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Correspondence



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 6, 2019

Mr. Brian Bordona
Napa County
1195 Third Street
Napa, CA 94559

Subject: Soscol Ferry Solar Project, Draft Mitigated Negative Declaration, SCH #2019119057,
Napa County

Dear Mr. Bordona:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the draft Mitigated Negative Declaration (MND) for the Soscol Ferry Solar Project (Project). CDFW is submitting comments on the draft MND to inform Napa County, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) Section 15386 and is responsible for the conservation, protection, and management of the State's biological resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act, the Lake and Streambed Alteration Agreement (LSAA) and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

Project Description and Environmental Setting

The Project is on a 22.4-acre property located on the south side of Suscol Creek, south of Soscol Ferry Road. The Napa Sanitation District treated effluent spray fields and the Napa River lie directly to the west of the Project site, while the Napa Airport lies less than a mile to the south. Sixteen acres of the property is vineyard, while the surrounding vegetation communities are annual grassland and riparian. A row of mature eucalyptus trees run along the western boundary of the Project site and an unnamed ephemeral drainage bisects the property and flows through a culvert (presumably into Suscol Creek). Site topography ranges from 50 feet above sea level in the northeast to 22 feet above sea level in the northwest corner.

The Project will convert 15 acres of existing vineyard to a commercial renewable energy facility (solar farm). The Project will utilize approximately 7,896 solar modules and 16 string inverters for converting solar energy into usable AC power. The overall height of the array will be no more than 8 feet tall. Chain link security fencing will be installed along the southern, eastern, and western property lines, and along the 150-foot stream setback boundary located within the northern portion of the site. The Project also proposes that the areas in between solar panels be used for pollinator habitat and limited animal grazing.

Comments and Concerns

Swainson's hawk (Buteo swainsoni)

The draft MND mentions that two adult and two recently fledged Swainson's hawk (SWHA) were observed in flight over the Project site and perched near a nest in a eucalyptus tree on the northwest corner of the Project area during a field survey on July 17, 2019. Additionally, the *Biological Resources Reconnaissance Survey Report for the Soscol Ferry Solar Project, Napa County, California*, prepared by Garcia and Associates, dated August 2019, states that SWHA vocalizations were heard coming from a known nest tree southeast of the Project area, indicating the Project area is active SWHA habitat.

CDFW is concerned that, as written in the MND, the Project could result in direct and/or indirect impacts to the species. Potential direct impacts include construction disturbance (e.g. visual and noise disturbance) in close proximity to an active nest during nesting season. This disturbance can cause failed nesting attempts or nest abandonment, leading to take¹. Potential indirect impacts include habitat modification leading to future SWHA abandonment of known active nest sites, and injury/mortality associated with solar panel collisions.

In order to reduce project impacts to a level of less-than-significant, CDFW recommends that **Measure Bio-9** be altered to state that:

Project activities shall occur outside of the breeding season for SWHA (i.e. September 1 – February 28/29). If Project activities must occur during the breeding season (March 1 – August 31), a qualified biologist should conduct several surveys according to the Swainson's Hawk Technical Advisory Committee's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys In California's Central Valley*. If active SWHA nests are observed within 0.5 miles of the Project site during surveys, Project activities shall wait until a qualified biologist determines that all young have fledged, or the nest is no longer active. Alternatively, the Project proponent can obtain a California Endangered Species Act (CESA) Incidental Take Permit (ITP) from CDFW prior to starting Project activities, to cover all potential take that may occur during construction and over the life of the Project.

White-tailed kite (Elanus leucurus) and golden eagle (Aquila chrysaetos)

The draft MND states that the Project site has a moderate to high potential to support nesting white-tailed kite and golden eagle. Both species are State fully protected species, and therefore, the species cannot be taken or possessed at any time. No licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of bird species for protection of livestock.

In order to reduce project impacts to a level of less-than-significant, CDFW recommends that **Measure Bio-9** be altered to state:

¹ Fish and Game Code §86: "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

If golden eagle or white-tailed kite is observed nesting in the Project area during pre-construction surveys, Project activities shall be delayed until a qualified biologist determines that the young have fledged or that the nest is no longer active. If Project activities must occur during the nesting season, the Project proponent shall consult with CDFW on appropriate avoidance measures to ensure no take occurs.

Tree Removal

The proposed Project will remove approximately 168 trees from the property, many of which are non-native mature black locust (*Robinia pseudoacacia*) and eucalyptus trees. These trees may provide suitable nesting habitat for SWHA, white-tailed kite, and other protected raptors and passerines, and therefore, their removal is a significant impact. In order to reduce impacts to a level of less-than-significant, CDFW recommends that a mitigation measure be added to the draft MND requiring the Project proponent to plant native trees on-site and/or at an off-site location. CDFW requests to review and approve a project-specific Planting Plan. The Planting Plan should include a 1:1 replacement to removal ratio for each non-native tree removed and a 3:1 replacement to removal ratio for each native tree removed. All tree plantings should be monitored for a minimum of five years to ensure their survival. A successful replanting effort should be considered when all plantings achieve a minimum 75% survival after five years. CDFW is available to work with the Project proponent on a Planting Plan for the Project.

Regulatory Requirements

California Endangered Species Act

CESA prohibits unauthorized take of candidate, threatened, and endangered species. Therefore, if take of SWHA or any other species listed under CESA cannot be avoided either during Project activities or over the life of the Project, a CESA ITP must be obtained (pursuant to Fish and Game Code Section 2080 *et seq.*). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document should specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the proposed Project will impact any CESA-listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA ITP. More information on the CESA permitting process can be found on the CDFW website at <https://www.wildlife.ca.gov/Conservation/CESA>.

Lake and Streambed Alteration Agreement

CDFW requires an entity to notify CDFW before commencing any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream or use material from a streambed. Ephemeral and/or intermittent streams and drainages (that are dry for periods of time or only flow during periods of rainfall) are also subject to Fish and Game Code section 1602.

Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. The CEQA document should identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information

Mr. Brian Bordona
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about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/conservation/lisa> or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 428-2002.

Filing Fees

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CDFW appreciates the opportunity to provide comments on the draft MND for the proposed Project and is available to meet with you to further discuss our concerns. Additionally, CDFW is available to work with the Project applicant in order to complete their LSAA Notification. If you have any questions, please contact Mr. Garrett Allen, Environmental Scientist, at (707) 428-2076 or garrett.allen@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 428-2090 or karen.weiss@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

From: McDowell, John
To: McDowell, John
Subject: FW: Industrial Solar Proposal
Date: Tuesday, December 10, 2019 1:38:00 PM
Attachments: [Solar Considerations 2.pdf](#)

From: Laura T. <lauratinthoff@gmail.com>
Sent: Tuesday, September 17, 2019 12:48 PM
To: Ramos, Belia <Belia.Ramos@countyofnapa.org>
Cc: Joelle Gallagher <joellegPC@gmail.com>; Mazotti, Andrew <Andrew.Mazotti@countyofnapa.org>; Morrison, David <David.Morrison@countyofnapa.org>; Whitmer, David <Dave.Whitmer@countyofnapa.org>; Cottrell, Anne <Anne.Cottrell@countyofnapa.org>; Planning <planning@countyofnapa.org>; JeriGillPC@outlook.com; Pedroza, Alfredo <Alfredo.Pedroza@countyofnapa.org>; Wagenknecht, Brad <BRAD.WAGENKNECHT@countyofnapa.org>; Valdez, Jose (Louie) <Jose.Valdez@countyofnapa.org>; Gregory, Ryan <Ryan.Gregory@countyofnapa.org>; Dillon, Diane <Diane.DILLON@countyofnapa.org>; Tijero, Jesus <Jesus.Tijero@countyofnapa.org>; Cortez, Nelson <Nelson.Cortez@countyofnapa.org>; Tran, Minh <Minh.Tran@countyofnapa.org>; ClerkoftheBoard <clerkoftheboard@countyofnapa.org>; McDowell, John <John.McDowell@countyofnapa.org>; askbdr@wildlife.ca.gov; Ryan Klobas <rklobas@napafarmbureau.org>
Subject: Industrial Solar Proposal

Good afternoon, Supervisor Ramos.

Thank you for your time and attention to the attached letter.

Sincerely,

Laura Tinthoff
707.339.1481
www.lauratinthoff.com

Dear Supervisor Ramos,

I am writing to inquire about the latest permit application from Renewable Energy, LLC for another industrial-grade solar project. It occurs to me that this issue is very similar to the current cannabis concerns. I stand with the Farm Bureau on their recent notification.

We believe the prudent way to govern on this issue is to create an ordinance banning commercial cultivation in the interim while the county conducts community education and workshops.

The Napa County Farm Bureau encourages its membership to contact the Board of Supervisors and express your concerns over the potential of commercial cannabis grows in Napa County.

<https://mailchi.mp/2662dcb70a56/policy-brief-sept-13>

There is strong opposition towards another large-scale industrial solar development in Napa County. The time and money spent considering this new project would be far more beneficial put to use to create a renewable energy ordinance. No protocol exists for a project of this magnitude.

My list of concerns is long. They have all been heard in last year's initial round. The public's outcry for an ordinance *before* development was ignored. Financial gain and political connections triumphed over common sense.

There are many long-term issues that the County planners and BOS are not taking into consideration. As just one example, with the proper education and development, solar would be an excellent alternative during PGE's planned power outages. However, this would require the site to include battery storage (which also would prevent costly fluctuations in the grid).

<https://en.wikipedia.org/w/index.php?title=Special:Search&search=duck+curve>

We must study the American Canyon project before we, once again, consider a leap into uncharted territory. Renewable Properties has completed only one installation. We have no idea how this is going to play out.

This site is also problematic. There has historically been a nesting pair of Swainson's Hawk that is well documented by the Department of Fish and Wildlife on Suscol Creek watershed near the area of the attached aerial photo. Swainson's Hawk remains listed as a threatened species by the [California Department of Fish and Game](#) as it has been since 1983.

The Biological Report of a nearby property mitigates the issue by describing the extensive foraging of the bird but does not mention the cumulative loss of foraging habitat in the area (note the size of the ponds for Napa San, a significant loss of foraging habitat).

Additionally, this particular nesting pair is situated on the fringe of the most westerly habitat range, making them an even more critical pair of nesting Swainson's Hawk.

Vineyards, warehouses, and development, in general, restrict hunting vs. pasture; fifteen acres of solar panels are far worse.

Steelhead is also listed as a threatened species in Suscol Creek. There is more to this piece of land that meets the eye. These habitats must be protected, identified and discussed in the EIR for significant environmental impacts.

Supervisor Ramos, you assured the public that you would do your very best to deliver a renewable energy ordinance before we took this any further. The BOS smiled and agreed. Please do not make this yet another shallow, political promise.

Please let me know a time we can meet for discussion before we are forced to take this to the next level of publicity. We need action soon.

Thank you very much.

Sincerely,

Laura Tinthoff
707.339.1481



A Tradition of Stewardship
A Commitment to Service

NEW PROJECT SUBMITTAL COURTESY NOTICE

DATE: August 15, 2019

SUBJECT: P19-00338; Soscol Ferry Solar Facility
1200 block of Soscol Ferry Road; APN 057-170-001

On August 6, 2019, the Napa County Planning Division received a request for a Use Permit to construct a utility-scale solar power generation facility within the Napa Valley Business Park near Napa County Airport. The 23 acre property is located on the south side of Soscol Creek south of Soscol Ferry Road. Access to the site is from a private drive which commences where the access road to Napa Sanitation District's sewage treatment plant intersects with Soscol Ferry Road, approximately ¼ mile west of its intersection with State Route 29, 12, 221. The project site is zoned Industrial Park: Airport Compatibility (IP:AC).

The project includes installation of solar panels on approximately 15 acres of the site, and is projected to generate 2 megawatts (MW) of electricity that will be sold to Marin Clean Energy (MCE) through a long-term Power Purchase Agreement. The property for which the project is proposed is owned by Griggs and Therese Giles. The project sponsor is Aaron Halimi with Renewable Properties at (530) 518-7669 or aaron@renewprop.com

The Planning Division has commenced review and processing of the application referenced above. During that time, County Staff will work with the applicant on documenting and analyzing the project's potential to result in environmental impacts, as well as evaluating the project for consistency with the County General Plan, Zoning Code, and applicable ordinances. Once County Staff has completed review the proposal will be scheduled for a public hearing before the Planning Commission. If you have received this courtesy notice by direct mail from County Staff, you will be included in the mailing of the formal notice of public hearing to consider this application.

Additional information about this proposed use permit is available for review at the Planning, Building and Environmental Services Department located on the second floor of the County Administration Building, 1195 Third Street, Napa. Information can also be viewed online at the Planning Division's current projects webpage: <https://www.countyofnapa.org/591/Current-Projects>.

If you have any questions regarding the application or the process, please contact John McDowell, by telephone at (707) 299-1354 or by e-mail at john.mcdowell@countyofnapa.org

Planning Division (707) 253-4417	Building Division (707) 253-4417	Engineering & Conservation (707) 253-4417	Environmental Health (707) 253-4471	Parks & Open Space (707) 259-5933
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A Tradition of Stewardship
A Commitment to Service

Agenda Date: 10/5/2016
Agenda Placement: 9A
Continued From: 7/20/16, 8/17/16, & 9/21/16

Napa County Planning Commission Board Agenda Letter

TO: Napa County Planning Commission
FROM: Charlene Gallina for David Morrison - Director
Planning, Building and Environmental Services
REPORT BY: Wyntress Balcher, Planner II - 707 299-1351
SUBJECT: Napa Vault Use Permit #P14-00296 and Tentative Map #P15-000298

RECOMMENDATION

NAPA VAULT STORAGE FACILITY - BARNSTABLE LTD, LLC/STORAGE TECH, LLC - USE PERMIT P14-00296-UP & TENTATIVE MAP P15-00298-TM

CEQA Status: Consideration and possible adoption of a Revised Mitigated Negative Declaration. According to the proposed Revised Mitigated Negative Declaration, the proposed project would have potentially significant effects on Biological Resources and Hydrology & Water Quality unless mitigation measures are adopted. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Request: A request for approval of a use permit to allow the construction of 130 personal storage units and common area contained in 11 buildings, where 128 units are to be sold as individual storage condominium units. The request also includes approval a modification of Tentative Map #P09-00100-PM, to create 128 condominium storage units, one owner's common area, and one storage unit. The building area in total will be 152,348 sq.ft, concrete tilt-up construction, 26-35.3 feet in height, with an earth-toned pallet and stone accents. Frontage improvements include landscaping featuring trees, native plants, boulders and a 10' wide multi-use trail. In addition, seven restrooms, an RV dump station, 13 parking stalls, an on-site waste disposal system, a new well and water system, and one 191,000 gallon fire protection water storage tank are proposed. The 63-foot wide driveway aisles will allow parking in front of each storage unit. Total site coverage would be 309,465 sq.ft. The site will be operated and maintained by an owners' association (OA) of 128 owners. No employees are proposed. There will be covenants, conditions, and restrictions recorded on the property and enforced by the OA. The project proposes to utilize the same setback from Suscol Creek as the originally approved project and thereby requests consideration of the same approved development exception to allow the 75-foot setback from Suscol Creek instead of the required 150-feet, with environmental enhancement of the site area within 75-feet of the creek.

The project is located on a 10.32-acre parcel on the south side of Soscol Ferry Road, approximately 1400 feet west of its intersection with Napa-Vallejo Highway (State Route 12/29) within the Napa Valley Business Park Specific Plan (NVBPSP), and a GI:AC (General Industrial: Airport Compatibility) zoning district. APN: 057-170-018;1055



From: [Ryan Peterson](#)
To: [McDowell, John](#)
Subject: THPD - Napa Co. 1200 block soscol ferry
Date: Monday, September 16, 2019 3:50:51 PM
Attachments: [NAPA COUNTY CA 1200 BLOCK SOSCOL FERRY ROAD.pdf](#)

Good afternoon,

The Middletown Rancheria of Pomo Indians of California (the “Tribe”) or (“Middletown Rancheria”) is in receipt of your notification dated 9/12/19 and attached to this email regarding the referenced project in the subject line of this email correspondence.

Middletown Rancheria is a Sovereign Tribal Nation comprised of several tribelets, including Pomo, Wintu, Wappo and Lake Miwok. The natural ancestral boundaries of our aboriginal lands are dictated by our Lake Miwok language. Our Tribal Historic Preservation Office has reviewed the project and concluded that it is not within the aboriginal territories of the Middletown Rancheria. Therefore, we respectfully decline any comment on this project.

Should you have any questions, please feel free to contact our office:

Middletown Rancheria
Tribal Historic Preservation Department
Office: (707) 987-1315
Email: THPO@middletownrancheria.com

We thank you for providing us with this notice and the opportunity to provide comments to the referenced project(s). Nothing herein should be construed to be a waiver of or limitation of any of Middletown Rancheria’s rights in law, equity or otherwise. All rights, claims and remedies are specifically reserved.

Regards,

Ryan Peterson
Admin & Projects Coordinator
Middletown Rancheria
Tribal Historic Preservation Department
PO Box 1035 Middletown, CA 95461
Phone: (707) 987-1315
Fax: (707) 987-9091



YOCHA DEHE
CULTURAL RESOURCES

RECEIVED

SEP 23 2019

Napa County Planning, Building
& Environmental Services

September 5, 2019

Napa County - Planning Division
Attn: John McDowell, Principal Planner
1195 Third Street, Suite 210
Napa, CA 94559

RE: Soscal Ferry Solar Project

Dear Mr. McDowell:

Thank you for your project notification dated, August 15, 2019, regarding cultural information on or near the proposed Soscal Ferry Solar Project, Napa County. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, the Tribe has concerns that the project could impact unknown cultural resources. Additionally, Yocha Dehe Wintun Nation requests a site visit to the project area to evaluate our cultural concerns.

Please contact the following individual to coordinate a date and time for the site visit.

Kristin Jensen, CRD Administrative Assistant
Yocha Dehe Wintun Nation
Office: (530) 796-0105
Email: kjensen@yochadehe-nsn.gov

Please refer to identification number YD-08152019-02 in any correspondence concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

Leland Kinter
Tribal Historic Preservation Officer