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**Planning, Building & Environmental Services**

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

**David Morrison**  
Director

## MEMORANDUM

To: Planning Commission Agenda Item 7A October 3, 2018	From: Don Barrella Project Planner
Date: October 11, 2019	Re: Bremer Family Winery Conservation Regulation Exception 975 Deer Park Road APNs 021-400-002 & 021-420-027 #P19-00153-UP

The attached report (*Biological Resources and Regulatory Agency Jurisdictional Investigation*, Monk & Associates Environmental Consultants, October 4, 2019) was submitted by the applicant as additional information at the time the agenda packet for this meeting was being finalized.

Questions the Commission may have regarding this report can be directed to the applicant.

Any comment letters or correspondence received after October 11<sup>th</sup> will be provided to the Commission at the hearing.

**RECEIVED**

October 4, 2019

OCT 04 2019

Mr. David Gilbreth, Esq.  
1152 Hardman Avenue  
Napa, California 95811

Napa County Planning, Building  
& Environmental Services

**RE: Biological Resources and Regulatory Agency Jurisdictional Investigation  
Bremer Winery Property (APNs: 021-400-002 & 021-420-027)  
975 Deer Park Road, St. Helena, County of Napa, California**

Dear Mr. Gilbreth:

At your request, Monk & Associates, Inc. (M&A) conducted a biological field reconnaissance focusing on a reach of an ephemeral tributary to Canon Creek on the Bremer Family Winery property located at 975 Deer Park Road outside the town of St. Helena in Napa County, California (Figures 1 and 2). This biological resources evaluation only addresses improvements that have occurred on the historical winery area of the property, as illustrated on Figure 3. This analysis does not address any other portion of the property.

M&A biologists, Mr. Geoff Monk and Ms. Sarah Lynch conducted the biological field reconnaissance of the Bremer Winery on September 24, 2019. Mr. Monk, M&A's Principal Biologist, is a Certified Wildlife Biologist and Wetland Biologist with over 35 years of experience, and Ms. Lynch, M&A's Senior Associate Biologist, is a Certified Wildlife Biologist and Botanist with 29 years of experience.

The Bremer Family Winery is one of the older wineries in the Napa Valley. The primary stone winery building was constructed in 1891 by John & Jacob Sutter. This building, which remains fully in service today, was the original Sutter Home Winery & Distillery (<https://www.bremerfamilywinery.com/winery>). The historic winery building was constructed within 45 feet of an ephemeral tributary that flows off the project site at the southwest corner of the parcel as shown in Figure 3. This ephemeral drainage ultimately flows to Canon Creek south of the Bremer winery property.

The primary winery building has extensive historical access and work areas. In 1922 a stucco "farm house" was constructed immediately south of the winery building within approximately 30 feet of the ephemeral tributary. The farm house has been renovated over the years and appears in good condition today. The winery also includes an agricultural storage building and water tank just uphill of the primary winery building. In addition, there were historically placed, dry-stack rock walls constructed at the winery facility long before the Bremers took ownership of the property in 2002. These rock walls were constructed historically to separate use areas around the winery from the ephemeral creek that passes immediately adjacent to these historical features. After the Bremers took ownership, some of the original dry stack rock walls were repaired, and some were reconstructed in place using the original rocks. There was no change in location or average height of the historical stone walls.

On September 24, 2019, M&A biologists Mr. Monk and Ms. Lynch visited the property and met with one of the owners, Mr. John Bremer, who showed M&A what improvements had been completed historically on the property, and what improvements had occurred since he took ownership of the property in 2002.

The Bremer Winery improvements included: 1) repair/replacement of an existing span bridge over the ephemeral creek channel uphill and adjacent to the historical winery building with a safer design which included adding side and hand rails to the pedestrian span bridge (this was completed with county concurrence circa 2004); 2) replacement/installation of a pedestrian span bridge farther up the drainage (this was completed with county concurrence circa 2005); and 3) re-construction/re-enforcement of existing dry stack rock walls (associated with the original winery) along the ephemeral tributary's north and south banks. The original dry stack wall locations were constructed to provide defined and safe working areas around the winery and nearby vineyard and as originally constructed are above the top-of-banks of the ephemeral drainage.

While almost all of the repairs involved reconstruction in place of existing dilapidated dry stack walls, the only change from the historical rock wall locations was where a bathroom with handicapped access was installed by the Bremer Winery on the other side of the driveway from the historical home. This bathroom was constructed in a narrow strip of upland above the top-of-bank of the ephemeral drainage. To construct the bathroom the dry stack wall was shifted closer to the top-of-bank of the ephemeral drainage to allow enough space for the handicapped accessway to the bathroom. The handicapped bathroom improvements were completed with County concurrence and a permit.

M&A walked the length of the ephemeral creek within the winery area and took notes on the tributary's plant community, plant species, wildlife use, and the ephemeral creek's likely ordinary high-water marks (i.e., the likely Clean Water Act limits of jurisdiction), and top-of-bank measurements. Top-of-banks as extended out to the dripline of associated riparian vegetation typically is regarded as the limits of the California Department of Fish and Wildlife Fish and Game Code 1602 jurisdiction. In this particular application, riparian vegetation is limited in extent in the working areas of the winery simply as historical use of the areas just above top-of-bank that were historically removed did not allow formation of riparian canopy in the winery area. What riparian vegetation occurs is below the top-of-bank and extends out over historically established work areas, driveway and closely associated development areas. The results of our field reconnaissance are provided below.

The ephemeral tributary to Canon Creek on the property, over much of its reach on the project site except within the working areas of the winery as qualified above, supports a mature riparian woodland community dominated by native coast live oak (*Quercus agrifolia*) trees with lesser amounts of native California bay laurel (*Umbellularia californica*), California buckeye (*Aesculus californica*), and an occasional western maple tree (*Acer macrophyllum*). The California native, spicebush (*Calycanthus occidentalis*), grows along the channel as do planted ornamental rhododendrons (*Rhododendron* spp.) and Japanese maple trees (possibly *Acer palmatum*). The stream flow channel and side slopes are composed of volcanic rock that is primarily unvegetated, except in the winery area where historical landscaping includes ornamental vines such as

periwinkle (*Vinca major*), German ivy (*Senecio mikanioides*), and the non-native raspberry (*Rubus leucodermis*). Some redwood trees (*Sequoia sempervirens*) have also been planted along the ephemeral creek top-of-banks. The creek was dry at the time of M&A's September site survey, and according to site workers present when M&A conducted our investigation, as corroborated by Mr. Bremer, is dry for most of the year running only in the winter months during and shortly after very stormy periods.

Even though it was a hot day when M&A visited the property, with temperatures well over 90 degrees Fahrenheit, there was a moderate amount of wildlife use along the creek at that time. Birds such as the oak titmouse (*Baeolophus inornatus*), chestnut-backed chickadee (*Poecile rufescens*), Nuttall's woodpecker (*Picoides nuttallii*), and bushtit (*Psaltriparus minimus*) were foraging in the oaks, and western fence lizards (*Sceloporus occidentalis*) were scrambling over rocks along the creek bed.

During the survey, M&A noted the placement of the span bridges and reconstructed rock walls at the top-of-banks of the ephemeral drainage within the confines of the winery's work areas (that is, where the existing historical winery buildings occur along this tributary). The tributary's biotic community appears intact with healthy vegetation cover and wildlife use. We did not see any negative effects of the Bremer's work on the natural environment; both the creek channel and its riparian vegetation appear to be intact and unaffected, and if anything, remains lush and healthy today owing to the management practices of the winery. Neither the rock walls or the bridges appear to be adversely affecting the tributary's banks, bed, riparian vegetation, stream channel or flow.

We were made aware by Mr. Bremer that both professional engineers and a certified professional erosion and sediment control specialist have been working with the Bremers for several years to ensure that the winery activities do not adversely affect the creek or its downstream environments. We observed no evidence of erosion or siltation of the ephemeral creek channel.

Mr. Monk learned from Mr. Bremer and the winery's legal counsel, that the Napa County Conservation, Development & Planning Department (Mr. Brian Bordona) was conducting a review of the Bremer Winery's activities to determine if the winery was in compliance with Napa County's Floodplain and Riparian Zone Management Ordinance No. 16.04.750. M&A determined that the winery site has been actively used for well over 100 years. This use is not casual; rather has been an ongoing and intensive along the ephemeral drainage since the late 1890s. All structural work areas adjacent to the ephemeral tributary are within the historical context of the winery operation, and all winery uses with minor deviations appear to predate Napa County's 1991 Floodplain and Riparian Zone Management Ordinance.

Mr. Monk also learned from his conversation with Mr. Bordona that Mr. Mr. Garrett Allen, Environmental Scientist with the California Department of Fish and Wildlife (CDFW), had recently visited the Bremer Winery to determine if there could have been Fish and Game Code 1602 violations. Following up on this information, Mr. Monk and Ms. Lynch called Mr. Allen who stated that yes, he and a CDFW warden visited the Bremer Winery to investigate if there could have been any violations of Fish and Game Code 1602 (stream protection code).

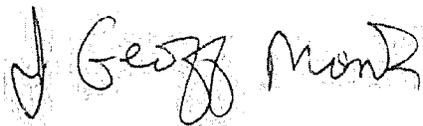
Mr. Allen told M&A that he had been in contact with the county and that he understands their concerns and issues. He stated that CDFW will not be taking any enforcement actions for the activities at the historical winery site since much of the bridge construction and improvement work along the creek is historical in nature or occurred in historically used areas of the winery site. Regardless, it was clear that all improvements occurred a long time ago. Mr. Garrett further stated that provided the structures and improvements, as they occur today, remain as they are, then there is no requirement for a Streambed Alteration Agreement ("1602 permit") for any of this previously completed work. *M&A's strong opinion is that no further work should be completed in association with the ephemeral creek in order to maintain its integrity and ongoing values to plants and wildlife.*

## CONCLUSION

M&A biologists conducted a survey of the Bremer Family Winery property in the vicinity of the tributary to Canon Creek and determined that this creek's biological value and function have not been impacted by the past creek bank improvements. No adverse impacts to this tributary or its biological resources have occurred.

If you would like to discuss our findings, please do not hesitate to contact one of us at (925) 947-4867. Thank you.

Sincerely,

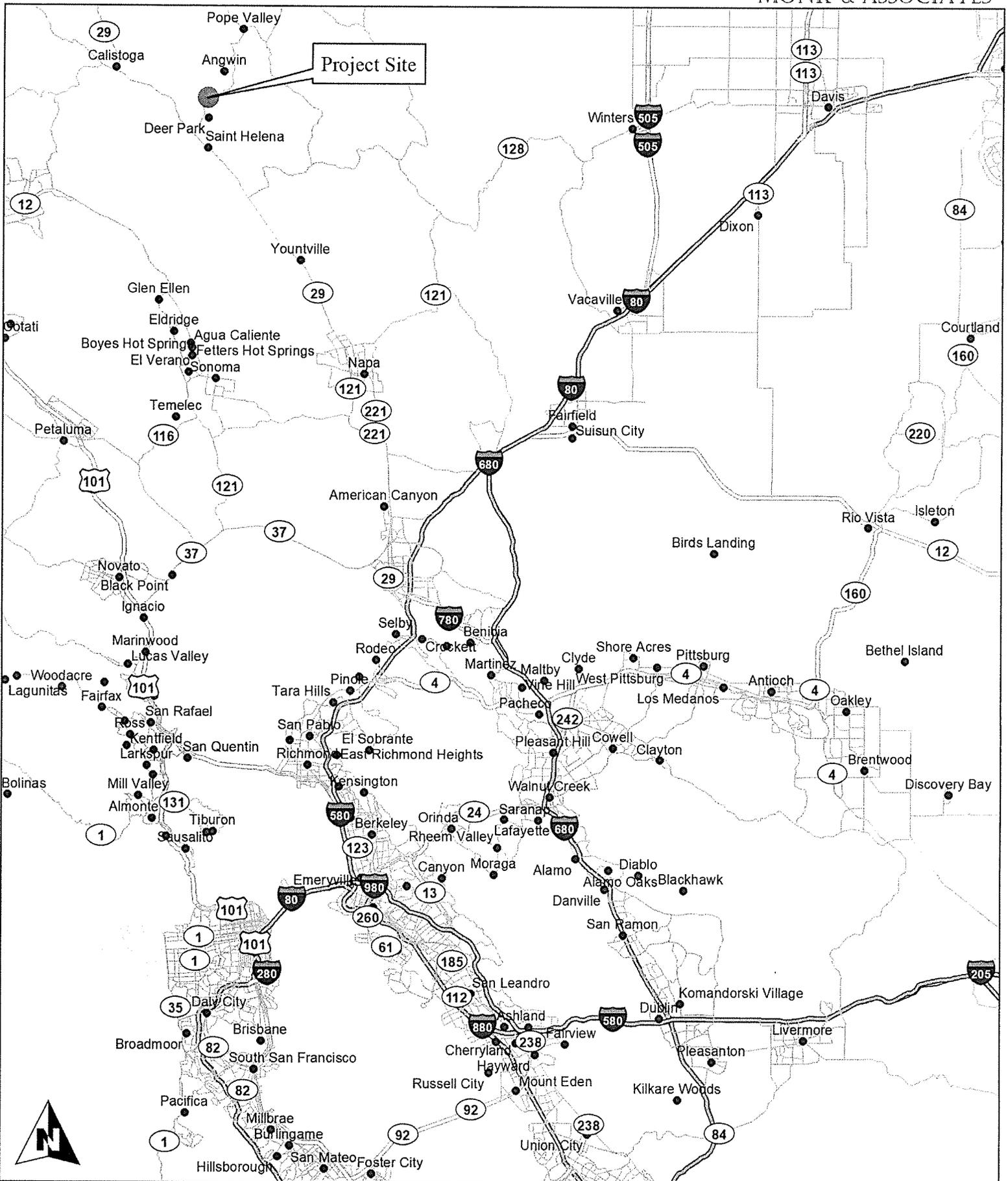


J. Geoff Monk  
Principal Biologist



Sarah Lynch  
Senior Associate Biologist

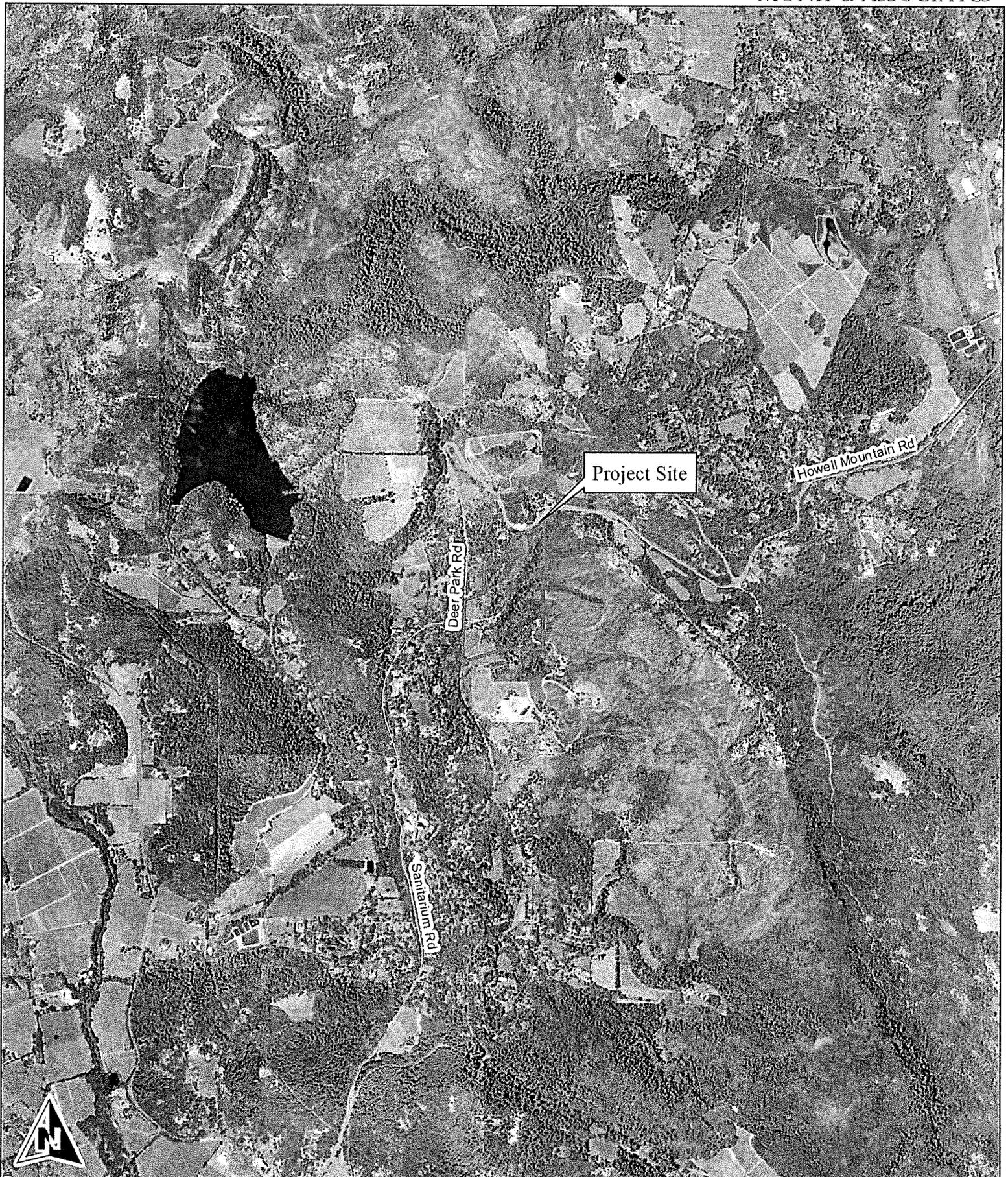
Attachments: Figure 1-3



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 Walnut Creek, California 94595  
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Figure 1. 975 Deer Park Road Project Site  
 Regional Map  
 Saint Helena, California

County: Napa  
 Map Preparation Date: September 23, 2019



Project Site

Howell Mountain Rd

Deer Park Rd

Sanitarium Rd



0 0.1 0.2 0.4 0.6 0.8 1 Miles

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Figure 2. 975 Deer Park Road Project Site  
Location Map  
Saint Helena, California

38.55137 -122.470664  
Section: 12 & 13; T8N R6W & T8N R5W  
7.5-Minute Saint Helena quadrangle  
Aerial Photograph Source: ESRI  
Map Preparation Date: September 23, 2019



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Figure 3. Aerial Photograph of the  
975 Deer Park Road Project Site  
Saint Helena, California

Aerial Photograph Source: ESRI  
Map Preparation Date: October 3, 2019