



DEPARTMENT OF PARKS AND RECREATION  
Bay Area District  
845 Casa Grande Road  
Petaluma, California 94954

Planning Commission Mtg.  
Dec 19 2018  
Agenda Item # 7A

Lisa Ann L. Mangat, Director

December 18, 2018

Mr. Jason Hade  
Senior Planner  
Napa County Planning, Building, and Environmental Services  
1195 Third Street, Suite 210  
Napa, California 94559

Project: Bergman Family Winery Use Permit #P17-00428-UP, APN # 022-080-010  
Subject: Response to Request for Comments for Project's IS/MND

Dear Mr. Hade,

California State Parks, Bay Area District appreciates the opportunity to provide comments regarding Napa County's Initial Study Checklist/Mitigated Negative Declaration (IS/MND) for Bergman Family Winery Use Permit #P17-00428-UP, dated November 15, 2018.

California State Parks is a Trustee Agency as defined by Title 14 CCR 15386 for the resources within the state park potentially affected by this project. Bothe-Napa Valley State Park shares a common boundary line with the subject parcel where this new Use Permit for commercial development/expansion and request for exception to road standards proposal is located, and is the subject of this comment letter. Furthermore, Bothe-Napa Valley State Park has federal park protections in place via a Land and Water Conservation Fund Agreement with National Park Service (NPS), and any uses other than for park purposes could be considered a violation and cannot be allowed.

We are submitting these comments for your consideration as follows:

- Throughout the Initial Study Checklist/MND and as initially shown in Background/Project History incorrectly states the Project's private access road is a shared driveway that serves as an entrance to Bale Grist Mill State Historic Park, which is in error, instead the Parcel's access road easement is over land that is owned and held in fee title by California State Parks, and which is located within and serves Bothe-Napa Valley State Park. Therefore this Initial Study Checklist should be updated to reflect this correction throughout the several applicable Checklist items, and then, conduct the updated appropriate research and studies applicable to the state park's adjacency to the subject Project, and analysis for potential impacts to the park. Because there are several areas in the Initial Study Checklist where this correction is needed and appropriate studies should be conducted, we encourage the County to request this correction to the IS/MND and then perform the added research, evaluation, analysis to determine if there are potential Project related impacts to the state park prior to the County acceptance of this Project's environmental document.

- The Project/Parcel site is located adjacent to and borders on the southern boundaryline with Bothe-Napa Valley State Park, and the access road winds its way through the state park. The state park ranges in elevation from 300 to 2,000 feet above sea level where coast redwoods grow in the north slopes and canyons. Bothe-Napa Valley State Park is the farthest inland of the coast redwood state parks. One of the purpose of the state park is to preserve outstanding natural, scenic, and cultural values. We recommend the IS/MND be corrected to include Bothe-Napa Valley State Park and acknowledge this significant neighboring land use designation/surrounding land use.
- Due to the shared boundary line of the Project with Bothe-Napa Valley State Park, we suggest that the Project be condition upon the Parcel owner having their property boundary surveyed in the areas that are adjacent to the state park, so that any and all Project improvements and uses are fully contained within Project's parcel.
- We suggest a current northern spotted owl (NSO) survey be conducted for this Project's new commercial use and construction, and if appropriate, suggest avoidance measures for the Project and establish inspections or other monitoring tools where the County provides proper oversight for ensuring Project compliance. For background on this topic, we encourage the County to review historical information regarding the series of project developments that have taken place on the Parcel and their compliance with NSO requirements. For example, there was a different northern spotted owl survey conducted by Scott Butler, dated September 4, 2014 that was submitted for their previous project description which included removal of one dead tree during the Fall 2014 (within potential NSO habitat but outside of breeding season), but then that project proceeded with a different scope of work for multiple tree removal during April 2015 (during NSO breeding season). Therefore, we encourage Napa County engage a method for proper oversight of Project. Subsequently, there was a copy of the draft northern spotted owl (NSO) survey conducted by Scott Butler, dated April 10, 2015 that was referenced in the Project application and was included with the recent materials provided for review but does not appear to be relevant to the current Project application as it does not have the current Project's scope and proximity within Bothe-Napa Valley State Park, nor appropriate studies and analysis for Project related new-commercial use, winery building or construction activities, nor discussion of added noise or visual disturbances as noted in the guidance by USFWS for NSO.
- We encourage Napa County to condition the project to develop work windows to avoid impact to nesting birds during the breeding season, and to conduct pre-construction surveys for nesting birds and bats, as noise and light pollution (from potential night work) could spill over onto Bothe-Napa Valley State Park and may affect its natural wildlife inhabitants. Potential species impacts within the state parks property must be evaluated and avoided or mitigated.
- Due to the Project's shared boundary line with the Bothe-Napa Valley State Park, the private access road use and the general area's high sensitivity for archaeology, we believe that the level of identification and protection measures that are identified in the IS/MND are not adequate. Instead we encourage the County to require additional protection measures that ensure that there will be no impacts (short or longterm) to cultural resources, including those adjacent to the access road. Furthermore, regarding

tribal consultations, we would like to request clarifications for 1) if the Mishewal Wappo is on the County's list of tribes that have request to be consulted under AB52? And 2) if the tribal entities who were consulted were provided with the results of the archaeological survey prior to or during their consultation?

- The Project is proposing constructing new hardened impervious driveway surface within its Parcel that will collect and channel water which will need to be accommodated within the Parcel so the Project does not cause potential erosion, dispersal of paved driveway toxins, or other Project related off-site impacts to the adjacent Bothe-Napa State Park; and to ensure the Project will not directly or indirectly impact or reference unauthorized private use of Bothe-Napa Valley State Park. Furthermore, we suggest avoidance measures that may include appropriate setbacks from the boundary for where there may be new facilities and/or hardened surfaces to ensure that these facilities are designed properly with adequate drainage facilities which are fully contained within their Parcel to accommodate these proposed new built facilities. The Project should not potentially cause direct or indirect sheet flow/water runoff or erosion or other off-site impacts to the state park which will not be allowed. Project storm water and other areas of proposed hardened surfaces due to the expansion project may not drain onto or otherwise use state park property.
- Because the Parcel (Project) is located with the Napa County's designation for High Fire Hazard Severity, the Project should be properly designed and conditioned to provide adequate setbacks for its structures for defensible space so that it is accommodated completely within its property limits. Furthermore, the Project building materials and protective measures should be as required for high fire risk areas. The required defensive space buffer and setback from Bothe-Napa Valley State Park would be at least 130' from the state park boundary. We suggest that the County review these potential impacts in the IS/MND and provide appropriate avoidance measures and setbacks from the state park.
- Project did not adequately describe construction related work that may involve the use of large vehicles/trucks or equipment use and access, transporting materials to the site and off-site hauling, added noises, and other related project construction elements that may contribute to potential impacts which should be described, addressed and evaluated in the IS/MND for potential impacts to areas adjacent and within (access road) Bothe-Napa Valley State Park which may impact its wildlife inhabitants and visiting public.
- The Project is requesting an exception to County road standards for its private road use for this new commercial winery development and Use Permit, however, a thorough alternative access analysis that does not go through Bothe-Napa Valley State Park property should be conducted. For example, Bea Lane is in close proximity to the subject parcel and has been shown in the Project materials. Therefore, we suggest an analysis of alternative routes that would be more suitable access for a commercial winery from/to Highway 29. For this Initial Study Checklist/MND, we encourage the County to request and explore an alternative routes/access outside of Bothe-Napa Valley State Park to prevent potential impacts to the park and potentially incompatible uses.
- While our primary suggestion is an alternate route outside of Bothe-Napa Valley State Park, secondarily we suggest the County to review the Project's request for exception to

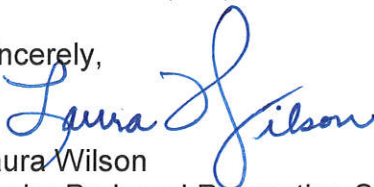
road standards in context of its new requested commercial use, vs the historical residential use, thus closely reviewing and evaluating for what type of vehicle limitations may be relevant and appropriate for the proposed new commercial use/frequency of trucks (not only for construction estimated for 6 – 8 months and 200 truck trips for hauling soil off-site, although there was no mention of trucks bringing in construction materials and winery equipment, etc) to ensure that all easement users or Bothe-Napa Valley State Park are not adversely affected by a County exception. Currently, the Project shows that the private road in many areas is paved less than 16' wide and has sharp turns. Furthermore, because there is evidence of vehicles leaving the paved private access road and going off into the adjacent dirt area which the use by a commercial venue may exacerbate this existing situation, we believe these are significant impacts that should be acknowledged in the IS/MND with appropriate avoidance and mitigation measures in place, which may include a limitation of the size of vehicles that may use the access road to the new commercial venue.

- Project drawings show removal of trees in close proximity to or possibly over the shared boundary line with the state park thus a site discussion with the State Parks Environmental Scientist will be required prior to tree removal being shown on plans so that we may determine if any trees are on state park property or may be potentially impacted by this project. Further, Permittee will need to have their property boundary surveyed in this area so we may determine the trees location in proximity to the boundary and to ensure any and all project improvements are fully contained with Permittee's land.
- As the lead agency, the County of Napa is responsible for all project avoidance measures and mitigations, including the monitoring of such Project constraints to ensure that the recommended avoidance measure are implemented properly and mitigations are adequately financed and schedule to ensure proper application.
- Please be advised that there may not be any work on/within Bothe-Napa Valley State Park, subject to our review and approval, pursuant to LWCF restrictions and other applicable laws and regulations, without obtaining written permission via a right of entry permit that is issued by State Parks, at no cost to State Parks.

In summary, we encourage Napa County to incorporate our corrections and suggestions, and request a more thorough review of potential impacts and environmental analysis for the Project's site development and access road use to ensure there are no Project related impacts to Bothe-Napa Valley State Park.

If any of these comments need clarification or further explanation please do not hesitate to contact me at (707) 769-5652, extension 218.

Sincerely,



Laura Wilson  
Senior Park and Recreation Specialist  
Bay Area District

cc: Maria Mowrey, Bay Area District Superintendent



**SODHANI**  
*Vineyards*

**December 18, 2018**

**Dear Mr. Hade:**

**We are the owners of Sodhani Vineyards, neighbors to the Bergman family property. I am writing on behalf of Beverly and myself to express our support for their winery use permit. We are the neighbors closest to the Bergman's and have found them to be very conscientious and communicative.**

**I think this small family winery is in keeping with other similar properties in Napa County and this area, specifically. We urge you to approve this use permit application for the Bergman Family Winery.**

**Thank you for this opportunity to express our support for our friends and neighbors, the Bergmans.**

**Respectfully,**

**Arvind Sodhani**

**Beverly Sodhani**