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## Public Comments

**Charles W. Dunn & Diane Murphy Dunn**  
Street address: 1715 Sage Canyon Road, St. Helena, CA 94574  
Mailing address: P.O. Box 609, Rutherford, CA 94573  
Home telephone: 707-967-1043  
Email: charlesdunn5@gmail.com

May 25, 2020

Mr. Jason Hade, Principal Planner  
Napa Country Planning, Building & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94558  
Email: jason.hade@countyofnapa.org

Dear Mr. Hade:

**Chappellet Vineyards**

I am pleased to write on behalf of the Chappellet Vineyards, and the Chappellet family, whom we have known for more than 20 years, since the early days after we purchased our property on Pritchard Hill.

The Chappellets have been more than just friendly and hospitable neighbors. They have welcomed us many times over the years, but also they have been vigilant caretakers of the environment on our wonderful Pritchard Hill. For example, when the wildfires were threatening our home(s) in October 2017, the Chappellets bought a fire truck and employed their team of workers to clear fire protective zones and fight the fire. That is only one small example. Affectionately, we refer to Cyril Chappellet, the President & CEO of the Chappellet Vineyards, as the Mayor of Pritchard Hill. That is because we know that he is vigilant in looking out for our common interests.

As we all know, in today's competitive wine market, the key to commercial viability is DTC (Direct to Consumer) sales. That requires the welcoming of visitors to the winery property and the promotion of a wine club and development of a one-on-one relationship with customers. The Chappellet wine business is substantial and needs to be able to attract an ample customer base to ensure its viability. At this time, we understand that Chappellet Vineyards (and Winery) needs to increase the number of visitors to its premises in order to increase its DTC, and thereby ensure its future revenues and commercial success.

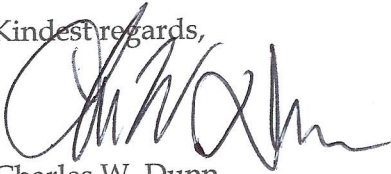
Therefore, we want to express our support to the Chappellet wine business for these activities:

- Increase both its visitor count and its production levels
- Expand its visitor parking area
- Manage the visits to its property in a manner to minimize traffic congestion for other businesses and residents on Pritchard Hill, which could include the shuttling of visitors up the Hill in vans, buses or other larger passenger vehicles, and otherwise scheduling visits at convenient times for all parties.

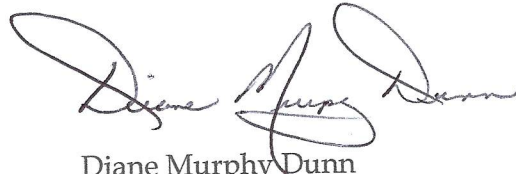
We would like to note that our driveway is separate from the road/driveway used by the Chappellets to access their property and business. Specifically, we are one driveway east of that access road used by the Chappellet business. Nonetheless, regularly GPS sends visitors up our driveway in error when the destination of the vehicle is any one of various wineries on the Hill, only one of which is the Chappellet Vineyards. Other than for this occasional annoyance, the business of the wineries on Pritchard Hill for us is a blessing and not an inconvenience. And in particular, we are proud of the way that the Chappellet family has managed their business in our close-knit community.

Therefore, we are pleased to request that you assist the Chappellet Vineyards to accomplish their reasonable business goals, as indicated in this letter. The viability of their business, and that of all of the wineries on Pritchard Hill and indeed in the Napa Valley, is of paramount importance to our common livelihood.

Kindest regards,



Charles W. Dunn



Diane Murphy Dunn

Robert Cumby  
Nancy Killefer  
1701 Sage Canyon Road  
St. Helena, CA 94574

March 25, 2020

Mr. Jason Hade, Principal Planner  
Napa Country Planning, Building & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94558

Dear Mr. Hade,

We are writing in support of the application by Chappellet Vineyards for a handful of changes regarding their use permit. These changes include an increase in the number of visitors allowed, an increase in production levels, improvements to the road to their winery, an expansion in their visitor parking area, and some other changes that will minimize the impact of their operations on traffic on Sage Canyon Road and on the road to their winery (e.g. shuttling guests up and down the road to the winery for marketing events and staggering hours to reduce the burden on the 128/Silverado Trail intersection).

All of these changes are in the interest of the Chappellet's neighbors as well as in the interest of Chappellet Vineyards and the Chappellet family. I would expect no less from the Chappellet family. They are exceptional neighbors and always endeavor to manage their business in a way to minimize its impact on their neighbors.

Increasing visitor count and production levels are both important to maintaining a healthy and viable winery business. An expansion in their visitor parking area would facilitate the increase in visitors and would provide for an enhanced experience for all visitors. Hosting visitors enables Chappellet Vineyards to build a connection with their customers, thereby building their brand and enhancing direct-to-consumer sales. That, in addition, to expanding their production levels, allows them to maintain an economically viable business, and to provide employment to a large number of Valley residents. In addition, the quality associated with the Chappellet brand enhances the reputation of the Napa Valley more broadly. These changes will have no measurable adverse impact on the Chappellet's neighbors.

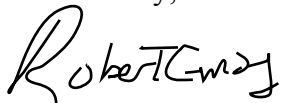
The improvements to the road to the winery that Chappellet Vineyards is requesting will confer significant benefits on the winery's neighbors. It would enhance accessibility to emergency vehicles, something that is on everyone's mind after the fires of the past couple of years. It would also make the road safer for all users, neighbors and visitors alike.

The changes requested will also benefit the neighbors of Chappellet Vineyards. Shuttling visitors to the winery area for marketing events will reduce traffic on the road to the winery, enhancing everyone's safety. Staggering hours to minimize any impact visitors to the winery may have on traffic is also to everyone's benefit.

It comes as no surprise to us, or we expect, to any of the Chappellet's neighbors that their requested changes benefit all of us. In the more than ten years that we have owned our residence on Pritchard Hill, the Chappellet family has been extremely good neighbors. They have been welcoming, friendly, and solicitous of all of their neighbors. They are, in addition, exceptional stewards of the land and are environmentally conscious in all that they do. This includes, but is not limited to, the way they farm their land. We would like to mention two other examples (out of many). The first is the care that they take to maintain the natural environment around their operations and homes. We are sure we are not alone in wishing that their attitude and practices were more widely shared. The second is the efforts that the Chappellet family, and Cyril Chappellet in particular, made to protect the entire hill during the fires of October 2017. Their efforts were nothing short of heroic and all of the neighbors owe them an enormous debt of gratitude for helping to preserve the natural environment of our shared hill.

We would like to reiterate our unqualified support for the proposed changes. The added benefits of the requested changes so far exceed any conceivable costs that the case for approving them seems compelling.

Sincerely,



Robert Cumby



Nancy Killefer

March 25, 2020

Dave Whitmer  
Napa County Planning Commission  
1195 Third Street  
Napa, California

*Delivery via email to Dave.Whitmer@copuntyofnapa.org*

RE: Support for Chappellet Winery

Dear Chair Whitmer,

On behalf of Colgin Cellars, I am writing to express support for the Chappellet Winery use permit modification including an exception to the Napa County Road and Street Standards. Please share this letter of support with your fellow Commissioners. Colgin Cellars is a neighbor to the Chappellet family. We have reviewed Chappellet Winery's application from the perspective both as a neighbor and as another grower and vintner in Napa County.

Having gone through the planning process multiple times, we know that the law gives the Planning Commission discretion in making its decisions. Our view is that the requested winery activity levels and exception to the Road and Street Standards should be approved. We all are keenly aware of wildland fire dangers in our county. Exceptions to Napa's road standards provide flexibility while requiring property owners to provide the same overall practical effect of meeting the standards. Without exceptions in appropriate circumstances, it is likely that no road improvements would occur in parts of Napa County, and that result would not make our community safer in the event of fire.

The Chappellet family have been very good neighbors, and we have no doubt that they will continue to operate in a manner that respects our community. Thank you for your service on the Planning Commission and for your consideration of this letter.

Respectfully,

cc: Jason Hade ([jason.hade@countyofnapa.org](mailto:jason.hade@countyofnapa.org))

**From:** [David Long](#)  
**To:** [Hade, Jason](#)  
**Subject:** Chappellet. Winery permit  
**Date:** Monday, March 30, 2020 3:44:40 PM

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Dear Jason,

My name is David Long. I am the owner of David Arthur Vineyards. Our address is 210 Long Ranch Road, St. Helena.

I wholeheartedly support the Chappellet winery in their desire to increase visitation and the efforts they are putting forward to that end. Our family has been neighbors to the Chappellet's for some 40+ years. And I have always known them to be thoughtful and caring, with regards to other neighbors and the land they farm.

Please contact me if you have any questions.

Sincerely, David Arthur Long  
707-732-6945

**From:** [Manuel Pires](#)  
**To:** [Hade, Jason](#)  
**Subject:** Chappellet Use Modification  
**Date:** Monday, April 6, 2020 7:27:04 AM  
**Attachments:** [image001.png](#)

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To Whom it May Concern,

I am a neighbor of Chappellet and it is my understanding they are planning a modification of their use permit. I have spoken with Cyril Chappellet and after reviewing the proposal of the site plan I do not oppose any of the changes.

We do not share the same driveway and it will not impact our business.

If you have any other questions please feel free to contact me at 203-206-6191 or by email [manuel@gandona.com](mailto:manuel@gandona.com)

Regards

MANUEL PIRES

Manuel Pires | **Proprietor**  
C: 203.206.6191 | [manuel@gandona.com](mailto:manuel@gandona.com)  
1533 Sage Canyon Road | St. Helena, CA | 94574





**From:** [Paul Roberts](#)  
**To:** [Whitmer, David](#)  
**Cc:** [Hade, Jason](#)  
**Subject:** Support for Chappellet Winery  
**Date:** Monday, April 6, 2020 3:19:58 PM  
**Importance:** High

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Dave Whitmer  
Napa County Planning Commission  
1195 Third Street  
Napa, California

Dear Chair Whitmer,

On behalf of Colgin Cellars, I am writing to express support for the Chappellet Winery use permit modification including an exception to the Napa County Road and Street Standards. Please share this letter of support with your fellow Commissioners. Colgin Cellars is a neighbor to the Chappellet family. We have reviewed Chappellet Winery's application from the perspective both as a neighbor and as another grower and vintner in Napa County.

Having gone through the planning process multiple times, we know that the law gives the Planning Commission discretion in making its decisions. Our view is that the requested winery activity levels and exception to the Road and Street Standards should be approved. We all are keenly aware of wildland fire dangers in our county. Exceptions to Napa's road standards provide flexibility while requiring property owners to provide the same overall practical effect of meeting the standards. Without exceptions in appropriate circumstances, it is likely that no road improvements would occur in parts of Napa County, and that result would not make our community safer in the event of fire.

The Chappellet family have been very good neighbors, and we have no doubt that they will continue to operate in a manner that respects our community. Thank you for your service on the Planning Commission and for your consideration of this letter.

Best,

Paul

Paul Roberts, MS  
COO  
Colgin Cellars  
707.963.0999

[www.colgincellars.com](http://www.colgincellars.com)

colgin



## E&J Gallo Winery

April 8, 2020

TO: Jason Hade  
Napa County Planning, Building &  
Environmental Services Department

FROM: Jim Collins, Vice President, E. & J. Gallo Winery

RE: Chappellet Vineyard Use Permit (P18-00307)

E. & J. Gallo Winery supports Chappellet Vineyard's petition (P18-00307) to modify its use permit to increase production capacity, increase visitor counts and related improvements.

Our Stagecoach Vineyard shares a property boundary with Chappellet Vineyard, and we know first-hand that Chappellet is an excellent steward of the land with a deep commitment to Napa County. The plan includes measures that will protect and enhance Pritchard Hill for generations to come.

A handwritten signature in cursive script that reads "Jim Collins".

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James Collins, Vice President

April 8, 2020

Jason Hade  
Principal Planner  
Napa County Planning Department  
1195 Third Street, Second Floor  
Napa, CA 94559  
[jason.hade@countyofnapa.org](mailto:jason.hade@countyofnapa.org)

Re: Use Permit Application P18-00307

Dear Mr. Hade:

We are the owners of the home and vineyard located at 181 Long Ranch Road. We are writing to let you know that we support the application of Chappellet Winery for a major modification to their use permit. We do not believe it will have any impacts at all on the properties located on Long Ranch Road.

Thank you.

Sincerely,



Henry Martinez

FROM THE DESK OF

William H Cary

April 9, 2020

Jason Hade  
Principal Planner  
Napa Country  
Planning, Building & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94558  
Via Email to: Jason.hade@countyofnapa.org

Dear Mr Hade -

I hope this note finds you safe and well during these incredibly challenging times. I'm writing in support of Chappellet Vineyards as a fellow Napa Valley property owner and a limited partner in a competing Pritchard Hill Winery.

For the last 52 years, and through two generations, the Chappellet family has worked tirelessly to be good neighbors, strong citizens in the community and excellent stewards of the land. I hope that you will agree to support their family business as they complete the actions necessary to comply with their use permit. Please feel free to contact me if I can offer additional support. Please stay safe and well.

Sincerely yours,



William H Cary

**From:** [David McBride](#)  
**To:** [Hade, Jason](#)  
**Subject:** Chappellet Vineyard Use Permit Major Modification Application  
**Date:** Thursday, April 9, 2020 11:49:55 AM

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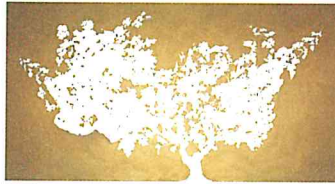
Greetings, I am a 15 year resident of Pritchard Hill, and have known the Chappellet family and winery all that time. I support the Chappellet application because the Chappellet family has always been a good neighbor, and more important, has a proven, long term track record of responsible stewardship. They are the major landowner and largest business entity here, and their impact has been consistently positive. For me, it is the long term, continuing role of the Chappellet family as knowledgeable and committed stewards of the property and business, and their participation as members of their neighborhood, which are crucial in my positive position.

There are, of course, important issues regarding traffic on Sage Canyon Road and on the shared but private road up the hill. Congestion, large vehicle traffic, construction activities, and accident prevention all need to be addressed. In addition, increased traffic increases fire danger. Please include these in your mitigation planning.

Like the vast majority of Napa Valley residents, I want to maintain the beauty and environmental integrity of this special place (just in the last two days, both golden and bald eagles have been overhead), while also nurturing a vibrant agricultural business community. Committed owners like the Chappellet family, guided by smart county policies, make the achievement of these goals possible.

Thank you for this opportunity to contribute my views.

David McBride  
1555 Sage Canyon Road  
Saint Helena  
032-510-003  
Napa Valley  
707 815-8801



April 2, 2020

Jason Hade  
Principal Planner  
Napa County Planning, Building & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94558

RECEIVED  
APR 10 2020  
Napa County Planning, Building  
& Environmental Services

Dear Jason,

I am writing in reference to the Chappellet use permit modifications that are currently being proposed to the County. The Chappellets have been in regular contact with us as neighbors here on Prichard Hill and have explained all the specifics of this project. This includes the following:

1. An increase in both visitor count and production levels
2. Shuttling guests up and down the hill for marketing events
3. Improving and widening the road in many areas to comply with new County and CalFire rules
4. Staggering visitor and business hours to reduce burden at the Hwy 128 and Silverado Trail intersection
5. Expanding the visitor parking area
6. Eventually modifying the bottom part of the road we all share

We as neighbors here at Continuum Estate have no issues with these changes and feel it is the right thing to do for their business. Since we purchased our property in 2008, the Chappellet family has worked tirelessly to be good neighbors. Our family has known them for many years prior to our purchase of our property and they have continually been strong citizens in the community and excellent stewards of the land. We feel that all of the modifications and updates proposed have been well thought through, respect the integrity of this location and those that work and live here and are very reasonable with respect to their business needs. They have exercised very good judgement and cooperation throughout the process and I feel these modifications should be approved.

Sincerely,

Tim Mondavi  
Continuum Estate  
Owner/Winegrower

C O N T I N U U M

April 14, 2020

275 Long Ranch Road  
St. Helena, CA 94574

Napa County Planning Commission  
c/o Jason Hade, Principal Planner  
Napa County Planning, Building & Environmental Services Department  
1195 Third Street, Suite 210  
Napa, CA 94558

Dear Napa County Planning Commission and Planning Department Staff,

As longtime neighbors and wine business colleagues of the Chappellets, we are writing this letter in strong support of Chappellet Vineyard's proposal for getting into compliance with their use permit, scheduled for a hearing before the Planning Commission on April 22, 2020.

Specifically, we urge you to approve of their specified plans to:

- increase visitor counts and production levels,
- make modifications to reduce impact on Highway 128 traffic including staggering business hours, shuttling guests and expanding available parking,
- improve and widen the road leading up to their winery.

Both the Chappellet family and Chappellet Vineyard have been active citizens and generous community members in Napa Valley for more than 50 years; we urge you to work diligently to successfully process their application.

Sincerely,



Mark Nelson



Dana Johnson

## NATIVE AMERICAN HERITAGE COMMISSION

April 15, 2020

Jason Hade, Principal Planner  
County of Napa

Via Email to: [Jason.hade@countyofnapa.org](mailto:Jason.hade@countyofnapa.org)

**Re: SCH#2020039058, Chappellet Winery Use Permit Major Modification #P18-00307-MOD Project, Napa County, California**

Dear Mr. Hade:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR)/Mitigated Negative Declaration (MND) or Negative Declaration prepared for the project referenced above. The review may have included the Cultural Resources Section, Archaeological Report, Appendices for Cultural Resources Compliance, as well as other informational materials. We have the following concerns:

- There does not appear to be evidence of a Sacred Lands File request was submitted for the project.

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52 (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)



CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

SECRETARY  
**Merri Lopez-Keifer**  
Luiseño

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

COMMISSIONER  
**Marshall McKay**  
Wintun

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Julie Tumamait-Stenslie**  
Chumash

COMMISSIONER  
[Vacant]

COMMISSIONER  
[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
NAHC.ca.gov



**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Contact Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

If you have any questions or need additional information, please contact me at my email address: [Sarah.Fonseca@nahc.ca.gov](mailto:Sarah.Fonseca@nahc.ca.gov).

Sincerely,

A handwritten signature in blue ink that reads "Sarah Fonseca". The signature is fluid and cursive, with the first name "Sarah" and last name "Fonseca" clearly legible.

Sarah Fonseca  
*Cultural Resources Analyst*

Attachment

cc: State Clearinghouse

## Pertinent Statutory Information:

### **Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>4</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).<sup>5</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>6</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>7</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>8</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>9</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>10</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>11</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>12</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

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<sup>4</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>5</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>6</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>7</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>8</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>9</sup> Pub. Resources Code § 21082.3 (b)

<sup>10</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>11</sup> Pub. Resources Code § 21082.3 (a)

<sup>12</sup> Pub. Resources Code § 21082.3 (e)

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>13</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

#### **Under SB 18:**

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of “preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county’s jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor’s Office of Planning and Research’s “Tribal Consultation Guidelines,” which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a “Tribal Consultation List.” If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>14</sup>
- **There is no Statutory Time Limit on Tribal Consultation under the law.**
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>15</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city’s or county’s jurisdiction.<sup>16</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>17</sup>

#### **NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project’s APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.

<sup>13</sup> Pub. Resources Code § 21082.3 (d)

<sup>14</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>15</sup> pursuant to Gov. Code section 65040.2,

<sup>16</sup> (Gov. Code § 65352.3 (b)).

<sup>17</sup> (Tribal Consultation Guidelines, Governor’s Office of Planning and Research (2005) at p. 18).

- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>18</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>19</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>20</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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<sup>18</sup> (Civ. Code § 815.3 (c)).

<sup>19</sup> (Pub. Resources Code § 5097.991).

<sup>20</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

**From:** [Bob.](#)  
**To:** [Hade, Jason](#)  
**Subject:** Chappellet meeting with Napa County on April 22nd  
**Date:** Friday, April 17, 2020 1:21:53 PM

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Dear Mr. Hade,

My name is Bob Long.

I live at 141 Long Ranch Road, in St. Helena.

In the late fifties and early sixties, my parents Anne and Don Long started buying land on the eastern hillsides of the Valley, just south of the town of St. Helena.

During one of their visits to the area, they were introduced to Donn and Molly Chappellet.

Over the years, our families have become very close with each family sharing a common "vision" for the careful and thoughtful use of our properties.

In addition to the benefits associated with our friendship, we have learned much from the Chappellet's in terms of land use and preservation.

My family is supportive of the Chappellet's desire to increase visitor count, production level and finding appropriate ways to accommodate guests. Further, this "support" is shared with many of my neighbors.

The Chappellet family has been at the forefront of providing appropriate guidelines in our area related to tourist traffic, wine production , etc.

In coming to conclusions regarding these matters, their first concern is not about how "changes" in these areas would enhance "their" asset, it would be how these propose changes would affect "their" neighbors!

On behalf of the Long family, I am pleased to say that we support the Chappellet's efforts "one hundred percent" and sincerely request that Napa County work with the Chappellet family in manner as to allow them the ability of improving various important components of their business.

Sincerely,

Bob Long  
141 Long Ranch Road  
St. Helena, Ca.