

July 14, 2017

**VIA ELECTRONIC MAIL**

Ms. Emily Hedge  
Planner II  
Napa County Planning, Building & Environmental Services  
1195 Third Street, Suite 210  
Napa, CA 94559  
[emily.hedge@countyofnapa.org](mailto:emily.hedge@countyofnapa.org)

**Re: Comments Regarding Proposed Mitigated Negative Declarations for:**  
**1) Rockridge Ranch Horse Facility (Use Permit P15-00393)**  
**2) Gardiner Horse Facility (Use Permit P15-00394)**

Dear Ms. Hedge:

This office represents Albert and Paula Russ (“Russ”), the owners of 7860 Butts Canyon Road, located between the proposed Gardiner Horse Facility (“Gardiner Project”), and the Rockridge Ranch Horse Facility (“Rockridge Project”). Access to the Rockridge Project site is proposed on the shared private gravel driveway used by Russ and their neighbors. While Russ is not necessarily opposed to either project, they have very serious concerns about the legal adequacy of the MNDs and the manner in which the projects are proposed to be carried out. They respectfully request that the following issues be addressed before the County considers approving the Projects.

1. Water Quality Impacts.

The MNDs fail to adequately identify potentially significant impacts to water quality in relation to both projects. The State Water Resources Control Board (“Water Board”) defines a “Confined animal facility” (“CAF”), as “any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing.” (27 C.C.R. §20164.) The Water Board requires CAFs to follow strict regulations regarding the proper management of wastewater and stormwater runoff in order to protect both surface and groundwater resources. (See 27 C.C.R. §§22560-22565 [“State Water Quality Regulations for Confined Animal Facilities”].)(**Attachment 1.**) In some cases, a CAF can be subject to the state’s Waste Discharge Requirements (“WDRs”) program. Even when no WDR is required, the Water Board can require the implementation of a monitoring program to ensure compliance.

Here, neither MND discusses the need for compliance with these regulations, nor evidences how the stormwater management design will ensure compliance. In fact, the Rockridge Project's accompanying biological study raises serious questions about the legality of the current stormwater management plan. In the Rockridge Project's Biological Resources Analysis, the study states that the existing pond is very likely "deep enough that it intercepts the ground water table." (Monk & Assoc., Biological Resources Analysis, p. 5.) (**Attachment 2.**) Not only does this alone raise concerns about pollutants entering the ground water table, but the proposed western 3-foot drainage swale is designed to drain corral stormwater runoff directly into that same pond. The stormwater plan is simply inadequate in its current form and should be redesigned to ensure compliance with the state's CAF regulations. The MNDs must properly identify potentially significant impacts to water quality and then identify feasible mitigation to reduce those impacts to a less than significant level.

2. Increased Traffic on Gravel Driveway Will Increase Air & Water Quality Impacts From Dust & Other Pollutants.

The MNDs fail to identify, analyze, and mitigate impacts to air and water quality resulting from increased traffic on a shared gravel driveway to a less than significant level. Both MNDs purport to use a "frequency normalized daily count" of the vehicle trips generated by each project. Despite the terminology, the ultimate conclusion appears to essentially represent an averaging of anticipated trips over a one week period. (*e.g.*, Rockridge Project [20 employee trips + 6 horse owner trips + 50 trainer/student trips / 7 days = ~11 trips/day].) The assumptions understate the number of trips that would impact the Rockridge Project's access driveway.

As a separate, but related issue, the MNDs are likely improperly piecemealed. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396 [CEQA forbids piecemealing so that "environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences."].) The two projects have already shown signs of coordinated operations. Employees and clientele of the current facilities have been seen traveling back and forth between the facilities several times a day. The traffic assumptions simply do not account for other types of motorized vehicle traffic as expanded operations will likely drive an increase in employee and clientele travel back and forth between the facilities. In addition, simply using the average vehicle trips per day fails to account for peak demand. Parking spaces for the facilities (Rockridge Project—16; Gardiner Project—20) suggest vehicle trips could reach at least 30 per day at Rockridge and at least 40 per day at Gardiner. Add in the extra clientele and employee motorized vehicles and that number would go even higher.

This unidentified peak daily traffic shows that dust and sediment impacts, given the main access is on a shared gravel driveway, were not fully analyzed in the MNDs. The MNDs discuss the construction impacts from dust, and the appropriate mitigation, but there is no discussion of operational dust impacts. Excessive dust impacts air quality in the surrounding neighborhood in several ways, including: (1) increased respiratory health impacts on nearby sensitive receptors; and (2) excessive dust impacts on the agricultural operations of adjacent vineyards. It also impacts water quality when both: (1) airborne particulate matter settles into nearby water resources; and (2) sediment from stormwater runoff enters jurisdictional waters, such as Pope Creek just south of the shared gravel driveway. (Napa County Resources Conservation District, "Rural Road Improvements.") (**Attachment 3**.) These issues need to be adequately analyzed, and additional mitigation measures are necessary to minimize dust and sediment migration due to increased operational traffic on the shared gravel driveway.

3. Aesthetic Impacts From Nighttime Operations.

The MNDs fail to fully mitigate for aesthetic impacts resulting from the Projects. While the Gardiner Project proposes to operate only until sunset, the Rockridge Project proposes to operate until 10:00 p.m., seven days a week. These expanded activities and change in land use from predominately rural residential to an expanded commercial facility in a rural area of the County will cause a significant change to the daytime and nighttime views in the neighborhood. To address these impacts, the following mitigation measures must be added: (1) both facilities shall incorporate screening to block views of the parking lots; (2) both facilities shall close by sunset; and (3) nighttime lighting shall be International Dark Sky compliant (**Attachment 4**), and be limited to safety and emergency needs of the facility.

**Conclusion**

As proposed, the Rockridge and Gardiner Projects raise serious CEQA compliance issues regarding water quality, air quality, and aesthetic impacts on the surrounding environment. However, if the issues raised above are adequately identified, analyzed, and mitigated, Russ is prepared to remove their objections to the County's approval of the projects. Postponement of the hearings would be the best way to efficiently address these issues.

On a separate, but related issue, it is important to remember that the County does not maintain the shared gravel driveway proposed as access to the Rockridge Project facility. Public use of the private driveway raises a myriad of issues regarding such things as the scope of the easement, shared maintenance responsibilities, and liability. The projects also raise questions regarding proposed fencing between properties, and assurance that the proposed construction is

Ms. Emily Hedge  
Planner II  
July 14, 2017  
Page 4 of 4

consistent with previously identified and accepted property boundaries. It is hoped that any remaining issues can be resolved amicably among all of the impacted parties involved.

Please contact me at (916) 456-9595 if you want to discuss this matter.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a cursive 'C' and 'C'.

Daniel S. Cucchi

DSC/pa  
Enclosures

# **ATTACHMENT 1**

# STATEWIDE WATER QUALITY REGULATIONS FOR CONFINED ANIMAL FACILITIES<sup>1</sup>

## Subchapter 2. Confined Animals

### Article 1. SWRCB - Confined Animal Facilities

#### **§22560. SWRCB - Applicability.** (Ch-15: §2560)

(a) **General**—This article prescribes statewide minimum standards for discharges of animal waste at confined animal facilities. These standards shall either be implemented in any WDRs issued for a particular animal waste facility or shall be made a condition to the waiver of such requirements.

(b) **ROWD**—A discharger required to submit a report of waste discharge shall provide the following general information and shall report any material changes as defined in Section 2210 of Title 23 of this code:

- (1) average daily volume of facility wastewater and volume or weight of manure;
- (2) total animal population at the facility, and types of animals;
- (3) location and size of use or disposal fields and retention ponds, including animal capacity; and
- (4) animal capacity of the facility.

(c) **Regulations Are Minimum Standards**—The RWQCB shall impose additional requirements, if such additional requirements are necessary to prevent degradation of water quality or impairment of beneficial uses of waters of the state.

#### **§22561. SWRCB - General Standard For Surface Water.** (Ch-15: §2561)

The discharger shall prevent animals at a confined animal facility from entering any surface water within the confined area.

#### **§22562. SWRCB - Wastewater Management.** (Ch-15: §2562)

(a) **Design Storm (for Run-On/Run-Off Control)**—Confined animal facilities shall be designed and constructed to retain all facility wastewater generated, together with all precipitation on, and drainage through, manured areas during a 25-year, 24-hour storm.

(b) **Manured Area Run-On Exclusion**—All precipitation and surface drainage outside of manured areas, including that collected from roofed areas, and runoff from tributary areas during the storm events described in &(a), shall be diverted away from manured areas, unless such drainage is fully retained. RWQCBs can waive application of such requirements only in specific instances where upstream land use changes have altered surface drainage patterns such that retention of flood flows is not feasible.

(c) **Design Storm (for Flood Protection).**

(1) Retention ponds and manured areas at confined animal facilities in operation on or after November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows.

(2) Existing facilities that were in operation on-or-before November 27, 1984, and that are protected against 100-year peak stream flows must continue to provide such protection. Facilities, or portions thereof, which begin operating after November 27, 1984, shall be protected against 100-year peak stream flows.

(3) The determination of peak stream flows shall be from data provided by a recognized federal, state, local, or other agency.

---

<sup>1</sup> From Title 27, Division 2, Subdivision 1, California Code of Regulations.

(d) **Retention Pond Design**—Retention ponds shall be lined with, or underlain by, soils which contain at least 10 percent clay and not more than 10 percent gravel or artificial materials of equivalent impermeability.

(e) **Discharge To Disposal/Use Fields**—The RWQCB shall allow the discharge of facility wastewater and of collected precipitation and drainage waters to use or disposal fields only if such discharge is in accordance with §18130. Absent an NPDES permit for discharge to surface waters, the only other allowable discharge is to wastewater treatment facilities approved by the RWQCB.

**§22563. SWRCB - Use or Disposal Field Management. (Ch-15: §2563)**

(a) **Reasonable Soil Amendment Rate**—Application of manure and wastewater to disposal fields or crop lands shall be at rates which are reasonable for the crop, soil, climate, special local situations, management system, and type of manure.

(b) **Run-Off & Percolation**—Discharges of facility wastewater to disposal fields shall not result in surface runoff from disposal fields and shall be managed to minimize percolation to ground water.

**§22564. SWRCB - Management of Manured Areas. (Ch-15: §2564)**

Manured areas shall be managed to minimize infiltration of water into underlying soils.

**§22565. SWRCB - Monitoring. (Ch-15: §2565)**

The RWQCB can require confined animal facility operations to undertake a monitoring program as a condition to the issuance or waiver of WDRs.

# **ATTACHMENT 2**



Biological Resources Analysis  
7630 Butts Canyon Road  
Napa County, CA

the upper bank of the pond. Apparently it does not flow frequently enough to cause down-cutting or erosion on the pond bank. Other hydrology may also be provided from ground water. It may also be that the pond was originally excavated deep enough that it intercepts the ground water table. This likely explains why the pond stays perennially hydrated. A man-made overflow drainage exits the pond on its west rim, and after the pond fills each winter, flows westward off the property. This culvert was placed in this man-made drainage creating a road crossing over the drainage.

## 5.2 Plant Communities and Associated Wildlife Habitats

Five plant communities were identified within the project site. These include oak woodland, landscape/ornamental, non-native annual grassland, seasonal wetland, and chaparral. A complete list of plant species observed on the project site during 2014 and 2015 surveys is presented in Table 1. Nomenclature used for plant names follows *The Jepson Manual* Second Edition (Baldwin 2012) and changes made to this manual as published on the Jepson Interchange Project website (<http://ucjeps.berkeley.edu/interchange/index.html>). Table 2 is a list of wildlife species observed on the project site. Nomenclature for wildlife follows the CDFW's *Complete list of amphibian, reptile, bird, and mammal species in California* (California Department of Fish and Game 2008) and any known changes made to species nomenclature as published in scientific journals since the publication of the CDFW's list.

### 5.2.1 OAK WOODLAND

Oak woodlands are a characteristic vegetational cover in the foothills of the mountains of California. This plant community occurs at elevations from 30 to 5,000 feet where summers are warm and dry and winters are mild. Oak woodlands are a transitional plant community between the grasslands of the hot dry valleys and the montane forests of moist cool uplands. In interior mountain ranges, oak woodlands grade into montane mixed coniferous forests. Oak woodlands are dominated by oaks (*Quercus* spp.). The most common woodland type consists of scattered trees and shrubs with an understory of grasses and forbs. The shrubs, often species that also occur in chaparral or coastal scrub communities, may grow both under and between the trees (Holland & Keil 1995).

Densely populated blue oaks and some valley oaks along with an understory of heavily grazed non-native grasses and forbs characterize the south end of the project site (see Figure 3). The understory in this plant community is characterized by forbs and grasses including broad-leaved filaree (*Erodium botrys*), bur clover (*Medicago polymorpha*), sharp-point fluellin (*Kickxia elatine*), bristly-ox tongue (*Helminthotheca echioides*), soap plant (*Chlorogalum pomeridianum*), Bermuda grass (*Cynodon dactylon*), slender wild oats (*Avena barbata*), and dogtail grass (*Cynosurus echinatus*), among others. In different months of the year a different component of herbaceous, annual plant species can be observed in the oak woodland understory. This oak woodland community onsite is essentially devoid of a shrub stratum.

Trees in the oak woodland plant community provide foraging, roosting and nesting habitat for a large variety of wildlife species, including raptors such as the red-tailed hawk (*Buteo jamaicensis*) and red-shouldered hawk (*Buteo lineatus*). Common birds identified in the oak woodlands include acorn woodpecker (*Melanerpes formicivorus*), western bluebird (*Sialia mexicana*), savannah

# **ATTACHMENT 3**

## Rural Road Improvements



Unpaved rural roads are thought to be a major contributor of sediment to local waterways, which in turn can degrade aquatic habitat. It is possible to minimize a roads influence in a watershed through implementation of certain storm-proofing techniques such as installing rolling dips, out-sloping road lengths, and managing stream crossings. RCD works with land managers to assess the condition of rural roads, develop road-log action plans, and implement improvements with the goal of improving road drivability, minimizing road maintenance, and protecting Napa County's clean waterways. RCD also offers construction oversight and construction training through our LandSmart™ Program.

### Related projects

[Upper Napa River Watershed Road Assessment](#)

[Sulphur Creek Roads](#)

[Carneros Creek Roads](#)

[Heath Canyon Roads](#)

[Technical Assistance & Construction Oversight](#)



- Home
- Projects ▾
- Education ▾
- Assessments ▾
- Resources ▾
- About ▾

### What We Do

The RCD empowers the community to voluntarily conserve, protect, and restore natural resources in a landscape that supports agriculture, urban areas, and wild lands.

We provide technical assistance, educational programs, monitoring programs, and funding sources to help land managers meet their conservation goals.



- News
- Community Events
- Workshops
- Watershed Events
- Clean-ups
- Movie Nights

Copyright © 2017 Napa County Resource Conservation District. All rights reserved. | Web Design: Forty-two Pacific

**ATTACHMENT 4**



## MENU

---



The Fixture Seal of Approval provides objective, third-party certification for luminaires that minimize glare, reduce light trespass, and don't pollute the night sky.

The International Dark-Sky Association is the authoritative voice on light pollution. IDA educates lighting designers, manufacturers, technical committees and the public about controlling light pollution. We recognize that the best way to accomplish our goal of protecting and restoring our natural night environment is through the promotion of quality outdoor lighting. To achieve this, we developed the Fixture Seal of Approval program to provide objective, third-party certification for lighting that minimizes glare, reduces light trespass and doesn't pollute the night sky.



### **Find Dark Sky Friendly Lighting**

IDA does not sell lighting. To find fixtures that have been certified as dark sky friendly browse our [FSA Database](#). To find retailers that sell good lighting, see our [Dark Sky](#)

[Home](#)   [Renew](#)   [Join](#)   [Donate](#)

## **FSA Guidelines Revised at the End of 2014 to Address Color Temperature**

From the program's inception, the [Fixture Seal of Approval](#) criteria have only specified shielding and light distribution requirements. With the advent of the LED, IDA is concerned about the potential negative effects of blue-rich white light, even from fixtures with proper shielding. In 2010, IDA published a white paper outlining the potential hazards of blue-rich white light sources. Since then the scientific evidence has solidified around its conclusions.

The case against blue light is well founded with regard to discomfort glare, circadian rhythm disruption, light scattering, skyglow and biological system disruption in wildlife.

Outdoor lighting with high blue light content is more likely to contribute to light pollution because it has a significantly larger geographic reach than lighting with less blue light. In natural settings, blue light at night has been shown to adversely affect wildlife behavior and reproduction. This is true even in cities, which are often stopover points for migratory species.

In order to address to these concerns, The IDA Fixture Seal of Approval program now only accept products that offer a listed correlated color temperature configuration of 3000K and lower (up to 3220K actual measured value – ANSI C78.377). Recently approved products in a configuration of 4100K CCT and below (IDA's previous CCT criteria) will have one year to comply with the new standard.

---

### **In This Section ▼**

---

[Fixture Seal Of Approval](#)

---

[Fixture Seal Of Approval Application](#)

---

[Dark Sky Friendly Devices](#)

---

[Find Dark Sky Friendly Lighting](#)

---

[IDA Dark Sky Retailers](#)

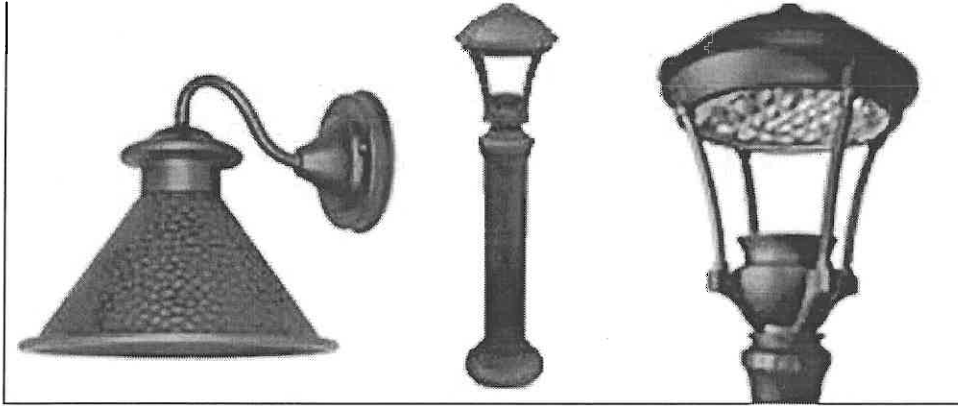
**[Find Dark Sky Friendly Lighting](#)**

Home

Renew

Join

Donate





[Home](#)   [Renew](#)   [Join](#)   [Donate](#)

<b>ABOUT</b>	<b>OUR WORK</b>	<b>LIGHTING</b>	<b>GET INVOLVED</b>	<b>RESOURCES</b>
<a href="#">Contact Us</a>	<a href="#">International Dark</a>	<a href="#">Light Pollution</a>	<a href="#">Join IDA</a>	<a href="#">FAQs</a>
<a href="#">Who We Are</a>	<a href="#">Sky Places</a>	<a href="#">Find Dark Sky</a>	<a href="#">Donate</a>	<a href="#">Losing the Dark</a>
<a href="#">Our Work</a>	<a href="#">Fixture Seal of</a>	<a href="#">Lighting</a>	<a href="#">Other Ways to Give</a>	<a href="#">Publications</a>
<a href="#">Success Stories</a>	<a href="#">Approval</a>	<a href="#">Lighting Basics</a>	<a href="#">Do Something Now</a>	<a href="#">Materials for</a>
<a href="#">Funding</a>	<a href="#">Parks and</a>	<a href="#">My Neighbor's</a>	<a href="#">Find a Chapter</a>	<a href="#">Educators</a>
<a href="#">Press Releases</a>	<a href="#">Protected Areas</a>	<a href="#">Lighting</a>	<a href="#">Events</a>	<a href="#">Public Outreach</a>
	<a href="#">Sea Turtle</a>	<a href="#">Lighting Ordinances</a>		<a href="#">Materials</a>
	<a href="#">Conservation</a>	<a href="#">LED Practical</a>		<a href="#">Find a Dark Sky</a>
	<a href="#">Education and</a>	<a href="#">Guide</a>		<a href="#">Place</a>
	<a href="#">Outreach</a>			
	<a href="#">Consulting Projects</a>			

IDA International Headquarters, 3223 N. First Avenue, Tucson, Arizona 85719 USA   [Privacy Policy](#) | [Terms of Use](#) | [Careers](#) | [Contact](#)