontrolled release of hazardous materials as described in MM 4.5-4 (DEIR, pp. 4.5-11 through 4.5-12.)
Policy SAF-31: All development projects proposed on sites that are suspected or known to be contaminated by hazardous materials and/or are identified in a hazardous material waste search shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.	Consistent	The project site is not listed on any database as having previous and/or current generation, storage, and/or use of hazardous materials. (DEIR p. 1-13.)
Policy SAF-10: No extensive grading shall be permitted on slopes over 15 percent where landslides or other geologic hazards are present unless the hazard(s) are eliminated or reduced to a safe level.	Consistent	Project, as mitigated, is limited in environmentally sensitive areas (i.e., geologically hazardous areas) and grading on slopes over 15 percent where landslides or other geologic hazards are present has been reduced. (DEIR pp. 4.4-

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		25 through 4.4-26.)
Circulation Goals and Policies		
Policy CIR-8: Roadway, culvert, and bridge improvements and repairs shall be designed and constructed to minimize fine-sediment and other pollutant delivery to waterways, to minimize increases in peak flows and flooding on adjacent properties, and where applicable to allow for fish passage and migration, consistent with all applicable codes and regulations.	Consistent	The hydrologic analysis found that the road improvements will “have a positive effect in reducing sediment production and the subsequent delivery to the watercourses, while having a neutral effect on the overall hydrology.” (DEIR p. 4.6-32.)
Economic Development Goals and Policies		
Goal E-1: Maintain and enhance the economic viability of agriculture.	Consistent	The Project will provide opportunities for vineyard employment and economic development in Napa County. (DEIR p. 3-5.)
Policy E-1: The County's economic development will focus on ensuring the continued viability of agriculture in Napa County.	Consistent	The Project is an agricultural use. It will provide opportunities for vineyard employment and economic development in Napa County. (DEIR p. 3-5.)
Climate Protection and Sustainable Practices for Environmental Health Goals and Policies – Conservation Element		
Goal CON-14: Promote policies to ensure the long-term sustainability of Napa County, including its environment, economy, and social equity.	Consistent	The vineyard would be managed using sustainable agricultural practices. The applicant will participate in the Napa Sustainable Winegrowing Group and California Sustainable Winegrowing Alliance. Integrated Pest Management techniques would be used to reduce the use of chemicals on the vineyard. (FEIR

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Goal CON-15: Reduce emissions of local greenhouse gases that contribute to climate change.	Consistent	p. 4.5-2.) Several aspects of the Project's proposed design are benefits that would reduce global climate change impacts. Operational GHG emissions would be less than the BAAQMD CEQA threshold of 1,100 MT of CO_{2e} for project-level operation. (FEIR p. 6-20.) For the preservation and protection of biological resources, MM 4.4-2 requires permanent preservation at a 2:1 ratio of identified oak woodland habitats, as well as avoidance and preservation of Valley Oak Riparian Forest. This represents a reduction in construction GHG emissions of 55 percent compared to "business as usual" levels, and exceeds the minimum GHG reduction requirement of the Solano County CAP. (FEIR p. 6-18.)
Policy CON-65: The County shall support efforts to reduce and offset GHG emissions and strive to maintain and enhance the County's current level of carbon sequestration functions through the following measures: e) Consider GHG emissions in the review of discretionary projects. Consideration may include an inventory of GHG emissions produced by the traffic expected to be generated by the project, any changes in carbon sequestration capacities caused by the project, and anticipated fuel needs generated by building heating, cooling, lighting systems, manufacturing, or commercial activities	Consistent	GHG emissions are considered in the EIR. (DEIR pp. 6-13 to 6-20; FEIR 6-13 to 6-20.) Several aspects of the Project's proposed design are benefits that would reduce global climate change impacts. Operational GHG emissions would be less than the BAAQMD CEQA threshold of 1,100 MT of CO_{2e} for project-level operation. (FEIR p. 6-20.) For the preservation and protection of biological resources, MM 4.4-2 requires

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on the premises. Projects shall consider methods to reduce GHG emissions and incorporate permanent and verifiable emission offsets.		permanent preservation at a 2:1 ratio of identified oak woodland habitats, as well as avoidance and preservation of Valley Oak Riparian Forest. This represents a reduction in construction GHG emissions of 55 percent compared to “business as usual” levels, and exceeds the minimum GHG reduction requirement of the Solano County CAP. (FEIR p. 6-18.)
Policy CON-77: All new discretionary projects shall be evaluated to determine potential significant project-specific air quality impacts and shall be required to incorporate appropriate design, construction, and operational features to reduce emissions of criteria pollutants regulated by the state and federal governments below the applicable significance standard(s) or implement alternate and equally effective mitigation strategies consistent with BAAQMD’s air quality improvement programs to reduce emissions.	Consistent	Impacts to air quality and corresponding mitigation measures are analyzed in the EIR. (DEIR pp. 4.1-1 to 4.1-21; FEIR pp. 4.1-1 to 4.1-21.) The Project would result in no significant and unavoidable impacts to air quality. MM 4.1-2, which has been incorporated into the Project, requires the applicant to implement the required basic construction mitigation measures as recommended by the BAAQMD during construction of the Project. (DEIR p. 4.1-16.)
Policy CON-81: The County shall require dust control measures to be applied to construction projects consistent with measures recommended for use by the BAAQMD.	Consistent	MM 4.1-1, which has been incorporated into the Project, requires a fugitive dust abatement program during construction. (DEIR p. 4.1-13.)

18.108.135 - Oversight and operation.

A. Installation Oversight. The qualified professional preparing an erosion control plan shall oversee its implementation. Prior to the first winter rains after construction begins and each year thereafter until the project has received a final inspection from the county or its agent and been found complete, the qualified professional shall inspect the site and certify in writing to the director that all of the erosion control measures required at that stage of development have been installed in conformance with the plan and related specifications.

B. Maintenance. The property owner is responsible for insuring that the erosion control measures installed operate properly and are effective in reducing to a minimum erosion and related sedimentation. The property owner shall either personally or have personnel inspect and repair/clean as necessary the erosion control measures installed at least weekly during the period between October 1st and April 1st of each year. Moreover, the property owner shall either be onsite him/herself or have personnel on site as required when it is raining to inspect the erosion control measures present and take those actions necessary to keep them functioning properly.

C. Monitoring. For projects disturbing more than one acre of land or with an average slope greater than fifteen percent, the property owner shall implement, prior to the first winter rains after installation of the planned facilities is commenced, a permanent, on-going program of self-monitoring of ground cover condition, and erosion control facility operation. The ground cover monitoring shall follow the procedures promulgated by the National Resource Conservation Service (NRCS, formerly the SCS) for determining rangeland condition for hydrologic assessment.

For projects involving disturbance of more than forty acres of land or containing areas with slopes greater than thirty percent totaling a quarter acre or more, an Annual Erosion Control Plan Operation Status Report specifying ground cover condition and how the erosion control measures involved are operating shall be provided to the director and, if in a sensitive domestic water supply drainage, the owner/operator(s) of any public-serving drinking water supply reservoir present by September 1st of each year. This report shall specify the proposed management and cultural measures to be used the following year to return or maintain the ground cover in good condition in all parts of the area disturbed including vineyard avenues and any remedial actions that will be taken to get the other erosion control measures present to operate in such a manner as to minimize erosion and resultant sedimentation.

D. Failures. The following provisions shall apply where erosion control measures have failed or are in imminent danger of failing.

1. Property Owner Duties—Temporary Measures. The property owner shall:

a. Notify the director in writing of the failure or pending failure of any erosion control measures within twenty-four hours of discovery and indicate the temporary measures taken to stabilize the situation;

b. Modify, within twenty-four hours of the time that they receive comments from the independent engineer hired by the county to review the adequacy of these temporary measures, the temporary measures in the manner deemed necessary by the property owner's engineer so as to make them adequate to prevent further damage and problems;

2. Property Owner Duties—Permanent Remedial Measures. The property owner shall:

- a. Submit within ninety-six hours after the discovery of a failure or pending failure:
 - i. An engineered plan for the remedial measures necessary to permanently correct the problem and an engineer's estimate of the cost thereof, and
 - ii. A plan for cleanup of the damage done with an engineer's estimate for the cost of this work;
- b. Resubmit to the county, within forty-eight hours of the time comments are received from the independent engineer hired by the county to review the temporary measures installed, the plan, and engineer's cost estimates revised plans and estimates;
- c. Pay the county the costs of this review within forty-eight hours of demand;
- d. Post a security in one of the forms specified by subsection (A)(1) through (4) of Section 17.38.030 in the amount equal to one hundred percent of the accepted estimated total cost to do the work required to correct the situation and cleanup the damage done within forty-eight hours of demand; and
- e. Insure that the revised plan prepared is fully implemented within ninety-six hours of its approval.

The time frames specified in this subsection are maximums. The director may in the case of an immediate threat to public health and/or safety require performance in shorter time periods.

3. Plan Preparer Duties. The plan preparer shall provide a notice to the county within twenty-four hours of full implementation of the plan prepared to permanently correct the problem certifying that the measures shown have been installed in conformance with said plan and related specifications.

4. Noncompliance. Failure to adhere to the provisions of subsections (D)(1) and (2) above may be considered a threat to public health and safety. The director may in such instances take immediate action without further notice or hearing to remedy the situation and bill the property owner for the remedial work done. The director shall keep an itemized account of the costs incurred in remedying the situation. The board shall conduct a hearing on the costs in accordance with Sections 1.20.090 through 1.20.130 of this code and shall give the property owner an opportunity to object to the costs prior to recording a lien against the property or pursuing other cost-recovery actions.

E. Inspection.

1. Each project requiring an erosion control plan that has not received a final inspection and been found complete by the director or his/her agent shall be inspected by the county or its agent after the first major storm event of each winter until the project has been completed and stable for three years. If it is found that the erosion control program implemented is not functioning properly or is ineffective the property owner shall take such remedial measures as the director deems necessary to reduce erosion and related sedimentation to minimal levels. The full costs of said measures and the related inspections shall be borne by the property owner.

2. Five percent of projects that have received a final inspection and been found complete by the director or his/her agent shall be spot checked by the director or his/her agent each year to confirm groundcover condition and the proper operation of other erosion control measures. The director, in cooperation with the Napa County Resource Conservation District (RCD) and other county departments and agencies, will develop a remedial program to address any deficiencies that may be identified as the result of these spot checks. The property owner shall implement this program, which may include re-seeding all or some portions of the site or changing agricultural or management practices. He/she shall pay all costs associated with these spot-checks.

F. Right of Entry. With the property owner's consent, with a warrant, or in an emergency, the property owner shall give the director and his/her agents full and complete access to and throughout the project area so as to allow:

1. Inspection of the erosion control and any remedial measures installed there to insure that they are functioning properly,
2. The making of necessary repairs or corrections to alleviate an erosion control problem or potential erosion control problem, or
3. The performance of needed maintenance.

(Ord. 1219 § 4, 2003)

18.108.140 - Security, violations, and penalties.

A. Security.

1. No earthmoving activity, grading, improvement, or construction of a structure for which an erosion control plan is required or for which compliance with the NPDES program is required by this chapter shall commence until the property owner has filed security in the form, specified in subsection (A)(2) of this section if any of the proposed earth moving activities:

- a. May pose a significant safety or public health risk,
- b. May result in a potential water quality impairment,
- c. Is located in an area determined to have a severe soil erosion hazard as determined by the director in consultation with the Napa County Resource Conservation District based on the Napa County Soil Survey prepared by the Federal Resource Conservation Service, incorporated herein by reference,
- d. Is located in a sensitive domestic water supply drainage,
- e. Involves a failure or potential failure of existing erosion control measures, or
- f. Is otherwise deemed warranted by the director.

2. The security required by subsection (A)(1) of this section shall be submitted within ten days of approval of an erosion control plan, approval of the activity subject to the NPDES program or prior to earthmoving, whichever comes first, and shall be comprised of both of the following:

a. Security in the amount of the estimated cost of original installation of the required erosion control measures, which shall be posted with the director in one or more of the forms specified by subsections (A)(1) through (4) of Section 17.38.030

b. Security in the amount of twenty-five percent of the estimated costs of original installation of the required erosion control measures, which shall be posted with the director in one or more of the forms specified by subsections (A)(1) through (4) of Section 17.38.030 or in the form of recorded lien as specified in subsection (A)(5) of Section 17.38.030 against the parcel on which the measures are installed for the purpose of ensuring ongoing maintenance of the required erosion control measures in the manner specified in the erosion control plan.

3. The security required under subsection (A)(2)(a) of this section shall not be released by the director until:

a. All required measures have been installed/implemented, and

b. The director has made a final inspection and confirmed the installation of required erosion control measures.

4. The security required under subsection (A)(2)(b) of this section shall not be released by the director until:

a. Three winters after subsections (3)(a) and (3)(b) of this section have passed without any substantial problem,

b. In the case of a substantial problem or failure, any needed cleanup has been completed, erosion control measures have been corrected, and three winters have passed without any substantial problem, and

c. The director has made a final inspection and confirmed ongoing maintenance of the erosion control measures.

B. Violations. Whenever the director determines that a violation of this chapter has occurred, the director shall notify the violator in writing of the violation and require that certain conditions be implemented or adhered to in a reasonable amount of time to correct the erosion problem. Conditions may include applying for approval of an erosion control plan, implementation of remedial erosion control actions, removal of agricultural crops and related infrastructure planted without an approved erosion control plan or use permit, removal of structures constructed in violation of the NPDES program, and/or revegetation of disturbed areas. Each failure to comply with the director's notice or meet the deadlines specified therein shall constitute a separate and distinct violation, punishable as set forth in subsection (C) of this section. Moreover, the county and its agents may with the property owner's consent, with a warrant, or in an emergency enter the property and make necessary repairs or corrections, or perform needed maintenance. The property owner shall fully and completely reimburse the county for the costs associated with this remedial work.

C. Penalties. It is unlawful and a public nuisance for any person to violate any of the provisions of this chapter for any purpose or to cause any other person to do so. Such a violation shall be enforceable as a misdemeanor pursuant to Napa County Code Sections 1.20.150 and 1.20.160. Such a violation may also be abated as a public nuisance by judicial action or by administrative enforcement in accordance with the procedures set forth in Chapter 1.20, commencing with Section 1.20.010, including those

pertaining to treble damages for multiple judgments. In addition administrative penalties may be imposed in the manner specified in Chapter 1.28 (Administrative Penalty) of the Napa County Code. In addition, the director may issue a stop work order, report the violator to the appropriate licensing agencies (such as the State Contractor's Licensing Board), report the violator to applicable responsible and trustee agencies, require that the violator apply for and obtain all required permits, refer the matter to the district attorney's office for civil or criminal prosecution and any such other remedies the director deems appropriate.

(Ord. 1300 § 7, 2007: Ord. 1269 § 4, 2005: Ord. 1219 § 5, 2003: Ord. 991 § 1 (part), 1991: prior code § 12462)